

BLACK LYNCHING IN THE PROMISED LAND:  
MOB VIOLENCE IN OHIO 1876 - 1916

DISSERTATION

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By

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## ABSTRACT

The purpose of this study is threefold. First, I wanted to tell the story of a long forgotten part of Ohio's history-the lynching of black men by white mobs. Second, I wanted to ascertain if the theory developed by historian Roberta Senechal de la Roche was correct: that the components of a lynching could be broken down and labeled, and that by doing so, it could be predicted whether a lynching was going to occur. The latter part of the aforementioned statement is important, for lynching is a premeditated crime. If the components of a particular lynching are known, perhaps that lynching can be averted. Third, I wanted to verify if the passage of the anti-lynching law of 1896-the so-called "Smith law," named after Harry C. Smith, a black newspaper owner and Republican state legislator from Cleveland, Ohio-was the reason that lynchings of black men tapered off and ceased altogether after 1916. Finally, I wanted to see if there was a definitive reason for which black men were lynched, be it sexual, economic, or racial.

Accordingly, I examined twelve lynchings and thirteen incidents in which lynchings were averted. I also looked at a legal execution-the victim had nearly been lynched before his execution by the state could be carried out-and an incident in which a lynching was reported but found to be the hanging of an iron statue made in the likeness of a black man.

de la Roche's theory turned out to be correct. In each of the twenty-three incidents, at least two of her four variables were present. Second, it was impossible to ascertain with any certainty if the Smith law was responsible for the decline and eventual demise of the lynchings of black men in Ohio. In fact, three men were lynched after the Smith law was passed. Third, there is no definitive reason for why black men were lynched in Ohio, although accusations of sexual assault played a powerful role. Four of the men who were lynched had been accused of or charged with murder, five had been charged with sexual assault, one had been charged with assault, one had been charged with a murder *and* an assault, and one with robbery. Of the ten men who escaped being lynched, five had been accused of sexual assault, three had been accused of assault, and the last man was a white county sheriff who was nearly lynched for protecting a black man accused of sexual assault.

There was a common thread running through all but one of the incidents: The men who were lynched or escaped being lynched were all black, and except in one case, the mobs were white. Clearly mob in Ohio contained a strong racial element, although it could not be verified with any great certainty if it was the sole motive in any of the incidents.

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## CHAPTER 1

### DEFENDING AND CONDEMNING LYNCHING

#### Introduction

The *Chicago Tribune* reported that there were 4,951 lynchings in the United States from the years 1882 through 1927. Of the victims, 3,513 were black and 1,438 were white; 92 were women and 76 of those women were black.<sup>1</sup> Eight-two percent of the recorded lynchings occurred in the eleven states of the former Confederacy.<sup>2</sup> Because the majority of lynchings occurred south or west of the Mason-Dixon line, lynching has been seen as a peculiarly southern phenomenon. But clearly there was enough antiblack feeling in the North—a land which many runaway slaves had considered to be the Promised Land—that lynchings were carried out, if not on a routine basis, often enough to give people pause. Yet lynchings carried out in the northern states

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<sup>1</sup>Walter White. *Rope and Faggot*. (NY: Arno Press, 1969) p. 22. There is no way to ascertain exactly how many people have been lynched in the United States. For a variety of reasons, there is tremendous discrepancy in figures used by different sources. The *Chicago Tribune*, a black-owned newspaper, began keeping track of lynchings in 1885. Several years later, Tuskegee Institute began a similar exercise. Beginning in 1912, the National Association for the Advancement of Colored People (NAACP) began keeping a record of lynchings. Different figures will be quoted in this study.

<sup>2</sup>E. M. Beck and Stewart Tolnay. *A Festival of Violence: An Analysis of Southern Lynching 1882 - 1930*. (Urbana: University of Illinois Press, 1995) p. 269-70.

have not been extensively studied. As do southern lynchings, northern lynchings indicate something important about race relations, economic circumstances, and the quality of justice in those states.

The study of lynching has, for the most part, been carried out by psychologists and sociologists. These social scientists are necessarily concerned with different issues than historians: individual and social pathology, the morals decay of American society, unbridled democracy. It was not until Jacquelyn Dowd Hall published *Revolt Against Chivalry* in 1979 that the historical study of lynching moved away from the grip of the psychologists and sociologists. It was Hall who connected the violence of lynching with the southern need to preserve the hierarchical relationship between blacks and whites. Hall also discussed the culture of violence in the American South, the economic and social dislocation wrought by modernism in the region, and the sexual tension between whites and blacks.<sup>3</sup> Her research opened the door for a profusion of articles and books on the subject.

Yet this scholarship concentrated on southern lynchings, ignoring the hundreds of lynchings that occurred in the North. This is unfortunate, because northern lynchings have the same issues at their core: economic dislocation, racial prejudice, sexual tension between blacks and whites, and ineffective law enforcement. The close of the twentieth century--a century during which America has seen tremendous racial progress coexist with racial cynicism—is an excellent time to look at the history of violence and race prejudice in a northern state.

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<sup>3</sup>Jacqueline Dowd Hall. *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press), 1979.

This study is concerned only with the issue of white-on-black lynching, although there is one example in Ohio of a black man being lynched by a mob of other blacks, and it will be placed in the appropriate context with the other lynchings. Also, I have used the attempted lynching of a white sheriff who was protecting a black prisoner to provide an additional test of a theory on why people are lynched that was developed by historian Roberta Seneca de la Roche.<sup>4</sup> Accordingly, specific theories advanced by historians, sociologists, and psychologists for why blacks were more likely than whites to be lynched will be examined.

What could account for the number of lynchings, averted lynchings and lynchings as pranks not fully carried out against blacks in a northern state? To find the answer to this question, one first must look at the history of mob violence in the United States. Second, how Ohioans felt about slavery and free blacks must be discussed. Third, the issue of prejudice against black Americans--and all it implies--must be examined.

### **The History of Mob Violence in American**

The use of mob violence in American can be traced back to colonial times. The mob acted as finders of fact and assessors of guilt. Mob violence was especially popular during the Revolutionary period; because of the excesses of British authority, many colonists had lost respect for regular law and order. After the Revolution, this kind of mob violence gradually fell out of favor in more settled regions of the country.

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<sup>4</sup>Roberta Senachal de la Roche, "The Sociogenesis of Lynching," in W. Fithugh Brundage, ed., *Under Sentence of Death: Lynching in the South* (Chapel Hill: University of North Carolina Press, 1997).

Extensive use of mob violence as an extra legal instrument of justice flourished during the 19th century as frontier America was being settled. In areas where tools of justice such as the constable, courts and jails had yet to be established, it was natural that extralegal methods to ensure that justice would be realized would be employed. This extralegal violence was often directed at Indians, and public reaction was such that whites were seldom punished for these actions. Moreover, *any* undesirable element was subject to the vicissitudes of the mob. As such organized, semipermanent bodies of citizens often came together to suppress crime and enforce community standards and the law. These citizens can be described as mobs, defined by social psychologist Hadley Contril as "congregate groups of individuals who feel strongly that certain of their values are threatened and whose attitudes direct them to kill or injure a human being."<sup>5</sup> Within the dynamics of the mob, there is a loss of anonymity that permits members of the mob to lose themselves within it. Because of this, there is often confusion about what exactly has taken place; it is easy for members of the mob to draw erroneous conclusions. Moreover, while there is often a supposed leader within the mob, she, too, often loses perspective of the situation and is easily swept up in the world of the mob.<sup>6</sup>

As the West developed, legal means of social control did also, and mob violence was less likely to be employed. Lynchings in this area of the country gradually tapered off during the last third of the nineteenth century. Unfortunately in the South, with its

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<sup>5</sup>Hadley Contril, *The Psychology of Social Movements* (New York: John Wiley & Sons, Inc. 1941) p. 78.

<sup>6</sup>Ibid. p. 78.

peculiar code of honor and the tremendous economic and social upheavals attendant with the emancipation of slaves and Reconstruction, just the opposite happened.<sup>7</sup> The numbers of lynchings of blacks by whites actually increased during this period, and the manner in which they were carried out became more barbarous as the nineteenth century drew to a close.<sup>8</sup> Clearly a lawless frontier interpretation of mob violence cannot be the sole answer for the number of lynchings in the United States.

Lynching as a means of punishment was very common during the antebellum years. Thieves, gamblers, and others who were considered deviants in the West and South were often hanged for their crimes. Deviant behavior was not the only reason lynchings flourished during this time period. The system of justice in the southern and western portions of the United States was often pitifully slow; therefore, mob violence took over. Those people who were lynched during the antebellum years, however, were much more likely to be whites or free blacks. Slaves were seldom killed; they represented a considerable monetary investment to their masters. The fact that so few blacks were lynched during the antebellum years may be one of the reasons why the study of lynching in the North was so slow to develop. The development and acceleration of the abolitionist movement, however, changed the way whites thought about punishing black men and women for perceived violations of the law.

Abolitionists perceived slavery as a southern phenomenon for several reasons. First, by the time the abolitionist movement started in the United States, slavery had been

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<sup>7</sup>See Ralph Ginzburg, *100 Years of Lynching* (Baltimore: Black Classic Press, 1988); William Katy, *Thirty Years of Lynching in the United States, 1889-1918* (NY: Negro University Press, 1969); and Edward Byron Reuter, *The American Race Problem* (NY: Thomas Y. Crowell Company, 1966).

virtually wiped out in the northern states. What slavery remained in the North was quickly targeted by the abolitionist movement and eradicated. Moreover, as abolitionism gained steam after 1830, southerners vociferously defended the so-called peculiar institution by contending that blacks were inferior and it was the Christian duty of slave owners to take care of them, a view that most abolitionists disagreed with vociferously. Third, the Civil War was in large part fought by southerners to retain slavery and by northerners to abolish it.

Thus abolitionists saw lynching as extralegal violence that was directly connected with slavery and the intimidation and coercion that was so much a part of the institution.<sup>8</sup> According to abolitionists, the southern code of honor and the protection and preservation of white feminine virtue combined to make southern men quick to respond to violations of either. As previously noted, slaves were seldom lynched during the antebellum period. Slaves were too economically valuable to their masters for lynching to gain popularity as a means of punishing slaves. Those blacks who were lynched during this period were more likely to be free blacks or mulattos who had run afoul of community standards or the law.<sup>9</sup>

Ironically, the effectiveness of the abolitionist movement and Nat Turner's rebellion were important elements in the revival of lynch law in settled areas. Southern whites lived in terror that slave insurrections, encouraged by abolitionists, could occur at

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<sup>8</sup>W. Fitzhugh Brundage, ed., *Under Sentence of Death: Lynching in the South* (Chapel Hill: University of North Carolina Press, 1997) p. 3.

<sup>9</sup>Edward Byron Reuter, *The American Race Problem* (New York: Thomas Crowell Company) p. 354.

any time. These fears presaged the institution of more severe penalties for slaves who disobeyed their masters' orders or attempted to escape, and the whites, free blacks, and mulattos who helped them.<sup>10</sup>

Race prejudice was clearly a factor in the number of blacks lynched in the United States. The institution of slavery was based on idea that blacks were in every way inferior to whites; blacks could not have been enslaved if this were not true.

Reconstruction and all its elements--the establishment of the Freedmen's Bureau, the Reconstruction--amendments to the Constitution, and the occupation of the southern states by northern troops--was particularly galling to white southerners in that it was based on protecting and elevating blacks, an inferior people, to the same level as whites, who had for more than two hundred years been their masters.

In the aftermath of the Civil War, the federal government for the first time moved to protect the rights of African Americans. The Thirteenth, Fourteenth, and Fifteenth amendments to the Constitution were passed, outlawing slavery, defining citizenship and granting equal rights to all men, and prohibiting discrimination in voting respectively. The Bureau of Freedmen, Refugees and Abandoned Lands helped slaves resettle, find jobs, and gain an education. The Force Act of 1870 and the Ku Klux Klan Act of 1871 made it unlawful for the states or groups of private citizens to interfere with the right to vote and authorized the use of the federal government in upholding that right. For several years after the Civil War, the federal government—under the leadership of Radical Republicans--worked actively to promote and ensure black rights. But the old

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<sup>10</sup>Ibid., p. 355.

Radical Republican lions who had done so much to extend and protect African Americans' rights were passing from the scene. By 1870, Thaddeus Stevens had died, Benjamin Wade had been defeated in his bid for reelection, and Charles Sumner had been stripped of much of his congressional power. The Civil Rights Act of 1875, which prohibited racial discrimination in public accommodations, transportation, place of amusement, and public schools, was the last piece of legislation designed to help African Americans.

Moreover, northerners were growing tired of and disillusioned with Reconstruction; they blamed much of the corruption in government on the process. They were also growing weary of the violence and disorder engendered by blacks' asserting their rights and whites resisting them. Finally, northerners in the Republican party, eager to make it a national party, saw merit in Abraham Lincoln's strategy of building alliances with white southerners who were willing to move away from a southern economic system based on agrarianism and ready to embrace industrialism and urbanization.

The Panic of 1873 drew public attention away from the problems of Reconstruction. Lasting for four years, the depression threw three million people out of work, and triggered heated debates about paper currency and its role in ensuring a prosperous economy. In the midterm elections of 1874, the Democrats won control of the House of Representatives for the first time since 1861.

The Democratic party, with its solid southern base, moved quickly to solidify the results of the midterm election. Competition for jobs between poor whites and black men gave the Democratic party an opportunity to appeal to the economic fears of poor whites. The party also used psychological and economic intimidation against those blacks who

tried to vote. Its best weapon, though, was a resurgent Ku Klux Klan. The Klan often operated with the tacit approval and assistance of officials in the Democratic party.

It was the presidential election of 1876, though, that rang the death knell for Reconstruction. Republicans nominated Ohio Governor Rutherford B. Hayes; the Democrats ran Samuel Tilden, famed prosecutor of the corrupt Boss Tweed ring in New York City. Tilden won a majority of the popular votes, but the electoral vote was close because both candidates claimed victory in Florida, Louisiana and South Carolina. Congress established an electoral commission of fifteen members, five each from the House, Senate and Supreme Court. Voting eight to seven along party lines, the commission awarded the disputed electoral votes to Hayes. Democrats threatened a filibuster, and an informal agreement, the so-called Compromise of 1877, was reached. Hayes's supporters agreed to withdraw troops from the south and not to block the formation of all white governments; southern Democrats agreed to deal fairly with black Americans.

While Republicans kept their part of the agreement, Democrats did not. Upon the withdrawal of northern troops from Louisiana and South Carolina, their Republican governments collapsed, and white Democrats took over. By the close of the nineteenth century, virtually all of the Reconstruction era laws designed to give equal opportunity to blacks and wipe out racial discrimination were repudiated by states' rights supporters and conservative judges. By 1880, black southerners had been stripped of their legal and civil rights and abandoned by the United States government. The governments of the eleven states of the Old Confederacy set about returning to lives that were as close to pre-

Civil War conditions as possible, and lynching became the preferred way of dealing with blacks who dared resist.

### **Whites Explain and Defend Lynching**

As early as the 1830's mob violence in America has been chronicled and discussed. Various reasons were offered for the phenomena of lynching: moral decay, the rise in immigration and subsequently Catholicism, and unchecked democracy.<sup>11</sup> White southerners gave myriad reasons for why they lynched blacks with such impunity. By punishing blacks in the most terrible way possible, they were upholding southern honor, communal values and even democracy. Indeed, few whites condemned lynching. Even reformers such as Jane Addams "equivocated even while they voiced contempt for what they termed the sadism and lawlessness of lynch mobs."<sup>12</sup> Many whites simply accepted lynching as an occasional happening—the price southern society paid for the social engineering of Reconstruction and black depravity—and only spoke critically when it was carried out in an exceptionally brutal matter.

By the last decade of the nineteenth century, lynchings had become so common that people from all walks of life sought to explain them. American novelist Mark Twain

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<sup>11</sup>For an excellent discussion of these issues, see Carl N. Degler, *Out of Our Past: The Forces That Shaped Modern America* (New York: Harper and Row, 1959); Vincent Harding, *There is a River: The Black Struggle for Freedom in America* (New York: Harcourt Brace Jovanovich, 1981); and Winthrop H. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (New York: W. W. Norton & Company, 1977).

<sup>12</sup>W. Fitzhugh Brundage, ed. *Under Sentence of Death: Lynching in the South* (Chapel Hill: University Press, 1997) p. 4.

was an early critic of lynchings. He pointed out the dichotomy of a society that was engaged in acquiring territory overseas, in part to spread Christianity and democracy to heathens who were primarily people of color, yet failed to protect its own dark-skinned citizens. In his *Collected Stories, Sketches, Speeches and Essays*, originally published in 1910, he wrote about the crime of lynching which by that time had become almost a social event, attracting men, women, and children of all ages.<sup>13</sup>

Lynching began to be seriously studied in the early twentieth century, partly in response to the tremendous increase in its numbers from 1880 through 1900. These early researchers were psychologists who were especially concerned with the concept of social pathology; that is, society, made up as it is of individuals, was sick and acted out its illnesses by engaging in deviant behavior. This approach was primarily based on sociologist Robert Park's theory of collective behavior. In the early part of the 20<sup>th</sup> century when Progressives were fashioning anew the study of human behavior, Park surmised that society was made up of interdependent groups that compete for various resources such as money, jobs, and social prestige. When societal norms were weak, deviant behavior will occur.<sup>14</sup> Park's theory assumed that individuals are exceptionally deviant and cannot be socialized into the larger culture. Such explanations based on social pathology faltered, however, since in many lynchings, the leaders of the community took part; society's leaders were not generally looked upon as deviant or depraved, undermining Park's theory explaining why lynchings occur.

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<sup>13</sup>Mark Twain, *Collected Stories, Sketches, Speeches and Essays*, 1890-1920 (New York: Library of America, 1992), p. 485.

<sup>14</sup>W. Fitzhugh Brundage. *Under Sentence of Death*, p. 6.

Psychologists and others who studied southern life and culture also looked at individual psycho pathologies to explain lynching. In 1941, W. J. Cash, author of *Mind of the South* and a native southerner, theorized that the frenzy with which the mob carried out its actions, the mutilation of the victims, and the focus on black sexuality—the almost pathological fear that black men wanted to have sex with white women—were all a means of allowing the mob to vent its frustration, anger, and resentment over a rapidly changing economic and social system. Because poor whites could not challenge the white elites of southern society, their frustration could only be relieved by targeting the one group of people that was considered beneath contempt—blacks.<sup>15</sup>

Sociologists conducting research at various universities in North Carolina were leaders in studying and explaining the crime of lynching in the early twentieth century. Their research led them to focus on the concepts of social order and control. They offered a four-part explanation for mob violence. First, lynchings occurred because the institutions of society—the church, family, schools—were weak or nonfunctional. Second, wealthy southerners were well known for the exploitative economic relationships they developed with their workers, black and white. Third, the south was the poorest region in the country, and poor whites and blacks were often in competition for even the most menial, low-paying jobs. Finally, law enforcement, left as it was to local control, was ineffective.<sup>16</sup>

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<sup>15</sup>W. J. Cash. *The Mind of the South* (New York: Knopf, 1941), p. 116-120.

<sup>16</sup> W. Fitzhugh Brundage, *Under Sentence of Death*, p. 6.

Historians and social scientists were not the only professionals studying the horrible crime of lynching. Clergymen were being increasingly called on to respond to the terrible crime. In *The Tragedy of the Negro in America*, published in 1897, the Reverend P. Thomas Stanford noted that America was a civilized, Christian nation, yet the clergy was virtually dumbfounded in responding to the horror of lynching. Stanford indicted America's secular authorities also for failing to stop lynchings.

Power and authority appear to be vested in nobody to command Governors of States to arrest and punish the fiends who so openly abrogate the Constitution, and, to tell plain truth, not many governors seem to take much notice of the murders which are done almost beneath the windows in their own homes.<sup>17</sup>

In 1905, John Cardinal Gibbons, a Catholic prelate, wrote that 2,875 lynchings had been recorded between 1885 and 1903; they had occurred in every state but New Hampshire, Vermont, Rhode Island, and Utah.<sup>18</sup> Gibbons reminded readers that all men were creatures of Christ Jesus and that murderers should atone for their sins by being executed. This, however, was a job for the state, not mobs; mob violence led to anarchy. It was only right that accused criminals be afforded all their rights as described in the Fifth Amendment of the Constitution.

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<sup>17</sup>P. Thomas Stanford, *The Tragedy of the Negro in America* (North Cambridge, MA: Philanthropic Christian Public of England and America), 1897 p. 139.

<sup>18</sup>John Cardinal Gibbons, "Lynch Law: Its Causes and Remedies," *North American Review* 181 (Oct. 1905), p. 503. Note that Gibbons, unlike Walter White, used statistics from 1885 through 1903. Moreover, he did not list a source for his figures.

Moreover, Gibbons blamed lynching for lowering America's civic and moral standing among foreigners and promoting lawlessness. He also expressed concern that lynching punished the innocent and released the guilty through such things as mistaken identification and unfounded suspicions between neighbors and friends. Indeed, lynching caused public sympathy to be taken from the victim, and given to the person lynched, an undesirable outcome. While Gibbons recognized that justice was sometimes neither swift nor sure, he asserted that this could not be an excuse for lynching. Neither could lynching be used as a means of keeping blacks in their place; in fact lynching had the opposite effect. Gibbons said,

Far from terrorizing the colored race who are the usual sufferers from hasty executions, it inflames them with indignation, and incites them to perpetuate deeds of violence on the weaker sex as much from a spirit of revenge, and from a triumph in the humiliation in their victims, as from a desire to gratify their animal passions.<sup>19</sup>

How to cure the lynching sickness? Gibbons advocated ensuring quick and certain justice and easing racial tensions by living as directed by the Gospel of Jesus Christ. He made it plain that he was not suggesting social equality, rather that whites be kind to blacks and blacks be deferential to whites. Only these two steps would ensure that the crime of lynching would disappear.

Other clergy focused on lynching as a response to shortcomings in the criminal justice system. The *South Atlantic Quarterly* devoted a section of its October 1906,

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<sup>19</sup>Ibid., 505.

edition to the subject. In an article entitled "Lynching and the Criminal Law," editor James Wilford Garner stated that lynching was a phenomenon that was the "natural result of the failure of the courts to discharge their natural functions."<sup>20</sup> In other words, mobs resorted to lynching because they could not count on the justice system to maintain law and order. Compared to criminal trials in England which required the use of specially trained lawyers—Queen's counsels—discouraged objections, rarely granted new trials, and left the power of pardon solely in the hands of the monarch, Garner found that criminal trials in the United States permitted too many delays, relied on too many technicalities, and otherwise frustrated the will of the people. Garner maintained that the more than 3,000 executions committed by mobs between 1886 and 1906 were a direct result of lawlessness produced by a failure of the courts to do their duty. He posited that there would be fewer lynchings when the public was assured that justice would prevail.<sup>21</sup>

In a series of articles entitled "Some Thoughts on Lynching," also printed in the October 1906, issue of the *South Atlantic Quarterly*, Robert Strange, the bishop of the Diocese of Eastern North Carolina, noted that the primary cause of lynchings was that black men were prone to sexually assaulting white women. This was a crime that made southerners so angry that even clergymen were disposed to excuse the outrage of lynching. To guard against mob violence, Strange proposed that when a rape was alleged, a special court in an adjoining city where the crime was allegedly committed

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<sup>20</sup>James Wilford Garner, "Lynching and the Criminal Law," *South Atlantic Quarterly*, 5 (Oct 1906), p. 353.

<sup>21</sup>Ibid. Note that Garner used a different set of statistics than Walter White or Cardinal Gibbons. Again, no source for his figures was provided.

should be convened. Only the prisoner, the rape victim, the jury and court officers should be present. Once a guilty verdict was handed down, the presentation of insufficient evidence would be the only grounds for appeal, and this could only be directed to the Supreme Court. The guilty man should be executed within ten days.<sup>22</sup>

Strange also thought that lynchers should be indicted for murder and their trials held in the state capitol. According to Strange, lynching was a crime against the sovereignty of the state, and a trial in the Capitol would ensure that sympathizers of the lynchers would be thwarted in any attempt to subvert justice. Those found guilty of participating in a lynch mob should be sentenced to life imprisonment or death.<sup>23</sup>

Like Garner, Strange in part blamed lynching on an ineffectual criminal justice system, but at the enforcement end. Strange recommended that by order of the governor, the office of the sheriff should be abolished. He noted that during many lynchings, the sheriffs had been lacking in moral and physical courage and had been unable or unwilling to stand up to the riffraff who led lynch mobs.

In the same series in the *South Atlantic Quarterly*, Charles B. Galloway, the bishop of the Methodist Episcopal Church South, sought to explain why mob violence occurred. Galloway also blamed the criminal justice system, particularly delays in bringing offenders to trial and the subsequent miscarriages of justice that occurred. Galloway pointed out that the courts often discriminated in favor of the wealthy.

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<sup>22</sup>Ibid., p. 352.

<sup>23</sup>Ibid., p. 349.

Moreover, he claimed that many cases in which serious crimes had been charged were often reversed for trivial technicalities<sup>24</sup>.

While Galloway did not excuse lynching--a "white fiend" was equally as disgusting as a "black brute"-- he thought mob violence was perfectly understandable given the political climate of the times. Demagogic politicians and inflammatory news articles created hysteria in many communities. But Galloway warned that lynching bred disrespect for the law, and as such was the beginning of anarchy.<sup>25</sup>

In the final article of the series, J. W. Bailey, editor of the *Biblical Recorder*, took the country to task for its reliance on and tolerance of mob violence. Bailey warned that American society could not advance as long as mob violence was condoned. But he reminded readers that American was not fully civilized yet; it was easy for the people to be aroused by barbaric actions such as sexual assault. Bailey did charge, however, that lynching should be treated as any other lawless behavior.<sup>26</sup>

## **Blacks Respond**

African American leaders vociferously disagreed with various white theorists about why lynching occurred and vehemently protested against lynching. It was they who conducted the first empirical studies of the crime, challenging the myths whites had spun. The great nineteenth century black leader Booker T. Washington spoke out against

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<sup>24</sup>Ibid., p. 354.

<sup>25</sup>Ibid., p. 354.

<sup>26</sup>Ibid., p. 355.

lynchings. His position was ambiguous, however, because he described lynchings as random acts committed by lower class whites rather than an organized effort to check the economic aspirations of black Americans. Moreover, he insisted that most of the victims of lynching were lower class blacks, perhaps implying that they had deserved their fate. Washington did, however, genuinely abhor the crime and worked, for instance, to strengthen an anti-lynching plank in the 1904 Republican party platform.<sup>27</sup>

One of the most famous black critics of lynchings was Ida B. Wells-Barnett. In the introduction to *On Lynchings*, a compilation of Wells-Barnett's work, the historian August Meier called Wells-Barnett "a propagandist . . . always careful to present evidence that was factually accurate."<sup>28</sup> Born a slave in Holy Springs, Mississippi in 1862, Wells grew up during Reconstruction. As a child, she witnessed her father casting his first vote. Orphaned at sixteen and left with the responsibility of raising her siblings, Wells had to give up her dream of finishing Rust College and took a teaching job. She later moved to Memphis, Tennessee, and politicized by the appalling conditions of the Jim Crow society she found there, began speaking out on the horrors of racism. She sued a Memphis railway company after they tried to force her to ride in a car designated for blacks. While she won \$500, her judgment was later reversed on appeal. In 1892 one of her closest friends, Thomas Moss, was lynched in Memphis because he operated a grocery store that was more successful than that of his white competition. Galled by this act, she began

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<sup>27</sup>August Meier, *Negro Thought in America 1880-1915* (Ann Arbor: University of Michigan, 1990), p. 109.

<sup>28</sup>Ida B. Wells-Barnett, *On Lynchings* (Salem, NH: Ayer Company Publishers, Inc., 1991), ii.

speaking out against racism and especially the crime of lynching, traveling alone throughout the south investigating lynchings—often in disguise because a bounty had been issued for her.

As noted in *Some Thoughts on Lynching*, many whites who studied lynching concluded that it occurred because black men secretly desired to have sexual relations with white women, or were prone to raping white women. None of the early social scientists looked beyond this inflammatory accusation as a reason for the lynchings of black men. Wells-Barnett's careful empirical studies reached a different conclusion. She exploded the sexual myth, pointing out that fewer than one-third of the black men who were lynched were accused, much less found guilty of, raping white women.<sup>29</sup> Instead she tied lynching to the efforts of whites to crush black economic aspirations, maintain white supremacy and squelch black political activism. Wells started a weekly paper, the *Free Speech*, and began printing reports and pungent editorials about the lynching of blacks in the South. While at a conference in New York in 1892, her newspaper office was destroyed and a bounty was placed on her life. The *Memphis Daily Appeal* printed a front-page story calling her a “black wretch” and demanding that she be staked and publicly burned.<sup>30</sup> Exiled from the South, she traveled throughout the northern United States and Great Britain, denouncing lynching. Wells-Barnett eventually moved to New York and began writing for the *New York Age*; this work was eventually published in two pamphlets, *Southern Horrors* and *Red Record*. Wells defended her activism by saying

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<sup>29</sup>Ibid.

<sup>30</sup>Alfreda M. Duster, ed: *Crusade for Justice: The Autobiography of Ida B. Wells* (Chicago: University of Chicago Press, 1970) p. 66

... [W]e do insist that punishment is not the same for both classes of criminals. In lynching, opportunity is not given the Negro to defend himself against the unsupported accusations of white men and women. The word of the accuser is held to be true and the excited bloodthirsty mob demands that the rule of law be reversed and instead of proving the accused to be guilty, the victim of their hate and revenge must prove himself innocent. No evidence he can offer will satisfy the mob; he is bound hand and foot and swung into eternity.<sup>31</sup>

In *Southern Horrors*, Wells documented several cases in which black men were falsely accused of raping white women. In some of these cases, white women were having consensual sex with black men, behavior that would surely result in social ostracism. Moreover, Wells-Barnett pointed out that white men often had sexual relations with black women whether those women consented or not; neither were they punished for sexually violating black women. This same behavior between black men and white women would surely end in death for those black men who were caught.

While *Southern Horrors* was mostly a blow-by-blow account of various lynchings, it was in *A Red Record* that Wells-Barnett not only reported on lynchings, but dissected the southern psyche and challenged white southerners to admit why they so often lynched black men. Again she reported on various lynchings in excruciating detail and concluded that illicit sexual relations between black men and white women had virtually no connection to lynching. Indeed she found an entire gamut of reasons for the lynchings of black men, including theft, domestic violence, attempted assault and

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<sup>31</sup>Ida B. Wells-Barnett, *A Red Record* (Chicago, IL, 1894); p. 96.

quarreling. Wells-Barnett even reported on one lynching victim who was delivered to the mob by the governor who had as a campaign promise vowed to turn over to any mob any black man who sexually assaulted a white woman.<sup>32</sup>

Not content to merely report on lynchings, Wells-Barnett also offered some solutions. First, she encouraged those who were concerned with the problem to join forces to report the true facts of lynchings and work to eradicate them. Second, she recognized that the intervention of the federal government was appropriate and needed. To that end, she supported pending legislation that sought to create an investigatory body to report on all alleged assaults by males upon women throughout the country that led to mob violence.<sup>33</sup>

Wells-Barnett was uncompromising in her support for an end to lynching. Her implacability drew her into a number of public disagreements with some of the leading figures of her day, including Booker T. Washington, Frances Willard, the founder of the Women's Christian Temperance Union, and the great Progressive social worker, Jane Addams, all of whom worked to end various social ills of the day, but who were not supportive enough in the campaign to end lynching.<sup>34</sup> But as critical as Wells-Barnett was of white individuals and organizations that equivocated in their support for anti-lynching remedies, she joined the Association of Southern Women for the Prevention of

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<sup>32</sup>Ibid., p. 33.

<sup>33</sup>Mary Jane Brown, "Eradicating This Evil: Women in the American Anti-Lynching Movement 1892 - 1940" (Ph.D diss., The Ohio State University, 1998) p. 66.

<sup>34</sup>Ibid., pp. 6-72.

Lynching and worked tirelessly to ensure that the crime was punished and eventually eradicated.

Other than Wells-Barnett, no other African-American studied the crime of lynching more thoroughly than Walter White. Born in Atlanta, Georgia, in 1893, White, an extremely fair skinned man with blue eyes, said of himself “I am a Negro. My skin is white, my eyes are blue, my hair is blond. The traits of my race are nowhere visible upon me.”<sup>35</sup> At the age of thirteen, White had an experience that burned his racial identity forever in his mind and made it impossible for him to even consider passing for white as many blacks with his color did. White’s father—who was as light as he—was a letter carrier, a good job for a black man in a southern city in 1906. He also owned a large house in the black section of Atlanta; it was virtually the only house that was kept up, and for this he drew the ire of whites who were jealous of him.

During the bitter political campaign of 1906, Thomas E. Watson, a candidate for governor of Georgia, broke from his longstanding support of agrarian radicalism and interracial cooperation and joined in the race baiting so popular among candidates in the South. The campaign, along with a newspaper circulation war between the *Atlanta Journal* and the *Atlanta News*, ensured that only the most negative and inflammatory information would be printed about the black population in Atlanta. This included many untrue stories about black men raping white women, and soon the town was a seething cauldron of racial tension that culminated in a full-scale race riot. A number of innocent blacks were killed, and White’s father was targeted by his white neighbors who resented

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<sup>35</sup>Walter White. *A Man Called White* (Bloomington: Indiana University Press, 1948.), p. 3.

his industry and all it had earned for him. As father and son stood in the darkened living room of their home, rifles aimed at the white men who rushed toward their door, young Walter White had an epiphany of sorts. He later wrought,

I was gripped by the knowledge of my identity, and in the depths of my soul I was vaguely aware that I was glad of it. I was sick with loathing for the hatred which had flared before me that night and come so close to making me a killer; but I was glad I was not one of those who hated; I was glad I was not one of those made sick and murderous by pride. I was glad I was not one of those whose story is in the history of the world, a record of bloodshed, rapine, and pillage. I was glad my mind and spirit were part of the races that had not fully awakened . . .<sup>36</sup>

Like Wells-Barnett, White relied on empirical studies and his own eyewitness accounts. White's whiteness enabled him to talk freely with participants of mob violence, law enforcement officials, and neighborhood residents. His book *Rope and Faggot*, published in 1929, was an effort to isolate and examine what he said were the ingredients of lynching: economic forces, race prejudice, religion, sex, politics, yellow journalism and theories of racial superiority and inferiority based upon pseudoscience.<sup>37</sup>

White concluded that whites in America had taught their children that lynching was an acceptable way to correct all social ills, especially as they involved black Americans. According to White, there were several factors that created and perpetuated the psychology of the lyncher. First, government officials were derelict in their duty to uphold the laws faithfully and fairly. Second, humans love excitement, and will often do

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<sup>36</sup>Ibid., p. 12.

<sup>37</sup>Walter White, *Rope and Faggot: A Biography of Judge Lynch* (New York: Arno Press, 1929) p. 11.

in a crowd what they would never do alone. Third, whites were unwilling to admit that they did not know and understand blacks. In fact they had merely decided that there were only three types of blacks: the happy-go-lucky uncle or auntie, the habitual criminal or brute, and the humble, shuffling black of the antebellum years. Because of these prejudices, whites were unable to accept blacks in any other role.<sup>38</sup>

According to White, it was this inability to accept black advancement that caused most lynchings: It was black progress rather than black crime the frightened whites. This fear, and the almost pathological need to defend white supremacy, drove many whites to membership in the Ku Klux Klan. Poor whites were often the most fearful. "Ku Kluxry is the Southern poor white's answer to the progress of the emerging Negro, once his equal and now threatening to become his superior."<sup>39</sup>

White also looked at the connection between religion and lynching. In direct contrast to white ministers such as those who contributed to *Some Thoughts on Lynching*, he asserted that lynching could only happen in a Christian nation. It was the Christian church, after all, that had acquiesced in the evil of the slave trade. Furthermore, the Christian church helped slave owners use color as a justification for slavery and all the barbarities that went with it. Finally, White blamed religious leaders, particularly evangelical Protestants and Holiness denominations for unleashing "orgies of emotion" in their vocal condemnation of sex and sexual relations between white women and black

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<sup>38</sup>Ibid., p. 41.

<sup>39</sup>Ibid., p. 76.

men, and compared their activities to those of the Salem witch hunters.<sup>40</sup> White's explanation is far different from those offered by the white clergy who wrote in the *South Atlantic Quarterly*.

In *Rope and Faggot*, White also punctured the myth that black men lusted after white women, and that this was sufficient reason for the crime of lynching. White thought that southerners were obsessed with sex, and that obsession promoted widespread antiblack feeling. White asserted that there were several reasons for this obsession. First, the Bible Belt south had no other form of entertainment; movies, card games, dancing, and other types of activities enjoyed by much of the rest of the country were verboten, particularly by the Methodists and Baptists. With this statement, White seems to be saying that this lack of entertainment activities could be the reason for the almost carnival-like atmosphere at many lynchings, which were sometimes announced ahead of time and to which many spectators brought food and family. Second, sex as a defense of lynching had made southerners the victims of their own fears. Third, white women were notoriously prone to fits of hysteria whenever they came into contact with black males. That hysteria ensured that when white women accused black men of rape, they were readily believed. Fourth, the South as a region was intensely--and according to White--primitively religious. Fifth, southerners had a warped view of black women and sexual behavior. Black women in the south had no control over their own bodies. They were used as brood mares or for sexual gratification while the law and white women

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<sup>40</sup>Ibid., p. 43.

looked the other way. Finally, young white men were urged to use black women as mistresses in order to protect the sexual chastity of their wives.<sup>41</sup>

White agreed with black scholar William Pickens, who saw the relationship between the black man's lust for white women and the crime of lynching as a smokescreen. In 1929, Pickens called the accusations of rape that whites leveled at black men "the shrewdest battle cry of the forces seeking the economic domination of the Negro . . . whenever one discusses the economic, political or civic advancement of the Negro."<sup>42</sup> White pointed out that the sex excuse was used most often in areas where economic oppression of blacks and poor whites was the greatest. Moreover, if the goal was to limit or end racial mixing, lynching was clearly not the appropriate solution; White suggested the repeal of miscegenation laws.

Like Wells-Barnett and Pickens, White saw the real reason behind the lynching of blacks by whites as economic. Because the South was primarily an agricultural region and its main crop was cotton, cheap labor was essential; slaves were the cheapest of labor. The emancipation of slaves ended the cash value of blacks and in some areas placed white men and black men in direct competition for jobs. It was in the immediate aftermath of the Civil War that lynching became an acceptable way to punish blacks. The Congressional Commission of 1872 reported that there were more than 3,000 lynchings between 1868 and 1872.

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<sup>41</sup>Ibid., p. 76.

<sup>42</sup>Ibid., p. 76.

White also blamed the age of Imperialism and its economic exploitation based on color, disfranchisement of blacks, the economic dislocations of the Industrial Revolution and the economic advancement of black Americans for the late nineteenth century attitude that saw lynching as an acceptable way to contain black economic aspirations.

But by the beginning of the 1920's, the number of lynchings began to taper off. White credits the drop with a nationwide campaign to combat lynchings led by the National Association for the Advancement of Colored People (NAACP), and the introduction of the Dyer anti-lynching bill in the United States Congress. Although the bill passed the House in 1922, it was killed by a Senate filibuster that same year. Still, lynchings of blacks dropped sharply after the bill was introduced as shown by the following chart based on data from the NAACP.<sup>43</sup>

**Table 1 - Black Lynchings**

<b>Year</b>	<b>Number of Blacks Lynched</b>
1917	54
1918	67
1919	83
1920	65
1921	64
1922	61
1923	28
1924	16
1925	18
1926	34
1927	21

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<sup>43</sup>Ibid., p. 32.

White related the decreasing number of lynchings after 1919 not only to the introduction of the Dyer bill which put lynchings in the national spotlight, but to black migration north and the return of black soldiers from World War I. White also pointed out that the South was alarmed by the migration, realizing that mob violence interfered with its efforts to attract the black manual laborers it so desperately needed. It therefore made concerted efforts to decrease the practice.

Finally, White looked at the role of science, pseudoscience and Nordicism in encouraging lynching. He pointed out that the late 19th century was the apogee of pseudoscientific theories on race that claimed to prove the inferiority of blacks through measuring their brains and administering so-called intelligence tests. Even when these theories were disproved, they lingered, sometimes given credence by the scientific community itself. The Ohio State University sociologist Herbert Adolphus Miller discussed this tendency in his address "Science, Pseudo-Science and the Race Question," delivered at the 16th Annual Conference of the NAACP, in June 1925, on The Ohio State University campus.

Another popular tendency is to transfer emotional adherence from religion to science, and then to become as orthodox and dogmatic as the most fundamentalist of religious. The scientist may be both bigoted and intolerant . . . However, [that] the scientific method prevents staying long at one place. <sup>44</sup>

The black activists Mary Church Terrell and William Monroe Trotter also spoke and wrote extensively about lynching. Terrell was born in 1863 into a middle class

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<sup>45</sup>Ibid.; p. 115.

family in Memphis, Tennessee; as a black child, the circumstances of her upbringing were quite comfortable. Her father, Robert Church, a self-taught former slave, had worked on a steamboat owned by his white father, and from that was able to branch out into several businesses, all of which were quite successful. Terrell's mother, Mary, was a dressmaker, the owner of a very fashionable beauty salon, and a property owner.<sup>45</sup>

Terrell said she first experienced Jim Crow practices in the South when as a child she was riding in a railroad car with her father on a trip from Memphis to Cincinnati; the conductor tried to force her to leave the coach reserved for whites. She also recalled the burning humiliation she felt upon learning that her beloved grandparents had been slaves. Both incidents impressed upon her how wrong discrimination was.<sup>46</sup>

Appalled by the dismal educational opportunities and facilities for black school children in Memphis, her father sent her to school in Yellow Springs, Ohio, at the age of seven. She later graduated first in her class from Oberlin College, the first institution of higher education in the United States that admitted women and blacks. Terrell taught at Wilberforce University, a black institution, and later moved to Washington, D.C., where she taught German and Latin in the high schools. She married Robert Terrell, who was a lawyer and teacher in the District of Columbia. Terrell, always involved in uplift programs, was also active in the black women's club movement. She was later chosen as the first president of the National Association of Colored Women's Clubs.

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<sup>46</sup>Sharon Harley. "Mary Church Terrell: Genteel Militant." *Black Leaders of the 19<sup>th</sup> Century*. Leon Litwack and August Meier, ed. (Chicago: University of Illinois Press, 1988), p. 307.

The lynching of Thomas Moss, the black grocer in Memphis, Tennessee had the same effect on Terrell as it had on Ida B. Wells-Barnett; Thomas was Terrell's friend, too. She began speaking out on lynching and was appointed to the Afro-American Council as Director of its Anti-Lynching Bureau.<sup>47</sup>

Like Wells-Barnett and White, Terrell traveled throughout Europe, publicizing the horrors of lynching. She also agreed with Wells-Barnett that black men were not lynched because they lusted after or they had sexual relations with white women. Black men were lynched because whites were racist, lawless, and viewed blacks as an economic threat. Terrell wrote that lynching was "due to race hatred. . .[and] the lawlessness so prevalent in the section where nine-tenths of the lynchings occur. . ."<sup>48</sup>

William Monroe Trotter was born in 1872 in Boston, Massachusetts. He founded the militant newspaper the *Boston Guardian* in 1901, using it as a vehicle for advancing his views about social, political, and economic rights for blacks. Trotter was one of the organizers of the Niagra Movement in 1905, a precursor of the National Association for the Advancement of Colored People. Many of his proposals, such as equal educational and political rights, were adopted by the NAACP, but Trotter refused to join because he considered the group too moderate. Instead, he founded his own organization, the National Equal Rights League.<sup>49</sup>

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<sup>47</sup>Mary Church Terrell. *A Colored Woman in a White World* (New York: G. K. Hall & Co., 1996), p. 225.

<sup>48</sup>Mary. Church Terrell. "Lynching from a Negro's Point of View," Roy Finkenbine, ed. *Sources of the African-American Past*. (Addison, Wesley, Longman, Inc: New York, 1997), p. 106.

<sup>49</sup>Charles M. Christian. *Black Saga* (New York: Houghton Mifflin, 1995) p. 316.

Trotter sought to have the United States' inability to live up to its democratic ideals showcased before the entire world; he spoke of lynching at the Paris Conference held after World War I, and tried to have an anti-discrimination clause placed in the covenant of the League of Nations.<sup>50</sup>

A number of organizations also openly condemned lynching and worked actively to punish those who participated in the crime. The great Radical Republican and crusader for black rights Albion Tourgee founded the National Citizens' Rights Association in 1891 expressly to enlist support for a federal anti-lynching law. A white woman, Jessie Daniel Ames, founded The Association of Southern Women for the Prevention of Lynching. Her militant stance against lynching so angered southern white women that some of them formed the National Women's Association for the Preservation of White People.<sup>51</sup> And it was the National Federation of Colored Men of America that was successful in introducing an anti-lynching plank in the Republican party's platform.<sup>52</sup>

The premier organization in the fight against lynching, however, was the National Association for the Advancement of Colored People (NAACP).<sup>53</sup> It was in the forefront of defining the crime of lynching, recording its numbers and eradicating its existence. The

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<sup>50</sup>Robin B. Balthrope, "Lawlessness and The New Deal: Congress and Anti-Lynching Legislation," (Ph.D. diss., The Ohio State University, 1995), p. 66.

<sup>51</sup>Ibid.

<sup>52</sup>D. Augustus Staker, "How the Anti-Lynching Plank was Put Into the Republican Platform," *AME Church Review* 13 (Oct 1896), p. 202.

<sup>53</sup>See William L. Katy, *Thirty Years of Lynching in the United States, 1889-1918*, (New York: Arno Press and the New York Times, 1969), p.

NAACP was founded in 1909 by a group of black and white intellectuals who were alarmed at the increasing segregation of American society and the subservient way in which the leading black spokesman of the day, Booker T. Washington, chose to fight it. By 1918 the NAACP was the leader in seeking federal intervention by its support of the Dyer bill, introduced in Congress by Leonidas Dyer, a Republican congressman from Missouri. The bill sought to punish an officer of the law whose lack of diligence contributed to a lynching. It also called for fines against counties or municipalities involved, and utilized federal prosecutors and judges to punish those involved in lynchings. While the bill passed the House in 1922, 1937, and 1940, it failed in the Senate in each of those years due to real or threatened filibusters by southern Democrats and conservative northern Republicans.

Unlike other organizations or individuals that equivocated on lynching and sometimes excused the practitioners of it, the NAACP took a very straightforward position. Eschewing common legend that lynchings occurred because of defective justice systems, community rabble rousers, and lecherous black men who would strip defenseless white maidens of their sexual purity, it described lynching as a means that whites used to maintain economic and psychological hegemony over blacks. For whites, what was at stake was their theory of color caste: they were extremely concerned with racial purity and the prevention of amalgamation and were determined to do anything to ensure that race mixing did not happen. To the NAACP, lynching was a crime with its roots in race hatred and an elaborate myth of white superiority and black inferiority. Whites needed no particular reason to lynch blacks.

In campaigning against lynching, the NAACP was assisted by faculty at Tuskegee Institute who developed a classification of the causes of lynching into seven types: (1)

homicide, (2) felonious assault, (3) rape, (4) attempted rape, (5) robbery and theft, (6)insult to white persons and (7) all other causes. The Tuskegee scholars had difficulty classifying each lynching, in part because of the inability to obtain accurate information. However, some generalities can be made. Murder was the most frequently cited reason for lynching, followed by rape. In fact the data showed that of the 1,399 lynchings from 1889 through 1930 recorded by the Tuskegee faculty, only 214 were tied to homicide and 622 to rape.<sup>54</sup>

In fact, the list of reasons why African Americans were lynched range from the trivial to the serious. Some of the more common include incest, rape, murder, being disrespectful of white people, especially women, drunkenness, failing to pay debts, possessing a bad character, gambling, and theft. In some cases the Tuskegee scholars found no offense; the lynching victim was merely in the wrong place at the wrong time.<sup>55</sup>

Indeed the reasons for which blacks were lynched may be as numerous as the people found in lynch mobs. In 1927, African-American sociologist Edward Byron Reuter observed that the stated reasons for any particular lynching--murder, rape, robbery--may be only a single element in causality rather than the cause itself.

Any classification of Negro lynchings, which attempts to assign specific causes, is of necessity superficial. In practice such classification seems in general to be the result of efforts to shift the responsibility for the lynching crime from the criminals to the victims of the mob. . .any

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<sup>54</sup>Edward Byron Reuter, *The American Race Problem* (New York: Thomas Crowell Company), p. 349. Note that Reuter's statistics are different from those previously mentioned.

<sup>55</sup>See Ida B. Wells-Barnett, *On Lynchings* (Salem, NH: Ayer Company Publishers, Inc., 1991).

tabulation in terms of reason assigned, while it may have some value as an indication of the frequency of certain offenses, gives no real explanation of the killings.<sup>56</sup>

Reuter also noted that white reaction to the lynching of blacks ranged from vehement condemnation to defense of the practice. He was especially critical of those who defended lynching as a method of controlling the criminal elements in the black community. Reuter pointed out that on the contrary, lynchings served to solidify race hatred among the victims of lynchings and protect those guilty of mob violence. Moreover, he felt that one lynching frequently led to another; in other words, lynching soon came to be the prevailing way of dealing with any sort of lawbreaking. Likewise he disagreed with the assertion that mob violence was a reaction to the slow administration of justice. While Reuter was willing to concede that in an earlier time that might have been the case, by the time of his writing there generally were no such delays, and there was little danger that those found guilty of a crime would not be punished. Reuter disputed the common belief that mob violence was the province of the ignorant and debased, nor did he agree with black activists who said just the opposite. In fact, he claimed that he could discover no such proof for either view in his study. Finally, while Reuter agreed that there were certain crimes that were so egregious as to incite even the most law-abiding element of communities, he found the use of this excuse as at best a generalization that could not be supported by the evidence.

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<sup>56</sup>Ibid., p. 347.

## The Study of Lynching Post World War II

The Swedish sociologist Gunnar Myrdal was one of the foremost students of racism in American society. In his massive study, *An American Dilemma*, published in 1944, Myrdal defined the concept of the "white man's rank order of discrimination."<sup>57</sup> That is, what are the elements of black/white relations that most vex the white man? Myrdal listed them as follows: intermarriage and sexual intercourse with white women; questions of etiquette, such as eating, bathing, and shaking hands; use of public facilities; disfranchisement; the criminal justice system; and economics and social welfare. Clearly these issues surface repeatedly as whites sought to justify lynching.

Myrdal also wrote that lynching was a rural and small town custom that occurred most commonly in poor districts; lynching also seemed to occur in waves. According to Myrdal, lynching was not just the punishment of an individual black person, but a disciplinary device against all blacks.<sup>58</sup> It served as a warning to any black person—male or female—that his or her life could be ended at a moment's notice for no particular reason.

Like White, Myrdal noted that southerners were extremely religious, mostly belonging to Baptist or Pentecostal churches which forbade its members to attend

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<sup>57</sup>Gunnar Myrdal, *An American Dilemma*, (Harper Brothers: New York, 1944), p. 60. While Myrdal did not develop his "white man's rank order of discrimination" until 1944, it seems to have psychologically been in place for some time. See Donald M. Valdes, "The Rank Order of Discriminations Toward Negroes by White Persons in Newark, Ohio," (Ph.D. diss, The Ohio State University, 1958).

<sup>58</sup>*Ibid.*, p. 562

movies, play card games, go dancing or enjoy other types of entertainment that were common during this time. Again as did White, Myrdal thought this lack of entertainment activities accounted for the glee with which many white southerners attended and cheered on lynchings. He also noted that white southerners were obsessed with sex, “punishing Negroes for the white Southerners own guilt feelings in violating Negro women, or for presumed Negro sexual superiority.”<sup>59</sup>

In fact the literature indicates that many whites accepted lynching as a natural occurrence unless it was carried out in an exceptionally barbaric manner--and lynchings of this type also had their white defenders--and were puzzled at the attendant media attention given to them.<sup>60</sup> Indeed to those whites sympathetic to and supportive of lynching, its existence showed the seriousness with which communities ensured that their standards were upheld and the law was enforced.

Historian W. Fitzhugh Brundage explained the prevalence of mob violence as a snapshot of the issues of justice, race, and the social order in American society. According to Brundage, in the North mob violence and lynching occurred periodically from colonial times through the antebellum years, but economic development and urban growth ensured the development of a criminal justice system that made mob violence unnecessary. Because no comparable system of justice developed in much of the South or the frontier West, lynching came to be seen as a peculiarly southern phenomenon. Clearly during the last twenty years of the 19th century, the laws were being upheld with

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<sup>59</sup>Ibid., p. 562.

<sup>60</sup>W. Fitzhugh Brundage. *Under Sentence of Death*, p. 4.

a vengeance. According to Brundage, there were 4,691 lynchings between 1880 and 1930, broken down by regions as follows:<sup>61</sup>

**Table 2 - Lynchings by Geographic Region**

<b>Region</b>	<b>White</b>	<b>Black</b>
Northeast	2	1
Midwest	181	79
Far West	447	38
South	723	3,220

Brundage also connects this early twentieth century study of lynching to Robert Park's theory of collective behavior. Park posited that when different groups competed for economic and political dominance and social controls were weak or nonexistent, pathological behavior such as lynching would result. Because early social theorists labeled lynching as pathological, it was not a great leap for them to assume that those who participated in it--the members of the mobs--were exceptionally deviant and isolated from the norms of their communities and society as a whole.<sup>62</sup>

Brundage notes that other social scientists saw that lynching and the south's economic and social problems after Reconstruction were deeply entwined. Mob violence was natural where there were weak institutions, economic exploitation, poverty and

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<sup>61</sup>Ibid., p. 133. Again, note the discrepancy in the numbers used by Brundage and previous figures quoted herein.

<sup>62</sup>Ibid., p. 135.

ineffective or nonexistent law enforcement. But if this theory is true, then when all those things were eradicated, lynching, too, should have ceased. That was not the case.<sup>63</sup>

Finally Brundage said that psychologists who studied lynching were likely—and incorrectly, he implied--influenced by Sigmund Freud's theory of individual psychopathologies. According to Brundage, this can be seen in the fixation on black men's sexuality, the psychological tension over race and sex, and the mutilation--often of sexual organs--of lynching victims. In other words, white men saw black men as sexually liberated and were jealous of that freedom. They thus projected this jealousy onto individual lynching victims.<sup>64</sup>

Moreover, the violent behavior of lynch mobs served as a collective social outlet. The rush to judgment during which victims were accused, tried, convicted, and executed in one fell swoop; the rage within which many of the mobs acted; and the lynching of black men who were all but dead at the hands of the mob, all served to allow the mob to blow off steam. Once the act of lynching was over, the mob, sated for the time being by the orgy of violence, drifted away and its members went back to their everyday lives.

The act of lynching also allowed poor and working class whites to vent their anger at the white planters who economically exploited them onto the blacks with whom they sometimes competed for jobs. In this respect, lynching served as a way to maintain the caste system so common in late nineteenth century southern society. However poor and downtrodden whites were, they were not black. It would have been unspeakable to

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<sup>63</sup>Ibid., p. 7.

<sup>64</sup>Ibid.

allow a group lower on the caste scale to consider itself the social and economic equal of whites.

One phenomenon not often studied is black-on-black lynchings. These lynchings, which seem particularly insidious given the lack of legal protection afforded most blacks, showed the same trend as white-on-black lynchings. Their numbers increased during the 1880's, reached their peak in the 1890's.<sup>65</sup> They tended to be concentrated in less developed areas of the country. Lynching victims had most often been suspected of or charged with very serious crimes, primarily sexual assault. Black mobs sometimes subjected their victims to unusually cruel suffering before they were killed, or committed gross violations on the victims' corpses. Finally, those who took part in the lynchings assumed that the criminal justice system would not punish blacks who committed crimes against other blacks, so the black community felt justified in taking the law into its own hands. As were white-on-black lynchings, they were a form of popular justice used to punish people who had violated community norms.<sup>66</sup>

Black-on-black lynchings differed from white-on-black lynchings in one important way: They were *more* prevalent during the early 1880's and were increasingly rare after mob violence peaked in the 1890's. Why? There were more and better legal

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<sup>65</sup>E. M. Beck and Stewart Tolnay, "When Race Didn't Matter: Black and White Mob Violence Against Their Own Color," in *Under Sentence of Death*, W. Fitzhugh Brundage, ed. (Chapel Hill: University of North Carolina Press, 1997) p. 133.

<sup>66</sup>*Ibid.*, p. 140.

alternatives than lynching. Also, there was no racial component in black-on-black lynchings; that is, blacks, solely because of their race, were not lynching blacks.<sup>67</sup>

Just as lynching has been studied as a peculiarly southern crime, so have there been other assumptions made about lynching. Historians Larry J. Griffin, Paula Clark and Joanne C. Sandberg have studied lynching to try to ascertain why some people are lynched and others—who might very well be suspected of or charged with a similar or the same crime—are not. They note that any event is a particular happening that is made up of a particular sequence of temporally ordered actions and occurs in a particular historic context. These happenings give an event its meaning and create and convey a pattern of action. As an event, a lynching could be stopped any time during the process. Racism and white supremacy do not in and of themselves guarantee that blacks will always be lynched.<sup>68</sup>

Moreover, a lynching can only be understood by putting together the entire sequence of events and placing those events in their cultural context. The events have to be analyzed in terms of their context and chronological makeup. This means that the outcome of a lynching is a function of the sequence of actions making up the event and how it unfolds over time.<sup>69</sup>

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<sup>67</sup>Ibid., p. 135.

<sup>68</sup>See Larry J. Griffin, Paula Clark, and Joanne C. Sandberg. "Narrative and Event: Lynching and Historical Sociology," W. Fitzhugh Brundage, ed. *Under Sentence of Death: Lynching in the South*, (Chapel Hill: University of North Carolina Press, 1997).

<sup>69</sup>Ibid., p. 29-30.

Griffin, Clark, and Sandberg theorized that when group hysteria and mob violence are replaced with individual responsibility or timidity on the part of the mob, lynchings can and probably will be stopped.<sup>70</sup>

Historian Roberta Senechal de la Roche expanded upon the theory of Griffin, Clark and Sandberg. First, however, she defines lynching. She sees it not only as the actual violence that causes a death, but also as a form of collective violence characterized by informal organization and a degree of individual liability. That is, lynching is carried out by a mob, but the mob invariably has a leader. In that sense, lynching is a very old crime, indeed: it occurred in ancient Greece, republican Rome, China and Africa. Her definition also indicates that lynching does not necessarily mean violence or death; it could run the gamut from public humiliation to death. According to de la Roche, however it is defined, *all* lynchings occur under similar structural situations. Second, she challenged the popular view of lynching as a peculiarly southern American phenomenon. The United States is the most democratic nation in the world; its founding document, the Declaration of Independence, contains white-hot rhetoric about the equality of all men. Yet it is also a country that has a history of killing people solely because of their race, and a substantial number of these murders occurred in the North. Third, de la Roche agreed that given the history of race relations in America, especially in the South, the lynching of blacks by whites was inevitable--no particular reason for a lynching was needed. Indeed this is what many blacks living in the South were taught. Fourth, the entire black community was at risk; that is, any black person would do as a victim,

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<sup>70</sup>Ibid., p. 41-2.

*whether or not they were guilty of any particular crime at any particular time.* Finally, de la Roche said that lynching has always been thought of as a public spectacle. The popular view in American culture is that lynchings were invariably known about ahead of schedule. This gave the community time to mobilize and accounts for the carnival like atmosphere at some lynchings.<sup>71</sup>

While not necessarily disagreeing with the above generalizations, de la Roche says they do not explain the entire story of lynching, in part because historians have tended to overlook the sociology of the crime; they have tended to exclude the motivation and psychological basis of the mob. This is an important omission because these things order behavior. Accordingly, she bases her analysis of lynching on the Blackian Paradigm, a theory on social control, named for sociologist Donald Black.<sup>72</sup> de la Roche opines that if lynching is viewed as a means of social control by which people define or respond to deviant behavior, than a particular variable associated with the likelihood or severity of a lynching can be identified, predicted, explained, and perhaps a lynching can be averted. If, for example, a well-connected white person would step forward and vouch for the black person about to be lynched, then the lynching more than likely would be stopped. Moreover, de la Roche believes that for collective violence to occur, some conditions have to exist. No incident can be explained by any one cause or

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<sup>71</sup>Roberta Senechal de la Roche, "The Sociogenesis of Lynching," in W. Fitzhugh Brundage, ed., *Under Sentence of Death: Lynching in the South* (Chapel Hill: University of North Carolina Press, 1997), p. 49.

<sup>72</sup>*Ibid.*, p. 52.

variable. Lynching can be distinguished vis-à-vis two dimensions: the breadth of liability and the degree of organization. In terms of liability, who is accountable? Accountability can involve a group or a single person. Organization indicates that there was at least a modicum of planning, but the action itself is not sustained, and participation is open to any and all.

Again working with the Blackian Paradigm, de la Roche reminds us that every form of social control has a specific social structure which consists of the social characteristics of all the parties associated with a conflict: offenders, partisans, complainants and those with knowledge of the event. Accordingly, de la Roche developed four variables that she believes can predict whether a lynching will occur, who will be lynched, how gross the lynching will be--that is, if the victim will be tortured before being lynched or mutilated afterward--and whether a lynching might be averted. Those variables are as follows: relational distance, functional interdependence, vertical direction, and cultural distance.<sup>73</sup>

Relational distance relates to how much blacks and whites participate in each other's lives. Regular contact increases intimacy. This increased intimacy usually means that there is less likelihood of a lynching or it has a moderating influence on the degree of violence toward the victim.

The extent to which blacks and whites relied on each other economically, politically, and in other ways is defined as functional interdependence. The more whites relied on blacks, the less likely there was to be a lynching, or again, the more likely there

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<sup>73</sup>Ibid., p. 59.

was to be a reduction in the amount of violence shown toward the victim. This explains why blacks were seldom lynched during slavery—they were too valuable to their masters. Moreover, if there was an important white person who could vouch for a black person, the black was often protected should he commit an offense against a white person or engage in some sort of violence against another black person.

Vertical direction refers to the inequality of status as measured by wealth, education and other variables between the alleged victim of an offense and the person about to be lynched. Lynching invariably takes place between those of unequal status. An upward offense would most assuredly culminate in a lynching or other severe punishment; an upward offense absent relational or cultural distance would probably result in less violence. Finally, an offense between two social inferiors—a poor white person and a poor black person--would not necessarily result in a lynching.

The difference between individuals and groups in terms of social actions such as language, dress, religion, music and other matters is defined as cultural distance. The greater the cultural distance, the more likely a lynching was to occur and the more severe it was likely to be. "Interracial conflicts involving blacks outside the South or those from distinct subcultures . . . entailed a greater degree of cultural distance between the parties and a greater likelihood of lynching."<sup>74</sup> This was the situation in the case of Emmett Till, the black fifteen-year-old Chicagoan who was savagely murdered in 1957 while visiting relatives in Money, Mississippi. Till, who was totally unfamiliar with the cultural

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<sup>74</sup>Ibid., p. 59.

barriers of southern society, spoke to a white woman and paid for his ignorance with his life.<sup>75</sup>

According to de la Roche, lynchings are also more likely to occur in cases of offense that cross large expanses of social space, and where there are temporal distinctions. That is, lynching was more likely to occur in rural areas or small towns, and more at some times during history than others. de la Roche suggests this explains why the number of lynching across the country is so unequal; why they occurred less during slavery and increased during the late nineteenth century and during times of economic dislocation, and tapered off after the 1930's only to reemerge during the modern civil rights movement.<sup>76</sup>

Finally, de la Roche points out that a high degree of social polarization--that is, the combination of her four variables--increases the likelihood that a lynching will occur. Again, this explains the pattern discussed in the above paragraph.<sup>77</sup>

As was previously stated, lynchings of African Americans increased in the immediate aftermath of Reconstruction, and while they lasted well into the twentieth century, tapered off significantly in the 1920's. Consequently, several questions must be asked. Why did lynchings increase during this period? What were the alleged offenses for which blacks were lynched? Who participated in the lynchings? How did whites, particularly those connected with the criminal justice system, react to the lynching of

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<sup>75</sup>For an excellent treatment of the Emmett Till murder, see Stephen J. Whitfield, *A Death in the Delta: The Story of Emmett Till*. (New York: The Free Press, 1988).

<sup>76</sup>Roberta Senechal de la Roche, "*The Sociogenesis of Lynching*," p. 65.

<sup>77</sup>*Ibid.*, p. 6.

blacks? What was the reaction of black Americans? Why were the lynchings in northern states virtually ignored? Finally, what was the reaction of the government at the local, state and federal level?

This dissertation seeks to answer these questions by using de la Roche's theory of why lynchings occur. Eleven lynchings of black men that occurred in the state of Ohio between 1876 and 1916, and twelve lynchings that were averted at virtually the last minute, will be examined. The lynching of a black man by a black mob will also be discussed. Several other incidents, including practical jokes, wrongful arrests and imprisonment, and the near lynching of a white sheriff who was protecting a black prisoner will be examined in order to verify de la Roche's theory.

Finally, for the purposes of this study, I have defined lynching as a crime during which someone is taken from a particular locale and killed by two or more people who are not working under the direction of legal authorities.

## CHAPTER 2

### CONFLICTED ATTITUDES ON RACE: WHITE OHIOANS AND THE TREATMENT OF BLACKS 1800-1920

As a northern state and a destination through which many runaway slaves passed and just as many newly freed slaves settled, Ohio is an ideal state to study. During the antebellum years, it was home to more than 300 stations on the Underground Railroad-- that network of roads, safe houses, and churches through which runaway slaves escaped to their freedom. The Ohio River was the boundary between slavery and freedom; traversing the state was the shortest route to Canada.<sup>78</sup>

Ohio was the first state carved from part of the land mass known as the Northwest Territory, and even though the Northwest Ordinance of 1787 barred slavery east of the Mississippi River and north of the Ohio River, some of the French traders already in the area had slaves and a number of early settlers brought slaves to Ohio. In 1896, Thomas Charles Hickock, a history student at Western Reserve University, wrote "Some form of slavery existed in Ohio as late as 1830 and although there were no slave auctions, there were many who were sympathetic to the system."<sup>79</sup> Pro-slavery forces in the legislature

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<sup>78</sup>Keith David Churchman, "The Social and Economic Status of the Negro in Ohio in 1860," ( Unpublished thesis, Miami University: Oxford, Ohio,1939).

<sup>79</sup>Charles Thomas Hickock, "The Negro in Ohio 1802 – 1870,"(Unpublished thesis, Western Reserve University, Cleveland, Ohio,1896) p. 11.

tried unsuccessfully to introduce slavery into the area. To address those who had brought slaves to the Ohio Territory and therefore might be tempted to engage in the perpetuation of slavery, a compromise was introduced whereby slavery in the territory would be disallowed after 1800 unless as punishment for crime of which a person was found guilty. The compromise was defeated.<sup>80</sup>

Using Ohio as a barometer to study race relations in general and the crime of lynching in particular is also important because Ohio bordered on the slave states of Kentucky and Virginia. Only during the Civil War did the pro-union split lead to the division of Virginia into two states; the anti-slavery counties became West Virginia. Ohio's history with regard to the issue of slavery is mixed. Portions of the state were anti-slavery, abolitionist and pro-slavery. Those who migrated to the state of Ohio came primarily from several areas, including Kentucky, Virginia, New England, and the views of those regions with regard to slavery shaped Ohio's race relations.

Ohio was also a leader in the drive to abolish slavery. There was an anti-slavery society as in Ohio as early as 1815; Radical Republicans Benjamin F. Wade and Salmon P. Chase were two of its members. The *Philanthropist*, "the first anti-slavery publication in America" was printed in Mt. Pleasant, Ohio.<sup>81</sup> The American Anti Slavery Society was organized in 1836 and, Theodore Weld, a prominent Ohioan, was one of its founders.

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<sup>80</sup>Journal of Constitutional Convention, November 22, 1802.

<sup>81</sup>Benjamin F. Prince, *A Standard History of Springfield and Clark County, Ohio* (The American Historical Society, 1922), p. 324.

Finally, in response to a rash of lynchings in 1894, Ohio was the first state in the Union to pass an anti-lynching law which called for monetary penalties and for reparations to the family of the lynching victim.

### **The Constitutional Convention of 1802 and Its Aftermath**

Ohioans met in a constitutional convention in 1802 to determine how the state would be governed<sup>82</sup>. The delegates from the Western Reserve, Marietta, and eastern portions of the territory were primarily transplanted New Englanders. Most delegates, however, had moved to the territory from Virginia and Kentucky, two slave-holding states. In one of their first acts, delegates decided to discriminate against blacks. Suffrage was granted only to white males, and when some courageous members of the convention asked that the language be overturned, they lost by a vote of 14 to 19. Even white males new to the state were granted the right to vote as long as they recorded their citizenship within a specified period of time. When some delegates suggested that mulattos be given the franchise, the motion was defeated, albeit by a one-vote margin. In short, delegates to the convention decided that blacks would receive none of the privileges granted to whites. Moreover, in spite of the fact that the Northwest Ordinance declared that there would be no slavery in the territory, a motion to allow it was introduced. It was defeated by one vote.

Ohio was granted statehood in 1803. In that same year the legislature decided that blacks could not join the militia, and in 1804 it passed the infamous Black Laws

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<sup>82</sup>Journal of Constitutional Convention, November 22, 1802.

which tightly prescribed how blacks would live and interact with whites. The Black Laws were a product of southern men who lived in the counties along the Ohio River, and were passed in reaction to the rapid increase in the black population and Ohio's economic relations with Kentucky and Virginia.<sup>83</sup> The laws forced blacks and mulattos moving into the state to produce a certificate of freedom. Those already living in the state were required to register themselves and their children with the county clerk before June 1804, at a cost of twelve and one-half cents per name, and to post a bond of \$500 within twenty days. In order to be hired by a white person, a certificate of freedom had to be produced. Those whites who hired blacks without the certificate were fined anywhere from ten to fifty dollars. Whites who aided or abetted fugitive slaves could also be fined ten to fifty dollars; if the slave owner appeared to claim his slave, he was entitled to be paid by whomever hid the slave fifty cents for every day the slave had been missing.

From 1802 through 1849, life for black Ohioans was made infinitely more complicated. After statehood, blacks were prohibited from testifying against whites in courts of law; in 1803 they were barred from joining the militia or receiving any public charity. In 1807 the Black Codes were further expanded. Whites found harboring runaway slaves or blacks who had not posted the bond were fined \$100; \$50 was given to the person who provided the authorities with the information. In 1831 blacks were prohibited from sitting on juries. Even though they were taxed, blacks could not use the

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<sup>83</sup>Charles Wilson, The Negro in Early Ohio.

schools until 1829, and in 1838 when the state voted to establish and fund the public school system, schools for black students were not included.

Also in 1831 in *Polly Gray v. Ohio*,<sup>84</sup> the Ohio Supreme Court ruled that a person having more white blood than Negro was defined as white and thus exempt from the Black Laws. This in reality made life slightly easier for mulattos because it was sometimes difficult to determine their race. Depending on where in Ohio they lived, some mulattos thus were able to prosper by pretending to be white.

Within five years of the founding of the anti-slavery tract, the *Philanthropist*, the anti-slavery movement in Ohio began to accelerate. During the 1820's more northern Whigs, who were either against slavery or against its spread into the territory, moved west to Ohio. Agitation on the Missouri question fueled concern in Ohio about slavery. In 1826, the Presbyterian church in Ohio became involved in the controversy. The Presbyterian Synod of Ohio declared slavery to be "man stealing."<sup>85</sup> The next year, the Presbytery of Chillicothe joined the anti-slavery movement, criticizing slavery as "a heinous sin and scandal" and funding an anti-slavery tract.<sup>86</sup>

Because Ohio shared a common border with Kentucky and Virginia (later to become West Virginia), the southern part of the state became a haven for free or manumitted blacks. Many whites from Virginia and Kentucky also settled here, mainly

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<sup>84</sup>*Ohio Reports*, Vol. IV, 345.

<sup>85</sup>Eugene F. Roseboom and Francis P. Weisenburger, *History of Ohio* (Columbus: The Ohio State Archaeological and Historical Society, 1953) p. 153.

<sup>86</sup>*Ibid.*, p. 150.

in the fifteen-county area between the Scioto and Little Miami rivers and the Little and Great Miami rivers. Whites moved to this area to escape the economic and social impact of slavery. But even they brought with them all the antiblack prejudices of their former states. They were alarmed at the influx of black freedmen moving into the state. Some of them formed the American Colonization Society in 1826 with the goal of encouraging free blacks to immigrate to Liberia. Although the society was not particularly successful, its formulation sparked heated discussion on the place of blacks within Ohio in papers across the state.

The part of Ohio described above was connected to the South by boat via the cities of Cincinnati, Ironton, Portsmouth, Marietta, Gallipolis and Middleport. In this regard, wealthy white Ohioans in the area often leased slaves from Kentucky to work the tobacco fields; this ensured that there would be tremendous tension between poor and working class whites and blacks. Free blacks also migrated to this area; they made up between eight and seventeen percent of the population along the Ohio, Scioto, Little Miami and Great Miami rivers. This settlement pattern produced a rigid color line as whites fought blacks through the use of mob action, demonstrations, and membership in the American Colonization Society. It was from this region, too, that the legislature received the most entreaties against black settlement.<sup>87</sup>

Antiblack feeling was not very strong in the northeastern part of Ohio. Few blacks settled here, and the whites who did tended to be transplanted New Englanders.

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<sup>87</sup>David A. Gerber, *Black Ohio and the Color Line 1860 – 1915* (Urbana, IL: University of Illinois Press) p. 11.

Many were sympathetic to or part of the anti-slavery movement and active in the Underground Railroad.

While it does not appear that the justice system in Ohio strictly enforced the Black Laws, individual communities often picked up the slack. Blacks were driven out of the cities of Portsmouth and Cincinnati by force. They were also forcibly barred from schools in cities across the state. Why was there so much anti-Black feeling and activity? The rate of blacks settling in Ohio was higher than that of whites, particularly in the southern counties.<sup>88</sup> Whites in those counties had migrated from the slave holding states of Kentucky and Virginia. While these residents were not necessarily slave owners in their former states, they did reflect the prejudices that Kentuckians and Virginians felt about black people. Blacks were thought to be lazy, ignorant heathens, and the rate at which they were moving into Ohio, as shown by the table below, alarmed white Ohioans. As can be seen by the table below, the decade between 1830 and 1840—a decade when the issues of slavery and black rights were prominent—saw the greatest increase in the number of blacks moving into Ohio. The black population almost doubled during this decade, marking the fast increase since the beginning of the nineteenth century.<sup>89</sup>

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<sup>88</sup>Ibid., p. 26.

<sup>89</sup>Frank V. Quillen. *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State* (Ann Arbor: University of Michigan Historical Society, 1913) p.; George Thomas Kurian, *Devapedia of the United States 1790-2000*, (Lanham: MD Bernan Press, 1994), p. 28. Figures for the white population have been rounded off to the nearest one thousand.

<b>Year</b>	<b>Black</b>	<b>White</b>	<b>White/Black Ratio</b>
1800	337	45,000	133:1
1810	1,890	229,000	121:1
1820	4,723	577,000	122:1
1830	9,586	928,000	96:1
1840	17,342	1,502,000	86:1

Many blacks who were moving to Ohio were newly manumitted slaves, freed because of the increase in abolitionist activity and because the development of less labor intensive methods of farming meant that keeping large numbers of slaves was economically unfeasible. By 1830 anti-slavery and abolitionist societies were being founded in Ohio, and there was interest on the part of some whites about the problems faced by black Ohioans. Between 1829 and 1848 a number of appeals were made to repeal the black laws, so many that by 1849 the Ohio legislature moved to modify them. Blacks were allowed to give testimony in court, separate schools were established for them in some cities, and they were no longer forbidden to enter the state if they could not post the required bond. These gains were in part won because of the competition between members of the Free Soilers and anti-slavery Whigs and the Democrats. Indeed Democrats protested vociferously about the modification of the Black Laws, editorializing against their repeal in various papers and at public meetings.<sup>90</sup>

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<sup>90</sup>Ibid., p. 31.

## The Antebellum Years

By the time of the constitutional convention of 1850, there was a clear North/South split in terms of who supported the legal and social aspirations of black Ohioans. Prejudice was greater in those whites who lived in southern Ohio; they were clearly alarmed at the large number of blacks settling there. They managed to defeat white legislatures from northern Ohio who championed the rights of blacks. By the end of the convention, the ban on militia service by blacks still stood. White southern Ohioans also managed to ensure that blacks could not go to school with whites--this ban was reinforced by the decision rendered in *Van Camp v. Board of Education of Logan, Ohio*<sup>91</sup>--and by vote in the legislature.

In spite of the mixed attitudes toward black Ohioans, the black population in Ohio increased steadily, and violence was the exception rather than the rule. This perhaps might be explained by the rural nature of Ohio. Residents of the state were spread out; there were few heavily populated cities, and this lessened the chance that blacks and whites would live in close proximity to each other. The growth in the black population meant that by the eve of the Civil War there were a number of black settlements throughout Ohio which increased black solidarity and self-help. These included the church, mutual aid societies, women's auxiliaries that were engaged in uplift, temperance and family sanctity activities, and conventions that were held to discuss the problems facing blacks and their possible solutions. But the events of the 1850's, including the

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<sup>91</sup>*Van Camp v. Board of Education of Logan, Ohio*, Supreme Court, November, 1859.

passage of the Fugitive Slave Law and the Dred Scott decision, did not bode well for black Ohioans.

The decade of the 1850's saw the hardening of battle lines around the issue of slavery. Alarmed at the success of the abolitionist movement and the number of slaves who were willing to risk their lives by running away, Democrats and Whigs in Congress passed the Fugitive Slave Law. Arguably the most controversial part of the Compromise of 1850, the law allowed federal commissioners to be appointed and given the authority to gather posses, issue warrants and force private citizens to help catch runaway slaves; those who refused faced fines or prison time. Slaves accused of running away were denied a trial by jury or the right to testify in their own behalf. Commissioners who decided the cases received a bounty of ten dollars for each fugitive they returned or five dollars if they freed the slave. The United States Supreme Court eventually upheld the law as constitutional. More than the Fugitive Slave Act, the Dred Scott decision in 1857 gave a renewed urgency to the anti-slavery faction in Ohio.

Dred Scott, a slave, and his wife belonged to John Emerson, an army surgeon who bought him from the family of Peter Blow of St. Louis. Emerson had taken Scott with him to live in Illinois, a free state, and in the Wisconsin Territory, where the Missouri compromise had banned slavery. After Emerson died, the Blows helped Scott sue for his freedom but lost the case in state court. Scott was left with Mrs. Emerson's brother, a citizen of New York, who traveled with Scott to Missouri. Scott again sued, this time in federal court; he stated that his residence in Illinois and Missouri—a free state and free territory, respectively—made him free. Scott also claimed Missouri citizenship under the privileges and immunities clause in Article IV of the United States

Constitution.<sup>92</sup> His case eventually made its way to the United States Supreme Court, where the makeup of the Court proved pivotal in its decision.

Justices John McLean of Ohio and Benjamin R. Curtis of Massachusetts were anti-slavery and wanted to argue that Scott should be freed because he had lived north of the Missouri Compromise line; their southern counterparts on the Court wanted to rule the Missouri Compromise as unconstitutional. Chief Justice Roger Taney wrote the 1857 opinion, ruling that blacks, whether they were slaves or free, could not be citizens. He also ruled that Scott could not become free merely by traveling north of the Missouri Compromise line, and that slavery could not be banned in the territories. Six other justices agreed that Scott was not a citizen, but could not agree as to whether slaves could become citizens. Free blacks, abolitionists and Republicans feared the consequence of the decision, for the decision opened the door for slavery to exist anywhere. Moreover, the language of the decision seemed to indicate that no black, slave or free, had any legal rights. *Dred Scott v. Sanford* was the beginning of the end of the fragile Compromise of 1850 that was intended to hold the United States together. The decision meant that Ohio would become more important than ever to runaway slaves and free blacks.

Within a year after the decision, the black population in Ohio began to increase. In 1850 the number of blacks residing in Ohio was 36,673; by 1860 it increased to 63,213, an increase of 72 percent. Ohio now had the fifth largest black population among

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<sup>92</sup>*Dred Scott v. Sanford* (1857)

the northern states. Indeed it was the largest increase in black population in any of the northern states.<sup>93</sup>

The reaction of white Ohioans to the alarming increase in the black population was stunning and swift. The legislature banned interracial marriage and sexual relations. There were race riots in Cincinnati and Dayton in the summer of 1862, and politicians decried the influx of cheap black labor that displaced poor whites. But the necessity of concentrating on the Civil War blunted much of the antiblack sentiment for the duration of the war.

### **Post Civil War Ohio**

In the political conventions of 1865, the Ohio Union (Republican) party and the Ohio Democrats endorsed President Johnson's policy of Reconstruction. The Union party, which before the war had come to endorse abolitionism, nominated General Jacob D. Cox, a military officer from the Civil War, for governor. Cox soon let his position be known: while taking questions from a committee of black students from Oberlin College, he announced that separation of whites and blacks was the only solution to the race problem. He advocated the development of a special territory out of parts of southern states solely for blacks. Then Governor William Dennison had also endorsed separatism by suggesting a tropical colony in Central or South America for Negroes. Other prominent Ohioans, including James A. Garfield and Radical Republican Benjamin Wade, demanded Negro suffrage. Politicians and voters in central and southern Ohio,

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<sup>93</sup>David A. Gerber, *Black Ohio and the Color Line* (Urbana: University of Illinois Press, 1976) p. 41.

however, differed on this question. Having fought with southern blacks, some believed them unfit to exercise the right to vote.<sup>94</sup> Even General Cox, who was an Oberlin College graduate and a Radical Republican before the war, believed this. The split in the party on the Negro question, along with the Democrat's opposition to black suffrage, reduced the Union party's majority in the election of 1867 to 28,843 votes.

The Union party, however, remained in control of the state legislature. It was able to ensure that Ohio passed the Fourteenth Amendment and proposed an amendment to the state constitution that would eliminate the word *white* from the document, thus giving blacks the right to vote. It also nominated Rutherford B. Hayes for governor; the Democrats nominated Allen G. Thurman of Chillicothe.

The contest was bitterly fought. The Democrats campaigned on a platform of saving Ohio from "niggerism" and sponsored floats bearing young women with banners inscribed "Fathers, save us from Negro suffrage." The Republicans appealed to their political base by declaring that "Honest black men are preferable to white traitors."<sup>95</sup> The Republican state ticket narrowly won, but the amendment on black suffrage was defeated by nearly 50,000 votes. Benjamin Wade was defeated, too, after eighteen years in Congress. It was a bitter blow for him, and in retrospect, a portent of how blacks would fare in the coming years.

In the legislative session of 1867 – 1868, Ohio rescinded its ratification of the Fourteenth Amendment, although the move was later ruled unconstitutional. The

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<sup>94</sup>Eugene H. Roseboom and Francis P. Weisenburger, *A History of Ohio*, (Columbus: The Ohio Historical Society, 1973 ). p. 201.

<sup>95</sup>Ibid., p. 203.

following year the legislature stripped mulattos of the right to vote, rejected the Fifteenth amendment, and gave individual judges the power to challenge anyone who looked black if they were attempting to vote. By 1870, the legislature had changed its position and ratified the 15th amendment by a vote of 19 to 18 in the Senate and 57 to 55 in the House. That same year it also reinstated the right of blacks to sit on juries.

This mixed action again shows evidence of Ohio's inability to formulate a single strategy on dealing with its black residents. This ambivalence helped to create a climate in which lynching was first ignored, then became increasingly more tolerated, even encouraged.

### **The Social and Economic Status of Black Ohioans**

The Reconstruction period in Ohio was a time during which blacks sought to avail themselves of various civil and political guarantees in their quest for equality. During times of heavy black migration, race relations in Ohio suffered. Partly because black migration to Ohio had slowed in the years following the Civil War, race relations became less strained. Blacks responded to this improved atmosphere through their political and civil leaders by reaffirming their faith in America and urging black Ohioans to practice responsible citizenship. Moreover, these leaders asked not for social equality, but for fair treatment, thus allaying the fears of some white officials.

Unfortunately, the passage of the Fifteenth Amendment was the beginning of the end of the federal government's efforts to obtain equality for black Americans. As Reconstruction wound down, blacks were in a position of having to prove themselves worthy of participating in the social, economic and cultural life of the nation. In Ohio,

as elsewhere, this proved to be a difficult task. Whites still controlled the economic and social reins, and even though blacks had the vote, it was difficult to break the power structure and affect real change in longstanding customs.

As usual, mulattos fared somewhat better than blacks. This was in part based on class, for they tended to be more educated and culturally refined. And while a few liberal upper-class whites had little difficulty mixing with higher-class blacks, social intercourse was more often marked by a healthy dose of paternalism. It also tended to be restricted to contacts in which blacks served whites, such as in the catering or barber and beauty industries.

As in the antebellum years, race relations were more strained in the southern part of the state where the black population was fairly large and blacks and whites competed for jobs and other resources. For example, in Felicity, located on the Ohio/Kentucky border in southwestern Clermont County, kept black children out of the schools by force, beat parents, destroyed property and boycotted the schools. In Oxford, located in the southwestern county of Butler, whites kept black children out of the schools. In the town of New Richmond, also located in Clermont County, black parents whose children were kept out of the schools sued for damages and were awarded one cent. In the city of Xenia, in southwestern Montgomery county, black neighborhoods were gerrymandered out of the county. Clearly by the late nineteenth century, the color line was solidly in place.<sup>96</sup>

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<sup>96</sup>David A. Gerber, *Black Ohio and the Color Line*, p.

Economic opportunity for black Ohioans was also affected by the color line. As employees, they met with indifference, hostility, and a crushing lack of opportunity. For the most part, they were relegated to low skill, low pay jobs in domestic and personal service. In most cities blacks were a small part of the population and were in competition with European immigrants for the few low paid jobs available. Indeed by the 1890 census, there were 28,000 black employed males in Ohio, but three-fourths of them were unskilled workers.<sup>97</sup> On the whole, African-Americans tended to fare better economically in those cities where there were few immigrants or where immigrants were upgrading their skills, such as Columbus, Cleveland, and Dayton. Even when blacks managed to obtain jobs, they were rapidly displaced by technological changes in farming and dock work. Often used as strikebreakers, they were the first fired when hard times hit the transportation industry. Finally, they were all but left out of the unions and barred from most apprenticeships.

Some blacks did prosper economically by doing service work. The 1890 census showed that 28 percent of employed black men and 89 percent of black women who worked outside the home were engaged in domestic work. To a certain extent, service work was secure. Whites were used to the sight of black women and men engaged in service occupations, and except for immigrant women, were often reluctant to take this

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<sup>94</sup>United States Census Office, *Report on Population of the United States*, (Washington, D.C., 1897), pp. 596-97.

type of work. Black service workers were more dependable than immigrants, in part because it was one of the few types of work available to them.<sup>98</sup>

Economic conditions contributed greatly to the stratification found within the black community. Two-thirds of black Ohioans were on the lower end of the socioeconomic scale. They tended to be ex-slaves, the children of ex-slaves or descendants of poor rural blacks. Because black men were relegated to unskilled, menial labor, women and young children were forced to work in order for families to make ends meet. There was a day-to-day struggle for survival. Little opportunity translated into low expectations, even lower aspirations, and cyclical poverty. The American dream clearly had little meaning for poor blacks.

Even though every family member often worked, few blacks could afford decent housing. By both income and segregation, they were often forced to live in unsafe, unsanitary housing. In Columbus, the capital city, eighty-five percent of blacks lived in five of the city's eight wards.<sup>99</sup> The poorest blacks lived in a shanty town along the bottoms of the Scioto River southwest of downtown and in the area around Seventh and Main Streets southeast of downtown. Along East Long Street could be found tenements, boarding houses, saloons and chopped-up houses. In the 1890's these two areas were known as the Bad Lands where gambling, prostitution, and drug abuse were rampant.

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<sup>98</sup>Gerber, *Black Ohio and the Color Line*, p. 75.

<sup>99</sup>Ibid., p. 107.

Middle class blacks faced a struggle similar to that of their poorer relations. They too struggled, not for survival, but for "order, security and respect."<sup>100</sup> Even if they were employed, it was in low skill jobs, although they tended to have more job security, in part because they had slightly more education and better opportunities. Black middle class entrepreneurs fared somewhat better. They opened their own barbershops, diners, small stores, and independent cab companies. Because the black community generally could not patronize white places of business, these entrepreneurs usually had a solid customer base.

A big difference between middle class and poor blacks was that the middle class was committed to the values of hard work, thrift, saving, and delayed gratification. They had learned these values from emulating upper class blacks and from the whites in whose homes they often worked; they knew that holding these values led to greater economic security. Middle class blacks were also home and family oriented. They were especially cognizant of the value of education, but distrustful of education alone. Surely they saw how highly educated blacks continued to struggle for material goods and respect, which was an indication to them that an educated black was not necessarily better off than one who was not.

To safeguard their opportunities, families, and expectations, middle class blacks in Columbus began moving away from downtown to inexpensive homes on the far north or west sides of the city. If they remained on East Long Street, they moved much further east. This in-city migration was rapid; between 1890 and 1900, about 1,000 black

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<sup>100</sup>Ibid., p. 111.

Columbusites had moved out of the downtown areas. The white response was to try to keep blacks from encroaching on white neighborhoods, but because realtors and blacks engaged in block busting, this sometimes failed. Still, blacks were concentrated on East Long Street, and Ohio, Champion and Mt. Vernon Avenues. This same pattern was patterns were repeated throughout the state.<sup>101</sup>

The lifestyles of upper class blacks, who made up about five percent of the black population in the state, mirrored that of their white counterparts. Upper class blacks tended to be descendants of second and third generation Ohioans or free blacks. Those blacks who lived in the larger urban areas had much more opportunity for education, skilled work, and favorable living conditions. Ambitious and possessed of high expectations, they lived in better neighborhoods, took part in cultural and political activities, and sent their children to private or religious schools and colleges.

Yet the economic picture for black Ohioans remained quite bleak well into the twentieth century. Relegated to the lowest paying, lowest skilled types of work, most struggled to make ends meet. Because they were the last hired and the first fired, the economic conditions for the majority of blacks in Ohio showed little chance of improvement.

The ability to obtain an education was also imperiled due to the color line. For those blacks who were not residents of large urban areas, the schools that were available were widely scattered and not easy to access; their physical plants were totally inadequate. The curriculum was notoriously weak, there was a shortage of qualified

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<sup>101</sup>Ibid., p. 80.

teachers and the school year was much shorter than that for white children. As late as 1870 there were no black high schools available except in Cincinnati.

Black Ohioans fared no better in terms of higher education. They were excluded from the law and medical schools well into the nineteenth century; not until 1884 did a black man graduate from the Columbus College of Medicine. As the decade of the 1890's approached, some blacks began to receive educational aid and patronage from whites. As a result, by 1890 there were 14 black lawyers and 32 black physicians, or two percent of the black workforce. For the most part though, college educated blacks were concentrated in the fields of the ministry and teaching. Black clergy were almost exclusively trained at black seminaries and preached in black churches. Black teachers found work at a few black public schools in southern Ohio and the larger cities.<sup>102</sup>

As more blacks moved into the cities, this lack of educational opportunities became more apparent. There was increased socioeconomic stratification within the black community, and increased racial tension between blacks and whites. Blacks protested the lack of high schools in Urbana, Bellfontaine, Gallipolis, Circleville, Columbus, Xenia, Marietta, Lancaster, and Portsmouth. They pushed for integrated education that they thought would ensure adequate education for their children, racial equality, and social acceptance.<sup>103</sup>

In the midst of the battle for equal education, black Ohioans received some unsettling news. In 1883 the United States Supreme Court ruled the Civil Rights Act of

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<sup>102</sup>Ibid., p. 91.

<sup>103</sup>Ibid., p. 194.

1875 unconstitutional. In 1884 the Ohio anti-intermarriage law, passed in 1861 but rarely used, was reactivated when a black man from Toledo was sentenced to two months of hard labor at the workhouse for marrying a white woman. Both of these incidents served to remind blacks that their position in American society would always be at the mercy of those who had political power. Blacks were put in the position of having to create havens within their own communities to shield themselves from the brutality of racism, while at the same time develop the necessary leadership that would ensure that their rights would be safe from encroachment by hostile forces.

For some black Ohioans, religious and fraternal institutions helped to shield them from the indignities of racial prejudice and the divisiveness of stratification within their own communities. These institutions were the product of the black community, and for many blacks the only places in which they could exercise authority. The churches, lodges, and such were sustained by emotional needs that all blacks had regardless of their status on the socioeconomic ladder: confidence, self-determination, dignity and spirituality. Unfortunately, the institutions were also limited in their ability to help the masses. Their membership was often dominated by higher status blacks who sought to reinforce the values of middle class white America. In many of the organizations, there was often class-based conflict over issues such as dress, manners, and lifestyle. Because they relied on volunteerism, their efforts and resources were often fragmented.

After the black church, the fraternal orders--especially the Masons--were often the most successful in providing an emotional haven for blacks. With membership primarily made up of middle class blacks, the fraternal orders provided social and cultural opportunities not found elsewhere. Quasi-religious institutions, they were filled

with pomp and ceremony, and provided their members with various financial benefits such as health and life insurance. They were also autonomous agencies, and as such gave their members and opportunity to learn and practice leadership skills. For those who were especially ambitious, they sometimes provided an opportunity for their members to make contact with those in power; in this way members might see their power and influence expanded.

The decade of the 1890's saw America return to the doctrine of self-help, with its emphasis on self-reliance, self-sacrifice, and the Puritan values of thrift, piety, sobriety, and charity. Black leadership was also affected by the late nineteenth century emphasis on self-reliance as exemplified by the highly successful businessmen of the Gilded Age, such as John D. Rockefeller and Andrew Carnegie. The doctrine of the 1890's advanced the position that material improvement meant moral improvement, and both led to social advancement. With that advancement would come increased opportunity, security, comfort and social acceptance. Utilization of this tactic necessarily meant that group solidarity and collective action as was seen in the abolitionist movement had no place. Blacks and whites thought that the advancement of the black race would come by way of individual effort. Of course this was advancement that whites could accept; it would be painfully slow and would not force whites to grant expansive rights to the entire race. By using this tactic, black leaders virtually ensured that the advancement of blacks was dependent almost entirely upon the good will and tolerance of white people. And so most black leaders operated with an almost blind faith in the "ultimate justice of the

American socioeconomic order."<sup>104</sup> They were conservative, avoiding any type of direct action that might improve the lives of the masses of black people.

To ensure access to the socioeconomic promise of America, black leaders had to do two things: gain political patronage so as to have an opportunity at jobs, and protect the racial gains won by the Civil War and Reconstruction. To do this, they were forced to cease relying on the good will of whites and band together in solidarity with other blacks and whites who shared their goals and work within the political system. By doing this they were able to have the school segregation and interracial marriage laws repealed, pass civil rights legislation favorable to black Ohioans and expand political opportunity.

As black Ohioans flexed their political muscles, many whites reacted with shock and fear. Nationwide, there was a major decline in black/white relations in the late nineteenth century, and Ohio was no exception. The color line grew more rigid. Perilous economic times, high immigration, and the introduction of pseudoscientific theories that stressed the inferiority of blacks combined to create a backlash against blacks and their aspirations. Nowhere was this backlash more evident than in a series of lynchings that began in 1876.

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<sup>104</sup>Ibid., p. 103.

## CHAPTER 3

### EPISODIC LYNCHINGS

#### Introduction

Chapter Three begins the examination of a series of lynchings and near lynchings that occurred in Ohio from 1876 through 1916. There were, however, some problems with the study. Because there was great difficulty locating official documentation about many of the incidents presented herein, I was forced to rely primarily on newspaper accounts. It was sometimes difficult to ascertain the accuracy of those accounts. All but one of the newspapers used were owned and operated by whites; therefore, it is reasonable to assume that some accounts might be inflammatory, slanted, or even false.

Second, reporting in the newspapers was very bad. Many newspapers did not have a fixed publishing schedule. Some were published daily, some weekly or biweekly, and several were updated throughout the day before a final edition was published. This meant that articles were confusing, repetitive, and the facts often differed from one issue to the next. Moreover, identifying characteristics of principals involved in the incidents—that is, names, titles, relationships—often changed from story to story. This sometimes made it difficult to verify who was involved.

Third, crowd estimates seem unreliable. In several instances, crowd estimates exceeded the actual number of people who lived in the entire county where the incidents took place. This made it difficult to ascertain how people in the town felt about or reacted to the lynchings.

Fourth, newspapers were often damaged, making them difficult to read; sometimes issues were missing. Whether or not a particular paper is on file is often a matter of luck. The Ohio Historical Society, where I conducted my research, counts on newspapers and county or city historical organizations to provide it with a complete record of newspapers. Obviously this has not always been done.

Finally, seldom was a racial motive to the lynchings openly spelled out, unlike for those lynchings that occurred in southern states. Therefore, my conclusions in this regard were based on the information supplied in the articles, various theories discussed in Chapter One and secondary sources.

### **The Lynching of a Black Tramp Named Ulrey**

A black tramp named Ulrey arrived in the city of Urbana, located in Champaign County, on or around January 12, 1876. Ulrey allegedly persuaded a young white girl of ten to walk with him to the outside of the city limits. There the girl was "ravished"--a common nineteenth century term for sexual assault. She was so overwrought by the ordeal that she died within a year. Ulrey was captured in the city of Marysville, whereupon he was immediately returned to Urbana. He admitted to committing the offense during his preliminary hearing on January 16, 1876, was sent to jail to await trial. During the night a mob attacked the jail, but the sheriff repelled it. On the next night

another mob of nearly 50 men attacked the jail and this time was successful. Upon entering the jail, members of the mob held the sheriff and his deputies and managed to reach the prisoner. Ulrey was taken out into the yard of the courthouse, placed on a box and given two minutes to prepare for death. He was then hung to a tree in front of the courthouse. Even though the faces of all who participated were visible, no one was ever arrested for the crime. Ulrey's body lay unclaimed and was buried in nearby Oak Dale Cemetery. Several nights after the burial, some medical students were caught opening the grave in order to get the body. The students were driven off, and Ulrey was reinterred.<sup>105</sup>

Since Ulrey was described as a tramp--not even his full name was known--it must be assumed that he knew no one in Urbana. Clearly no one, white or black, stepped forward to defend him. Ulrey's victim was a white female child, and if he was indeed guilty, it is unlikely that even a black person in the town would have excused his action, although they might have protested against his lynching. Clearly Ulrey's lynching could be seen as an aberration rather than an act of race hatred.

In hindsight, Ulrey's lynching was a portent of things to come. By the time of his murder, much of the nation had tired of the fight for black equality, and Ohio was no exception. Racial violence had flared intermittently in the state both during the

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<sup>105</sup>Evan P. Middleton. *History of Champaign County, Ohio* (Indianapolis: B. F. Bower & Company, 1917), p. 1146.

antebellum years and after the Civil War.<sup>106</sup> The lynching of Ulrey would be the first of almost a dozen in Ohio through 1916.

■ Still, Ulrey's lynching could easily be written off as an exercise in street justice. After his body was reinterred, no more appears to have been written about the incident, and Urbana went back to its normal routine. In short, most people, white and black, accepted the lynching of Ulrey as episodic, an isolated incident provoked by a heinous crime. Nearly two years later, a second lynching occurred that could not so easily be dismissed.

### **The Execution of Edward Webb**

The murder in December of 1877 of William Finney, a prominent citizen of the village of Crestline, and the subsequent execution by the state of his alleged killer, Edward Webb, was a different story. Finney was brutally murdered in the village of Crestline, near Galion in Crawford County. Located in the central portion of the state, Galion was home to a very small population of blacks who had little contact with the white population, although some blacks did work on farms owned by whites or as day laborers in white homes. Because so little was known about Webb, it can be assumed that he was probably a casual laborer who picked up odd jobs whenever and wherever he could.

Arrested within a few days after Finney's murder, Webb asked for an attorney, and the court appointed J. W. Jenner and T. Y. McCary to act in his behalf; the

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<sup>106</sup>David A. Gerber, *Black Ohio and the Color Line*, p. 103.

prosecuting attorney was Mr. J. C. Burns. During the trial, which lasted about two weeks, the courtroom was filled to capacity with spectators--mostly women--nearly every day. The prosecution eventually called Minnie Finney, the 11-year-old daughter of the victim. She testified that she witnessed the murder, and the prosecution considered her testimony as "pretty conclusive evidence as to his committing the heinous crime."<sup>107</sup>

The local paper, the *Crestline Advocate*, however, was not quite as restrained. It repeatedly referred to Webb in the most derogatory terms, calling him a "black devil," "his niggership," and a "copper-colored potato trap," and described his impending execution as a "gallows polka."<sup>108</sup> Reporters at the paper speculated that based on the Christian doctrine of forgiveness, Webb might indeed spend eternity in heaven. Aghast at the prospect, the article stated, "This kind of business [the Almighty's forgiveness of Webb] either won't work, or else there's a 'screw loose somewhere.'<sup>109</sup>

Webb himself seemed oblivious to his fate—he appears to have been of no assistance to his lawyers during his trial--grinning as his sentence was announced. He also proved to be a popular subject for journalists; in the period between his sentencing and execution, so many reporters clamored to interview Webb that the sheriff was forced to develop a schedule of visitation hours.<sup>110</sup>

On May 30, black friends of Webb visited him to say goodbye. He informed them he would be in heaven by the next day, and that he hoped to meet some of them

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<sup>107</sup>*Crestline Advocate*, December 14, 1877.

<sup>108</sup>*Crestline Advocate*, February 15, 1878.

<sup>109</sup>*Ibid.*

<sup>110</sup>*Crestline Advocate*, March 18, 1878.

there. His evening meal, which consisted of various seasonal delicacies, dessert, and coffee, was apparently eaten with great enthusiasm. In fact, Webb had eaten so much that there was some concern about whether the rope being used would bear his weight. That night he slept well, and the next morning he smoked a cigar before eating a hearty breakfast. Occasionally he joked with the deputies.<sup>111</sup>

By 8:30 a.m. on May 31, a crowd estimated at 1,000 white men from the Crestline and neighboring villages had gathered around the jail. Because the authorities had received threats that Webb would be lynched, the scaffold on which Webb was to be hung was enclosed and guarded. Two hours later the crowd had more than doubled and were pressing against the guard line. The crowd allegedly swelled to an estimated 10,000—although this seems unlikely based on the small population in Galion county—and was so agitated that law enforcement officials guarding the enclosure were unable to fight off the mob, and the fence was finally broken down. Some within the enclosure were forced to flee inside of the jail to keep from being injured. Onlookers spilled onto the rooftops of surrounding buildings, some of which gave way from the weight.<sup>112</sup>

Because the mob was demanding that Sheriff Ritchie turn over the prisoner, he telegraphed Governor Bishop for his instructions. Bishop directed Ritchie to proceed with a public execution. This was announced and the excited crowd fell back. With his arms pinned behind him and a smile on his face, Webb was brought out of the jail and

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<sup>111</sup>*Crestline Advocate*, June 18, 1878.

<sup>112</sup>*Ibid.*

taken to the scaffold. After placing the noose around his neck, Webb was given an opportunity to say any last words; he declined. A minister read a passage of scripture, offered a short prayer and at 12:27 p.m. Webb was executed. After 20 minutes, Webb's body was cut down and taken back into the jail. There the attending physician pronounced he had died of a broken neck. Webb was buried at 3:00 p.m. that same afternoon.<sup>113</sup>

That Webb was represented by counsel and given a trial constitutes some evidence that de la Roche's theory that lynchings are not necessarily inevitable is correct. More than six months elapsed between his sentencing and his execution. Because the authorities had received threats indicating that Webb would be lynched, they arranged to have the area where Webb was to be executed guarded. Even after the mob managed to break into the jail, law enforcement officers were able to hold them off for a short time. Moreover, Sheriff Ritchie immediately telegraphed the governor's office for instructions. Only after he was given the order to proceed with a public execution was Webb led outside the jail. As such, Webb was treated in large part like any other murder suspect. He was arraigned, given counsel, tried, convicted and executed in a manner prescribed by the law. Moreover, local authorities were determined that Webb's execution would be handled by the state, hence the telegraph to the governor asking for assistance. Webb's case shows that when the state was determined to maintain order and the criminal justice system was allowed to work, a lynching probably would not occur.

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<sup>113</sup>Ibid.

Webb's near lynching also seemed to be another isolated incident. Although there was plenty of comment in the *Crestline Advocate* about his race, it seems more likely that the prominence of his victim, the brutality of the crime, and Webb's seeming lack of remorse—although in retrospect his words and actions are more indicative of mental illness or a mild form of retardation--fanned the flames of mob violence as much, if not more than, his race.

#### **“The Fiend Who Murdered Poor Alice O'Donnell”**

Almost a year elapsed before another black Ohioan found himself the victim of a lynch mob. On Wednesday, September 4, 1878, Alice O'Donnell, a white servant girl employed by the A. K. West family in Sandusky, Ohio, was reported missing. She had been fixing dinner for the West family when at about 5:00 p.m. she stepped out on the porch; thereafter, no one had seen or heard from her. O'Donnell was not dressed for an outing; she was wearing thin clothes, no wrap, and nothing on her head. Mrs. West returned home from the house of a friend, and found the kitchen looking as though dinner preparations were being made. At about 6:00 p.m. it began raining, and since O'Donnell had not returned, it was supposed she had been caught unprepared for the storm, sought shelter somewhere, and would return when the storm ended. She did not return that night, and by late the next morning Mrs. West had become very concerned. After inquiring without success at the homes of O'Donnell's sisters, the disappearance was reported to the police. The coroner and law enforcement officials searched the West residence thoroughly until 10:30 p.m., finding nothing that would explain the

disappearance. By that time it was assumed that she had been murdered and perhaps her body disposed of elsewhere.<sup>114</sup>

Suspicion immediately fell upon William Taylor, a black man who was employed by the Wests to take care of the horses and do other chores. Taylor's stable was searched and a club, allegedly stained with blood, was found in the hay. Blood spots were also found on the stable door and the stairway behind the hayloft, but it could not be immediately determined if it was human blood. Taylor was arrested that evening and charged with murder.<sup>115</sup>

It was later found that O'Donnell was murdered sometime between 5:00 p.m. and 5:30 p.m. on Monday, September 2. Having made a partial search of the West's property, the authorities were disposed to believe that evidence pointed to Taylor. The search for O'Donnell was abandoned after this conclusion was reached. Taylor asked to speak with Mrs. West on Wednesday morning, and it was thought that he would confess; he did not. Mrs. West, however, told the authorities she believed that there had been foul play and that Taylor was responsible. After Mrs. West left, Taylor relented and asked to talk with the authorities. He vehemently denied, however, having anything to do with the disappearance of O'Donnell and willingly cooperated with the authorities. Speaking to a reporter, he said he saw O'Donnell at about 5:30 p.m. on the evening of the disappearance talking to "a rather fine looking man" on the front porch of the West house. Taylor then went to the back of the house and did not know until about an hour

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<sup>114</sup> *Sandusky Weekly Journal*. September 5, 1878.

<sup>115</sup> *Ibid.*

later that O'Donnell was missing. When he reported to Mrs. West that he was hungry, she remarked that she had forgotten to call him for supper and asked him in to eat. After eating, he remained on the property as was his usual custom. It was he who visited O'Donnell's sisters the next day to inquire if they had seen her. He continued to search for her for most of the rest of the day.

On Wednesday morning, Marshal Berrigan managed to get a partial confession from Taylor, although he denied murdering the woman. Instead he admitted finding her dead body at the stable in the rear of the West residence. Frightened, he hid the body and later that evening loaded it on a wagon and drove out to the village of Venice. About a mile and one-half west of the village limits, he threw the corpse over a fence in the woods, dragged it about fifteen feet, and covered it with the hay he brought with him for that purpose.<sup>116</sup>

Taylor was shackled and taken to the place by Marshal Kelly, Officer Kelly and Mayor Wilson; they discovered the body exactly as Taylor described. O'Donnell was partially nude; the condition of her clothes led the authorities to believe they had apparently been torn off during a struggle. Her head and neck were covered with blood, her throat having been cut and her skull bashed in. O'Donnell's body was brought back to the city and given over to the undertaker; a postmortem later found that she had been sexually assaulted. Taylor was brought back to town, also.<sup>117</sup>

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<sup>116</sup>Ibid.

<sup>117</sup>Ibid.

As soon as word leaked out that O'Donnell had been found dead, a large crowd of men began gathering in front of the undertaker's office; it was extremely angry and threatening. The crowd moved down the street to the county jail, determined to release the prisoner from the custody of the authorities and act as judge, jury, and executioners. Upon reaching the jail, they demanded that Taylor be given up to them, but the sheriff on duty, M. L. Starr, had spirited Taylor out the back door and into a wagon for a trip to Norwalk, not far from Sandusky. Before leaving the jail, Starr had made arrangements to have a fleet team and carriage meet him at the Infirmary in order to lose the crowd should they follow him. After reaching the Infirmary, Taylor was placed in a cell while they awaited the arrival of the fleet team. However, two men from the mob, William Higgins and Daniel Donovan, had overtaken the team. They advised Sheriff Starr that they had been engaged by the mob to bring Taylor back to the city. They then threatened the sheriff, who refused to release the prisoner. Higgins and Donovan agreed to allow the sheriff to return Taylor to the Sandusky jail.<sup>118</sup>

When the party reached Columbus Street, the mob, which by that time had allegedly grown to about one thousand men, demanded that Taylor be turned over to them. Higgins told the mob of his promise to Sheriff Starr and asked the crowd to move back so the wagon could pass through. This seemed to calm the mob, but in order to ensure that Taylor would not escape, two men took the horse by its bit and led the wagon into town.<sup>119</sup>

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<sup>118</sup>Ibid.

<sup>119</sup>Ibid.

The infuriated mob, however, attacked the wagon before it got to the jail, overturning it and getting to Taylor. Members of the mob grabbed him and began beating and kicking him. Taylor was dragged down Columbus Street to Washington Park and into a pagoda. A mob estimated at several thousand was in the park, screaming in frenzy. Someone fired a gun into the air; no one was hit and the culprit was never identified.<sup>120</sup>

While a man in the crowd went after a rope, Taylor turned to Officer Nolan and again proclaimed his innocence; he said that a black man named John Scott killed O'Donnell. The rope arrived, a noose was made and it was placed around Taylor's neck. Members of the mob, holding the other end of the rope, dragged Taylor through the park and back down Columbus Street. After reaching Market Street, the brother of O'Donnell placed the rope over a lamp post in front of Lewin's jewelers and Taylor was strung up. The rope broke and Taylor fell to the ground. The frenzied mob demanded that he be hung again, even though it appeared that he was dead. A man named Frank Graul took the rope and climbing on the shoulders of the crowd, strung Taylor up again. His body hung there for about fifteen minutes before it was cut down by Marshal Berrigan and taken to the same undertaker who conducted the post mortem on O'Donnell.<sup>121</sup>

There was some concern that John Scott was in danger of being lynched, the mob was so out of control. But since no one except Taylor appeared to know who he was, there seemed to be no urgency about locating him. However, the next morning Scott

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<sup>120</sup>Ibid.

<sup>121</sup>Ibid.

turned himself into the authorities, where he demanded to be examined. Because they could not find any evidence linking him to O'Donnell, he was discharged.<sup>122</sup>

Reaction to the lynching was swift. The *Sandusky Journal* editorialized that Sandusky had disgraced itself, especially as the lynching of Taylor had occurred "under the shadow of our Temple of Justice . . ." <sup>123</sup> While the editorial decried O'Donnell's murder and made it plain that murderers deserved the death penalty, they pointed out that this was a penalty that was to be meted out by the state within the confines of due process for the accused.

The editorial, however, assumed that Taylor was guilty, calling him "the fiend who murdered poor Alice O'Donnell."<sup>124</sup> It expressed understanding of the crowd's anger, given the brutality of O'Donnell's murder, but refused to believe that Taylor was lynched because he was black and his victim was white.

We will not even insinuate, as we have heard it boldly proclaimed on the streets, that race or color had any influence in the matter of lynching the murderer Taylor. Were this the case, the dreadful spectacle of last Wednesday night would indeed assume a tenfold more revolting aspect in our eyes. . . It certainly must have been the atrocity of the crime, and nothing else, that actuated them. Had the circumstances been reversed, and had an Irishman outraged and murdered a poor innocent colored girl and been guilty of precisely the same crime that Taylor was guilty of, it cannot be otherwise than that the same men who wrested Taylor from the hands of the Sheriff, dragged him through the streets, stuck knives into him, kicked him and stoned him, put a rope around his neck and

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<sup>122</sup>Ibid.

<sup>123</sup>*Sandusky Weekly Journal*, September 12, 1878.

<sup>124</sup>Ibid.

dragged him over the stony street and then hung him to a lamp post, would have done precisely the same thing to the criminal we have supposed.<sup>125</sup>

Yet, even though the editors said Taylor got what he deserved, it condemned in no uncertain words the actions of the mob.

There appears to be some truth to the assertion by the *Journal* that Taylor's lynching was not racially motivated. Unlike in the aftermath of Edward Webb's execution, there were no newspaper headlines screaming racial epithets. Taylor was described as "a negro employed by Mr. West. . ." <sup>126</sup>; very little was made of his race or the fact that his alleged victim was white.

Other editorials--unsigned--appeared in the September 12 issue of the *Journal*. One of them compared the lynching in Sandusky with similar circumstances in the states of the Old Confederacy, arguing that had such a thing occurred in the South, public reaction would be much worse. Another editorial based on an article written by an unnamed reporter also printed in the *Cleveland Leader* noted that the mob consisted of Democrats, that all but two men in the crowd were Irish, and all but two were Catholics. This same editorial alleged that the Irish-Catholic Hibernian Society promised to furnish funds to any mob leaders who might be arrested. Finally, it compared the mob to the same low class of people who hung blacks from lamp posts during the New York

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<sup>125</sup>Ibid.

<sup>126</sup>Ibid.

riots—an apparent reference to a similar incident that had taken place in New York City around the time Taylor was lynched.<sup>127</sup>

In response to the editorial that identified members of the mob as Catholics, Irishmen and Democrats, an unnamed correspondent asked why someone who could get close enough to the mob to identify their politics, religion, and ethnicity did not approach the coroner with this information so that the appropriate criminal charges could be brought against the mob members. Failure to do so was aiding and abetting the mob members, and made the reporter as guilty as those in the lynch mob. It was further denied that Catholics would approve of such an outrage; indeed it was claimed that the priest of the local Catholic church had appealed for calm. The charge against Catholics was evidence of bigotry against them.<sup>128</sup>

Citizens from other cities quickly weighed in on the events in Sandusky. The *Pittsburgh Dispatch* noted that Taylor had repeatedly professed his innocence, and that the law should have been permitted to take its course. It strongly condemned the lynching, and noted that it had happened not in a western mining town that was without the accouterments of justice, but in an enlightened northern state. Because of this, Ohio had lost its moral authority when it editorialized against vigilante justice. This is another clue that Taylor's lynching was not necessarily seen through a racial prism.

Taylor's lynching appears to be the first lynching of a black man to attract attention from outside the state of Ohio. This is an indication that Ohio was beginning to

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<sup>127</sup>Ibid.

<sup>128</sup>Ibid.

develop a reputation as a state where citizens engaged in acts of vigilantism. It was also being noted that while newspapers and public officials in Ohio had criticized southerners for lynching blacks, it was engaging in the same behavior.

There was anger, too, at the second-guessing that occurred in the wake of the lynching. The *Journal* agreed that had Taylor not been turned over to the mob he would not have been lynched, and that in retrospect it would have been better if Taylor had been taken further away to Toledo or Fremont. But it saw no reason for censuring Sheriff Starr.

For Starr, the political fallout was immediate. The Republican County Central Committee moved to take his name off the ballot as sheriff of Erie County. The Committee was certain that by giving up Taylor to the mob, Starr had shown himself to be a very weak sheriff, which in turn showed him to be a weak candidate. It was thought to be impossible to elect him, and he was removed from the ballot.<sup>129</sup>

An inquest was held to ascertain if any charges would be brought in the lynching of Taylor. After examining almost twenty witnesses, all of whom claimed to have no memory of the events, the coroner ruled that Taylor had died between 7:00 p.m. and 8:00 p.m. of strangulation, none of the other injuries on his body deemed sufficient to cause his death. In spite of the fact that the faces of the men in the crowd were visible—at least one of them had been named in the paper as the man who furnished the rope—no one was ever charged with Taylor's murder.<sup>130</sup>

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<sup>129</sup>*Sandusky Journal*, September 19, 1878.

<sup>130</sup>*Ibid.*

The *Sandusky Journal* had the last word. In its September 19, 1878 issue it reminded its readers that the crimes of rape and murder were on the increase. Men of all stripes were urged to do whatever it took to ensure the safety of their wives, mothers, daughters, and sisters. It described murder as "a mild crime when compared with rape," and urged that rapists be "so mutilated as to be incapable of committing the same crime should he ever be at liberty, and branded in the face so all may know him." Finally, it excused the members of the mob for being crazed by the nature of the crime against O'Donnell, and urged that the incident be used to educate those disposed to mob violence as to how they might contain their "bad passions."<sup>131</sup>

Taylor's lynching may not have happened if his employer had not been so suspicious of his involvement in the disappearance of the O'Donnell woman. The fact that she suspected Taylor on the basis of a short conversation with him, and reported her suspicions about Taylor to the authorities, is evidence of a low degree of functional interdependence between Taylor and the Wests. Taylor and O'Donnell were employees of the Wests. O'Donnell was an Irish woman, and as she was employed in the home of the Wests, was probably of a relatively low socioeconomic class. She was, however, white and Taylor was not; this would make the two of unequal status as defined by de la Roche. Moreover, there was likely a great deal of cultural distance *between* whites and blacks, given the fact that there was cultural distance *among* whites. Yet even though Taylor's lynching fits well into the parameters set by de la Roche, it cannot be said with

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<sup>131</sup>Ibid.

certainty that it was racially motivated. Residents of Sandusky seemed more angry about the sexual assault than that Taylor, a black man, had killed a white woman.

### **“I Know I’m Going to Die; I Have No Friends”**

Although there were sporadic incidents of violence between white and black Ohioans, the next lynching of a black man by whites to be documented did not occur until 1882 in Galion, located in Crawford County. Barbara Rettig, aged 13, lived about two miles south of Galion. On April 18, she was sent to a neighbor's home some distance away to get some oats for sowing. On her way back, a Negro man who told her not to make any sound, gagged her, tied her wrists, dragged her through a field and over a fence, and raped her.

The perpetrator was identified as Frank Fisher, a woodchopper and former stable worker, who fled after the incident. A massive search took place, extending to as far south as Columbus; it included searching establishments known to be frequented by black Columbusites. Fisher was apprehended the next day, April 19, at Fredericktown, a city primarily settled by German immigrants and located not far from Galion. While initially he denied his identity, he was recognized, arrested and placed in the City Hall Prison. An examination of the "wretch's underclothing gave conclusive evidence of his guilt."<sup>132</sup>

Because outraged citizens had threatened to lynch Fisher, arrangements were made to have him transferred to a jail in a neighboring county. However, around 3:00

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<sup>132</sup>The *Ohio State Journal*, May 1, 1882.

p.m. that afternoon, a group of unmasked men arrived at the jail demanding to see the prisoner. The mayor and others advised the men to allow the law to take its course, but the mob overpowered them. Forcing open the doors, they broke open the cage and dragged Fisher out into the street.<sup>133</sup>

Simultaneously a group of men, including a town physician, had gone to the home of the victim to see if she was well enough to identify her assailant. She said she could; she had often seen him chopping wood in the area. Upon hearing of this, the crowd took Fisher to Rettig's home, where she quickly identified him as the man who had assaulted her. A noose was then placed around Fisher's neck and he was dragged to a tree at the back of the Rettig lot, all the time being kicked and beaten by the crowd until he was nearly senseless. Someone in the crowd suggested he be taken to the scene of the crime to be lynched, and it was done. He continued to protest his innocence, even though his clothes allegedly contained physical evidence of the crime and Rettig had publicly identified him. Fisher prayed, "O Lord, take care of me! I know I'm going to die. I have no friends."<sup>134</sup> The rest of his prayer could not be heard above the shouting of the crowd, now alleged at about 2,000 strong. His hands were bound behind his back, a handkerchief was placed over his face, and he was strung up at 4:10 p.m. His body remained hanging until the next morning, April 20, when it was cut down by Galion

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<sup>133</sup>Ibid.

<sup>134</sup>Ibid.

police officers and taken to the City Hall Prison. Hundreds of townspeople came to gaze on Fisher's corpse. The county trustees buried him that afternoon.<sup>135</sup>

Ohio newspapers commented on the lynching for weeks, but seemed primarily interested in the lack of sufficient laws to punish alleged rapists. S. S. Bloom of the *Shelby News*, said:

While it is true that such lawless proceedings are becoming far too common in Ohio for the good reputation of the State, public opinion seems almost universally to endorse such acts of summary punishment. This simply proves that legislative action must be invoked to prevent the recurrence of them, and this must be in harmony with the public sentiment or else it will be of no avail to remedy the evil. If even an extra session of the Legislature be necessary, better that it should be at once called, and the demand of public sentiment crystalized into law, than that the authority of law should be constantly set aside and deeds done without law, that are beginning to spring up on every occasion.<sup>136</sup>

Fisher's lynching also attracted newspaper editorials as far away as Pittsburgh. The *Telegraph* of that city wrote that the crime with which Fisher had been charged so angered the public that his lynching should have been expected. Likewise, the editorial charged that many states had failed to pass legislation that would adequately punish rapists. The editorial urged the state legislatures to "provide such law as the sentiment of the people will endorse as adequate for social protection. Otherwise, vengeance must be

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<sup>135</sup>Ibid.

<sup>136</sup>*Shelby Advocate*, May 19, 1882.

expected constantly to flow in its unlawful channels for the punishment of such offenders."<sup>137</sup>

The lynching of Fisher fits into de la Roche's theory in several ways. First, his victim was a child and white. The relationship between Fisher and his alleged victim was unequal in terms of age, race, and social status. Second, Fisher himself admitted having no friends; there was clearly no white person who could or would vouch for his character or possible innocence, and so he was killed.

Although the four lynchings described above were certainly alarming, the amount of time between them and their circumstances—two of the alleged criminals were accused of sexual assault and two of exceptionally brutal murders—could again be dismissed as aberrations of the criminal justice system. Indeed, it would be five years before another lynching of a black man was recorded in Ohio.

### **Black Vigilante Justice**

On or about Saturday, June 11, 1887, Mrs. Martha Thomas, a widow and an African-American, was allegedly attacked by Peter Betters, a black man, while she was alone in her house with her two small grandchildren. Thomas lived in the village of Jamestown, located in Greene County. She was 65, well known and well liked in her community, and had given a home to Betters in exchange for help with her property. Betters, on the other hand, had a very bad reputation in the town. He had served two terms in prison for sexual assault and horse stealing, and was known to have broken into

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<sup>137</sup>The *Ohio State Journal*, May 2, 1882.

the homes and barns of several other villagers from whom he stole pigs and chickens. Indeed, many in the town were afraid of him. The day of the attack, Betters was drunk, and he allegedly told a friend he intended to attack a woman that night. Even though her house was locked and barred, he gained entrance by digging the earth away from the side of the building and raising a loose board by the hearth. Betters knocked Thomas down and attempted to rape her. Thomas was able to fend off a sexual assault, but was badly beaten with a club and glass lamp; her arm and several of her ribs were broken, her skull was cracked and Betters stamped on her left breast. Thinking her dead, Betters left the house, but later returned, supposedly to kill Thomas's grandchildren and dispose of the bodies. In the interim the children and Thomas had fled the house and sought help. Betters was found at 8:00 a.m. that Sunday morning, June 12.<sup>138</sup>

On Monday, the village was abuzz with word of the attack, and all the villagers were on guard for anything untoward; as nothing occurred, most of the citizens went home around midnight. Within a half hour, a mob, "composed seemingly of all colored men,"<sup>139</sup> marched from the eastern part of Jamestown to the business section, posting guards at street corners as they approached the jail. People making their appearance on the street were ordered back into their homes, and people driving into the town were turned back. The men marched to the station house and broke down the doors with crowbars. Betters was dragged out, kicking and screaming for his life, gagged and had his arms pinned behind his back. A noose was placed around his neck and he was

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<sup>138</sup>*Xenia Democrat News*. June 18, 1887.

<sup>139</sup>*Ibid.*

dragged about a quarter mile down the street and hanged. The crowd instantly disbanded, the guards left their posts, and Betters was left hanging until about 9:00 a.m. Tuesday morning. The mob was disciplined and efficient. In fact a witness stated that the “man who led the mob and carried the rope was quite a general in his way, and few men could have managed a hanging bee so well or so quietly.”<sup>140</sup>

An inquest was held that afternoon after the body was cut down; it was well attended. Even though witnesses were called, no one seemed to know anything about the lynching. It was clear, too, that no one seemed sorry to see Betters dead.<sup>141</sup>

The crime was denounced by several news papers. The *Cleveland Leader* sympathized with those who were angry about the attack on Thomas, but condemned the lynching. It noted that Ohio was beginning to acquire a reputation as a state where lynching was becoming a common occurrence.<sup>142</sup>

The *Cleveland Gazette*, a black-owned newspaper, noted that a lynching had again disgraced Ohio. It failed to mention, however, that the mob was made up entirely of black men.<sup>143</sup> And unlike in later lynchings, the *Gazette* failed to follow up on the murder in subsequent columns. Clearly the editors were shocked by the fact that Betters had been lynched by a mob of other black men. Given the racism faced by black Ohioans, it may be that the *Gazette* felt it was better not to dwell on the lynching since it

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<sup>140</sup>Ibid.

<sup>141</sup>Ibid.

<sup>142</sup>Ibid.

<sup>143</sup> *Cleveland Gazette*, June 25, 1887.

would only bring negative attention to the black community if black leaders were forced into the position of defending the lynching of a black man by a mob of black men. A protracted investigation into Better's lynching could only serve to provide whites with the opportunity to note that black men were natural criminals—debauchers of women and murderers.

The lynching of Better is quite unusual because he was a black man lynched by a black mob. de la Roche's theory, however, works here also. First, Better's victim was apparently economically well off, especially for an older black woman; she lived in her own home and hired Better's to work for her. Second, the relationship between Better and Thomas was that of boss and employee. Thomas was well known and popular within her community; Better, a former convict, was feared and despised by virtually the entire village. All three of these elements fit the definition of vertical direction.

Moreover, Better's lynching could not be viewed through the usual prism of race since he was a black man lynched by another black man. His lynching, the fifth of a black man so far recorded, can only be described as an act of street justice.

### **“Horrible But True”**

William Offet barely escaped being the victim of street justice. Some time during the week of January 4, 1892, Offet, a black man, was released from the Ohio penitentiary having served nearly four years for the rape of a white woman. The story is as follows.

The Reverend J. S. Underwood lived with his wife and three children in Elyria, Ohio. During the autumn of 1888, Underwood, who was active in politics, spent some time in West Virginia campaigning for prohibition candidates. He and his wife

corresponded regularly during his absence; her letters were as affectionate as his, and he had no idea anything was wrong.<sup>144</sup>

When he returned home, his wife met him with an incredible story. Mrs. Underwood told her husband that a black man had criminally assaulted her. She said she heard a knock at the kitchen door, and upon opening it, a stranger stepped into the room and made an indecent proposal of her. She ordered him out, but instead he grabbed her. Seizing a poker, Mrs. Underwood tried to fight the man off, but he grabbed her and placed a chloroformed cloth to her nose. She passed out, and when she awoke, her clothes were torn and her body was in a “horrible condition.” The man was gone. Mrs. Underwood claimed not to know the man, but said she could recognize him.<sup>145</sup>

Reverend Underwood was nearly insane with anger, vowing to kill the man if they ever met. Indeed, he frequently took his wife on walks hoping that they would see the man. During one of these walks, Mrs. Underwood did recognize her alleged assailant. When she pointed him out, Reverend Underwood pulled a revolver and threatened to kill the man right there. Mrs. Underwood and some unidentified bystanders overpowered him. Offet did not appear to recognize that he was in such imminent danger.<sup>146</sup>

Offet, a married man, was arrested, charged with rape and jailed. During questioning, he strenuously denied the charges, but did admit going to the Underwoods’

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<sup>144</sup>*Cleveland Gazette*, January 16, 1892.

<sup>145</sup>*Ibid.*

<sup>146</sup>*Ibid.*

home at the invitation of Mrs. Underwood. He also admitted to having sexual relations with Mrs. Underwood, but insisted it was at her invitation. When the case reached the grand jury, Mrs. Underwood begged her husband to stop the proceedings, but he would not. He asked if she was afraid of anything; she answered no. When called to testify, she told the grand jury the same story she had told her husband.<sup>147</sup>

Offet was indicted, and a speedily conducted trial was held. Found guilty, he was sentenced to fifteen years in the Ohio Penitentiary, where he arrived on December 14, 1882.<sup>148</sup>

Mrs. Underwood physically and emotionally wilted after Offet was imprisoned. Finally she told her husband she had a confession to make. He was shocked to learn that Offet was innocent. Mrs. Underwood told her husband that she and Offet met at the post office. As it was raining, he offered to carry her packages home for her, and she agreed. She admitted being strangely taken with Offet. She later invited him to visit her, and he did so, bringing treats for her children. They were sent out of the room, and she sat on Offet's lap. Offet proposed that they have sexual intercourse, and she "readily agreed." He visited her several times after that, and each time they engaged in sexual intercourse. Mrs. Underwood said, "I did not care after the first time. In fact I could not have resisted and had no desire to resist."<sup>149</sup>

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<sup>147</sup>Ibid.

<sup>148</sup>Ibid.

<sup>149</sup>Ibid.

When Underwood asked her why she had lied, she gave him three reasons. First, she was afraid that the neighbors might have seen Offet when he visited. Second, she was worried that she had contracted some horrible disease. Finally, she feared she might have become pregnant and would give birth to a “Negro baby.” Anxious to save her reputation, she made up the story of the rape.<sup>150</sup>

Underwood contacted a lawyer, who advised him to move out of Ohio before divorcing his wife to ensure that there would be no scandal. The Underwoods moved to Pennsylvania, and Reverend Underwood obtained his divorce. He also began working on Offet’s release. Mrs. Underwood signed an affidavit admitting that she had lied and that Offet was innocent.<sup>151</sup>

Nothing was heard from the Underwoods after this, but Offet was released. Two unidentified members of the Ohio legislature worked to have Offet pardoned by the governor and his citizenship restored.<sup>152</sup>

The trial, conviction, and incarceration of Offet are an example of Walter White’s description of the way American society reacted to white women who were allegedly sexually assaulted by black men. Most whites were so racist that they could not fathom that a white woman would seduce a black man and enjoy it. Offet was sent to prison solely on the basis of Mrs. Underwood’s story, even though he vehemently protested his innocence. Although Offet owed his life to Mrs. Underwood—after all, Reverend

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<sup>150</sup>Ibid.

<sup>151</sup>Ibid.

<sup>152</sup>Ibid.

Underwood had been set to murder him in cold blood on a public street—no one believed Offet when he said Mrs. Underwood had initiated their sexual liaisons.

Moreover, the Underwoods dared not tell the truth until they were safely ensconced in another state. They were more concerned about their reputations and the scandal Mrs. Underwood's confession would create than that Offet, an innocent man, was languishing in prison.

### **The Lynching of Henry Corbin**

As it was between the lynchings of Fisher and Betters, several years elapsed before another lynching of a black man was recorded. On Wednesday, January 12, 1892 the village of Oxford, Ohio, located in southwestern Butler County, was dismayed to hear of the brutal murder of one of its leading citizens. Mrs. Georgina Horner and her daughter, Lizzie, lived near the campus of Miami University about a quarter mile from the center of town. She had previously hired Henry Corbin, described as a "no count nigger," to work about her place.<sup>153</sup> Corbin allegedly attacked Georgina Horner and tried to sexually assault her. Mrs. Horner struggled mightily to retain her virtue, and this so angered Corbin that he struck her three times on the side of the head, fracturing her skull. He also struck her in the face, disfiguring her. Lizzie Horner, hearing the commotion, rushed downstairs, and Corbin attacked her, also. In the struggle, Corbin struck her and tore off most of her clothes. Still, she managed to escape and ran outside, where she fainted in the snow. After regaining consciousness, she ran to a neighbor's for help.

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<sup>153</sup>*Oxford Daily Democrat*, January 13, 1892.

So outraged were the citizens of Oxford about Horner's murder that they called a special session of city council. During that session, a \$700 reward, funded by city council, county commissioners and a private citizen, was offered for the capture of Corbin.<sup>154</sup> It would appear that Georgina Horner's standing in the community was the reason for the reward; offering it was reminiscent of the bounties offered for criminals during the settlement of the West.

Why Corbin attacked her was a mystery. He was apparently well liked by his employer; Horner bought him presents at Christmas and worried about his associates. Upon investigation, though, it appeared that Corbin had not intended to rape Horner; his motive was robbery. Jewelry, a gun, and \$25 were missing from the Horner house. The marshal and a posse from Oxford later captured Corbin; he was found hiding in a shed on a farm about a mile from Oxford.<sup>155</sup>

As the posse advanced upon the shed, Corbin placed a 32-caliber pistol to his right temple and pulled the trigger. The crowd assumed that Corbin was firing at them, and it was some minutes before the marshal ventured into the barn. The bullet went through his brain, and the posse found him, lying in the snow in a pool of blood. The men tore boards from the hut and placed Corbin on them for the walk back to Oxford. While returning to town, the men discovered that Corbin was not dead, only wounded. When they reached Oxford, there were immediate cries for Corbin to be lynched, and a

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<sup>154</sup>Ibid.

<sup>155</sup> Ibid

rope was placed around his neck. Someone in the crowd objected, and the rope was cut and Corbin was taken to the jail.<sup>156</sup>

While doctors attended Corbin, a mob forced the jail doors open. Jailers dragged Corbin into a cell and locked the door. The marshal was soon overpowered, however, and the cell was opened. A rope was placed around Corbin's neck and he was dragged into the public park in the town square and hung. The crowd then amused itself by firing bullets into his body. About an hour or so later, the body was cut down and taken to the office of a local attorney, as Corbin's relatives refused to claim it.<sup>157</sup>

An inquest was held later that day, and it was decided that Corbin died as the result of a self-inflicted gunshot wound<sup>158</sup>. Unlike in the previous lynchings, there was no outcry in the newspapers about the Corbin affair.

The black-owned *Cleveland Gazette*, however, did comment. It described Corbin as a "half-demented Afro-American" and alleged that on another occasion Georgina Horner had accused another black man of sexual assault, clearly implying that her accusation against Corbin was a lie. The *Gazette* also noted that "There seems to be much that has not come to light," although it did not offer any explanation of that statement.<sup>159</sup>

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<sup>156</sup>*Oxford Daily Democrat*, January 15, 1892.

<sup>157</sup>*Ibid.*

<sup>158</sup>*Oxford Daily Democrat*, January 15, 1892; *Columbus Dispatch*, January 15, 1892.

<sup>159</sup>*Cleveland Gazette*. January 30, 1892.

The Corbin lynching contains two of de la Roche's criteria. Vertical direction is seen because Corbin and Horner were of unequal status, specifically that of boss and employee, black and white. There is some evidence of cultural distance in that Horner was worried about the kinds of people with whom Corbin associated. Because of this, it can be safely assumed that the types of recreational and cultural activities in which the two engaged were vastly different.

Corbin's lynching is the first one discussed thus far that appears to have been at least partially motivated by race. The *Daily Democrat* repeatedly referred to Corbin's race, calling him a "black wretch," and the "negro murderer." Even though Corbin was all but dead when he was returned to Oxford by the posse, he was lynched, and then his corpse was mutilated. Pieces of the rope used to hang him and buttons from his clothes were taken by various townspeople as mementoes.<sup>160</sup>

### **An April Fools' Day Joke**

Several months later, it appeared that Ohio had its sixth lynching of a black man by a white mob. An article appeared in the April 7, 1892, edition of the weekly *Holmes County Republican*. It stated that the Millersburg correspondent assigned to the *Ohio State Journal* filed a special dispatch to that paper of the lynching of "the only Negro in Holmes County." The story was published with an extra large heading and gave a detailed account of a lynching and a full description of the alleged victim. It

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<sup>160</sup>*Oxford Daily Democrat*. January 13 and 15, 1892.

reported that the body was left hanging on the tree in the square and that local physicians refused to hold the usual post mortem because of the condition of the body. The story was picked up by the Associated Press and presumably had a wide distribution; the incident was picked up by at least one paper in Michigan.<sup>161</sup>

The actual story was as follows. The alleged body was that of a cast iron Negro used as a sign and hitching post at an establishment called T. A. Lowther. It was supposed that several of the young men in the town were drunk and carried the statue to the town square, hanging it up as an April Fool's joke.<sup>162</sup>

The *Cleveland Gazette*, in replying to the *Detroit Plaindealer* criticism of Ohio's inability to stop lynchings, hotly denied that there was a lynching of a black man. Indeed, the editor of the *Gazette* seemed quite annoyed about what it considered to be an attack on the state of Ohio by the *Plaindealer*. There was around the same time a white man lynched in the Findlay, Ohio, area; the *Gazette* assured its readers that there was "great provocation" for *that* lynching. It also insisted that Ohio was a law-abiding state that would match its record--presumably in the area of race relations--against any state.<sup>163</sup>

That whites in the town thought that lynching was an appropriate subject for an April Fool's joke is evidence that it was not thought of as a serious crime, particularly when the victim was black. Indeed, there is no indication that the culprits of the practical joke were identified. Moreover, since the alleged victim was described as the only black

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<sup>161</sup>*Holmes County Republican*, April 7, 1892.

<sup>162</sup>*Ibid.*

<sup>163</sup>*Cleveland Gazette*, April 16, 1892.

man in Holmes County, the perpetrators of this tasteless joke were virtually assured that they could get away with such a crime if the victim had been real. This would be evidence of the lack of relational distance and functional interdependence as defined by de la Roche. The entire "April Fool's joke" showed just how cheap the lives of blacks were in Holmes County. Indeed, a black person could be lynched with impunity; as was noted by Ida B. Wells-Barnett, Mary Church Terrell, Walter White and Roberta Senéchal de la Roche, no reason for lynching a black man was needed.

### Conclusions

While there were nine white Ohioans lynched between 1892 and 1930, the circumstances of those lynchings differed enough from those of the black men lynched that no clear racial overtones could be discerned from the first six lynchings of black men in Ohio.<sup>164</sup> Yet what can we make of these first six lynchings of black men in Ohio in the years after Reconstruction? First, except for the lynching of Henry Corbin in 1892, no racial motive for any of the lynchings can be proven beyond a reasonable doubt. Second, the lynchings were so scattered with regard to distance both temporal and geographic, and so unusual in circumstance, as to raise no widespread alarm among the black or white population. There is no pattern or *modus operandi* that would lead anyone to believe that they were more than isolated incidents.

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<sup>164</sup>Edward Byron Reutter, *The American Race Problem*, (New York: Thomas Y. Crowell Company, 1966), p. 346.

Remember, too, that William Offet escaped being lynched. He was saved by his alleged victim—a white woman--and white bystanders. If the six lynchings had truly been racially motivated, it is doubtful that Offet would have escaped death.

The year 1894, however, would be pivotal in the annals of lynching. Two lynchings actually occurred, and three more lynchings were averted. The militia was called out in two of the cases. All of these incidents clearly had racial undertones; in every case the men lynched were black men accused of sexually assaulting white women or girls. The incidents themselves were so shocking in their barbarity and happened within such a short time frame that they greatly alarmed black and white civil rights advocates--so much so that the Ohio legislature was forced to confront the issue, passing the first anti-lynching law in the nation that required the government to pay reparations to the families of those lynched.

## **CHAPTER 4**

### **A RISING EPIDEMIC**

#### **Introduction**

The lynchings and near lynchings that occurred in 1894 depict a different picture of race relations in Ohio than those previously discussed. First, these incidents received widespread coverage throughout Ohio and in other states. Second, the state militia was called out twice when mob violence overwhelmed the efforts of local law enforcement officials. Third, all of the incidents engendered tremendous discussion about race, crime victims' rights, the deficiencies of the criminal justice system, and the death penalty. Finally, the lynchings and averted lynchings forced the apparatus of the state, in the form of the executive and legislative branches, to seriously consider how to end lynchings, punish those involved, and compensate the families of those who were lynched.

#### **At the Hands of Parties Unknown**

The first lynching of a black man recorded in 1894 occurred shortly after the New Year on January 18. Roscoe Parker and his half brother, Tom Stanton, were accused of

the murder of Mr. and Mrs. L. T. Rhine of Winchester, Ohio, located in southwestern Adams County.

The Rhines were last seen on Sunday, December 14, 1893, when two neighbors called on them. Both were as usual, except Mr. Rhine was in bed with some slight indisposition. On Monday, two neighbors, Messrs. McManis and Mathias, went to the Rhine home at separate times to conduct business, but after knocking repeatedly, assumed no one was at home. Mathias visited again on Tuesday, and again received no reply. He became alarmed and was joined by another neighbor, James Swearingen, in searching the Rhine home. Upon entering the house, they noticed the parlor door was slightly ajar. Passing through the parlor, they entered the sitting room where they discovered the bodies of the Rhines.<sup>165</sup>

Mr. Rhine lay near the door, face down in a pool of blood and still in his nightclothes. About two feet from the body was a piece of stove wood about twenty-two inches long, one end of which was badly stained with blood and hair particles. Behind the stove in front of Mr. Rhine's body the men discovered the body of his wife, also laying face down in a pool of blood. She was dressed as though to go about her daily business. On the mantle near her body was the imprint of a bloody hand. Another piece of wood was found in the stove; it too was covered on one end with blood and hair. Because Mrs. Rhine was dressed, it was assumed that she had been called to the door and admitted the murderers.<sup>166</sup>

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<sup>165</sup>*West Union Defender*, December 21, 1893.

<sup>166</sup>*Ibid.*

When the bodies were turned over, the authorities were met with a gruesome sight. In addition to the blows to the head, the jugular veins and carotid arteries of both the Rhines had been severed. Mrs. Rhine's throat had been slashed so violently that she was nearly decapitated. Because blood was splattered all over the room, the knife wounds were supposed to have been made after the blows to the head. The couple had been dead for some time; rigor mortis had already set in, and parts of the victims' faces had been eaten away by their cats.<sup>167</sup>

Sixteen-year-old Roscoe Parker was immediately under suspicion, as he had a reputation for being a thief, and there was money missing from the Rhine house. Parker had been doing odd jobs for the Rhines and had been with Mr. Rhine the previous Friday when Rhine had received \$15, the proceeds of a sale of a heifer he had made to the town butcher. It was also common knowledge that Rhine had a mortgage payment of \$250 due. The police assumed that Parker and his half-brother, Tom Stanton, thought that the money would be in the Rhine house; the mortgage had not been paid at the time of the Rhines' death and the note was missing. Parker was quickly captured.<sup>168</sup>

On Wednesday morning, December 17, an inquest was held and Parker was the first witness. He was understandably nervous, but was adamant about his movements from the previous Saturday until Tuesday. When asked to explain his financial position, he repeatedly contradicted himself. First he claimed to have been paid by Commissioner Collins, then by Mr. Rhine for the previous week's work. He also said he received

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<sup>167</sup>Ibid.

<sup>168</sup>Ibid.

money from two other men. But it was known that he had a five-dollar bill, and that Rhine had been paid by the butcher with a five-dollar bill. A warrant was obtained, and Parker's residence, which he shared with his mother, was searched; a five-dollar bill was found hidden in his bedclothes, and it allegedly matched the description of the money given to Rhine by the butcher. Mrs. Parker, the suspect's mother, said that she thought the \$5 had come from Rhine as payment for work Parker had done for him. The inquest ended at that point. Parker was spirited away from Winchester that evening because of a threatened lynching, and was lodged in an undisclosed location.

While there, he talked freely to the only other prisoner, James Willmouth. While there was no further identification of Willmouth, it must be assumed that he was black. It was unlikely in 1894 that black and white prisoners would share the same jail cell; it was equally unlikely that Parker would be so talkative if his cell mate had been white. At times Parker seemed to confess to the crime, but repeatedly contradicted his statements. He also repeatedly mentioned the name of his half-brother, Tom Stanton, indicating that the young man was as guilty as he. When authorities learned that Parker was unburdening himself to Willmouth, they supplied the prisoner with questions to ask. Willmouth told Parker that God had forgiven him, and might do the same for Parker if he was guilty. Parker at first professed his innocence, then asked Willmouth how long the authorities would give him to repent before God should he be sentenced to hang. When Willmouth told him it would not be long, Parker replied, "Well I'm going to try and get square with the Lord by praying, and when I die am just going to say that I did the killing

and let them hang me, but I won't tell who was with me."<sup>169</sup> When asked why he would not tell the name of his accomplice, Parker indicated that he had no reason to do so. Willmouth asked Parker if he would plead guilty and he replied, "Oh I don't know. I was foolish to get into this mix, and I reckon I'd best just pray God for forgiveness, and then let them do what they want to with me, only I don't want to be strung up before I get squared with the Lord."<sup>170</sup>

Meanwhile, the investigation continued, turning up damaging physical evidence. Parker was wearing a pair of mismatched socks thought to have been taken from the Rhine home. The matching set, along with bloody fingerprints on paper in a drawer, was found at Parker's house. A bloody coat and shirt also belonging to Parker were found. When questioned about the blood stained garments, he told the authorities that the clothes were bloodied when he killed and dressed a possum, then reversed himself and said the clothes were bloodied in a fight.<sup>171</sup>

The next morning, evidence was presented for the purpose of setting bond. Parker pleaded not guilty and his attorney, N. P. Clyburn, waived examination and asked the court to set the bond. The prosecutor alleged that the evidence was such that the prisoner should be held without bond, and the court agreed. Parker was held without bail.

Meanwhile, the nearest local paper, the *West Union Defender*, printed several front-page articles describing the old couple and the heinous crime. Pictures of their

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<sup>169</sup>*West Union Defender*, January 4, 1894.

<sup>170</sup>*Ohio State Journal*, January 13, 1894.

<sup>171</sup>*Ibid.*

house and descriptions of their bucolic life style were reported. Great sympathy was showered on their family and friends.

As time passed, the townspeople were becoming increasingly vocal about their fury at Roscoe Parker. On at least one evening a mob formed outside the jail where he was being held, consisting of "men of high standing in the communities from which they came and [it was] not led by hoodlums as mobs frequently are."<sup>172</sup> This so worried the authorities that they hastily and secretly removed the prisoner and took him to the Portsmouth jail in the early morning hours of January 4, 1894. It seemed for the time being that Parker was safe.

On January 12, 1894, Parker was returned to West Union for a preliminary hearing. Although the town had been quiet and talk of lynching Parker had died out, his reappearance reignited the anger the townspeople felt about the murders. As word of his reappearance spread, a mob again consisting of some of the town's best citizens, formed in a "quiet and businesslike way."<sup>173</sup>

When they reached the jail, pretending to be a marshal from a neighboring town the mob aroused the Sheriff Dunlap. When the sheriff opened the door, however, he recognized the ruse and quickly bolted it. Within a few minutes, the mob broke down the door and demanded that the sheriff give up the prisoner. The sheriff tried to reason with the mob, and was joined by the deputy sheriff, but he was cornered and a gun was drawn on him. When Sheriff Dunlap refused to give up the keys, the mob surrounded him,

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<sup>172</sup>*West Union Defender*, December 28, 1893.

<sup>173</sup>*West Union Defender*, January 4, 1894.

found a sledgehammer and started for the cell holding Parker. Seized with fear, Parker fought back as hard as he could, but the mob was too large and too strong, and he was dragged half dressed from the jail. Screaming, he offered to confess the next day, then offered up the name of an acquaintance, Sam Johnson. He begged to see his mother before he died, but to no avail. Parker's usual bravado returned, however, when a member of the mob asked him what song he would like to hear before he died; "I don't give a damn what you sing," was his reply.<sup>174</sup> As he was dragged closer to the door, he screamed for the sheriff to help him, but there was nothing Sheriff Dunlap could do. As Parker was dragged out of the jail, the sheriff told him, "Roscoe, I have done all in my power to protect you. You will have to abide by the consequences."<sup>175</sup> There was nothing else Sheriff Dunlap could do.

The mob loaded Parker onto a wagon and drove to the neighboring hamlet of North Liberty, which was mostly populated by blacks, leaving behind a guard to ensure that the authorities did not follow them. The wagon stopped at a large tree and Parker was dragged over to it, his arms pinned behind his back. When he was given the opportunity for last words, he insisted that he could not have had an accomplice because he had not been anywhere near the victims. The rope was fastened to a tree limb, and then around Parker's neck. As his body shot upward, the crowd screamed for joy. He

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<sup>174</sup>*West Union Defender*, January 13, 1894.

<sup>175</sup>*Ohio State Journal*, January 13, 1894.

was quickly lowered, more dead than alive, and just as quickly lifted skyward again. A shot rang out, and then dozens in the crowd riddled Parker with bullets.<sup>176</sup>

By noon a crowd of mostly blacks had gathered around Parker's body. They lit bonfires around the tree and passed whisky bottles around. Their talk became angrier, and there was some concern that there would be additional violence. Not only were they appalled at the lynching, but that it was done in a town populated primarily by blacks and in a field through which many of them cut on the way home from their jobs. It was thought that the owner of the property on which Parker was lynched was annoyed that the blacks cut through his field, and requested that Parker be hung there. Yet, it was also done to send the blacks in Winchester a message: their lives could be snuffed out on a minute's notice in a most painful and public way by people with whom they lived and worked, and there was absolutely nothing they could do about it.

When Parker's mother heard of the lynching later that day, she disappeared, only to return that same afternoon. She had a reputation for being tough, and many in West Liberty thought she had something to do with the murder of the Rhines. It was said that only her being a woman kept her from being lynched, too. It was also suspected that she would be asked to leave town.<sup>177</sup>

There were other developments in the tragedy. Sam Johnson, the man whom Parker implicated just before he was lynched, was being investigated and any findings would be turned over to the grand jury. He was allegedly seen in the vicinity of the

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<sup>176</sup>Ibid.

<sup>177</sup>Ibid.

Rhines' home shortly after the time of the murder. Johnson was not mentioned in subsequent newspaper articles, however, so it must be assumed that he was exonerated by the authorities. He may have even left town; it would not have been a very comfortable place for him to stay, even if he had been found innocent.<sup>178</sup>

The coroner delivered a verdict that said Parker met his death at the hands of parties unknown. There was no attempt to determine the leaders of the mob, as it was well known that they were of the best citizens in town. A leader of the mob said that if Johnson were guilty, he would meet the same fate.<sup>179</sup>

As news of the lynching spread, Ohio newspapers weighed in. The *Ohio State Journal* reported that three black members of the Ohio House of Representatives investigated Parker's lynching. Representatives W. H. Clifford, Harry C. Smith, both of Cleveland, and Sam B. Hill of Cincinnati met with the Governor William B. McKinley on Tuesday, January 16, to discuss the crime. McKinley condemned the lynching, but noted that the executive had no authority to act. He also told the representatives that if the officials in Adams County took no action against the mob, he would write and urge them to do so. During his second conference with Representatives Clifford, Smith and Hill, McKinley invited the state attorney general, Mr. Richards. Attorney General Richards also noted that the governor had no authority to act in the matter. In the meantime the Adams county judge instructed the grand jury to begin an immediate investigation of the lynching.<sup>180</sup>

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<sup>178</sup>Ibid.

<sup>179</sup>Ibid.

<sup>180</sup>*Ohio State Journal*, January 18, 1894.

The three representatives then planned to introduce a resolution in the legislature condemning the lynching and calling on the Adams county authorities to do all in their power to apprehend and punish those who participated. They also planned to travel to Adams County to meet with the authorities to ensure that all the facts about Parker's lynching were ascertained, and that those responsible would be punished.<sup>181</sup>

Meanwhile, the *West Union Defender* applauded the lynching, noting that Parker's death avenged the murder of the Rhines. While the headline of the January 18 edition called Parker "the Colored Suspect,"<sup>182</sup> the story continued its practice of calling Parker the murderer of the Rhines. That issue of the *Defender* also contained an eye witness account from the first reporter at the scene of the lynching. He described the body of Parker as "features were distorted, his tongue, lacerated by his teeth in the throes of death, protruded from his mouth. The knot of the noose lay just back of the right ear, and immediately beneath the rope upon the right side of the neck could be plainly seen the entrance of a bullet."<sup>183</sup>

In that same issue, the *Defender* commended Sheriff Dunlap for his bravery, noting there was little more that he could have done. His deputy, James McKee was grabbed by the mob when he attempted to assist Dunlap; another volunteer guard, Doug Copas, was locked in the jail corridor. The sheriff's son was sleeping upstairs, and when

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<sup>181</sup>*Cleveland Gazette*. January 20, 1894.

<sup>182</sup>*West Union Defender*, January 18, 1894.

<sup>183</sup>*Ibid.*

he descended the stairs in response to the commotion, was ordered back upstairs at gunpoint. Still, Sheriff Dunlap refused to give up the keys to the jail.<sup>184</sup>

The *Gazette* reprinted an editorial from the *Cleveland Plain Dealer* which strongly condemned the lynching of Roscoe Parker. It stated that Ohio had again been disgraced by such conduct and deplored the fact that no one would be punished due to the prominence of the mob. It urged that the crime of lynching "be made odious or anarchy will take the place of law and order and no man's life is safe."<sup>185</sup>

Representative Harry C. Smith, who was also the owner and editor of the *Cleveland Gazette*, reported on the meeting of his fellow representatives and the governor; he assured his readers that Governor McKinley was anxious to do all he could, given his limited authority to ensure that the members of the mob were punished. Smith also noted that Adams county was represented in the Ohio legislature by a Democrat and populated by people from Kentucky and West Virginia who were notorious for their race prejudice. Representative Smith promised not to rest until the mob was brought to justice, and exhorted its readers to write and call the governor to express their outrage.<sup>186</sup>

In response to pressure from the Ohio legislature and the governor's office, the grand jury convened for the purposes of hearing its regular load of cases. When the lynching of Roscoe Parker was addressed, Judge Frank Davis spoke of the Rhines' murders as a "real and atrocious crime," and the lynching of Parker as "another crime

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<sup>184</sup>Ibid.

<sup>185</sup> *Cleveland Gazette*, January 28, 1894.

<sup>186</sup> *Cleveland Gazette*, January 20, 1894.

such as tends to overthrow the very foundation of society, to annihilate all law and order to bring about a reign of anarchy and confusion which might have resulted in shedding innocent blood. . .” Judge Davis charged Sheriff Dunlap with investigating the crime under the provisions of a law passed in 1889 that made it a crime to “unite and combine together and commit any crime while disguised with masks as being guilty of riotous conspiracy, and punishable by imprisonment in the penitentiary.”<sup>187</sup>

On January 26, 1894, the *Ohio State Journal* reported that the grand jury of Adams county had failed to indict anyone in connection with the Parker lynching. The editor of the *Cleveland Gazette* had predicted as much, and vowed to keep up the pressure on Governor McKinley. It again urged its readers to write to the governor to express their outrage.<sup>188</sup>

The *West Union Liberty*, still smarting from the editorials and sermons condemning the lynching and Adams County a month later, defended the crime. While it admitted that the lynching was a violation of the law, it lamented the fact that the law failed to protect people and their property, and saw the lynching as a natural reaction to the shortcomings of the law. The editorial writer noted that there was no other place in Adams County where blacks had been so well treated as in Winchester--he himself had assisted escaping slaves--and that Parker was lynched not because he was black, but

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<sup>187</sup>Ibid.

<sup>188</sup>*Ohio State Journal*, January 26, 1894; *Cleveland Gazette*, January 27, 1894.

because he had committed a heinous crime which the townspeople thought would go unpunished.<sup>189</sup>

The *West Union Defender* was being disingenuous, however. It failed to take into account what had earlier been reported in its January 18, 1894 edition: Parker was lynched by a mob of white men in the section of Winchester populated mostly by blacks, in a field which black workers habitually used as a shortcut. The paper had also pronounced Parker guilty even though there had been no trial. Finally, on several occasions the *Defender* had editorialized that Parker deserved to be lynched, so atrocious was the crime he had committed.

The drama had a macabre ending. The *Cleveland Gazette* reported that a group of children in the town of Winchester had re-enacted the Parker lynching, hanging one of their friends. The child had turned black in the face and his tongue was hanging out; his playmates danced around him shouting “now he’s fixed, now we’ve got him.” A mother of one of the children playing ran outside upon hearing the commotion and cut the child down just in time.<sup>190</sup>

Parker’s lynching was shocking in its barbarity—he was not only lynched, but his body was riddled with bullets as he hung—and in the fact that it was allegedly carried out by the so-called best citizens of Winchester. The lynching fits de la Roche’s theory in that Parker was not the socioeconomic equal of the Rhines as proved by the fact that he was not only black, but a common laborer, whereas the Rhines were whites of some

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<sup>189</sup>*West Union Defender*, February 15, 1894.

<sup>190</sup>*Cleveland Gazette*, March 10, 1894.

economic means and well liked in the community. Furthermore, Parker had no one who was willing to step forward to vouch for him; it appears that he did not know any white person in Winchester well enough. It can be assumed from the editorial in the *West Union Liberty* that Winchester, or at least the closest town to it, which was North Liberty, was home to a number of black Ohioans; it may have even been a stop on the famed Underground Railroad.<sup>191</sup> Blacks most surely worked for whites in Winchester and West Liberty, yet whites were not so dependent upon black labor that they stopped to consider that his lynching might frighten away their black employees.

Parker's lynching, however, did differ from the previous ones discussed in Chapter Three; that is, it engendered a considerable amount of news in not only the local paper, but across the state. It also attracted the attention of three black state representatives, the attorney general and the governor. The barbarity of the lynching, Parker's age, and the fact that it was allegedly carried out by the leading citizens of Winchester may have had something to do with this. It is also the first of the lynchings discussed where the racial implications are so sharp.

Ohioans were by now on notice that officials at the highest levels of the state government were watching to see how African-Americans who were accused of crimes were being treated. This heightened scrutiny might have served as a warning to other cities that lynching was no longer a crime that could be committed with impunity; at the very least it would attract the attention of the state's leading newspapers. This hardly

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<sup>191</sup>*West Union Defender*, February 15, 1894.

seemed to matter, however, because almost three months to the day Parker was lynched, another black man lost his life at the hands of a mob.

### **A “Notorious Negro” Is Lynched**

On April 15, 1894, lynch law struck again, this time claiming Seymour Newlin in Rushsylvania, Ohio. Newlin was accused of raping of Eliza Knowlen, an eighty-one-year-old woman who was one of the most revered people in the small town. Knowlen, who lived alone, was awakened about 1:00 a.m. that morning by a hand on her body. She started to scream when the hand was placed around her throat, and she was warned that she would be killed if she continued to resist. After she was raped, her assailant left. Knowlen managed to drag herself out of bed and crawled to the nearest neighbor for help. It was not until later that morning that she was thought to be out of danger. When Knowlen was questioned about her assailant, she replied that she thought him to be Seymour Newlin, “a notorious Negro” who lived in the town. He was quickly arrested, and just as quickly a mob of townspeople gathered, threatening to lynch him.<sup>192</sup>

Newlin was well known throughout the Rushsylvania as someone who had a bad reputation; he was feared by virtually the entire town. The *Bellfontaine Weekly Examiner* reported that

Seymour Newlin was one of the most notorious Negroes in the county. He had served three terms in the penitentiary. He was sent up twice from Logan county and once from Hardin County. On two other occasions he attempted criminal assaults upon women of Rushsylvania, and twice

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<sup>192</sup>Ibid.

he had hidden in sleeping apartments of private homes in Rushsylvania. He was the terror of Rushsylvania and vicinity, and the people there never close their eyes at night without thinking of him and barring their doors against him.<sup>193</sup>

On the night of the crime, Newlin had been in Eaton's restaurant, located in nearby Bellefontaine, with two white companions. He seemed anxious to be on his way to Rushsylvania. It appears that he went directly to Knowlen's home upon his arrival there and committed the assault. His shoes were found to fit the footprints left outside her window. An eyelet from one of the shoes was also found on the back porch of the Knowlen residence. It was later found out that he suffered from a "loathsome disease," a fact that angered many of the townspeople as the news spread.<sup>194</sup>

The townsfolk were growing increasingly agitated and talk of a lynching was in the air. A telegram was sent to the nearby town of Bellefontaine summoning Prosecutor Odor and Sheriff Sullivan to Rushsylvania. When they arrived, they held a meeting in the mayor's office, suggesting that Newlin be taken to Bellefontaine for his own safety. The crowd was so agitated that it would not permit Newlin to be moved. Sheriff Sullivan then asked ten of the mob to be sworn in as deputy sheriffs and assist in keeping the peace. Although the men refused to be sworn in, they did promise to do what they could to maintain order.<sup>195</sup>

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<sup>193</sup>Ibid.

<sup>194</sup>Ibid.

<sup>195</sup>*Ohio State Journal*, April 16, 1894.

Hundreds of men continued to gather outside the jail, however. Sheriff Sullivan, worried for Newlin's safety, telegraphed for the Bellefontaine militia. They arrived shortly thereafter and were accompanied to the jail by the mob. It was then discovered that some of the citizens in the mob had procured some dynamite and placed it under the jail. The fuse had been lit and would have gone off had someone not put it out.<sup>196</sup>

The military company was given the order to surround the jail, but this so enraged the crowd that the company was soon surrounded. Someone—it is not known who—decided it was best that the militia and the sheriff withdraw. Citizens in the mob promised to protect the prisoner from violence provided the militia company would return to Bellefontaine. The company withdrew and left on the train with Sheriff Sullivan. The crowd surrounding the jail grew still, and a separate group of masked men carrying crowbars, axes and other tools, passed through and entered the jail. They began hammering on the door of the cell containing the prisoner. After ten minutes, no progress had been made in freeing Newlin, and the mob turned its attention to destroying the jail. It was shoved from its foundation and twice was almost overturned. At that the door to the cell was opened; it was not known by whom.<sup>197</sup>

Newlin put up a fight, picking up a large piece of coal and hurling it into the crowd. He struck someone in the mob, but was unable to continue resisting. The mob placed a rope around his neck and dragged him outside. Upon reaching the door, he fell to the ground, grabbing hold of the legs of several in the mob. His grip was broken and

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<sup>196</sup>Ibid.

<sup>197</sup>Ibid.

he was struck several times. The mob pulled Newlin to his feet, and dragged him at full speed down the street. Screaming his innocence, he was dragged to Knowlen's house where it was hoped she would identify him. A woman inside the house, however, bolted the door and refused to let the crowd see Knowlen. Newlin was dragged back down the street, and in the confusion, someone cut the rope from around his neck. For a few minutes he was free and tried to escape. He was quickly recaptured and another noose was placed around his neck. He was dragged to a silver maple tree in the town square. Shouts of "hang him!" assaulted Newlin's ears. After some delay, the rope was thrown over one of the tree limbs and pulled until Newlin rose from the ground and was suspended in midair. He tried to grab for the rope, but could not get at it. For about ten minutes, his body twisted and turned in the air. About fifteen minutes later, the body was cut down and dropped to the ground. Newlin's neck was not broken and his heart continued to beat for about 40 minutes after he was cut down. He was carried to the mayor's office where he died and an inquest was held.<sup>198</sup>

Newlin's married sister, with whom he lived, was horrified at the disgrace the lynching had brought on her family. Her husband, however, seemed to think that Newlin had got what he deserved, although he did not give a reason for why he felt this way. He refused to provide money for a burial because he said he had spent enough money on Newlin while he was alive.<sup>199</sup>

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<sup>198</sup>Ibid.

<sup>199</sup>Ibid.

The *Bellefontaine Weekly Examiner* praised the sheriff for his role in the drama. The paper advised its readers that Sheriff Sullivan had done all he could. It also commended F. J. McColloch for speaking out in favor of law and order. It criticized the actions of the mob and pointed out that about twenty minutes passed between the time Newlin was dragged to the tree and the time he was lynched. The *Examiner* pointed out that if two or three men had been brave enough, Newlin would not have been lynched. Moreover, the editorial said that the evidence against Newlin was circumstantial, that he had died protesting his innocence, and “negro and outlaw though he was, he was entitled to the protection of the law.”<sup>200</sup>

Judge Price urged the local grand jury to investigate the circumstances of the lynching and bringing the appropriate charges against the members of the mob. He decried mob law as a relic and evidence of barbarism. Warning that no one was safe if citizens were allowed to take the law into their own hands, he branded the people who hung Newlin as murderers.<sup>201</sup>

The *Ohio State Journal* also condemned the lynching, noting it was the second one within three months. It urged the House of Representatives to adopt the resolution introduced by Representative Hill of Cincinnati, which sought to have the legislature express its outrage of the crimes. It further urged the legislature to take stringent measures to prevent the crime of lynching.<sup>202</sup>

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<sup>200</sup>*Bellefontaine Weekly Examiner*, April 19, 1894.

<sup>201</sup>*Ibid.*

<sup>202</sup>*Ohio State Journal*, April 16, 1894.

Newlin's lynching also fits the criteria developed by de la Roche. Knowlen, his alleged victim, was white and female. Since he had on various occasions been accused of breaking into private residences, it must be assumed that he had little or no money nor a regular job; he was probably a casual laborer. Newlin not only had no one in Rushsylvania, but he had a bad reputation and was genuinely feared. Even his own family was horrified about his involvement in the crime.

The lynching of Newlin was the first such incident in which the militia was called out to control a lynch mob. Sheriff Sullivan requested the troops, who arrived shortly thereafter. They were, however, withdrawn due to a false promise from the mob that it would protect the prisoner. Unlike the criticism that was leveled at Sheriff Starr after the lynching of William Taylor in Sandusky, Ohio, Sheriff Sullivan escaped criticism of his inability to protect Parker. Indeed, he was congratulated by the local newspaper for doing the best job he could under the circumstances.<sup>203</sup>

Finally, as with the lynching of Parker, Newlin's lynching attracted the attention of the local and state press. The leading newspaper in Columbus, the capitol city, criticized the lynching of Newlin. The *Ohio State Journal* also urged the House of Representatives to formally express its displeasure at the barbaric way Newlin had been killed and the crime of lynching in general.<sup>204</sup>

As had been the case in previous incidents, Harry C. Smith, the editor of the *Cleveland Gazette* and a Republican state representative, was vocal in his condemnation.

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<sup>203</sup>*Bellefontaine Weekly Examiner*, April 19, 1894.

<sup>204</sup>*Ohio State Journal*, April 16, 1894.

Noting that about “an equal number of whites and Afro-Americans have been murdered in this manner,” Smith, called for government action to stop lynching. Smith reminded the *Gazette*’s readers that he had been working on an anti-lynching law with Judge Albion W. Tourgee, a white man and staunch advocate of black civil rights. Finally, Smith stated that since lynching was a premeditated crime, it could be stamped out.<sup>205</sup>

In some ways, the lynching of Newlin contained a somewhat hopeful message for black Ohioans. By calling out the local chapter of the militia, Sheriff Sullivan showed that local authorities might go to great lengths to protect the lives of black prisoners and permit the law to run its course. That message, however, was cold comfort for black Ohioans in general, and one black Ohioan in particular.

### **Jasper Colby Escapes a Lynching**

The Tuesday, October 16, 1894-edition of the *Ohio State Journal* predicted that a lynching bee in the city of Washington Courthouse would be the result if the man who raped Mary C. Boyd was caught. Boyd, a widow and the mother of prominent attorney Amos C. Boyd, was alone in her house when a mulatto came to her front door and demanded food. When she turned away to get it, “then occurred the crime which marks the perpetrator as a fiend and excited in the people of this county a demand for the blood of the guilty.” Afterward, the perpetrator fled. Boyd, described as near death, managed to crawl to a public highway and reach some friends whom she told about the attack. By then two hours had gone by and Boyd was allegedly in no condition to give her friends or the authorities a

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<sup>205</sup>*Cleveland Gazette*. April 21, 1894.

description of her accused attacker. Several hours later her son arrived; it was then that authorities began in earnest to question Boyd.<sup>206</sup>

It was not long before they began to suspect William Jasper, also known as William Colby and Jasper Colby, "a colored youth of villainous character," who met the description Boyd gave the authorities. Colby had been living in Jeffersonville with his grandmother, and had just been released the previous Saturday from the county jail where he was "serving a sentence for a misdemeanor which was characteristic of his depraved nature."<sup>207</sup> When Colby was captured, he was not told of the alleged charge, but indicated that he knew that he was being investigated for criminal assault. He also gave several conflicting stories.

Colby had evaded law enforcement officials for about a week before he was caught in Delaware, Ohio, by that town's marshal. As soon as it became known that he had been captured, men began to gather in the Washington Courthouse town square. There was some discussion as to how Boyd would identify Colby; it was finally decided that she would be taken to the house of James Cook, Jr., deputy sheriff, to make the attempt. Authorities feared that if Colby was brought into town, there would be trouble. Accompanied by several relatives, Boyd was led into the room where Colby was being held. A mere glimpse of Colby was enough to elicit a positive identification, although Colby stood directly in front of Boyd, he would not look her in the eye. Colby

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<sup>206</sup>*Ohio State Journal*, October 16, 1894.

<sup>207</sup>*The Cyclone and Fayette Republican*, October 18, 1894.

was escorted out of the room, and Boyd was asked if he was the man who had attacked her. She replied, "That is the dirty dog that outraged me."<sup>208</sup>

All afternoon and into the evening, crowds of men gathered. By 10:00 p.m. there were several hundred men on the streets around the jail. Sheriff James Cook, fearing that he could not maintain order, requested the assistance of the local militia, and at about 10:30 p.m., Company E of the Ohio National Guard was ordered out and marched down to the jail. Upon their arrival, the commanding officer, Captain Vincent, waved his sword and ordered the crowd to disperse; he repeated his order several times. Someone touched off firecrackers, and they caused quite a bit of excitement until the crowd realized what they were.

Early in the evening Captain Vincent telegraphed Governor McKinley asking for two more companies of the Guard and expressing some concern about his ability to maintain order. The companies were dispatched and arrived in Washington Courthouse Tuesday morning. By the time they arrived, the crowd had dispersed.<sup>209</sup>

On the morning of Wednesday, October 17, a special grand jury was impaneled and Colby was indicted for rape. About 4:00 p.m. that afternoon he was taken out of the jail and marched to the courthouse. A large crowd was gathered on the courthouse grounds and around the jail. Relatives of Boyd were also at the courthouse door; they stood ready to grab Colby as he came by.<sup>210</sup>

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<sup>208</sup>Ibid.

<sup>209</sup>Ibid.

<sup>210</sup>Ibid.

The jail was located about seventy feet from the courthouse in front of its main door. Colby was taken out of a side door of the jail with a guard of six deputies, three on each side. A line of militiamen also was arrayed on each side of the walk from the jail to the courthouse. About a dozen soldiers were stationed on the steps. When the crowd spotted Colby, it surged toward him, and angrily demanded he be released into their custody. The soldiers then charged the crowd with their bayonets, slightly injury several.<sup>211</sup>

When Colby reached the courthouse steps, relatives and neighbors of Boyd rushed at him. The soldiers used the butts of their muskets, revolver handles, bayonets and fists to hold the crowd off. Henry Kirk, a relative of Boyd, was struck and knocked down, as was another son, Elmer Boyd. Colby was dragged into the courthouse by a deputy sheriff, and was quickly led upstairs to the courtroom, where all in attendance could hear the crowd calling for Colby's life. Terribly frightened, Colby entered a plea of guilty and was sentenced to the maximum twenty years in the Ohio Penitentiary. Ten days of each year were to be served in solitary confinement; the remainder of the days was to be served at hard labor. After his sentencing, Colby collapsed into a chair.<sup>212</sup>

Meanwhile the crowd was becoming more unruly as it tried to force its way into the courthouse. An official was sent out to inform the crowd that Colby had been given the maximum sentence allowed by law. This failed to satisfy them, however, and they

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<sup>211</sup>Ibid.

<sup>212</sup>*Cyclone and Fayette Republican*, October 19, 1894.

continued trying to break into the courthouse. The soldiers were barely able to contain the crowd.

At that point, Elmer Boyd climbed the steps and addressed the crowd. Thanking them for their concern, he asked them to please disperse before anyone else was injured. The crowd shouted him down. During his speech, Henry Kirk paced back and forth with a loaded gun in his hand, ready to shoot Colby as soon as he was brought out of the courthouse.<sup>213</sup>

The situation was such that the authorities gave up trying to transfer Colby to Columbus that evening. He was sequestered in an upper room of the building, and the rest of the courthouse was cleared. All the entrances were closed except the door on the north side of the building; a company of militiamen guarded this. Sheriff Cook also telegraphed the adjutant general's office, requesting two additional companies of guardsmen; General Howe agreed.<sup>214</sup>

Some in the crowd began throwing things at the guardsmen, at which time Colonel A. B. Coit, commander of the Fourteenth regiment, advised them that if any guardsmen were hit, he would order them to fire. Shortly thereafter, at about 7:30 p.m., the Cherry House, a stable across the street from the jail, burst into flames. After the fire was extinguished, the crowd returned to the courthouse and began beating on the doors and windows with battering rams and sledgehammers. The soldiers advised the crowd that if they continued, they would be fired on. Unfortunately, the crowd took this as a

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<sup>213</sup>Ibid.

<sup>214</sup>Ibid.

bluff. When the battering ram burst open the door, the crowd was met with a fuselage of bullets, and immediately fell back. When the shooting stopped, the crowd again advanced toward the door; then they discovered the three dead and ten wounded, three critically.<sup>215</sup>

After the shooting, Mayor A. R. Creamer immediately ordered that all places where liquor was sold to be closed. The rest of the businesses of the city followed. Women flooded into the streets to tend to the dead and wounded, and a horrible keening could be heard. The men of Washington Courthouse swelled the streets, too, bitterly denouncing the sheriff and the militia. Many of them fanned out across the city, searching for arms, ammunition and dynamite.<sup>216</sup>

By early evening of Tuesday, October 17, Companies B and C of the Fourteenth Regiment in Columbus were on the train bound for Washington Courthouse. Traveling with them was the hospital corps, two surgeons and a group of newspaper reporters. Within two and one-half hours, they reached Washington Courthouse where Sheriff James Cook and Captain William L. Vincent of Company E, whose men had been responsible for guarding the courthouse and dispersing the mob that threatened Colby, met them. The nine o'clock train carried still more troops from the Cincinnati area.<sup>217</sup>

By 8:00 a.m. the next morning, Washington Courthouse was an armed camp. The men of the city stood about in clumps, complaining that they had not been allowed to

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<sup>215</sup>Ibid.

<sup>216</sup>Ibid.

<sup>217</sup>Ibid.

punish Colby themselves. The women of Washington Courthouse gathered in each other's homes, murmuring among themselves.

By Friday, October 19, two of the dead had been buried, and two of the wounded had died. It was feared that another of the injured men would not recover. Even as the dead were being buried, the town's coroner, James M. Edwards, was conducting an investigation into the responsibility and necessity of the shooting. By October 24, more than a dozen witnesses had been deposed, and the townspeople were trying to return to some sense of normalcy. To that end, it was decided the door to the courthouse, which had been damaged by almost two dozen cartridges, should be repaired. William Hammer, a contractor in Washington Courthouse, was asked to do so; he refused, indicating that even the sum of \$500 would not be enough money to secure his services. Others were urging that the door remain as it was as a reminder of the terrible night.<sup>218</sup>

While no one had been arrested as of Friday, rumors were circulating that Judge Maynard and Mills Gardner—also identified in some newspaper accounts as Milt Gardner—a resident of Washington Courthouse, were inside the courthouse acting as advisors to Sheriff Cook. They allegedly gave the militia the order to fire into the crowd. Both men denounced the statement as false. The coroner, James M. Edward, asked that anyone who saw any of the men injured or killed during the melee or assisted in carrying

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<sup>218</sup>*Ohio State Journal*, October 23, 1894.

them from the courthouse grounds, to make themselves available for questioning at a public inquest.<sup>219</sup>

On Friday, October 19, the *Ohio State Journal* reported that Colby had been spirited away the night before and brought by train to the state penitentiary. The *Journal* related the journey: "Here were 450 armed men to escort one miserable, cringing wretch out of the clutches of an outraged community at the behest of the sovereign state."<sup>220</sup> By the time the authorities had reached the Midland depot, a crowd had gathered. In response to this, a guard was placed around the depot, on the platform and across the tracks. Those on the platform were driven into the building and Colby was loaded onto a waiting car. The rest of the train loaded without incident and left the station shortly after 5:00 a.m. Colby seemed to relax somewhat once the train took off, even admitting to a reporter that he felt fine.<sup>221</sup>

The accompanying troops were ordered to be prepared for action once the train took off. There was some fear that coal chutes north of the city might be hiding men who wished to harm those on the train. Once the train passed this point, however, the danger receded and all seemed to relax. The First regiment, which had been left at the station in Washington Courthouse, remained a short time after the train left the station and then was ordered back to Cincinnati. The company from Mt. Sterling was dropped off when the train reached that city. The company from Marysville and the four Columbus

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<sup>219</sup>*Columbus Evening Dispatch*, October 23, 1894; *Newark Daily Advocate*, October 24, 1894.

<sup>220</sup>*Ohio State Journal*. October 19, 1894.

<sup>221</sup>*Ibid.*

companies got off the train in Columbus; the Marysville company boarded another train for its trip back to that city.<sup>222</sup>

One of those most relieved to deliver Colby to the Ohio Penitentiary was Sheriff Cook. The sheriff, who accompanied Colby to Columbus, said:

I feel greatly relieved now. . .for I have done my duty. No matter what the people may say of me, my record is clear. I feel sorry for those who were killed and injured, but the law has been obeyed and the result and vindication I leave to time.<sup>223</sup>

Colby was taken off the train at the Dennison Avenue crossing and arrived at the state penitentiary at 7:00 a.m. He was taken to the guardroom, where he collapsed trembling, into a chair. After a few minutes, he was led to the big gate of the guard room, and before the doors closed on him for twenty years, turned to say goodbye to Sheriff Cook and the deputies who had protected his life. Cook reminded him that he had promised never to return to Fayette County; Colby assured him that he would not. He was given breakfast, which he ate without any apparent interest. He was then processed, visiting the chaplain's office, the barbershop, where his head was shaved; the hospital, where he was given a physical; and finally the state shop, where he was dressed in the uniform of prison stripes. Colby told anyone who asked that he was twenty years old, had lived at Jefferson, worked as a laborer and had no education. At every stop he proclaimed his innocence, saying that he had only pleaded guilty because he was told it was the only way he would be allowed to live. He also mentioned that his parents were

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<sup>222</sup>Ibid.

<sup>223</sup>Ibid.

churchgoers, and claimed that the mob had not been as fierce as reports had stated. Once he was processed, Colby was taken to bolt shop No. 2 where he was put to work. He was an outcast even among the most hardened prisoners. It was decided that he would not be allowed to attend the prison school for fear that the other prisoners would revolt.<sup>224</sup>

Meanwhile, tensions in Washington Courthouse subsided somewhat. Attempts to gain access to the powder magazine just south of the city had failed. All day Thursday, October 18, men milled about in the streets and gathered at the restaurants and other businesses in town trying to incite their neighbors to take action against the authorities, to no avail. The *Ohio State Journal* reported that it was the better class of men rather than the poorer ones who seemed angrier, and they appeared to have less respect for the law. Also, some in the city were beginning to speak out, commending Sheriff Cook for his fidelity to duty and chastising the mob for its actions. Still others discussed how Cook's role was sure to cost him politically, even with his supporters within in the Republican party. Already there were some who were predicting his defeat for reelection.<sup>225</sup>

The debate about who was at fault raged on. In response to a negative article printed in the *Cincinnati Enquirer*, Mayor Creamer pointed to his testimony before the grand jury which had been printed in the Washington Courthouse *Cyclone and Fayette Republican*. In it he stated that there had been a large crowd gathered around the courthouse, but at no time could it have been described as a mob in terms of make up, organization or action. He pointed out that only a few men had attempted to get at the

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<sup>224</sup>Ibid.

<sup>225</sup>*Ohio State Journal*. October 19, 1894; *Ohio State Journal*, November 2, 1894.

prisoner, and they were thwarted early on. Creamer admitted that several drunken men and boys in the crowd had shoved a stick of timber at the door in order to frighten Colby, but immediately abandoned the effort and took off running. He conceded that the brother-in-law of Boyd had persisted in his efforts to get at Colby, but pointed out that Boyd's son, Elmer, had pleaded for calm and urged the crowd to permit the law to take its course.<sup>226</sup>

Creamer further questioned the actions of Colonel Coit—who had been accused of being intoxicated during the incident--and Colonel Hunt, who commanded the Seventeenth regiment from Chillicothe. He noted that the militia was given orders to fire through a closed door and should have realized the likelihood of someone being injured or killed. The order to fire was given even though no one in the crowd had fired any shots. Creamer admitted that someone, he supposed it was a young schoolboy, tossed a rock at the soldiers, but Colonel Coit overreacted when he jumped into the crowd and challenged members to fight.<sup>227</sup>

Creamer concluded his editorial by saying that although some residents in Washington Courthouse no doubt wanted to lynch Colby, most citizens were willing to give the law a chance to work. He lamented the injuries and the loss of life, and determined that Washington Courthouse officials had the duty to investigate the incident and indict those found to be responsible, whoever they might be.<sup>228</sup>

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<sup>226</sup>*Cyclone and Fayette Republican*. November 8, 1894.

<sup>227</sup>*Ibid.*

<sup>228</sup>*Ibid.*

While the investigation into the shootings continued, the editorial boards of newspapers around the state weighed in. The *Columbus Dispatch* and the *Ohio State Journal* commended the action of the authorities in protecting Colby's life and upholding the rule of law. The *Journal* went even further by stating that "the actions of the mob were. . .utterly without reason and excuse."<sup>229</sup> It also congratulated Colonel Coit on his bravery, noting that he had given the crowd ample warning before permitting the militia to fire. The *Dayton Times*, *Dayton Journal*, *Cincinnati Tribune*, *Cleveland Plain Dealer*, *Toledo Commercial*, *Cleveland Leader*, and *Fairfield City Republican* generally approved of the protection of Colby--which was seen by them as the protection of the rule of law--while lamenting its consequences. In order to prevent a recurrence, the *Journal* and *Tribune* encouraged the legislature to enact a law that would make those found guilty of rape subjected to capital punishment. The *Zanesville Courier* hinted that innocent people would not have been mixed up in mob activity. The *London (Ohio) Enterprise*, while conceding that Colby deserved to be protected, labeled the calling up of the militia and the subsequent violence as "a bungling piece of work. . .receiving the condemnation it deserved."<sup>230</sup>

The *Cleveland Gazette* congratulated Sheriff Cook, Colonel Coit, Governor McKinley and the soldiers for their willingness to protect Colby and to uphold the law, no matter the consequences. Moreover, it strongly admonished Cardinal Gibbons, a Catholic prelate, who while condemning the crime of lynching, sought to explain it by

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<sup>229</sup>*Ohio State Journal*. October 23, 1894.

<sup>230</sup>*Ibid.*

alluding to the disgusting nature of the crime to which Colby confessed. The *Gazette's* editorial pointed out that the church as well as the state stressed abiding by the law, and worried that Cardinal Gibbons's statement made a mockery of the sanctity of the law and gave succor to those who saw lynching as a means of keeping black men in their place.<sup>231</sup>

Outside of Ohio, the *Philadelphia Times* noted that Governor McKinley was merely performing his duty by authorizing the use of troops. The *Springfield* (Massachusetts) *Union* also applauded McKinley for his quick action, and advised southern governors to emulate McKinley.<sup>232</sup>

Southern newspaper editors were almost gleeful about the events in Washington Courthouse and in their attacks on Governor McKinley. The *Louisville Courier-Journal* and the *Nashville American* accused McKinley of being a hypocrite, noting that while McKinley had repeatedly described lynching as a southern phenomenon, several lynchings had taken place in Ohio during his tenure as governor. The *Louisville Times* quoted Hamlet: "Phew! It stinks."<sup>233</sup> The violence in Washington Courthouse was labeled "slaughter" by the *Ft. Worth Gazette*.<sup>234</sup>

The political fallout from the shootings was immediate. Sheriff Cook, who had declined to remove his name from the ballot, was defeated for reelection. He had been a popular candidate and had the previous spring been renominated during the primary

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<sup>231</sup>*Cleveland Gazette*, November 3, 1894.

<sup>232</sup>*Columbus Dispatch*, October 22, 1894.

<sup>233</sup>*Ibid.*

<sup>234</sup>*Ibid.*

election by a wide margin. It was thought that the soldiers' votes, which he had always been able to count on, may have deserted him in response to his handling of the Washington Courthouse incident.<sup>235</sup>

While newspapers across the country lobbed verbal grenades at Washington Courthouse and the State of Ohio, the inquest proceeded. In addition to trying to clarify the sequence of events that led to the shootings and the subsequent riot, Coroner James M. Edwards was trying to determine if firing on the mob was justified and if soldiers who were guarding the courthouse had been drinking as had been rumored. After deposing dozens of witnesses, Edwards issued a report on Thursday, November 16, that deemed the shooting unjustifiable and held Sheriff Cook and Colonel Coit responsible.<sup>236</sup>

The near lynching and riot in Washington Courthouse presents the clearest example thus far of the racial undertones found in the lynchings and near lynchings in Ohio. There are some similarities in the incidents at Winchester, Rushsylvania and Washington Courthouse. Roscoe Parker, Seymour Newlin, and William Colby were black men accused of crimes against whites. Newlin was accused of murdering an elderly white couple; Parker and Colby were accused of sexually assaulting white women. In all three cases, mobs quickly formed as news of the crime and subsequent capture of the alleged suspects spread. All of the men had at least some minimum protection from law enforcement authorities; indeed, Colby owed his life to the zeal with

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<sup>235</sup>*Ohio State Journal*, November 2, 1894, and November 9, 1894; *Cleveland Gazette*, November 17, 1894.

<sup>236</sup>*Newark Daily Advocate*. November 16, 1894.

which the Washington Courthouse sheriff and state militia units that protected him.

While Parker and Newlin were never charged with the crimes of which they were suspected, Colby was charged, pleaded guilty and was sent to the state penitentiary.

There does not appear to have been a large black population in any of the towns where the men lived; therefore, whites were not dependent upon the labor of blacks, and the two races did not interact, socially or otherwise. According to de la Roche, this lack of functional interdependence and relational distance would almost guarantee that a lynching would take place, yet Colby was not lynched. In spite of the mob present in Washington Courthouse, the sheriff was able to spirit Colby out of town. Parker and Newlin were not as lucky.

Although race was a factor in the Washington Courthouse riot and near lynching—after all, Colby was a black man of dubious character accused of raping a well liked and well known elderly white woman-- it was not the only one. The mob seemed as much driven by the anger of Boyd's relatives and the so-called mob spirit as it was by Colby's race.

What is different about the near lynching of Colby and the subsequent riot is in the number of troops called out to protect the prisoner and develop an atmosphere that would make it possible to transfer him to the state penitentiary. Furthermore, for the first time officers considered it their sworn duty to protect a black man from being lynched, even though it meant opening fire upon and killing whites in the mob.

## **“I Think That’s the Man”**

It is entirely possible that Governor McKinley’s approval of state troops to quell the riotous condition in Washington Courthouse contributed to averting a lynching in Newark, Ohio. On October 19, 1894 at 3:30 p.m., a man of about 35 years of age knocked at the door of Mrs. Adelbert Neibling, a white widow who lived with her son. After asking for some food and water, the “big burly Negro” knocked her down and struck her in the face three times with his fist before she could comply with his request.<sup>237</sup> Then warning her not to make a sound, he tied her hands with a rope he retrieved from his pocket, stuffed a rag in her mouth, tied a rope around her neck and raped her. Mrs. Neibling struggled, but was unable to stop the sexual assault. Moreover, she suffered injuries to her face; the *Newark Advocate* reported that it was disfigured and that there was a great deal of blood on the carpet and furniture. The suspect then pushed her down the basement steps, and she lost consciousness. After what she thought was about a quarter of an hour, she awoke and began screaming. This attracted several neighbors, who assisted her to the house of Louis Kreyer.<sup>238</sup>

The neighbors who rescued her said that Neibling’s clothes were nearly ripped from her body, her nose was mashed, and her face was cut and bleeding. At first Neibling had difficulty in relaying her ordeal, in part because her assailant had knotted a piece of

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<sup>237</sup>*Newark Daily Advocate*, October 22, 1894; *Columbus Evening Dispatch*, October 22, 1894; *Ohio State Journal*, October 23, 1894.

<sup>238</sup>*Ohio State Journal*, October 25, 1894.

clothing around her throat. The physician who treated her was certain she would recover, although she was suffering from her injuries and nervous prostration.<sup>239</sup>

Neibling was later able to give a detailed description of her attacker, saying he was a "large and dark Negro and wore a dark slouch hat and dark sack coat."<sup>240</sup> Shortly thereafter, Edward Williams, a wagon driver, saw the suspect in the north end of the city. A search party was put together by Marshal Griffith, and a large number of people fanned out across the north end of Newark.

Marshal Griffith, Officer Schaller and Frank Connell captured the suspect, later identified as Benjamin Ward. They located him at one of the boarding houses he was said to frequent, and found him digging a pit. He acted surprised when he was arrested, and offering some resistance, was marched off to jail. While there, he talked freely with a reporter from the *Advocate*, but vehemently denied any involvement in the assault.<sup>241</sup>

Ward gave his age as 39, said that he was born and raised in Columbus, Ohio, and had recently lived in Pittsburgh where he had a job shoveling coke. He had arrived in Newark about a week before the alleged assault and was looking for work. Because he continued to deny any involvement, the reporter told him of the Washington Courthouse case, and implied that the only reason why Colby was still alive was that he admitted his guilt. Ward continued to protest his innocence, and implied that if a mob was intent upon getting him, it surely could.<sup>242</sup>

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<sup>239</sup>Ibid.

<sup>240</sup>*Ohio State Journal*. October 30, 1894.

<sup>241</sup>*Newark Daily Advocate*, October 20, 1894.

<sup>242</sup>Ibid

The authorities sent for Neibling in order to see if she could identify Ward as her assailant. According to the *Advocate*, she was so badly injured and exhausted that there was some fear she would not be able to do so. Nevertheless, she agreed to try. When Ward and two other Negroes were placed in a room with her, she immediately identified him saying, "I think that's the man." This was in spite of the fact that she earlier claimed she could not give a good description of him on account of the fact that she was too busy struggling with him during the sexual assault. When all three men stood up, she became more positive of her identification, declaring, "Yes, I know that's the one."<sup>243</sup>

News of Neibling's identification of Ward swept quickly through Newark, and within a short period of time, a mob of several hundred people had gathered outside the courthouse. The lack of a mob leader, however, seems to be a key reason why the mob did not get out of hand as it had in Washington Courthouse. While it cannot be known for certain, surely residents of Newark were aware of the Washington Courthouse riot, and perhaps felt that a mob of that sort would not only bring in the militia, but also cause a great deal of legal trouble for anyone found to be involved. Those factors may have saved Ward from being lynched.<sup>244</sup>

On the morning of October 20, Mr. Samuel Magruder arrived at police headquarters and produced the gold watch Ward had stolen from Neibling's house. Magruder said he found the watch in the yard on the spot where Ward had been working at the time of his arrest. An unnamed Zanesville man appeared at police headquarters and

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<sup>243</sup>Ibid.

<sup>244</sup>Ibid.

identified Ward as a man who had been recently released from the Muskingham county jail for a minor offense. He also told the police that Ward's home was not Columbus, but somewhere near Dresden, Ohio.<sup>245</sup>

Ward later retained attorney Clark Barrows to represent him and began to make himself ready for a preliminary hearing. In the meantime, rumors were rampant that Ward had visited several houses before Mrs. Neibling's, frightening the women at those houses by his peculiar actions. It was also learned that about a dozen years before the assault on Mrs. Neibling that Ward had been tried and convicted of second-degree murder and had been sentenced to life in the Ohio Penitentiary. The governor pardoned Ward when his brother, Bill, made a deathbed confession. Ward also was rumored to have served time in a penitentiary in Illinois or Indiana--it was unsure in which state.<sup>246</sup>

Ward's preliminary hearing was held on Thursday, October 25. The time was kept secret in order to ensure that there would not be a repeat of the incident at Washington Courthouse. The only people present were the prisoner and, Clark Barrows; Marshal Griffith; Jailer Cherry; C. C. Cooper, the court stenographer; and several members of the press. According to the *Advocate*, "The brute of a prisoner trembled throughout the whole examination. . ."<sup>247</sup>

Mrs. Neibling, also known as Catherine Swigart, testified as to the details of the assault. She relayed that she struck Ward in the face several times when he first attacked,

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<sup>245</sup>Ibid.

<sup>246</sup>*Newark Daily Advocate*, October 22, 1894.

<sup>247</sup>*Newark Daily Advocate*. October 25, 1894.

and she screamed until she was bound and gagged. She talked about how she was left in the basement, and how she managed to free her hands and escape, running to a neighbor. The next time she saw Ward was when she identified him as her assailant. Several other witnesses testified about their previous dealings with Ward, Neibling's condition and the condition of her home after the assault. At the end of the hearing, Ward was bound over by Mayor Taylor under a bond of \$10,000.<sup>248</sup>

How does the theory developed by de la Roche relate to the Ward case? Ward appeared to be a stranger in Newark, although not elsewhere; at least one person came forward and identified Ward as someone he knew to be a former inmate. Clearly Ward had no friends—especially white friends who would vouch for him—in Newark. As in all except four of the lynchings previously discussed, the victim of the sexual assault was a white woman, and the perpetrator a black man; they were also of different socioeconomic backgrounds. Newark did not appear to have a large black population, which meant that white employers were not necessarily dependent on black employees; the *Advocate* would surely have mentioned it if the opposite had been true. The fact that the organized mob had no leader, that the time and place of Ward's preliminary hearing were kept secret, and that access to that hearing was strictly limited all ensured that he was not lynched. This case clearly shows that the variables developed by de la Roche can be present, yet a lynching can still be averted.

As charged by Ida B. Wells-Barnett, Walter White, and Mary Church Terrell, racism was also a factor in the near lynching of Ward. The newspapers repeatedly

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<sup>248</sup>Ibid.

referred to him as a “Negro fiend,” “fiend incarnate,” “A brute in human form,” and the “fiendish Negro brute.” The papers described his victim in complimentary terms, repeatedly referring to her as a respectable, well-liked widow.<sup>249</sup>

Ward’s case did not attract the intense press coverage of the previous three discussed. It received no more than a passing mention in the *Ohio State Journal* and the *Columbus Dispatch*, even though Columbus was a short distance away from Newark.

### **Hicksville Averts a Lynching**

During the same week as the Newark incident, another lynching was avoided, this time in the small village of Hicksville, located in Defiance County. The alleged crime was again that of sexual assault; the alleged victim was Hattie Heckerman, the three-year-old daughter of Mrs. Daniel Heckerman. On Sunday, October 21, the child was found unconscious in a barn; when she awakened, she said that Charles O’Neill, a black man, had carried her to the barn.<sup>250</sup>

O’Neill had been hired to do general farm work by Mrs. Harriet Crowl, a widow, and her daughter, Mrs. Daniel Heckerman, the mother of the alleged rape victim. He was described as “a powerful man and as black as night.”<sup>251</sup> O’Neill apparently grew very fond of the little girl, and she spent a lot of time tagging along after him. On Saturday

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<sup>249</sup>*Newark Daily Advocate*, October 20, 1894; *Ohio State Journal*, October 23, 1894; *Newark Daily Advocate*, October 25, 1894.

<sup>250</sup>*Newark Daily Advocate*, October 22, 1894; *Columbus Evening Dispatch*, October 22, 1894; *Ohio State Journal*, October 23, 1894.

<sup>251</sup>*Newark Daily Advocate*, October 25, 1894.

evening, she went to the stable with O'Neill but did not return. Her mother went in search of her and found her on the stable floor, unconscious, and her clothes torn and covered with blood. Three physicians examined the child and pronounced her in critical condition. Although too young to realize the severity of her experience, she was able to tell the authorities what happened.<sup>252</sup>

O'Neill was quickly captured by Marshal Frey and six deputies who dragged him through the village as they were pursued by a desperately angry, howling mob. It was alleged that O'Neill confessed to raping the girl. When Marshall Frey and his posse arrived at the village jail, they barricaded the doors and lined up with their backs to them. With clubs and pistols they fought off the mob through the entire night. Around dawn the crowd began to disperse, swearing that O'Neill would pay with his life if he could only be reached. All during the day small groups of men gathered in the town square to talk and plot against O'Neill. But by late in the afternoon of October 22, the crowds had dispersed.<sup>253</sup>

As in other lynchings, there was a great deal of relational distance between O'Neill, a black man, and his alleged victim, a white child. Furthermore, O'Neill was a hired hand on the Heckerman farm; because Mrs. Heckerman was a widow, it can be supposed that she definitely needed O'Neill's services. There were few blacks living in Defiance County, so it is not likely that the two races had a great deal of contact. What most likely saved O'Neill from being lynched was the quick and determined action of the

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<sup>252</sup>*Ohio State Journal*, October 23, 1894.

<sup>253</sup>*Ibid.*

law enforcement authorities. They barricaded the jail and spent the entire evening fighting off the mob. As with the case of Benjamin Ward, there was little comment in the local paper or in the Columbus papers.

What cannot be ignored, however, is the fact that white law enforcement officials again went to great lengths to protect the life of a black man accused of sexually assaulting a white female child. From this we must assume that law enforcement officials in Hicksville thought it more important to let the law punish Ward than to allow a lynch mob to kill him.

### **The Last Straw**

The final lynching to be discussed in this chapter occurred in Clermont County, located in the extreme southwestern corner of Ohio. Settled by anti-slavery residents of Maryland, Virginia, and Kentucky, it was often a first place of refuge for runaway slaves.

Franklin Fridman was one of the wealthiest and most prominent men in Clermont County. It was said that his murder, allegedly by a black man named Noah Anderson, was one of the most abominable and gruesome in the history of the county. Fridman, who owned a great deal of land in Clermont County, was driving into the town of New Richmond on Wednesday, August 21, 1895, when he stopped at one of his houses. He hitched his horse to a post and went into an adjacent field, where Anderson attacked him. Even though Anderson had no weapon, the 79-year-old man was no match for him and

was choked to death. Three physicians spent an hour trying to revive him, but were unable to do so.<sup>254</sup>

Anderson was said to be mentally ill, and he was convinced that Fridman had cheated him out of two million dollars worth of property and deserved to be murdered. He admitted to the authorities that Fridman had put up quite a struggle, but to no avail. Anderson was then arrested and taken to the New Richmond station house. At that time it was thought that Fridman was still alive; Anderson surely would have been killed before he got to the jail were this not the case.<sup>255</sup>

Word of the crime soon reached the citizenry and wild rumors swirled around. A highly agitated crowd had gathered in front of the jail calling for Anderson's lynching. There was a rumor that the mayor and town marshal were going to take the prisoner to the county jail, but the townspeople ensured that it could not be done. An agreement was secretly made by men in the mob that the jail would be broken into once it became dark, and Anderson would be dragged away and lynched.<sup>256</sup>

Around 4:00 p.m. on Wednesday, August 21, the crowd appeared to have calmed down, and the mayor and marshal deemed it would be safe to move the prisoner. A carriage was secretly brought to a place near the jail; Anderson was handcuffed and brought out the front door of the building. Someone broke through the crowd and quickly dropped a noose around Anderson's neck; and the marshal and his assistant were

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<sup>254</sup>*Clermont Sun*, August 28, 1895; *Clermont Sun*, August 28, 1895.

<sup>255</sup>*Ibid.*

<sup>256</sup>*Ohio State Journal*, August 22, 1895; *Columbus Evening Dispatch*, August 25, 1895.

tripped and thrown down the steps. Several dozen men dragged Anderson down the street to a nearby maple tree. The rope was tossed over a branch and Anderson was lifted up until his body was six feet off the ground. Neither the crowd nor Anderson uttered a word, and he slowly strangled to death. His face was a grotesque sight, bloody and battered from being dragged from the jail. In death, one eye was bloodshot and open, the other was closed. At 5:00 p.m., Anderson's body was cut down and viewed by the coroner. Once he was pronounced dead, his body was placed in a casket. By 8:00 p.m. Anderson had been buried in Collard's cemetery.<sup>257</sup>

Fridman's family had requested that no autopsy be performed or inquest be held to try to determine the sequence of events that led to his murder. As no one in the black community stepped forward to defend Anderson, protest his lynching, or claim his body, no inquest was held in his death, either. The next day, it seemed as though nothing untoward had occurred. Life in New Richmond had returned to normal.<sup>258</sup>

The *Ohio State Journal* decried that vigilantes had again taken the law into their own hands. However its editor noted that in adjacent Brown County a father who had been convicted of murdering his son and five times sentenced to hang was still free on a technicality. The *Journal* opined that Clermont county citizens were afraid that the law would not adequately deal with Anderson, the confessed murderer, and thus they took the law into their own hands.<sup>259</sup>

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<sup>257</sup>Ibid.

<sup>258</sup>*Clermont Sun*, August 28, 1895.

<sup>259</sup>Columbus Dispatch, August 22, 1895.

The *Columbus Dispatch* reported on the lynching by saying, “There was no masking, no attempt at concealment. Every person present and engaged in the mob knew all the others.” Moreover, the paper joined the citizens of New Richmond in their naked display of racism by referring to Anderson as the “Brutal Negro Murderer.” The *Dispatch*, however, did not blame the lynching on race hatred; rather, it surmised that because Fridman was so well liked, his neighbors had completely lost their ability to reason and were swept along by the mad music of the mob.<sup>260</sup>

Comparing the lynching of Anderson to that of the others, we find the same inequality between the victim of the alleged precipitating crime and the man lynched. Moreover, Anderson was thought to be mentally ill, and there was little or no treatment—or sympathy—for the mentally ill in the late nineteenth century. Since Clermont County had earlier been very hospitable to blacks, we can assume that there was a larger black population there than in the other towns where lynchings had occurred. No black person, however, came forward to defend Anderson before the lynching, or claim his body afterward. This could be due to fear about the nature of his death, or the fact that he was assumed to be mentally ill and guilty of murder.

While race hatred was a factor in the Anderson lynching, he was more likely lynched because he murdered a prominent and prosperous member of the community and appeared to brag about it.<sup>261</sup> Also, law enforcement officials made a serious miscalculation in attempting to move Anderson to another jail. They assumed that since

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<sup>260</sup>*Ohio State Journal*, March 8, 1894.

<sup>261</sup>*Columbus Dispatch*, August 22, 1895; *Clermont Sun* August 28, 1895.

the crowd had calmed itself by afternoon, there would be no trouble. They were not prepared to hold back the crowd and could do nothing once Anderson was seized.

### **A Legal Remedy?**

This spate of lynchings and near lynchings in 1894 alarmed Ohio's black leaders. For several years the *Cleveland Gazette* had been exhorting Governor William McKinley and the Ohio legislature to be more aggressive about eradicating lynching and punishing those guilty of it. And although 1894 was the first year in which the militia was used to quell mob violence, four black men were still lynched. Moreover, the use of the state militia to quell mob violence and protect black prisoners—while appreciated—was a reactive, not a proactive strategy.

While no one in the black community stepped forward to defend Anderson, failure to do so did not indicate a lack of concern. Representative Harry C. Smith and Judge Albion Tourgee had been working on anti-lynching legislation for more than a year when the Washington Courthouse mob tried to lynch Colby. Additionally, Smith had been made temporary chairman of the newly formed Northern Ohio Anti-Lynching League at St. John's Church in 1894.<sup>262</sup> There was a sense, however, that giving speeches and forming additional organizations was not sufficient. Smith and Tourgee thus stepped up their battle to force the Ohio legislature to pass anti-lynching legislation that would require governments to punish those found guilty of participating in mob violence, and provide some compensation for the families of people who were lynched.

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<sup>262</sup>*Cleveland Gazette*. December 1, 1894.

## CHAPTER 5

### A LEGISLATIVE RESPONSE TO LYNCHING

As late as 1892 many black Ohioans still viewed lynching primarily through a southern lens. After a particularly brutal lynching in Louisville, Kentucky, the African-American owned *Cleveland Gazette* carried a series of letters about the so-called southern problem. Yet the north was beginning to awaken not only to its responsibility to speak out against lynching as it had protested against slavery, but in equating the circumstances of northern lynchings with those taking place in the south. Furthermore by 1892 the fledgling anti-lynching movement in Ohio took a decided turn toward the religious. Several letters printed in the *Gazette* in early 1892 invoked God, chastised black preachers for following false prophets in their failure to denounce the lynching of their people, and contrasted the Christian way of treating ones fellow man with the manner in which whites--especially public officials--ignored the lynching problem.

For example, the *Gazette* printed a letter from Mr. H. I. More, which said in part,

I have thought that it is perhaps because our colored ministers have not had the courage to stand up boldly and defend Christ and His cause and denounce His false friends

screened under holy robes that we have been so long neglected by Him.<sup>263</sup>

In the same issue, the *Gazette* printed a letter from Mr. Joseph Pinorney, who pointed out that the President of the United States defended the concept of law and order in the Wyoming cattle wars, yet ignored the "outrages upon the Afro-American in the South."<sup>264</sup> Albion Tourgee, the white Radical Republican and long time defender of black rights, warned that if those rights were not protected, there would be a reaction "worse than a reign of terror" visited upon the nation.<sup>265</sup>

The increase in the number of lynchings and their increasingly more barbaric nature so alarmed black Ohioans that the *Gazette* called for a day of prayer, urging blacks and those who supported their cause to observe the last day of May 1892 as one of "humiliation, fasting, and prayer," noting that it was only through heavenly intervention that the problem could be solved. Specifically, supplicants were to ask God to remove from the black man any faults that might be the reason why whites were so unsympathetic; show whites that only by maintaining the rule of law and applying it equally to all men could the republic continue to prosper; and that whites would be reminded that blacks had only recently been freed from the bonds of slavery and would need time to "rise to the level of intelligence and virtue which marks the character of a

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<sup>263</sup>*Cleveland Gazette*. May 28, 1892.

<sup>264</sup>*Ibid.*

<sup>265</sup>*Ibid.*

great citizen.”<sup>266</sup> While this invocation sounded passive, it was not. Just the week before the *Gazette* recognized on its editorial page that the problems of black Americans would only be resolved by black Americans themselves.<sup>267</sup> By calling for a day of prayer, black leaders were taking the first step, girding themselves for the battle ahead. Black Ohioans were also harkening back to their abolitionist days, a time during which religion played a crucial role in the black quest for freedom from slavery.

As stated in chapter one, the lynching mentality involved an elaborate myth of white superiority and black inferiority. It also served a pseudo-legal function in that it was often used in areas where the formal mechanisms of law and order had yet to be established. Under those circumstances, the lynch mob served as sheriff, judge, jury, and executioner. Third, the formation of lynch mobs was often blamed on the inability of the authorities to ensure that justice would be swift and fair to the victim of the alleged crime. Indeed politicians, the media, the clergy and others often decried the fact that a lynching had occurred, but noted that “if men who commit crimes were promptly arrested and convicted, there would be no mob for the purpose of lynching.”<sup>268</sup>

Anti-lynching proponents viewed lynching differently: it was the way whites were able to maintain the economic, psychological and sexual exploitation of blacks after the Civil War. The supporters of anti-lynching law pointed to the increasing racial tension of the late nineteenth century that was brought on in part by the economic

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<sup>266</sup>*Cleveland Gazette*. May 14, 1892.

<sup>267</sup>*Cleveland Gazette*. May 7, 1892.

<sup>268</sup>Donald L. Grant. *The Anti-Lynching Movement: 1883 - 1932*. (Fort Valley State College. San Francisco, CA). Unpublished dissertation.

upheavals of the Industrial Revolution. The lynchings carried out during this time period were not done primarily to punish black criminals—especially for that old bugaboo interracial sex—but because some group of whites perceived that a particular black man or woman violated the “basic canons and the daily etiquette of the American racial caste system.”<sup>269</sup> The spate of lynchings that occurred in Ohio during the 1890's proved that a special anti-lynching law was needed. Moreover, that law would be successful only if whites were forced to momentarily compensate the family of the lynching victim.

In Ohio anti-lynching legislation was made possible through the collaboration of black state legislator Harry C. Smith, who was also the editor of the *Cleveland Gazette*, and Albion W. Tourgee. A precursor of the efforts of Smith and Tourgee was a national race conference held in Cincinnati, Ohio in July of 1892; one purpose of the conference was to discuss the rise in lynching in Ohio. Moreover, the lynching of the teenaged Roscoe Parker in Adams county in January 18, 1894 gave added impetus to the efforts of the anti-lynching groups. As noted in chapter three, black state legislators Harry Smith and William H. Clifford of Cleveland, and Samuel B. Hill of Cincinnati, met with Governor William McKinley to see if he could be convinced to use his office to force Adams county officials to take legal action against the mob that lynched Parker. Several weeks later, Hill introduced a resolution in the Ohio House condemning the lack of action and urging law-abiding citizens of Adams County to speak out. Unfortunately, the efforts of Smith, Clifford and Hill came to nothing, in part because Ohio's attorney

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<sup>269</sup>David A. Gerber, “Lynching and Law and Order: Origin and Passage of the Ohio Anti-Lynching Law of 1896,” *Lynching, Racial Violence and Law*. Paul Finkelman, ed. (New York: Garden Publishing Inc., 1992), p.190.

general opined that the state had no jurisdiction to act in local matters. Into this vacuum stepped Smith and Tourgee.

Harry C. Smith was born in Clarksburg, West Virginia on January 20, 1863—twenty-eight days after the signing of the Emancipation Proclamation. Widowed shortly after Smith's birth, Sarah Smith moved her children to Cleveland, Ohio, sometime during late 1865 or early 1866. There Smith went to grammar school, during which time he taught himself to play the cornet; it was this skill that allowed him to help support his mother and sister. He was able to re-enter school in 1878 and graduated from Cleveland Central High School in 1882 having studied the Latin and English course. While in high school, he wrote for several African-American papers in Indianapolis, Cincinnati, and Springfield, Ohio and for one white-owned paper, the *Cleveland Sun*. By 1883 Smith was prosperous enough to join three other men in acquiring the *Cleveland Gazette*; he soon bought the other men out and became sole proprietor. The *Gazette* was described as a paper that

in its columns are found communications from the wisest and best minds of the race. . .practically identified with the colored people, and is in harmony with the interests and success of all without regard to complexion.<sup>270</sup>

Friends and acquaintances thought that because Smith had mingled with whites throughout his life, he was especially bothered by the rigid color line that was developing in Ohio; he spoke out early and vociferously against it. While this may have caused some anger among whites, white Republicans thought highly enough of Smith to appoint him as

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<sup>270</sup>William J. Simmons. *Men of Mark: Eminent, Progressive and Rising*, (New York: Arno Press and the New York Times, 1968), p. 196.

a clerk in the city, one of two black clerks with the nonpartisan appointment. Governor Joseph B. Foraker also appointed him as a Deputy State Oil Inspector—a salaried position—in part due to his splendid work on behalf of Foraker’s 1885 gubernatorial campaign. Smith was also periodically mentioned as a candidate for the Ohio legislature, long before he ran.<sup>271</sup>

In the important work of eradicating lynching in Ohio, Smith was joined by Albion W. Tourgee, by then a defender of equal rights for black Americans for more than a quarter century. The man who once called his fiancé “quite a rabid little petticoated Black Republican of late,”<sup>272</sup> had become politicized as a result of his experiences “by the return of Confederates to seats of power and by their injustice to unionists and freedmen”<sup>273</sup>

Tourgee was born an only child in Williamsfield, Ohio, a small village in northeastern Ohio and a part of the Western Reserve. His father was a descendant of French Huguenots and a devout Methodist. His mother, the former Louise Emma Winegar, was often plagued by sickness; she died when her son was a mere five years old. Although the family was poor when the young Tourgee was born, his father, Valentine Tourgee, had become quite prosperous by the time Albion was approaching adolescence, having remarried and purchased a farm and homestead.

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<sup>271</sup>Ibid., p. 197.

<sup>272</sup>Otto H. Olsen. *Carpetbaggers Crusade: The Life of Albion Winegar Tourge*, (Baltimore: The Johns Hopkins Press, 1965), p. 1.

<sup>273</sup>Ibid., p. xii.

During his adolescence in the early 1850's, Tourgee spent several years in the northeast with an aunt and uncle. He attended the public schools there and had access to a number of libraries. Returning to Ohio when he was a teenager, Tourgee alternated between teaching school and attending Kingsville Academy. Kingsville was coed and had absorbed the spirit of reform so popular in the Western Reserve: women's rights, political and educational reform, prison and legal reform, and temperance. Although there were small pockets of people who espoused Know Nothing rhetoric and white supremacy, the Western Reserve was considered quite progressive in comparison with other areas of the state.<sup>274</sup>

Tourgee developed into an orator of some skill, interested in literature—he would later become a successful novelist—and the arts. Although he was an ardent Christian, Tourgee was not heavily influenced by doctrine; he thought most religions had some merit, and seemed particularly attracted to Unitarianism.<sup>275</sup>

During the Civil War, Tourgee joined the 27<sup>th</sup> New York Volunteer Infantry, and was elected sergeant.<sup>276</sup> He suffered a back injury, which plagued him periodically throughout his life. While recovering, he became interested in and drawn to the anti-slavery rhetoric of northerners. He even participated in a skirmish during which the 105<sup>th</sup> Regiment was defending runaway slaves that had joined it. Opponents labeled the 105<sup>th</sup>

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<sup>274</sup>Ibid., p. 5.

<sup>275</sup>Ibid., p. 9.

<sup>276</sup>Ibid., p. 14.

“abolition nigger-stealers,” and Tourgee seemed very proud of his actions and the moniker.<sup>277</sup>

At the close of the war, he wrote to a friend that he had a better understanding of the passions surrounding the fight for holding together the Union. Tourgee said, “I don’t care a rag for ‘the Union as it was.’ Before this is accomplished we must have a fundamental and thorough and complete revolution and renovation. This I expect and hope.”<sup>278</sup>

After the War, Tourgee and his wife moved to North Carolina and started a nursery. During this time he came into contact with many southern Unionists and blacks. Slowly he was drawn into politics, not as a candidate, but as an activist—speaking, writing and traveling. He was prominent in the Reconstruction Convention of 1868, and was a code commissioner for North Carolina, revising the civil and legal procedures of the state.<sup>279</sup>

By 1891, after more than twenty-five years of agitation over for black rights, Tourgee founded the National Citizens Rights Association to advance the concept of equality for blacks, women and the poor. As director, Tourgee had worked for several years to pass an anti-lynching law at the federal level; specifically he wanted legislation that would establish the idea of community responsibility and liability for mob violence. There was precedent for such a law. During the administration of Benjamin Harrison,

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<sup>277</sup>Ibid., p. 24.

<sup>278</sup>Ibid., pp. 25-6.

<sup>279</sup>Ibid., pp. 1127-42.

Congress had passed a law to protect foreign nationals against mob violence. The law was in response to the mob led execution of eleven Italians in New Orleans in 1890. Harrison, however, would not commit to putting the prestige of his administration behind an anti-lynching law. Even though Republicans controlled both houses of Congress during Harrison's term, he was virtually silent on the subject. He did not recommend passage of such a law until his lame duck annual message to Congress in December of 1892.<sup>280</sup>

Furthermore, by 1894 only two states had anti-lynching laws, Georgia and North Carolina, and both states passed those laws after a rash of lynchings in 1893. The laws were, however, very weak. The Georgia anti-lynching statute merely penalized sheriffs found negligent in protecting prisoners threatened by mob violence, and allowed them to deputize local citizens in order to obtain their assistance. The penalty for violating the law, however, was only a misdemeanor, and that was not much of an incentive for sheriffs to go beyond their prescribed duties and risk their lives. The North Carolina law was even weaker, merely making counties in which lynchings occurred financially responsible for the costs of investigating and prosecuting people involved in mob violence. These two pieces of legislation, however, were revolutionary and better than nothing.<sup>281</sup>

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<sup>280</sup>David A. Gerber. "Lynching and Law and Order: Origin and Passage of the Ohio Anti-Lynching Law of 1896," Paul Finkelman, *Lynching, Racial Violence and the Law* (New York: Garden Publishing, Inc., 1992), p. 200.

<sup>281</sup>*Ibid.*, p. 201.

Knowing it unlikely that the incoming Democratic president Grover Cleveland would be willing to work with him on national legislation, Tourgee turned his interest and efforts to passing an anti-lynching law in Ohio. After the 1894 Adams county lynching, the *Cleveland Gazette* published a letter Tourgee had written to Governor McKinley in which he expressed his concerns at the outbreaks of violence not only in Ohio, but also in the nation at large, and outlined elements of an anti-lynching law. In the letter, published on March 3, 1894, Tourgee opined that the United States was sliding toward anarchy, a situation comparable only to Russia in its attempts to break the violent protest sparked by the repressive Czarist regime. Moreover, the Panic of 1893 had deepened, throwing millions out of work and causing them to turn to radical political movements such as the Populist party, which threatened the two major political parties and the economic order. While radicalism and syndicalism had yet to catch on in the Midwest, there was widespread anger among the hundreds of thousands of unemployed in the South and West who were threatening to march on Washington to demand that something be done about their plight. This severe social unrest was a portent of worse things if not handled correctly.<sup>282</sup>

Tourgee seems to have been dramatizing for effect here. For instance, he failed to address the violence that had accompanied Coxey's Army, when on Easter Sunday, 1894, Jacob Coxey a thirty-nine-year old Populist, led a march of about 500 men, women and children from Massillon, Ohio, to Washington, D.C. to protest the federal government's lack of economic assistance during this economically perilous time.

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<sup>282</sup>*Cleveland Gazette*. March 3, 1894.

In his letter, Tourgee also pointed out that some of the leading citizens had participated in the Adams county lynch mob, and their action and the fact that they were not punished for it could only be a signal to the poor that there was no reason to respect the law. Tourgee may have been obliquely warning McKinley that it was only a matter of time before blacks would begin to fight back; perhaps this would be the start of the race and class war that had been so feared throughout the eighteenth and nineteenth centuries. This portion of Tourgee's letter must have caused McKinley great concern<sup>283</sup>.

According to Tourgee, the only way to prevent lynchings was to make the communities in which they occurred financially responsible for the violence. Tourgee advocated that legal representatives of the victims of lynching be permitted to sue the county government in which the lynching occurred for a maximum of \$10,000. If the victim was not killed but seriously injured, his representatives might sue for a minimum of \$1,000; if the injury was slight, \$200 would be the minimum amount of damages awarded. The money would be raised by a general tax levy in the effected county. To ensure that the legal representatives of the victim would not be dissuaded from seeking damages, the claim could be filed in an adjoining county. Counties that entered into an agreement with the plaintiffs to settle for less than the law allowed would be charged with a misdemeanor. Lastly, participants in mob violence could still be prosecuted criminally.<sup>284</sup>

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<sup>283</sup>Ibid.

<sup>284</sup>Ibid.

Radical and timely though it was, Tourgee's proposition was not based on any sociological or psychological evidence about mob behavior. According to historian David A. Gerber, Tourgee made several erroneous assumptions. First, he assumed that participants in a lynch mob, angered beyond all reason at some transgression against the social order, would stop to think about the financial liability of participating in a lynching. Since Tourgee himself acknowledged that some of the leading citizens of the community participated in the Adams county lynching, this most likely would not be true. Second, Tourgee's legislation failed to take into account that every lynch mob was not alike. The circumstances of the alleged crime, the size of the community, the status of the alleged crime victim and the person being lynched, and the efforts of local law enforcement officials all could be different. Third, Tourgee assumed that those of low socioeconomic status could be--or would be--influenced by community leaders, and that those leaders would definitely take action to halt a lynching. Finally, the legislation as proposed by Tourgee did not recognize what an important part race prejudice played in a lynching.<sup>285</sup> Given Tourgee's long involvement in the struggle for black rights, this was a glaring omission, one made perhaps for political expediency.

The Tourgee plan was certainly better than the legislation passed in Georgia and North Carolina. He also had a natural ally in Representative Harry C. Smith, who made it known that he would soon offer his own bill based on Tourgee's suggestions. Unfortunately, black legislators were divided on exactly what needed to be done to halt lynchings and to punish those who might take part in one. Taking advantage of this

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<sup>285</sup>David A. Gerber. "Lynching and Law and Order, p. 45.

division, Cleveland Representative William Clifford, a political adversary and personal nemesis of Smith, quickly offered two anti-lynching bills. The first bill defined the crime of lynching as the “taking or attempted taking of human life by an assemblage of persons except in punishment for crime by officers of the law executing the sentence of a court.”<sup>286</sup> It identified a lyncher as any and every person who was present at the scene of mob violence, and provided for incarceration of five to twenty years for each person. Clifford’s second bill authorized the governor to send the attorney general to assist the county prosecutor in investigating, indicting, and convicting those found responsible for the lynching. If the attorney general was not available due to other official duties, the bill permitted the governor to appoint a special assistant attorney general. Finally, Clifford’s second bill permitted a change of venue in order to ensure a conviction.

Both Smith and Tourgee were unhappy with the Clifford bills. Smith said the bills must have been “drawn up by a certain person (white) who is no more friendly to the writer than he is to our race.”<sup>287</sup> Moreover, he was stung by the lack of legislative courtesy; there was no need for Clifford to offer a bill when he knew Smith had been planning to do the same.

Tourgee complained that the Clifford bills made it virtually impossible to convict a mob of lynching because every person in the mob would potentially be a suspect and forced to incriminate himself. The bills also lacked a section on community responsibility, which Tourgee was convinced was the only way to halt lynchings. Finally

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<sup>286</sup>*Cleveland Gazette*. May 12, 1894.

<sup>287</sup>*Cleveland Gazette*, May 19, 1894.

the section on change of venue was probably unconstitutional since it permitted indicting a person in a county other than the one in which the alleged offense took place.<sup>288</sup>

The anti-lynching bill made little progress in the legislature. Due to the lack of consensus on the bill and the fact that the legislature was now meeting biennially after the 1894 session, no action was taken. This inaction may be why Ohio's newspapers—except, of course, the *Cleveland Gazette*, which was owned by Representative Smith—had little or no comment on the Clifford bills at that time. Complicating the matter was that the legislature had an unwritten rule that they would not act upon any matters of particular concern to black Ohioans without unanimity among black legislators. It would be two years before the matter was taken up again.

Smith and Tourgee blamed the inability to pass anti-lynching legislation during the 1894 session of the General Assembly squarely on Clifford. By presenting a bill he knew had little likelihood of passing, Clifford divided his colleagues on the subject, causing precious time to be lost.

The two-year delay in passing a lynching bill was unfortunate. As mentioned in Chapters Three and Four, there was a riot in October 1894, at Washington Courthouse; a mob had tried to break into the building to seize a black man accused of rape. The sheriff asked that the state militia be sent in, and five youths were killed. Several weeks later, there were threats of lynchings in Newark and Springfield. In August of 1895, a mentally ill black man confessed to the murder of an elderly farmer in New Richmond.

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<sup>288</sup>*Cleveland Gazette*, December 15, 1894.

He was dragged from the jail and lynched. In October 1895 the militia had been called out after a mob tried to capture a white prisoner accused of murdering a local marshal.

When the Republican-dominated legislature returned in January 1896, Representative Smith was ready with his anti-lynching bill. Governor William McKinley, who made passage of such a bill a part of his final state of the state address, helped him in his efforts. McKinley's offer of support was important; he had publicly supported the aspirations of blacks. During a speech to the Ohio legislature, he strongly condemned the act of lynching and the government's lack of response to it. He had met on several occasions with black Ohio legislators after the lynching of Roscoe Parker in Adams county, but his position was always that as governor, he had no legal right to intervene if law enforcement officials failed to do their duty.

Representative Smith finally introduced his bill in early February 1896. The bill

1. Defined the terms mob and serious injury.
2. Entitled the victim of mob violence to collect \$1,000 in damages from the county in which the assault occurred.
3. Allowed anyone assaulted or lynched by a mob to collect at least \$500 in damages; \$1,000 for serious injury or \$5,000 for injuries so severe that the victim was permanently disabled and unable to engage in manual labor.
4. Allowed the legal representatives of the victim to collect \$5,000 in damages. The settlement could not be regarded as part of the victim's estate, nor could it be subject to any of the victim's liabilities.
5. Permitted the claims process to be filed in any county of the state and any court having jurisdiction.

6. Authorized the commissioner of the county in which the judgement was levied to include the award and the costs of action in the next tax levy.
7. The legal representative of the victim could be punished if she or he under any circumstances agreed to accept less than \$5,000 as entitled by law.
8. Allowed the county to attempt to collect from members of the mob.
9. Did not exclude filing criminal charges against members of the mob.
10. Made provisions for minor children left behind by the lynching victim.<sup>289</sup>

The Smith bill was met with immediate opposition. Democrats, led by Representative Aquila Wiley of Wayne county, objected to the very need of such legislation. Although he agreed that the southern states needed such a law because they continually violated the constitutional rights of blacks, Ohio did not. Wiley said "Nobody is lynched here, except those who have been guilty of so heinous a crime that the indignation of citizens arises in an uncontrollable frenzy."<sup>290</sup> Several of Ohio's newspapers disagreed with Wiley. On February 23, 1894, and again on March 19, 1894, the *Ohio State Journal* printed editorials supporting the legislation, saying it was long overdue. On February 29, 1894, the *Cleveland Daily World*, also supported the bill, urging the legislature to pass it immediately.<sup>291</sup>

On February 26, 1896, the bill was defeated having failed to attract the necessary 57 votes. Of those present, 12 of the 23 Democrats and 22 of 89 Republicans voted

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<sup>289</sup>*Cleveland Gazette*. May 12, 1894.

<sup>290</sup>*Dayton Daily Journal*. February 28, 1896.

<sup>291</sup>David A. Gerber, "Lynching and Law and Order," p. 189.

against the bill; twenty-eight members absented themselves from the floor on the day of the vote. Clearly Wiley's argument against the need for such a bill--and his opposition to community liability--was persuasive. A breakdown of the vote showed that its greatest opposition came from the central and southern counties where the most recent activity had occurred.<sup>292</sup>

Supporters of the bill swung into action. In addition to the aforementioned editorials, the *Gazette* printed weekly editorials urging passage of the bill and virtually demanding that Ohioans—especially black Ohioans—contact their representatives to encourage their support. There was an intensive lobbying effort in the legislature to bring those who had voted against the bill over to the side of its supporters. On March 24 the bill was reintroduced in the Ohio House and passed, with 61 votes in favor and 22 votes against. There was a slight shift in the voting pattern: four votes from Republicans in the southern counties of Hamilton and Montgomery provided the winning margin. The bill was then reported out of the Senate Judiciary Committee on April 4, 1896. With a minor amendment later acquiesced to by the House, the Senate passed the Smith bill 22 to 20.<sup>293</sup> The bill was substantially the same as Smith and Tourgee had agreed upon; compensation for the victim's family however, had been halved.

Within four years of its passage, South Carolina, Kentucky, New Jersey, West Virginia, and Wisconsin were copying the Smith anti-lynching bill. The National

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<sup>292</sup>*Cleveland Gazette*, April 4, 1896.

<sup>293</sup>*Cleveland Gazette*, April 22, 1896.

Association for the Advancement of Colored People (NAACP) used the bill as a model in its efforts to get the state of Pennsylvania to pass such a bill.<sup>294</sup>

Clearly what supporters of the bill hoped for was the end of lynching. They assumed that mobs violence would be deterred by the fact that it would cost taxpayers money if anyone was injured or lynched as the result of mob violence. At the very least, however, they wanted compensation for the family of any lynching victim.

The law had its first test less than a year later. Three whites who had been the victims of labor violence in Cuyahoga County in 1896 filed a lawsuit based on the anti-lynching law.<sup>295</sup> Also, in late June 1897, Charles "Click" Mitchell, a black man, was lynched in Urbana after having been charged with raping a wealthy white widow; his family sued for damages under Ohio's new anti-lynching law.

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<sup>294</sup>David A. Gerber, "Lynching and Law and Order," p. 204.

<sup>295</sup>Ibid., p. 205.

## CHAPTER 6

### LYNCHING ON THE WANE

#### A Lynching and Riot in Urbana

Charles “Click” Mitchell had been accused of hiding in the Urbana home of Mrs. Eliza Gaumer on the morning of May 27, 1897, and attacking her while she did her housework, although it was later learned that she had not been raped nor was she as seriously injured as the newspapers had initially reported.<sup>296</sup> Mitchell was apprehended the next day. At first Gaumer was said to be so disgraced by the alleged criminal assault that she told her son Mitchell had attempted to rob her by forcing her to sign a check for \$500. She later changed her story and told her son that Mitchell had indeed criminally assaulted her. Mitchell was then charged with rape and taken to jail. His hearing was held on Wednesday, June 2, at the home of the victim, she having been judged too ill to go to the courthouse. When Mitchell was brought into her room, she identified him by shouting, “The brute! Hang him! How dare you face me again, you brute!”<sup>297</sup> Mitchell was escorted out of her home and back to the courthouse. There he waived examination and was bound over to the grand jury.

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<sup>296</sup> *Ohio State Journal*. June 5, 1897.

<sup>297</sup> *Ibid.*

As word of the alleged assault became known, a great mob of Urbana residents began gathering in the town square. One paper reported that there were 5,000 to 10,000 people, although based on the population of Galion County, the crowd estimates could not have been correct. Some said that about 2,000 of the crowd were women, and the women of the city urged the men on in their anger.<sup>298</sup> Gaumer's son, Charles, also incited the crowd, making a speech from the courthouse steps and urging the mob to avenge the crime perpetrated upon his mother. In the aftermath of Gaumer's speech, numerous threats were made on Mitchell's life, and the authorities began to fear that they could neither protect Mitchell nor maintain order. Sheriff Louis McLain asked the mayor for a squad of ten men from company D of the Home Guards to assist him in guarding the jail.<sup>299</sup> By Thursday morning it was apparent that the townspeople would not countenance further delay in avenging the assault upon Gaumer. Accordingly, the grand jury was convened.

The work of the grand jury was completed on the evening of June 3. After examining five witnesses, it reported out a true bill against Mitchell. Sheriff McLain and Deputy Sheriff Kirby brought Mitchell before the bench dressed in a soldier's uniform so as to disguise him from the frenzy of the mob. The judge verified that Mitchell had been represented by counsel, and then asked for his plea to the charge of criminal assault. Mitchell answered "Guilty." The judge pointed out that the crime to which Mitchell had

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<sup>298</sup> *Ohio State Journal*, June 4, 1897.

<sup>299</sup> *Ohio State Journal*, June 6, 1897.

pleaded guilty was an especially heinous one and in the judge's personal opinion, deserved the death penalty. He also reminded Mitchell that but for the diligence of the authorities in protecting his life, he might very well have been killed by the mob outside the courthouse. Mitchell was then given a sentence of not less than three nor more than twenty years in the Ohio penitentiary as prescribed by the law. He was then led away in order that the authorities could spirit him out of town.<sup>300</sup>

By injecting his personal opinion about the punishment Mitchell deserved into the court proceeding, the judge no doubt encouraged the crowd. It was as though he was giving them permission to punish Mitchell as they deemed fit, and the crowd clearly wanted Mitchell to be lynched.

Mitchell was quietly taken out of the jail, and an attempt was made to take him to Columbus that night. But despite the disguise of the soldier's uniform, Mitchell's color gave him away. He was taken back inside the jail; the doors were locked and the local militia stood guard all night.

By 2:30 a.m. Friday, June 4, the mob had become so unruly that the local militia became frightened and retired inside the jail, bolting the doors. The crowd, described as made up of two groups of people, "those who were expecting trouble and desired to participate in it, and those who were attracted merely out of curiosity,"<sup>301</sup> continued to surround the jail and the Pennsylvania railroad depot. The longer the mob milled about,

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<sup>300</sup>*Ohio State Journal*, June 4, 1897.

<sup>301</sup>*Ibid.*

the angrier it became. Some in the mob, frustrated at the ability to reach Mitchell, began tossing bricks at the courthouse windows, smashing them.<sup>302</sup>

Captain George W. Leonard, who was in command of the local militia, spoke to the mob and gave them three minutes to leave. Many in the mob did so, but just as many returned. The mob did seem quieter, however. During this time part of the mob attempted to gain access to the jail from the rear of the building. The militia had moved into the hall on the second floor and was standing at the windows. Several men assaulted the rear door with sledgehammers, breaking the glass in a door that led to the hall where the jail could be entered. At that point—some alleged that it was more than twenty minutes after Leonard spoke—the militia fired about 20 volleys into the crowd. Two men, Harry Bell and Upton Baker, were killed immediately; ten other men were wounded.

After the shooting, Captain Leonard wired the adjutant general's office in Columbus stating that the situation in Urbana was critical and requesting more troops. At this point the narrative becomes confused; because of the death of Chief Clerk Furnass of the state auditor's office, the governor and the adjutant general were not available, having presumably traveled to Troy, Ohio, for the funeral. Indeed Adjutant General Axline said the first he heard of the shooting was when a reporter for the *Ohio State Journal* contacted him about 9:30 a.m. on Friday, June 4.<sup>303</sup>

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<sup>302</sup>*Ohio State Journal*, June 4, 1897.

<sup>303</sup>*Ibid.*

Around 7:00 a.m. on Saturday, June 5, a company of black troops arrived from Springfield. When Sheriff McLain heard that the troops were black, he immediately wired the governor advising against their posting. Instead a white company of thirty-six men was then sent from Springfield. At that point Sheriff McLain and Mayor Ganson conferred and agreed that the local militia would not fire on the crowd anymore.

When the mob discovered that the militia had been disarmed, they seized their opportunity. The mob broke into the jail and forced Sheriff McLain to give up his keys; the militia company, local men all of them, offered no resistance. The mob then found Mitchell and a rope was placed around his neck, and he was dragged from his cell. Once outside, the rope slipped and Mitchell tumbled down the steps. The crowd surged forward, hitting and kicking him. The rope was again placed around his neck again, and he was dragged across the courtyard. The rope was thrown over the limb of a tree, and Mitchell was jerked upwards. The bloodthirsty crowd bayed and hooted, and Mitchell was jerked up again, his head hitting the tree limb. He was jerked several more times for good measure until the crowd was sure he was dead. According to an unnamed reporter for the Associated Press, Mitchell's body dangled from the tree for more than an hour:

While thousands of people pushed and elbowed each other in an attempt to get near the spot. . . People seemed wild with joy over the lynching of the brutal ravisher and jeers and jibes were heard on every side. All classes took part in the demonstration over the corpse of Mitchell. It was impossible to get within 50 feet of the body, so dense was the throng about it.<sup>304</sup>

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<sup>304</sup>*Ohio State Journal*, June 5, 1897.

The mob had lynched Mitchell in broad daylight, and none of the participants attempted to disguise themselves or conceal their involvement in any way. For hours townspeople of every persuasion came to stare at the grisly spectacle, until Mayor Ganson ordered the body cut down around 3:00 p.m. Mitchell's body was taken to an undertaker who placed it in a crude wooden box; he was again placed on display so that the people of Urbana—especially the women—could see that his alleged crime had been avenged. Later the coroner performed an examination of the body and reported that Mitchell had met his death at the hands of a group of people who were not known. The body was offered to Mitchell's family for burial, but they refused to claim it. It may have been that they were ashamed of the notoriety the criminal charges and his death engendered. An effort was then made to sell it to a medical college in Columbus, but that offer was spurned. Mitchell was then buried in the potter's field in Urbana.<sup>305</sup>

Reaction to the Mitchell lynching was immediate. The *Ohio State Journal*, while bragging that it had scooped its competitors in getting and printing the story, nonetheless decried the “utter disregard of the letter and spirit of the law” as shown by the citizens of Urbana.<sup>306</sup> While it sympathized with the people of Urbana in their outrage over the alleged rape of Mrs. Gaumer, it pointed out that the legal process had taken its course, found Mitchell guilty, and but for a few hours, he would have been spending up to twenty years in the Ohio penitentiary. The *Ohio State Journal* supported the sheriff's call for aid

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<sup>305</sup>Evan P. Middleton. *History of Champaign County, Ohio*, (Indianapolis: B. F. Bower & Company) 1917, p. 1146.

<sup>306</sup>*Ohio State Journal*, June 4, 1897.

from the Ohio National Guard, and denounced those who had taken part in Mitchell's lynching. The *Journal* also criticized the manner in which the Guard was used, although it absolved Adjutant General Axline of any fault. Further, the paper praised the local militia for its efforts in guarding Mitchell. The *Journal* criticized the sheriff's inability to understand the gravity of the situation, and his acquiescence with the mayor in disarming the militia.

The *Columbus Dispatch* also castigated the mob and called the lynching of Mitchell "another dark spot on the history of the state." It further added

Lynchings are becoming altogether too frequent in Ohio. A more serious regard for the law must be entertained. The courts are equipped to punish all offenders and the people only injure themselves and weaken civilization when they refuse to abide by the decision. . . when a body of citizens assumes to take the execution of the statutes into their own hands and to set aside orderly procedure, the consequences of the acts are upon them.<sup>307</sup>

Black Ohioans were not silent over the lynching. While admitting the horror of the crime of rape nor excusing Mitchell's alleged criminality, Black residents in nearby Xenia passed a unanimous resolution reaffirming their support for the majesty of the law and condemning mob violence. The resolution said in part that "the so-called 'best citizens' of Urbana who participated in the lynching of Mitchell are murderers. . ." <sup>308</sup> and appealed to Governor Bushnell to conduct a thorough and impartial investigation of the

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<sup>307</sup>*Columbus Dispatch*, June 5, 1897.

<sup>308</sup>*Ohio State Journal*, June 12, 1897.

mob's role in Mitchell's death. It also urged Bushnell to use the authority of his office to ensure that those found guilty in Mitchell's death be punished.<sup>309</sup>

The venerable *Cleveland Gazette* went so far as to assert that Mitchell was innocent of the alleged criminal assault and that he would still be alive were it not for Mrs. Gaumer and her family inciting the crowd to violence. The *Gazette* claimed that Gaumer was not sure in her identification of Mitchell, but dismissed her doubt by saying that it did not matter since it was only a "nigger" who was being charged.<sup>310</sup> The *Gazette*'s front-page coverage pointed out a number of discrepancies in Gaumer's story and others that eventually were presented in the newspapers. For instance, the *Gazette* claimed that Gaumer was not criminally assaulted, her nipple was not bitten, her side was not bruised, and Mitchell was not suffering from any sort of venereal disease as was widely reported. Although Mitchell knew Gaumer—he used to purchase milk from her for the Hotel Sowles—he had not seen her since March of 1897. Moreover, the *Gazette* reported that Mitchell did not confess to his guilt; this was merely a rumor that was disseminated for the purpose of inciting Urbana residents.<sup>311</sup>

The *Gazette* took issue with Governor Bushnell's support of the death penalty for rapists. It denied that the crime of rape was equal to that of murder. Furthermore, the *Gazette* pointed out that Bushnell had pardoned three rapists. The inference was that Bushnell was making political capital out of the circumstances—the alleged rape of a

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<sup>309</sup>Ibid.

<sup>310</sup>*Cleveland Gazette*, July 10, 1897.

<sup>311</sup>Ibid.

virtuous white woman by a sex crazed, black brute. In the July 10 issue, the *Gazette* went so far as to accuse Mayor Ganson of being “the organizer of the mob,” and said that . . .the judge and attorney had violated their oath of office.”<sup>312</sup>

The *Gazette* did not offer a shred of evidence for the aforementioned allegations. Its inflammatory statements marked a change in its strategy: Instead of strictly reporting the facts, the black-owned *Gazette* utilized language every bit as incendiary as the white-owned newspapers. While its statements did not have the same affect as the statements carried in the mainstream press—that is, black Ohioans did not take to the streets *en masse* or engage in violence against whites--the *Gazette*’s new tactic did serve the purpose of alerting Ohio and the rest of the country to the fact that even though an anti-lynching law had been passed, lynching was still a problem in Ohio.

White-owned newspapers across the country weighed in against the atrocity in Urbana. The *Chicago Chronicle*, the *New Orleans Times-Democrat* and the *Mobile Alabama Register* all agreed that Mitchell had got what he deserved. The *Register* also gleefully pointed out that Ohioans were every bit as racist as they claimed southerners were. The *Springfield Massachusetts Republican*, the *Times* of New York, and the *Tribune* of New York all expressed grave concerns about the disrespect for law and order shown by Mitchell’s lynching.<sup>313</sup>

Several papers addressed the failure of the authorities to maintain order. The *Detroit Journal*, the *Item* of Philadelphia and the *Leader* of Pittsburgh all found fault

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<sup>312</sup>Ibid.

<sup>313</sup>*Literary Digest*, June 16, 1897.

with the way the sheriff, governor or militia had been utilized. Especially criticized by all three papers was the decision to disarm of the militia, which resulted in the mob's being able to break into the jail and drag Mitchell out.<sup>314</sup>

There was even international comment on the Mitchell lynching. The Associated Press reported the following:

The English papers, always keen to disseminate any story derogatory to America, have published in great detail accounts of the Urbana lynching. . .the Archbishop of Canterbury [said] The practice of lynching cannot but be regarded with reprobation as lowering the dignity of national action in the punishment of crime and as putting those who punish in the same level of uncontrolled passion as the criminals whom they are punishing.<sup>315</sup>

Ohio newspapers also commented on the lynching of Mitchell. For instance, the *Cleveland Leader* lamented the violence and the lynching of Mitchell, but said given the fact that several Ohioans had been tried for murder two and three times and let go, the anger of the Urbana residents was understandable.<sup>316</sup>

Many people in Urbana blamed Sheriff McLain for the entire affair. The feeling against him was one of bitterness and open hostility, so much so that his friends advised him to leave town for a few days. An *Ohio State Journal* reporter reached McLain in Dayton, Ohio. McLain stated that he did not personally believe himself to be in any danger, and that he had acted with great bravery during the ordeal; he was certain that most Urbana citizens understood this. Moreover, he expressed confidence that had

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<sup>314</sup>Ibid.

<sup>315</sup>*Columbus Dispatch*. June 6, 1897.

<sup>316</sup>Ibid.

another company of militia been sent to him, he could have maintained order and transported Mitchell to the Ohio penitentiary without any injury or loss of life. While he regretted the riot and the deaths that followed—including Mitchell's—he believed himself powerless to have stopped the situation.<sup>317</sup>

Meanwhile, state government officials visited Urbana to consult and assess the damage. Adjutant General Axline, Colonel Charles Anthony and Adjutant Charles Startzman of the Third regiment arrived in the city the day after the lynching. Axline was especially interested in trying to determine if there was a need for soldiers and if they would be in any danger if they were assigned to the city. He was given the word that there were no hard feelings against the militia, and although it was felt they were not needed, no harm would likely come to militiamen stationed in Urbana<sup>318</sup>.

Governor Bushnell finally spoke out on the Urbana situation in an interview published in the June 6, 1897, issue of the *Columbus Dispatch*. He professed his belief that extreme cases of criminal assault should be punished with the death penalty. In this the women of Urbana at a mass meeting concurred by passing a resolution supporting a change in the law to allow the death penalty in rape cases. While Bushnell did not define explicitly what was meant by extreme cases, he intimated that the criteria would be the circumstances surrounding the crime. Since he allowed for extenuating circumstances by which a rapist might be punished by mere imprisonment, it is fair to assume that a situation in which a black man raped a white woman would constitute a death penalty

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<sup>317</sup>*Ohio State Journal*, June 12, 1897.

<sup>318</sup>*Ibid.*

case. He reasoned that the death penalty would be a deterrent not only to would-be rapists, but also to citizens who might be inclined to mob action because they felt such crimes would not be punished.<sup>319</sup>

At the same time the situation in Urbana was happening, the National Guard Association of Ohio, consisting of all of the officers in the guard, was meeting in Toledo; one of the subjects of their meeting was the proper use of the Guard in situations such as that in Urbana. The organization worried about the manner in which the Guard could be used as a reserve police force and have their authority usurped by local officials who might be more concerned with political issues than matters of public safety. While the organization declined to comment specifically on the Urbana incident, its officers made clear that they thought in such situations that no less than a battalion, or three or four companies, of soldiers should be used. Such a practice would offer mob participants a show of force that would be difficult to ignore and minimize the need for firing on civilians. The organization also spoke out against the adjutant general having too much authority in situations like that in Urbana, and argued that the Guard should be made a part of a state military department.<sup>320</sup>

In the meantime the investigation into the lynching of Mitchell and the deaths of Harry Bell and Upton Baker continued. A reporter for the *Ohio State Journal* talked to an unidentified man who claimed to be in Urbana at the time of the riot and lynching. He alleged that Sheriff McLain was imprisoned under the authority of Mayor Ganson by

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<sup>319</sup>*Ohio State Journal*, June 6, 1897.

<sup>320</sup>*Ohio State Journal*, June 6, 1897.

sympathizers of the Gaumers. McLain was forced under an implied threat of death to surrender Mitchell to the mob. The unidentified source further alleged that when the Springfield militia company arrived in Urbana, it found McLain in jail, and that when they marched toward the courthouse they were informed by Ganson—who as a public official was granted access to the jail and took some of his friends in with him—that he was in charge and that they would not be needed. Mayor Ganson vociferously denied the allegations.<sup>321</sup>

During the coroner's inquest into the three deaths, testimony was taken from officers of the militia. All those deposed basically agreed with the sequence of events as they had been reported. There was tremendous confusion and doubt, however, as to who had given the militia the order to fire into the crowd. When Sheriff McLain was deposed, he told about his telegram to Governor Bushnell in which he requested more troops. When asked about a rumor that claimed he and other officials were being impersonated in conversations with the governor, McLain discounted the stories. Moreover, he placed the blame for the tragedy squarely on Bushnell, saying that he requested a strong military presence and warned the governor that unless he got it, there would be trouble. Said McLain, "Let the responsibility rest where it belongs. I told Governor Bushnell over the telephone on Friday after the lynching that he was responsible for the trouble."<sup>322</sup>

When Governor Bushnell was deposed, he disagreed with McLain's account. Bushnell said that the first he heard of the riot at Urbana was when he received a telegraph

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<sup>321</sup>*Ohio State Journal*, June 7, 1897.

<sup>322</sup>*Ohio State Journal*, June 10, 1897.

message from Captain Leonard at 11:10 p.m. Thursday evening. Later that evening he spoke by telephone to a man who identified himself as the sheriff, though he gave no name. The man did not request additional troops nor mention that there had been any violence. At around 3:00 a.m. Friday morning he was awakened by a messenger delivering a telegram from Sheriff McLain notifying him that troops had fired on the crowd and killed three people. The telegram also asked for troops. He immediately responded by telegraphing Captain W. H. Bradbury, ordering his company to report to Urbana immediately and ordering Company A from Springfield to go to Urbana, also. He denied ordering a black militia unit to Urbana, and claimed to have had no contact with Sheriff McLain other than the phone call he described.<sup>323</sup>

As a result of the coroner's inquest, both Bushnell and McLain were exonerated from any blame for the deaths of Mitchell and the bystanders who were killed when the militia fired into the crowd. Mayor C. H. Ganson was also absolved of any blame in the tragedy. The day after the coroner rendered his verdict, *Champaign Ohio Democrat* and the *Saint Paris Ohio News* reported that Bushnell and Ohio Attorney General Monnett were urging the coroner to reopen the investigation in an effort to secure justice against the leaders of the mob that killed Mitchell. It was said that Coroner Hewitt had the names of about 300 participants in the incident. The *Ohio State Journal*, however, urged the coroner to allow the matter to remain closed, thereby allowing the people of Urbana to try to blot the stain of lynching from the fair name of their town.<sup>324</sup>

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<sup>323</sup>Ibid.

<sup>324</sup>*Champaign Ohio Democrat*, June 17, 1897; *Saint Paris News*, June 18, 1897.

The editors of the *Cleveland Gazette* vehemently disagreed with the *Journal*. In its July 24 issue, it urged Governor Bushnell to continue to try to bring the mob leaders to justice. His failure to do so would not only mean a promise broken to black Ohioans, but a sure defeat of the Republican party in the next election. When Bushnell was renominated in that summer, the *Gazette* castigated the Republican party and warned it and Bushnell that it could expect no support from black Ohioans who were disgusted by “. . . a weak governor and a vacillating politician.”<sup>325</sup> In reaction to Bushnell’s renomination, numerous black organizations throughout Ohio passed resolutions rebuking him and urging their members to vote against him. Coincidentally, at the same time Bushnell instructed the attorney general to begin *quo Warranto* proceedings against Mayor Ganson and Sheriff McLain in an effort to oust them from their offices for misconduct in the Mitchell lynching. H. C. Smith, editor of the *Gazette*, predicted that no such charges would be filed against the two, and that if they were, the matter would not be resolved before election day.<sup>326</sup>

In response to the criticism, Bushnell flexed his political muscles and hinted that he might reject the nomination if his choice for chairman of the executive committee of the Republican party was not heeded. The private secretary of United States Senator Mark Hanna called Bushnell’s bluff, saying that he was endangering the entire Republican ticket in Ohio. Said Secretary Perkins “Every colored society in the state is

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<sup>325</sup>*Cleveland Gazette*, July 24, 1897.

<sup>326</sup>*Saint Paris News*, August 6, 1897; August 20, 1897.

adopting resolutions against the governor. . .It would be the best thing that could happen to the party if Bushnell would decline the renomination.”<sup>327</sup>

So worried were black state representatives at the lack of action by Governor Bushnell that they hired Walter P. Thomas under the auspices of the Afro-American Republican League of Franklin county to investigate the circumstances of Mitchell’s lynching. Thomas was able to secure the only known photograph of Mitchell; it was said that his young and handsome features “do not seem to indicate a depraved character.”<sup>328</sup> Thomas claimed to have found evidence indicating that prominent citizens of Urbana were responsible for some of the rumors about Gaumer’s alleged assault and her subsequent medical condition. Since there was a concerted effort by the *Gazette* to convince black Ohioans to withhold their votes from Governor Bushnell until “he clears himself of responsibility for the Urbana lynching,” white Republicans accused the Democrats of financing Thomas in an effort to discredit the Republican party during an election year.<sup>329</sup>

In the meantime the *quo Warranto* investigation continued. Depositions taken failed to sustain the charges against McLain and Ganson. As predicted by H. C. Smith, the matter was eventually dropped at the request of Governor Bushnell.

Shortly after Mitchell’s death, his relatives filed suit against Champaign county for maximum damages as permitted by the newly enacted the anti-lynching law.

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<sup>327</sup>*Cleveland Gazette*, August 7, 1897.

<sup>328</sup>*Columbus Dispatch*, August 10, 1897.

<sup>329</sup>*Cleveland Gazette*, August 14, 1897.

However, in July 1897 in response to anti-labor violence that had led to the deaths of several men, a Cuyahoga county judge ruled the anti-lynching law unconstitutional “because it levied a tax for private purposes and established fixed penalties.”<sup>330</sup> A Champaign county common pleas court judge also ruled the anti-lynching law unconstitutional, but was overruled by the circuit court in May 1899. But in *Mitchell’s Admr. V. Champaign County (Comrs.)*, 1899, the Ohio Supreme Court sustained the constitutionality of the law. The Court defined the term mob, noted the elements constituting a mob, and ruled that there did not have to be an agreement to establish the purpose of a mob for an unlawful assemblage to have occurred. It also noted that “the lynching of Mitchell raises the presumption that the persons who did it intended to do him damage or injury. . .” and Champaign County was thus liable for Mitchell’s death under the anti-lynching law.<sup>331</sup> Mitchell’s lynching cost Champaign county more than \$10,000; \$5,000 of that went to Mitchell’s heirs.

There is no doubt that there were members of the Ohio legislature who had not supported passage of the anti-lynching law and who were unhappy with the Ohio Supreme Court’s decision. In fact, during the 1898 legislative term, there were several failed efforts led by Representative Aquila Wiley, a white Democrat, to overturn the anti-lynching law. But the reelection of William Stewart, a Republican from Youngstown, seems to have strengthened the anti-lynching movement. Stewart succeeded in removing a section of the law that the courts had wrangled over; that is, fixing the amount of

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<sup>330</sup>David A. Gerber, “Lynching and Law and Order,” p. 205.

<sup>331</sup>*Mitchell’s Admr. v. Champaign Co. (Comrs.)* 9 Ohio Dec. 821 (1899).

damages independently of the jury, and leaving the courts no options in assessing damages. Also, Representative Chase Stewart sponsored a bill that punished persons who broke into jails and attacked law enforcement officers for the purpose of lynching with one through ten years in the state penitentiary.<sup>332</sup> Ohio entered the twentieth century having made a strong statement against the crime of lynching.

How does the lynching of Click Mitchell compare with the criteria developed by de la Roche? While blacks lived in Urbana, they were not a significant presence in the community, nor were whites dependent upon their labor. Even though Mitchell allegedly knew Mrs. Gaumer, there was still a great deal of inequality in their relationship; she was a white woman and well known and respected, and he was a black man accused of sexual assault. Neither Gaumer nor anyone in her family stepped forward to vouch for him—quite the contrary. Mrs. Gaumer publicly accused him of raping her, and her son delivered a very inflammatory speech to the mob which had the effect of giving tacit approval to Mitchell's lynching.

Mitchell's lynching was also the first test of Ohio's anti-lynching law. Because it was successful—that is, Champaign County was required to monetarily compensate Mitchell's heirs for the loss of his life—law enforcement officials all over the state were on notice that they would have to make more of an effort to control mob violence and protect the lives of prisoners. Failure to do so would mean that the taxpayers would be punished.

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<sup>332</sup>*Cleveland Leader*, March 12, 1897; *Cleveland Gazette*, February 2, April 23, October 22, 1898; March 25, May 6, May 13, 1899; April 21, 1900.

## **The Attempted Lynching of Louis Peck**

The additional legislation and the seriousness of purpose demonstrated by the Ohio legislature in addressing the scourge of lynching may have accounted for the two-year period of calm which was shattered in the late summer of 1900. On Monday, August 20, six years' old Christina Maas was found at 7:00 p.m. in the city of Akron on a secluded spot on Merriman Street during a storm. She had allegedly been sexually assaulted, but was so badly frightened that it was difficult to get a coherent story out of her. It was later learned that at about 5:00 p.m. that evening she was playing in her yard when a black man in a buggy talked her into going for a ride.<sup>333</sup>

Later that evening, Officer King, who was assigned to the case, learned that Louis Peck, a black man, had rented a horse and carriage from Pringle's livery stable. The rig was returned to the stable sometime between 9:00 p.m. and 10:00 p.m. that same evening, but not by Peck. When King reported his suspicions to headquarters, he was told by an unidentified man that the man who had allegedly assaulted Christina was driving a horse with a road cart, so the police investigation of Peck was dropped. Tuesday morning an unidentified man—it was not reported if he was the same one mentioned in an earlier story--contacted police headquarters after hearing the news and identified Louis Peck from a picture. The man told the authorities that Peck was the man he had seen in the carriage with Christina. The man also went to the livery stable and

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<sup>333</sup>*Ohio State Journal*, August 23, 1900.

identified the rig and a fly net placed on the horse as the one he saw Christina and Peck in.<sup>334</sup>

Peck returned to Akron from nearby Warren at 1:00 a.m. on Wednesday, August 22, on the B and O passenger train. Although the officers had never seen Peck, he was the only black man on the train, so he was arrested as he disembarked. Officer Harris, the regular officer assigned to the train depot, recognized him and advised the officers that they had the correct suspect. Peck made few comments and offered no resistance. He was taken to the police station, where he was relieved of his personal property and jailed.<sup>335</sup>

After only being locked up a short time, Peck, in his early forties and married with a family, gave a complete confession to John E. Washer, the prison keeper. According to *the Ohio State Journal*, Peck's story was so depraved as to have shocked even hardened policemen. On Wednesday morning he was taken to court where he was arraigned and entered a plea of guilty to a charge of sodomy; bond was set at \$5,000.<sup>336</sup>

As the story of Peck's arrest, confession and guilty plea leaked out, county and city officials were worried about Peck's safety, and Peck himself was said to be too

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<sup>334</sup>Ibid.

<sup>335</sup>Ibid.

<sup>336</sup>Peck had allegedly sodomized an 11 years old youth in Paterson, New Jersey in 1898. The headline in the August 23, 1900, edition of the *Akron Times Democrat* read in part "Arrested at Paterson New Jersey for the same crime as at Akron. Since the police labeled Peck's confession as being about an exceptionally depraved act, it must be assumed that he was charged with sodomy.

afraid to move from the police station to the jail. Off-duty police officers were called to the station in case there was any trouble.<sup>337</sup>

They were right to be worried, because by 8:00 p.m. Wednesday evening, a mob had surrounded the police station and was howling for Peck's blood. By 9:30 the mob had stormed the jail, and the officers offered no resistance because unbeknownst to the crowd, Peck had been spirited out of the jail and up to Cleveland earlier that day. To assure the mob that Peck was not in the jail, officers suggested it appoint six people and allow them to search the jail. This was done, and since Peck could not be found, the mob became angry and rushed into the building, swarming all over it. Satisfied that Peck was not in the jail, the mob left and rushed across the street and forced open the doors of the county courthouse. It, too, was thoroughly searched by the mob, and when Peck was not found, the mob returned to the city jail. Again the mob forced its way in the prison, demanding that the authorities surrender Peck.<sup>338</sup>

Mayor Young finally made a speech and informed the mob that Peck had been taken out of the city at 4:00 a.m. Wednesday in a closed carriage. The mob refused to believe him, and continued baying for Peck. By 10:00 a.m. Thursday, the mob began a third assault on the city prison. Someone in the mob began shooting, and officers stationed inside the prison fired back over the heads of the crowd. A man in the mob fired at the officers, and shooting began along with the smashing of the prison windows. Hundreds of shots were fired, and two people were killed immediately, both of them

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<sup>337</sup>*Ohio State Journal*, August 23, 1900.

<sup>338</sup>*Ibid.*

children less than twelve years of age. Another man was mortally injured. Police officers were trapped in the prison for more than two hours, but finally all of them managed to escape. Six prisoners remained in the prison, unable to break free.<sup>339</sup>

Around midnight, the mob broke into a hardware store and stole all the guns, rifles, and ammunition that could be found. They proceeded to Columbia Hall, a building in the town square, firing wildly. The hall was eventually burned to the ground, and another city building was set ablaze. Firefighters were unable to be of much assistance, in part because members of the mob cut water hose lines as fast as they were set up. The mob also severed electricity and telephone lines.

At 12:45 a.m., Mayor Young telegraphed Governor George K. Nash of the need for Ohio National Guardsman. Nash immediately dispatched nine of the ten companies in camp to Akron. Young also called the Cleveland central police to ask for their assistance; since they were officers of the state, they had the legal right to assist other localities. Finally, he contacted the Eighth regiment of the National Guard, but its captain refused to dispatch his men. The Fourth regiment did not arrive in Akron until 9:00 a.m. August 23.<sup>340</sup>

The mob, meanwhile, was not finished. Around 1:45 a.m. August 23, it had begun dynamiting the city building it had earlier set afire, and setting off dynamite in other areas of the city. The mob also vandalized the office of the *Morning Beacon Journal*, which was located next to the city building. It was almost 4:00 a.m. before the mob seemed sated and began to disperse. By that time, two children had been killed,

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<sup>339</sup>Ibid.

<sup>340</sup>*Akron Beacon Journal*, August 23, 1900.

almost two dozen people had been injured—one mortally—and it was estimated that property damages amounted to almost \$200,000.<sup>341</sup>

One peculiar casualty of the night's assault was H. H. Harrison, chief of police. The newspaper reported that he "went insane over the terrible affair of Wednesday evening and has escaped from the city."<sup>342</sup> Harrison, Akron's longtime chief of police, escaped with other officers and hid in a boxcar behind a local mill. Later in the afternoon of August 23, he was seen acting in a very unstable manner, muttering about killing people. He was last seen about daylight, driving a buggy south at tremendous speed. He left behind a wife and two daughters, and did not return to the city until August 25. Harrison then denied having had a nervous breakdown, saying he thought it best to leave Akron until the bad feelings against him had subsided somewhat.<sup>343</sup>

Simultaneously, Mayor Young began the process of securing temporary offices for city officials, the building in which they normally met having been destroyed by fire. He also issued a proclamation closing all saloons until further notice. Finally, he presided over the election of Officer Alva G. Greenlese as acting chief of police in the wake of Harrison's disappearance.<sup>344</sup>

*Beacon Journal* readers were able to read news of Louis Peck, the man who triggered the violence of August 22. Peck was said to be terribly frightened, and even though he was in Cleveland, still did not feel safe. He repeatedly asked if the mob might

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<sup>341</sup>Ibid.

<sup>342</sup>Ibid.

<sup>343</sup>Ibid.

<sup>344</sup>Ibid.

track him to Cleveland, and whether there was a mob outside the jail there. He also claimed not to be quite sure what he was confessing to. He reported that he was drunk, and vaguely remembered having “committed a crime upon a child,” but could not remember what it was.<sup>345</sup> He offered to plead guilty to whatever the charge was, as long as he would not receive a life sentence. He repeatedly expressed how awful the situation was, and seemed greatly distressed. Finally, he showed the reporter in his cell his button of the order of the black Knights of Pythia. Saying he had disgraced the order, he took the pin off his jacket and vowed never to wear it again.<sup>346</sup>

Peck’s wife and mother-in-law were located. Mrs. Peck was an employee at a café in Akron. Her mother, identified as Mrs. McLaren, was keeping the Pecks’ daughter and lived in Cleveland. She was extremely distraught about the fate of her daughter. Mrs. McLaren said she cared not a wit for Peck, but was afraid that the mob might track down her daughter and seek vengeance. Peck had been a former border at her house, where he met and fell in love with her daughter. Although she tried to discourage the marriage, they did so. She stressed that her only sympathies now lay with her daughter and granddaughter.<sup>347</sup>

When contacted by the Akron newspapers, Mrs. Peck said that her husband was a good man unless he was drinking. She admitted that the crime to which he had confessed was bad, and seemed relieved that he was safe. She had watched the destruction of the

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<sup>345</sup>Ibid.

<sup>346</sup>Ibid.

<sup>347</sup>*Akron Beacon Journal*, August 24, 1900.

jail and city building—and since Mrs. Peck was watching, we can assume that other blacks in the city probably were, also—and felt sure that her husband would have been killed had he been found in the jail. Mrs. Peck continued to report to her job, but sent their son, Christopher, to her mother in Cleveland for his own safety. In a bizarre footnote to Mrs. Peck's troubles, it was also reported that Peck had a wife and family living in Paterson, New Jersey.<sup>348</sup>

Peck was arraigned in Akron about a week later, entered a plea of guilty, and was sentenced to life in the state penitentiary, the first thirty days of which was to be done in solitary confinement. He narrowly escaped the courthouse for the ride to Columbus; some employees of Taplin, Rice and Company had seen Peck being taken into the courthouse for arraignment, and a crowd of them had gathered. They heckled and threatened Peck, but he was quickly taken away, and the crowd was just as quickly dispersed. He was brought to Columbus under heavy guard, and seemed greatly relieved when the doors of the penitentiary had closed behind him.<sup>349</sup>

Reaction to the riot was swift and widespread. The *Springfield* (Massachusetts) *Republican* blamed it on “race hate and contempt for the rights of the people of dark skin.” The *Cleveland Plain Dealer* termed the rioting senseless, saying that the only excuse that could be offered for mob violence was that of a delay and uncertainty in punishing criminals, and noted that this was not the case with Peck. It urged Akron to do its duty and punish those responsible for instigating the riot. The *Shreveport* (Louisiana)

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<sup>348</sup>*Akron Beacon Journal*. August 23, 1900.

<sup>349</sup>*Ibid.*

*Daily Caucasian* was positively gleeful in reporting on the riot. It termed Ohio the state “where the nigger, in many instances, revels in social equality and may intermarry with impunity,” and implied that Ohioans were hypocrites in criticizing the southern states for so-called atrocities. The *Columbus Citizen* lamented the hasty, secret proceedings during which Peck was sentenced, and suggested that the manner in which he was tried coupled with the life sentence might at some time give Peck grounds to appeal or request a pardon from a future governor.<sup>350</sup>

Meanwhile, some semblance of normality returned to Akron. The militia was withdrawn from the city in the early morning hours of Monday, August 27. Dr. E. O. Leberman, the coroner, was planning the inquest into the riot for later that same week; more than 50 witnesses were expected to be called. Among the evidence he had collected were two 32-caliber bullets taken from the bodies of the two dead children. The bullets were in very bad shape, but it was known that they could not have come from the police force. Police officers claimed that there was only one man on the force, Officer Baker, who had a 32-caliber revolver, because there was a city ordinance that required all officers to have 38-caliber revolvers; Baker was away on vacation during the riot. However, the gun from which the bullets came could have been stolen from one of the local gun shops during the riot. More than 150 firearms were taken from Standard Hardware company. Since there had been rumors that many of the stolen firearms had been thrown into the canal in back of the city building, there were tentative plans to draw the water from it in an effort to locate them.

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<sup>350</sup>Ibid.

In the meantime more newspapers across the country and in Ohio weighed in with their reaction to the Akron riot. The *Baltimore Maryland Sun* opined that “The northern brother is a good preacher of peace and righteousness when he is not the object of attack, but when he is, he shows that human nature is the same in one section as the other. . .” The *Chicago Chronicle* called Ohio “a disorderly and badly governed commonwealth” in spite of its claim of being a religious and highly cultured people. The *New York Times* compared the Akron rioters to the lynch mobs of the South, and said that “The leaders of the mob. . .seemed to be as desperate and determined in the beginning as any group of avengers in Georgia or Mississippi.” The *Toledo Blade* said that while Akron could not bring back the dead, it should do everything possible to bring the participants of the riot to justice.”<sup>351</sup>

The *Cleveland Gazette* later reported that there had been several cases in Ohio of white men who had sexually assaulted young girls—at least one of the girls was black—who had neither been punished nor subjected to attempted lynching in their respective cities.<sup>352</sup> While the *Gazette* again declined to defend Peck, it pointed out that he was guilty only of assault, and that while being intoxicated. It continued to criticize the manner in which Peck’s confession was obtained and his conviction assured. Due to these circumstances, the *Gazette* thought there were grounds for an appeal on Peck’s behalf.<sup>353</sup>

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<sup>351</sup>*Akron Beacon Journal*, August 25, 1900 and August 27, 1900.

<sup>352</sup>*Cleveland Gazette*, October 3, 1900.

<sup>353</sup>*Ibid.*

The city of Akron moved ahead in its efforts to affix responsibility for the attempted lynching. By September 4, a number of individuals had been arrested by Akron authorities in connection with the riot, and Judge J. A. Kohler convened a special grand jury. In his charge to the jury, Kohler admonished them to keep an open mind and to not be afraid to follow the charges wherever they might lead, even if they reflected poorly on law enforcement officials or government officers. Kohler's remarks could be inferred as pertaining to Chief Harrison, who had been publicly accused by one of his officers, Eugene Murray, of interfering with the officers' ability to control the crowd before the riot began. Harrison vehemently denied the charge, and suspended Officer Murray.<sup>354</sup>

On September 8, several more men were arrested. Included among them were the men thought to be responsible for the dynamiting of city buildings, the firing on Columbia hall, and leaders of the group that broke into the Standard Hardware store to steal guns and ammunition. To that point, thirty-three men had been arrested.<sup>355</sup>

On October 13, 1900, the *Cleveland Gazette* reported that the special grand jury impaneled in Summit County where the city of Akron is located returned sixty-five true bills and 45 indictments. Thirty-eight of the names on the list of indictments were immediately made public, and they included a member of the Akron city council and a prominent Akron businessman. Unlike the investigation at Washington Courthouse and

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<sup>354</sup>*Ohio State Journal*, August 28; August 30, 1900.

<sup>355</sup>*Ibid.*

Urbana, Akron jurors had worked diligently to fix responsibility for the riot<sup>356</sup>. The city's efforts indicated a growing intolerance of mob violence in Ohio.

How does the near lynching of Louis Peck fit into de la Roche's theory? Peck had weak ties to Akron; although his wife worked in a restaurant there, nothing was said about whether he was employed. The victim of Peck's alleged crime was a white female child—the inequality in status between Peck and Christina Maas was significant—and he was accused of the most heinous of sexual acts, sodomy. Peck was not lynched, however, because a number of white men—in this case a law enforcement and criminal justice officials—determined that the law was going to be allowed to run its course. The officials of Akron went to extraordinary steps to protect Peck by requesting first a local company of the militia, then contacting the governor's office for additional soldiers. Finally, they went to great difficulty to spirit him out of Akron and deliver him to the Ohio Penitentiary. Peck was unharmed because the authorities—for whatever reason—were willing to fulfill their constitutional duties. Yet it is almost impossible to ascertain if Ohio's anti-lynching law, with its affixing of community blame and responsibility, played any part in the authorities' decision to protect Peck.

### **A Riot and Near Lynching in Lorain, Ohio**

There were no more incidents of the attempted lynching of a black Ohioan reported until 1903. On July 28 a riot took place in Lorain, Ohio, a city in northern Lorain County, after two black men, Charles Hall and Robert Pleasant, became involved

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<sup>356</sup>*Cleveland Gazette*, October 3, 1900.

in an argument with Daniel Cronan, who was white. One of the black men produced a razor, and Cronan was cut badly on the face and neck. A mob gathered almost immediately, threatening to lynch the two black men, who took off. They were chased into the south end of the city. One of them ran into a local saloon, which was pelted with stones. They both managed to escape.<sup>357</sup>

Both the day and night shifts of the Lorain police force were called out and some of the local men were deputized, probably by the chief of police. Pleasant was found by the police about 9:00 p.m. on July 28 and was taken to the local jail. Hall was found later that same evening hiding in the pantry of Lorain citizen Robert Stack. Stack, who was armed, raised his gun to fire at Hall, but lost it in an ensuing struggle. Hall broke the gun in half, knocked Stack aside and fled. He was discovered by the mob in back of Stack's house; the mob yelled for Hall to be lynched or shot. He managed to escape and ran toward the train station, where he presumably hid himself in the tall grass.<sup>358</sup>

Mayor King met the gathering crowd in the street and told them that Cronan's injuries were not serious. He also asked the mob to disperse, which it did, although not before it had smashed up a black saloon and barbershop.<sup>359</sup>

A peculiar circumstance of the disturbance was the appearance of signs in the city blaming black residents for the increase in crime, and inviting "all niggers to leave town." This so alarmed some of the respectable black people of Lorain that the Loyal

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<sup>357</sup>*Ohio State Journal*, July 29, 1903; *Lorain Times Herald*, July 30, 1903; *Lorain Daily News*, July 29, 1903.

<sup>358</sup>*Lorain Times Herald*, July 30, 1903.

<sup>359</sup>*Cleveland Gazette*, August 1, 1903.

Legion of Laborers, a black organization, passed a resolution noting that they had no connection with or use for the criminal element in their midst. The resolution also promised that the black community would “aid at any time in ridding the city of all niggers, regardless of race, color, nationality or previous condition.”<sup>360</sup>

Robert Pleasant was charged with assault with intent to kill. His hearing was scheduled for July 31, 1903. His companion, Charles Hall, was never found.<sup>361</sup>

Since Lorain was only about fifty miles from Cleveland, and Cleveland had a sizeable black population, we can surmise that a number of blacks resided in Lorain. Moreover, the very fact that two black men and a white man managed to get in an argument is evidence that there was at least some interracial mixing on a social level. It may be that the lower classes of both races met in the same drinking and eating establishments. Third, neither man was accused of sexual assault, which had so enraged other mobs in Urbana, Akron and elsewhere. Indeed, the victim was an adult white man who was not badly injured. Finally, the incident in Lorain is again an example of what might happen if the authorities were willing to intervene on behalf of due process. While we cannot ascertain if Mayor King was influenced by the events in Akron or the anti-lynching law, he did address the mob and calmed them down. Their willingness to abide by his directive was an indication of the trust in and respect for him or his official role. It would not be until 1904 that the lynching of a black man was recorded in Ohio; and in

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<sup>360</sup>*Lorain Times Herald*. August 1, 1903.

<sup>361</sup>*Ibid*.

late winter of that same year, two men were nearly lynched, one as the result of a practical joke.

### **Lynchings Averted**

William Anderson was a black barber in the tiny town of Lockbourne just outside Columbus, and about twenty-two years of age; the Columbus papers reported that he was quiet, law-abiding, and had a good reputation within the village. Nevertheless, he was accused by an unidentified resident of attempting to rape Martha Gouldner, the 12-year-old daughter of George Gouldner, as she walked home from the grocery store on March 15, 1904. Another version of the story had it that Anderson had assaulted Martha and another child. The story spread quickly, of course, and a crowd of about fifty men quickly formed. The crowd met Anderson as he was walking down the street, and cries of "Lynch him!" filled the air. Twice Anderson was knocked to the ground; he barely escaped and ran to his home.<sup>362</sup>

Anderson told Marshal Bobst that Martha came upon him suddenly and was frightened; he denied assaulting her or the other girl or planning to do so. The feeling in Lockbourne was so intense that Anderson was virtually a prisoner in his home. The marshal, though, made a commitment to protect Anderson from any harm, and the prosecuting attorney backed up commitment. Bobst said that if necessary he would "deputize a sufficient number of persons to protect the colored man."<sup>363</sup> It was said that

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<sup>362</sup>*Ohio State Journal*, March 15, 1904.

<sup>363</sup>*Ibid.*

the men who were threatening Anderson were not residents of Lockbourne, but employees of the Scioto Valley traction line and were in Lockbourne on a Saturday night. Because of Bobst's commitment, Anderson was not charged or harmed.<sup>364</sup>

While it is not known how many blacks lived in Lockbourne, we can assume the number was small. As discussed in Chapter Two, racial violence is more likely to occur in localities where there are a substantial number of black residents. Even though there was social inequality between Anderson's alleged victim, a white child, and Anderson was suspected of sexual assault, the sheriff and prosecutor, who were both white, committed themselves to physically protecting Anderson. The fact that Anderson was neither hurt or charged with a crime seems solely due to the fact that whites who were influential in the community defended Anderson.

### **It Was Just a Joke**

Ben Jackson, a black resident of the village of Shadeville, was not quite as fortunate as Anderson. Jackson walked into a saloon on Sunday, March 13, 1904, and came upon a group of white men who were drinking heavily. Jackson was given several drinks, and apparently became intoxicated. The men in the saloon soon talked him into singing and dancing. One of the men suggested that Jackson's performance was not good enough, and that he should be lynched. The bartender, William Davis, thought the men were joking; playing along, he produced a twisted wet towel. The men overpowered Jackson and the towel was placed around his neck. He was then suspended

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<sup>364</sup>Ibid.

from a hook in the ceiling. After a minute or so they noticed that his tongue was hanging out. The mood quickly turned serious, and Joe Stutz, the owner of the saloon, stood on top of a slot machine and cut the towel. Jackson fell to the floor, unconsciousness. After he regained consciousness, it was explained to him that the lynching was a joke; he declined to press charges.<sup>365</sup>

The incident involving Jackson does fit some of the criteria developed by de la Roche. The fact that he was in a drinking establishment with white men is some indication that there was not a large number of black residents in Shadeville; the few who lived there were obliged to share a saloon with white residents. It is also some indication that at a certain socioeconomic level, black and white men were able to socialize together to some extent. It is telling, however, that the men in the saloon thought that lynching a black man was an appropriate subject for joking. Their practical joke and Jackson's refusal to press charges indicates that there was still a great deal of inequality in the relationship between blacks and whites in Shadeville. The manager of the saloon was sufficiently frightened when the men saw Jackson's physical distress to cut him down. While we cannot with any certainty trace his actions to the anti-lynching law, we can surmise that he was not so hardened in his racial antipathy as to be a party to a lynching.

The near lynching of Jackson is, however, a good example of what Ida B. Wells-Barnett, Mary Church Terrell, Walter White and other blacks defined as race hatred. It is difficult to believe that the men in the saloon would have asked a drunken white man to perform for them; this was a common request made of black men, though. Their request

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<sup>365</sup>Ibid.

and the pretend lynching is an indication of the contempt which many whites still had for black people.

The lynching of Richard Dixon, Jr., in Springfield, Ohio, and the riot that followed, however, was no joke.

### **The Murder of Richard Dixon, Jr., and the Springfield Riot**

Located in the central western portion of the state, Springfield has been home to blacks since after the Revolutionary War. It was said that blacks living there had earned their freedom by supporting the colonists, and were the recipients of land grants in the Northwest Territory.<sup>366</sup> By the Civil War, blacks made up more than 200 of the 25,300 residents in the city. During the War, two black regiments were formed; black soldiers served on the side of the Union.

Because many Springfield manufacturers had been involved in making munitions for the war efforts, the city's burgeoning manufacturing center prospered. Because of this Springfield was an attractive place for blacks to settle; there were job opportunities in the metal and machine industries by about 1880. White union workers successfully fought the hiring of blacks in the Springfield factories until a particularly nasty labor dispute at the Champion Company in 1866. As a result of the dispute, all unionized workers were fired, and blacks were hired as strikebreakers. After the lockout their positions were even more secure. By the 1890 census the black population of Springfield

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<sup>366</sup>Thomas A. Keller, "*A Brief History of the Negro in Springfield, Ohio: 1855 to 1910.*" p. 9. Unpublished paper in the Warder Public Library, Springfield, OH.

numbered more than 3,500 which was about 11 percent of the total population. Although most blacks in Springfield at this time were still unskilled laborers, domestics and the occasional subsistence farmer, there was a tiny black middle class that had access to education—through nearby Wilberforce College—and cultural activities.<sup>367</sup>

By the turn of the century more than 4,000 blacks lived in Springfield; however, they were still restricted in terms of education, job opportunities, and living conditions. As the city grew and whites moved further away from the downtown business district, black neighborhoods could be found in every section of town, although most blacks still lived in the southwest portion of Springfield.

On the south side of the downtown district was a commercial area known as the Levee which was home to cheap bars and even cheaper apartments. Here blacks and whites engaged in all kinds of vices; the area was rife with houses of prostitution, illegal liquor establishments and gambling. Approximately five blocks east of the Levee was a similar district known as the Jungle. Both areas were well known to the black and white criminal elements of Springfield. The Levee and the Jungle were also frequented by whites who wished to engage in behavior that was not known or countenanced by their middle class neighbors.<sup>368</sup>

By the time of the Dixon lynching in 1904, racial tension in Springfield had been smoldering for more than 30 years. Fights over school integration, the use of blacks as strikebreakers and blacks' resentment of their lower economic status had festered,

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<sup>367</sup>Unpublished Master's Thesis

<sup>368</sup>Ibid.

erupted and blown over since the 1880's. Moreover, lower class blacks and whites often found themselves in competition for jobs and housing. Added to this was the animosity many blacks felt toward local law enforcement, who tolerated the criminal environment of and activities in the Levee and the Jungle at the expense of law abiding and respectable blacks. In 1904 this anger would find its expression in the lynching of Dixon and the rioting thereafter.<sup>369</sup>

There seems to be no doubt about the catalyst for Dixon's lynching. Richard Dixon—whom the first newspaper accounts identified as Richard Dickerson—moved to Springfield from Kentucky during the summer of 1903. He had been living with a woman named Mamie Corbin, and though they were not married, they had two children together. Corbin claimed that Dixon abused her; Dixon claimed he feared for his life and left Corbin, leaving at their home some of his belongings. While walking through town on the morning of Sunday, March 6, Dixon happened upon Patrolman Charles Collis, who he convinced to help him retrieve his possessions. They met Mamie Corbin in a restaurant; Dixon asked for his blankets, and Corbin denied she had them. When he asked for some books he allegedly left, she told him she would get them shortly. With a laugh, Dixon pulled a 38-caliber gun out of his pocket and started shooting. Corbin was shot first, and before Patrolman Collis could pull his service revolver, Dixon shot him three times, then ran from the restaurant. Collis followed Dixon into the street and

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<sup>369</sup>Ibid.

squeezed off five shots, but none hit his assailant. He then collapsed in the street. Dixon ran to the city building into police headquarters and turned himself in.<sup>370</sup>

Collis was a long time police officer and well liked in Springfield. Complicating matters was that his father-in-law had died the week before, and his mother-in-law lay dying as Collis's life was seeping out of him. There was tremendous sympathy for Mrs. Collis's situation. Before he died at 11:05 a.m. on Monday, March 7, Collis gave a statement about his shooting. The police also obtained a statement from two black men who say that Dixon tried to make a bet that he would kill a white man within three hours. No one would bet him, and after warning the people that he was serious, Dixon put his money back in his pocket.<sup>371</sup>

The day Collins died, a crowd had gathered in the street around police headquarters, but it was relatively small and quickly dispersed. By 8:00 p.m. that evening, however, an increasingly ugly mob had assembled, and was threatening not only Dixon, but the entire black population of Springfield. There was talk that the Levee would be burned down. The mayor of Springfield, Charles Bowlus, was so alarmed about what he feared would be a race war that he called the Adjutant General to request troops. By 9:00 p.m. two companies of the National Guard had been ordered out. It was quickly discovered that no ammunition had been ordered, and a special messenger

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<sup>370</sup>*Ohio State Journal*, March 8, 1904.

<sup>371</sup>*Ibid.*

carrying a thousand rounds of ammunition was dispatched to Springfield. Eventually, ten companies of the National Guard were sent to Springfield.<sup>372</sup>

By early Monday evening, members of the growing mob had battered down the iron doors and entered the jail corridor, but they were quickly dispersed. At that the authorities decided to spirit Dixon out of the city. He was to be taken out the back door into the alley and driven to the countryside; a carriage was waiting. The police and sheriff had to abandon this plan, however, as every entrance to the jail was blocked by the mob. Within in a few minutes of abandoning their escape plan, windows were smashed in and the front door was repeatedly battered. The mob was unable to gain access, though, and appeared to give up.

People gathered outside of the jail all evening, throwing rocks at the jail and threatening Dixon's life. Around 9:00 p.m. Sheriff Routzahan spoke to the mob from the steps of the jail. He informed them that the grand jury would be convened at once and that Dixon would surely be punished. He also advised the crowd that any violence on its part would be met with full force and that, regretfully, he would be forced to fire if the mob stormed the jail. This, Routzahan said, he would find repugnant since he knew so many of them. Finally, he advised the mob that the jail was virtually impossible to break into, and should that succeed at doing so, there was a contingent of law officers who stood ready to defend the building and the prisoner.<sup>373</sup>

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<sup>372</sup>Ibid.

<sup>373</sup>Ibid.

A moment later, the back door was broken down with a railroad iron. The mob surrounded the police and ran upstairs after Dixon. Sherman Gregory, the black turnkey was located; four members of the mob held him at gunpoint and forced him to unlock Dixon's jail cell. Dixon was dragged out of the cell, and the police and sheriff, determining that it would be futile to resist, allowed the mob to take him out of the jail. Dixon was knocked to the ground and nine shots were fired into his body. Satisfied that he was then dead, the mob dragged him out of the building and down Columbia Street to Fountain Avenue. It then moved south to the intersection of Main Street, where a rope was tied around Dixon's neck. Two men climbed a utility pole and hoisted Dixon's body upward. As they climbed down, they were greeted with the deafening cheers of the crowd. Then a hail of gunfire was pumped into Dixon's lifeless body; this continued for 30 minutes. Periodically, Dixon's body would involuntarily twitch; this delighted the crowd. Finally the crowd—said to be orderly and in good humor—finished its grisly deed.<sup>374</sup>

The mob then went on a rampage in the so-called Bad Lands—the black neighborhood—of Springfield, shooting into and setting fire to saloons, pool halls and other buildings of this type. Firemen were lackadaisical in their efforts to fight the flames. The only buildings in the area being protected were St. Raphael's Catholic church and the parochial school; the rear of these buildings abutted those that were torched. The irony of the fire was that the torched buildings, although managed by blacks, were owned by white men. This distinction was lost on the crowd, who

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<sup>374</sup>Ibid.

apparently determined that by torching the Bad Lands, the criminal element of the black community would be dispersed.<sup>375</sup>

The murder of Dixon and the subsequent abuse of his corpse enraged Blacks in Springfield. While few blacks defended Dixon's actions—he had, after all, shot an unarmed woman and a police officer—his murder was unnecessary in light of the sheriff's intention to immediately convene a grand jury and see that the law was carried out. While most of the black community remained in their homes during the evening, there was talk of reprisal against whites in Springfield.

Dixon's body was finally cut down about 3:00 a.m. It was lowered to the ground for a few minutes to allow people to get pieces of the rope as souvenirs. It was then raised to the top of the pole until the coroner arrived; he had the body cut down again and taken to Gross and Son, the local undertaking establishment. Dixon's face was a mass of bruises, and his body contained 23 bullet holes. By dawn a crowd had formed outside of the undertakers in order to take part in the grisly ritual of viewing Dixon's body. A line of people filed by until after noon; in fact, so many people were in line that the coroner thought it better to close the doors.<sup>376</sup>

One member of Dixon's family, a sister named Jennie Christy, was located and informed the coroner that the family would be claiming his body. According to a local saloon keeper, George Hurley, Dixon's family were respectable people and owned considerable property in Kentucky. In fact there was some speculation among

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<sup>375</sup>Ibid.

<sup>376</sup>Ibid.

government officials about which members of his family would receive the \$5,000 payment required to be paid to a lynching victim's family by Ohio law. It was reported that the county would not contest the payment.<sup>377</sup>

When the investigation into the lynching began, the coroner found that he was unable to hold an inquest; he could not find anyone one who would admit to knowing anything about the murder. He announced the following verdict:

I do find that the deceased came to his death at the hands of a mob that forcibly broke into the county jail, overpowered the authorities and lynched the said Richard Dixon. I am unable to determine the direct cause of death but found him hanging by the neck to a pole at the southeast corner of Main street and Fountain avenue in Springfield with a number of bullet holes in his body. I have been credibly informed that he was placed there at about 11:15 o'clock p.m., March 7, 1904. I am unable to fix the responsibility for his death.<sup>378</sup>

Two days after the lynching and the riot that followed, Springfield was still a city on the edge. There were wild rumors that a mob of black men was amassing in an area of the city known as Snyder's Woods and planning to set fire to residential portions of the city. Upon checking the story, a reporter found that no such thing was true; there were only about 50 blacks in the woods, and they were there because they had been burned out of their homes. More than two dozen blacks left Springfield for Indiana, and it was thought that more might leave if whites continued threatening further violence.

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<sup>377</sup> *Ohio State Journal*, March 10, 1904.

<sup>378</sup> *Ibid.*

City officials set and enforced a curfew and an order prohibiting groups of people from congregating on the street; the saloons remained closed at the order of the mayor. Mayor Bowlus also closed all the saloons, hotels and lodging houses owned by blacks, and ordered their proprietors to remove all intoxicating drinks and fixtures that might be used as weapons from those establishments. This was done “as the result of repeated requests from influential citizens.”<sup>379</sup> Finally, Governor Myron T. Herrick sent eight new companies of National Guardsmen to Springfield at the request of Mayor Bowlus who feared that the tension would boil over into new riots.

The racial animosity in Springfield also spilled over into the public school system. A group of white boys—it was not known how many—grabbed a black boy in the schoolyard, threw a rope around his neck and dragged him around the playgrounds. It was not reported if the black child was injured or if the white boys were disciplined.<sup>380</sup>

Governor Herrick, alarmed at the lynching and rioting which followed, promised immediate action to bring the lynchers of Dixon to justice. He had talked with the county prosecutor and was promised that a special grand jury would be convened to investigate the lynching. Herrick reminded all concern that the investigation would be a local matter, but the state would bring to bear all its influence to ensure that justice prevailed.<sup>381</sup>

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<sup>379</sup>*Ohio State Journal*, March 9, 1904.

<sup>380</sup>*Ohio State Journal*, March 12, 1904.

<sup>381</sup>*Ohio State Journal*, March 13, 1904.

In the meantime, reaction began to pour in from around the state. Ohio's congressmen expressed shock and anger at the lynching and subsequent rioting. Congressman Southard of Toledo called it "The most barbarous thing I ever heard of." Congressman Grosvenor said that the news "makes me sick and I don't want to talk about it." Congressman Van Voorhis of Zanesville called it a "disgrace" and surmised that someone in an official capacity had failed in his public duty.<sup>382</sup>

The black-owned *Cleveland Gazette* accused Mayor Bowlus, firemen, policeman, and other officials of giving direction to and tacitly promoting the violence. This was based on comments made by the mayor; he opined that unless the establishments in the Levee were vacated, the mob would destroy them as soon as the militia was withdrawn. The accusation appears to be a fair one; as a public official, Mayor Bowlus should have been upholding the concepts of law and order. Instead, his comments gave Springfield's white citizens permission to destroy a black neighborhood. The *Gazette* also noted that the black-owned establishments were all destroyed, while that owned by Charley Bray, a white man, was left untouched even though it was located in the Levee.<sup>383</sup>

The *Gazette* also editorialized that "There was plenty of time and forces at hand or near, to have prevented any mob demonstration whatever." On a more positive note, the paper noted that Dixon's lynching had been only the second one in almost eight years. It was also the first lynching since the Ohio Supreme Court declared constitutional

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<sup>382</sup>*Ohio State Journal*, March 12, 1904.

<sup>383</sup>*Cleveland Gazette*, March 12, 1904.

the state's anti-lynching law constitutional. The *Gazette* credited the anti-lynching law for the eight-year gap between lynchings.<sup>384</sup>

The *Gazette* welcomed Governor Herrick's decision to use the power of the state to bring to justice those who murdered Dixon and destroyed black neighborhoods and business establishments. That power included the use of broad discretion by the state attorney general to hire special legal counsel, use detectives and other resources necessary to gather evidence and prepare a case against all involved. There was some concern on the part of the *Gazette* that the delay sought by county officials—a cooling off period which would allow tensions in Springfield to subside—might impede the investigation. Moreover, the *Gazette* implied that it would have more confidence in the investigation if Herrick invoked an old, little used law which allowed him to fire the mayor of Springfield and the Clark county sheriff. It was these men that the *Gazette* blamed more than any other for the atrocity committed in Springfield.<sup>385</sup>

By April 16 three men had been indicted and arrested on charges connected to the murder of Dixon. Frank Lobeck, who was identified at the time of Dixon's murder as a leader of the mob, was charged with complicity. James O'Brien, the owner of one of Springfield's saloons, was also charged. A third man was also charged with being part of the mob. The *Gazette* demanded that Gregory, the black jailer who gave up the keys to Dixon's cell, be forced to give the authorities the names of other mob leaders. The

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<sup>384</sup>Ibid.

<sup>385</sup>*Cleveland Gazette*. March 19, 1904.

*Gazette*'s demand implied that Gregory bore some responsibility for the Dixon lynching, and that he should be treated the same as those who actually took part.

The grand jury examined more than 500 witnesses over the course of several weeks. Five men—James O'Brien, William Lobeck, Walter Hall, Walter Powers, and Earl Sulken—were indicted for participating in a riot and jail breaking, offenses punishable by one to ten years in the state penitentiary.<sup>386</sup> The grand jury also released a report noting several things. First it said that while the allegation that some of Springfield's leading citizens allegedly took part in the lynching and riot could not be proven; it was disturbing that such a rumor was circulating. The report also condemned law enforcement officials for their failure to act more quickly and decisively. Finally, the grand jury found that rumors about the burning of the Levee were widespread and that authorities purposely ignored them. By citing this last fact, the grand jury was obliquely accusing the authorities of racism.

The denouement to the lynching of Dixon was a bitter one for blacks in Springfield. The trials of James O'Brien and William Lobeck ended in hung juries. The authorities decided not to ask for a retrial. Eventually charges against all five men were dropped, and no one was punished for the murder of Richard Dixon, Jr.<sup>387</sup>

In the lynching of Dixon, we see a number of circumstances that did not bode well for him. Moreover, all the elements of de la Roche's theory were present. Dixon was a resident of Springfield, a town with a substantial black population. That

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<sup>386</sup>*Springfield Press-Republican*. May 1, 1904.

<sup>387</sup>*Springfield Daily News*. January 3, 1905.

population was being blamed for the increased in crime in the city, and there was a great deal of resentment on the part of white citizens, even though they frequented black establishments. The social distance between Dixon and Officer Collis was tremendous; Dixon killed a very popular white police officer. No white person in the community stepped forward to defend Dixon, and the authorities were unable or unwilling to maintain civil order. Dixon's lynching was especially grisly; his body was mutilated after he died. White residents then went on a rampage in his community, terrorizing blacks and destroying property. It took the state militia, which was called upon too late to save Dixon or prevent the riot, several days to restore order.

### **Lynchings Last Gasps**

Ohio as a staging ground for lynchings remained quiet until the summer of 1911. John Jordon, a black man and an ex-convict, was killed and a white man, John Decker, was seriously wounded in a gun battle between about 200 white men and boys and three black men in the city of Cleveland on June 27. The black men entered Decker's cherry orchard and began picking cherries. Decker's wife later said that thieves, who not only stole cherries but also damaged the limbs and killed trees, had regularly bothered them. Decker ordered the men to leave, and one of them, later identified as Jordon, pulled a gun. Although the men left the orchard, they continued making threats. Decker and his white hired hand, Arthur Beamish, borrowed two revolvers from some neighbors and chased the men<sup>388</sup>.

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<sup>388</sup>*Ohio State Journal*, June 28, 1911.

As the chase led into the city—it wound through fields, residential and business sections for about three miles—a number of men and boys joined in. One of the black men being chased was knocked down and then released; the other ran off. Decker, Beamish and Jordon exchanged shots at the intersection of Loraine Avenue and West 98th Street. The chase continued and Jordon, Beamish and Decker ended up in the Denner coal yards at Dennison Avenue and West 79<sup>th</sup> Street. Jordon was cornered but managed to get away. Meanwhile, Beamish's mother heard the commotion, and rushed out into the street. She shouted at her son to end the confrontation, but he refused. At that point Decker caught up with the other men.<sup>389</sup>

Jordon kept both men at bay, emptying his hammerless magazine revolver two more times. When Decker charged, Jordon shot him in the shoulder. Beamish emptied his gun at Jordon who began running. Other armed men took up the chase, firing at Jordon. Two men shot at Jordon, who though bleeding profusely, managed to reload and return fire. Realizing that he was almost out of ammunition, Jordon tried to reload. A man from the crowd rushed him and a fistfight began. Knocked on the ground, Jordon struggled to his feet and continued to try to load his gun. He was struck again, but again managed to struggle to his feet. The third strike felled him. The police and ambulances swooped in and Jordon was taken to St. John's hospital, where he died shortly after his arrival there.<sup>390</sup>

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<sup>389</sup>*Cleveland Leader*, June 28, 1911; *Cleveland Plain Dealer*, June 28, 1911.

<sup>390</sup>*Ibid.*

While the authorities did not classify Jordon's death as a lynching, it has been classified so in this study because it was at the hands of a mob. The mob had at least one opportunity to stop the chase and turn Jordon over to the police when Mrs. Beamish tried to intercede; it did not. Furthermore, it fits the criteria of de la Roche's theory; there was social inequality between Jordon, the Deckers and the mob, and no white person stepped forward either to speak in favor of Jordon or to ensure that the legal process was given an opportunity to work.

### **The Last Recorded Incident**

The attempted lynching of Sheriff Sherman K. Eley on August 31, 1916, was the last recorded incident of this nature. The trouble started when Mrs. John Baber, the wife of a farmer living in Lima, was allegedly assaulted. A posse of farmers with bloodhounds tracked down Charles Daniels, a black man, and turned him over to the sheriff. Sheriff Eley feared that there might be an attempt to lynch Daniels and took him from Lima to Ottawa in nearby Putnam County for his own safety. After Eley had left Lima, a mob formed and marched on the jail. Mrs. Eley was forced to open the jail; it was revealed that Daniels was not there. The angry mob then invaded the residence portion of the jail, in spite of the presence of the chief of police and two officers, who were forced to allow a committee made up of mob members to search the residence. They ransacked it, tracked in mud and tobacco juice, struck the sheriff's sister-in-law, Mrs. Cecil Kephart, and frightened both Mrs. Eley and her seriously ill toddler daughter, Doris aged three. The three were later escorted out of the house and taken to a safe place.

Eley returned to his home from transporting Daniels to Ottawa, unaware of the reception awaiting him.<sup>391</sup>

Eley was grabbed by a mob that reportedly number about five thousand people and dragged down the street, all the time refusing to answer the questions being shouted at him. The crowd beat, punched and kicked Eley—it was later reported that he suffered cuts, bruises, broken ribs and internal injuries and fainted during the assault—and had a rope around his neck and the other end around a pole when the county prosecutor, O. O. Barr, sent word to Eley that he should divulge what he knew about Daniels's whereabouts. It was then that Eley confessed he had taken Daniels to Ottawa. The crowd released Eley, and made a mad rush for automobiles to take them to Ottawa. Since Ottawa was located in nearby Putnam County, Barr called the Putnam County sheriff by phone and warned him to rush Daniels to another county. Eley was then placed under a physician's care; his daughter died later that night. Doctors said her condition, already serious when the mob broke into her home, had been worsened by the fright of the mob's assault and that hastened her death. When the mob heard that little Doris was dead, it drifted away.<sup>392</sup>

Later that evening, Barr made an informal request of Forest K. Tipton, secretary to Governor Frank B. Willis, for troops to be sent to Lima. No action was taken on his request because he did not have the legal authority to make it. Furthermore, it was

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<sup>391</sup>*Lima Times Democrat*, August 31, 1916.

<sup>392</sup>*Ibid.*

decided that no troops were needed since the mob had voluntarily dispersed after the news of Doris's death.<sup>393</sup>

Public reaction to the near lynching of Sheriff Eley and the death of his daughter was angry and swift. The near lynching of Sheriff Eley made the front pages of papers as far away as New York City. The *Columbus Dispatch*, which called Eley "no friend of the Negro whom the mob wanted to lynch,"<sup>394</sup> commended Eley for his bravery and urged swift and certain punishment for the leaders of the mob. Black residents of Lima issued a statement through the A. M. E. church lamenting that law-abiding members of the black community would be linked to criminals such as Daniels. The statement noted that white citizens of Lima had treated them with kindness and consideration, and that the law in Lima had been impartially applied to white and black alike. Finally, the statement offered the help of black citizens in apprehending and bringing to the bar of justice black lawbreakers.<sup>395</sup>

Some in Lima surmised that O. O. Barr, the county prosecutor, would drag out the investigation and that no arrests would be made before election day, as Barr was running to retain his seat. Public suspicion was wrong, however. Within a week after the riot, fifteen arrests had been made, and these men were thought to be the majority of the leaders of the riot and near lynching of Sheriff Eley. They were immediately taken to jail where bail was set at \$1,500 for each suspect. Many of the men were well-known

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<sup>393</sup>Ibid.

<sup>394</sup>*Columbus Dispatch*. September 1, 1916.

<sup>395</sup>*Lima Times Democrat*, September 1, 1916.

members of the community and either bragged about their involvement or publicly identified themselves during the riot and attempted lynchings. As such, it was not difficult to affix blame. One of the men who was arrested, Milton H. Spyker, had publicly addressed the crowd, urging them to harm or kill Daniels. Spyker allegedly said “I want you all to know who I am, middle name and all. I’m not afraid to tell.”<sup>396</sup>

In the aftermath of the arrests, several rumors involving those jailed swirled throughout the city. The *Lima Times Democrat* reported that Eley’s friends were urging him to take revenge on the men who had abducted and tried to lynch him, and were subsequently blamed for the death of his daughter. He allegedly declined, promising that none of the prisoners would be discriminated against. Furthermore, talk circulated that a mob sympathetic to the jailed suspects would attack the jail at night and free them. When the authorities heard the rumor, they ensured that extra policemen were on hand at the jail and Eley’s home and other government buildings. The police also broke up groups of people who happened to congregate on the streets, forcing them to move along.<sup>397</sup>

The reaction of Lima’s black citizens was one of extreme caution and fear. Although the city was calm, the September 9 issue of the *Cleveland Gazette* reported that there was still a tremendous amount of resentment on the part of white citizens against blacks who lived and worked in Lima. Mayor Simpson and Holla H. McKinney, chief of police in Lima, advised paving and railroad contractors to cease hiring black men to

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<sup>396</sup>*Lima Times Democrat*, September 7, 1916.

<sup>397</sup>*Ibid.*

perform casual labor. Indeed these men—about 150 of them—were shipped out of Lima and white men were hired to take their places. Moreover, Lima's approximately 1,000 blacks were terribly frightened and were being advised by the police not to leave their homes after dark.<sup>398</sup>

Meanwhile, in an effort to prove that Mrs. John Baber's identification of Daniels as her alleged assailant was correct, she was given another opportunity to pick out the man who assaulted her. Eley sent three black prisoners from the county jail to the city hospital where Barber was still recovering. She immediately picked out one of the men as her assailant. The man she identified had been in jail in Lima for three months previous to the alleged assault and could not have attacked Baber.<sup>399</sup>

As part of the investigation into the incident, Charles Daniels was brought under extremely heavy guard to Lima to testify. Questioned by Prosecutor Barr for nearly three hours, Daniels vehemently denied knowing or even seeing Baber. After his testimony, he was spirited away, again under heavy guard, to an unknown location.<sup>400</sup>

Legal proceedings related to the incident proceeded apace. The first trial, that of Milton Spyker, was originally scheduled for October 23. Trials of the others arrested—by late September this amounted to more than 30 people—would take place over the course of a year in as orderly a manner as possible.<sup>401</sup>

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<sup>398</sup>*Cleveland Gazette*, September 16, 1916.

<sup>399</sup>*Cleveland Gazette*. September 16, 1916.

<sup>400</sup>*Cleveland Gazette*, September 23, 1916.

<sup>401</sup>*Lima Times Democrat*, September 8, September 13, September 25, 1916; *Cleveland Gazette*, September 9, September 23, 1916.

On October 4, 1916, Daniels stood trial in common pleas court and was found guilty that same day. The trial, which lasted for less than eight hours, was so crowded that hundreds of people were unable to get into the courthouse. Extraordinary precautions had been taken by Sheriff Eley to ensure Daniels's safety. Daniels made an excellent witness; he calmly recited, in intricate detail, virtually everything he had done since leaving Mississippi in January. He vociferously denied seeing, knowing, or assaulting Baber, although he admitted to having been fed by a woman who lived in the vicinity of the Baber home. On October 9, he was sentenced to three to twenty-three years in the Ohio penitentiary.<sup>402</sup>

Baber also testified, again identifying Daniels as her assailant, even though she had previously picked Charles Cole, a black prisoner, as the man who had assaulted her. Although the prosecutor was unable to shake Daniels's story and Baber had identified another man as her assailant, Daniels was found guilty.<sup>403</sup> Surprisingly there were few present in the courtroom when the verdict was announced. Former state representative and *Cleveland Gazette* editor Harry C. Smith decried the verdict, charging that Daniels had been convicted on circumstantial evidence and urged that he be given a new trial. He wrote to Daniels's court-appointed attorney, Elmer McCain, and urged him to contact the National Association for the Advancement of Colored People (NAACP) for help with Daniels's appeal.<sup>404</sup>

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<sup>402</sup>*Cleveland Gazette*, October 7, 1916.

<sup>403</sup>*Ibid.*

<sup>404</sup>*Cleveland Gazette*, October 14, 1916.

Just as the city of Springfield had worked diligently to try to identify and try those responsible for the lynching of Richard Dixon, Jr., so had Lima moved to ensure justice was done in the attempted lynchings of Daniels, Eley, the death of Eley's daughter, Doris, and the subsequent riot that had engulfed the city. More than one hundred people had been deposed in the investigation, and more than thirty had been indicted. Trials against those indicted began within two months after their arrests. Indeed, Lima's action was held up as an example to the southern states. J. Q. Adams, editor of the *St. Paul Appeal*, wrote "This is the difference between Ohio, where the law is respected, and Georgia, where the mob rules supreme."<sup>405</sup>

At least one of the men charged was found guilty of breaking into a jail with intent to lynch a prisoner. In *State of Ohio v. Milton Spyker*, the guilty verdict rendered in common pleas court was affirmed by the Court of Appeals without opinion. A motion to require the appellate court to justify its opinion in the case was overruled by the Ohio Supreme Court.<sup>406</sup>

During the course of the investigation, there was another report of an alleged attack of a white woman by a black man. James Smith was arrested for allegedly assaulting Mrs. George Knittle in her home on the night of September 13. Knittle was home with her young daughter and had been in the kitchen washing dishes; it was about 7:00 p.m. When she entered the dining room where her daughter was playing, she saw Smith—who apparently entered the dining room by removing a screen from the

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<sup>405</sup>*Cleveland Gazette*, September 23, 1916.

<sup>406</sup>*State of Ohio v. Spyker*. 15 OH Law R(eport) 398 (1917).

window—and grabbed her daughter. Smith pulled the child out of Knittle’s arms and threw her to the floor. Knittle and the child screamed, which frightened Smith, and he ran off. Several hours later a man answering to Smith’s description was found sleeping in the Boone Log Cabin Saloon and arrested. He denied knowing anything about the attack. Arraigned the next morning, he was taken to the sheriff of a neighboring county for his own safety and to prevent a repeat of the August riot.<sup>407</sup>

Moreover, there was a wild west show in town, and it was expected to bring hundreds of visitors to Lima, some of whom surely would be of the criminal element. Accordingly, several precautions were taken to ensure that the kind of mob that developed after Daniels’s arrest would not develop. Prosecutor Barr advised the chief of police to arrest “all suspicious characters who appeared to be loafing with no visible means of support” whether they were black or white. Those who could not prove the ability to support themselves would be charged with vagrancy, loitering, or no visible means of support, which would result in a sentence of thirty days in the workhouse. Government officials acknowledged, however, that greater attention would be paid to black men than white, in part because of the recent influx of black casual laborers who came to Lima to work on various construction projects.<sup>408</sup> Lima’s officials had learned well from the riot and attempted lynchings of the month before.

The Lima incident appeared to be the last of its kind. The lynching of black men in Ohio finally ended.

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<sup>407</sup>*Lima Times Democrat*, September, 14, 1916.

<sup>408</sup>*Ibid.*

## CHAPTER 7

### CONCLUSION

The purpose of this study has been first to reclaim the record of lynching in Ohio. Second, I wanted to establish if the theory developed by historian Roberta Senechal de la Roche was correct: there were certain circumstances under which a lynching would more likely than not. Third, the number of lynchings in Ohio peaked in 1894, and gradually tapered off after the passage of the anti-lynching law in 1896. Accordingly, I was attempting to verify if the drop-off and cessation of lynchings of black men was connected to the passage of the law.

Ohio was an ideal state in which to test de la Roche's theory. First, it was home to more than 300 homes on the Underground Railroad, as shown by the following map.<sup>409</sup> This means that within the span of a about thirty years, Ohio went from being a state that was extremely active in the cause of black freedom to one that was hostile to blacks, willing to lynch them based on the merest suspicion of criminal activity.

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<sup>409</sup>Wilbur H. Siebert, *The Underground Railroad in Ohio*. Ohio Archaeological and Historical Publications, Vol 4, 1895.

# THE UNDERGROUND RAILROAD IN OHIO



Second, it is physically north of the Mason-Dixon line, but borders on the southern states of Kentucky and Virginia, and early settlers brought slaves to Ohio. Third, abolitionism, anti-slavery and pro-slavery views all existed in Ohio. Those who migrated from Ohio came from the slave states of Kentucky and Virginia, but also from the New England where abolitionist activity was often rampant. Finally, Ohio was the first state to pass an anti-lynching law mandating that the survivors of lynchings be monetarily compensated by the state. Yet if we are to put this study in perspective, we must look at how lynchings in Ohio compare to those in the southern states.

In Chapter One I pointed out that whites and southerners said that black men were lynched primarily to protect the chastity of white southern women. Based on the eleven lynchings that took place in Ohio, and the twelve lynchings that were averted, the southern theory is the correct explanation for why black men in Ohio were lynched. Of the eleven lynchings studied, four of the men had been accused of sexual assault. Of the dozen lynchings that were averted, seven of the men had been charged with sexual assault. This is in direct conflict with the views espoused by African-American critics of, and crusaders against, lynching. Ida B. Wells-Barnett, Mary Church Terrell, and Walter White all said that the main reasons whites lynched blacks were race hatred and fear of losing their economic hegemony. Furthermore, Wells-Barnett, Terrell, and White alleged that the sexual assault excuse was merely a smokescreen used by whites to ensure that lynchings could be used as a means of maintaining social order. But clearly, sexual assault was an important factor in the lynchings of black men in Ohio.

Ohioans—and southerners—also vociferously defended the lynching of black men they described as criminals and deviants. Again, this is a factor in the incidents studied

herein. Of the eleven men who were lynched, \_\_\_ had some sort of criminal background. X of the twelve men who escaped lynching had also been in trouble with the law. The following chart shows more clearly the variables present in the twenty-three incidents under study.

**MOB VIOLENCE IN OHIO  
1886 - 1916**

Name	Year	County	Lynched	Rape	Murder	Assault	Robbery	Criminal Record	Other
Ulrey	1876	Champ.	Yes	X					
E. Webb	1878	Crawford	No		X				
W. Taylor	1878	Sandusky	Yes	X					
F. Fisher	1882	Crawford	Yes	X					
P. Betters	1887	Green	Yes			X		X	
W. Offet	1892	Lorain	No	X					
H. Corbin	1892	Butler	Yes		X	X			
Nameless	1892	Holmes	Yes						X
R. Parker	1894	Adams	Yes		X (2)				
S. Newlin	1894	Logan	Yes	X				X	
J. Colby	1894	Fayette	No	X				X	Militia
B. Ward	1894	Licking	No	X				X	Militia
C. O'Neill	1894	Defiance	No	X					
N. Anderson	1895	Clermont	Yes		X				
C. Mitchell	1897	Champ.	Yes	X					
L. Peck	1900	Summit	No	X				X	Militia
R. Pleasant	1903	Lorain	No			X			Militia
W. Anderson	1904	Franklin	No	X					
B. Jackson	1904	Franklin	No				X		
R. Dixon	1904	Clark	Yes		X	X			Militia
J. Jordon	1911	Cuyaho.	Yes				X		
S. Ely	1916	Allen	No					X	Militia

Third, what can be made of the fact that virtually all of the literature on lynching in the South reports that the higher the number of blacks residing in a locale, the more likely a lynching is to occur? This was not the case in Ohio. At no time during the period under study—1896 through 1916—did Ohio have a large black population, or a large black population that was concentrated in one area as did many of the southern states.

Moreover, one would expect that most, if not all, of the lynchings would occur in those counties that bordered on Kentucky and the western portion of what was the state of Virginia, both slaveholding states. While there were several incidents in the southwestern portion of the state, there were just as many incidents in the western central portion of the state—an area where there were some progressive, educated, middle class black communities—as shown by the map on the following page. The lynchings in Logan, Champaign and Clark Counties are the only ones studied that fit into the theoretical framework developed by Ida B. Wells-Barnett, Walter White and Mary Church Terrell—that is, whites lynched blacks because they feared economic competition and wanted to maintain racial superiority.

# MOB VIOLENCE IN OHIO BY COUNTIES 1886 - 1916



Finally, we must ask if the theory developed by historian Roberta Senachal de la Roche applies to the twenty-three lynchings and averted lynchings previously discussed. Recall that she posited that for a lynching to take place, four variables had to be present. There had to be relational distance between blacks and whites. This refers to how closely the two groups participate in each other's lives. A close relational distance meant that there was less likelihood that a lynching would take place. Second, de la Roche defines the extent to which blacks and whites were economically dependent upon each other as functional distance. The more whites relied on blacks for their economic livelihood, the less likely that a lynching would occur. The third variable, vertical direction, speaks to the inequality—perceived or real—between blacks and whites. This inequality is based on such variables as wealth, education, and social standing. An upward offense, that is one involving a black of lower socioeconomic status and a white of some social prominence, would more likely lead to a lynching than a downward offense. Moreover, an offense between two social inferiors would not necessarily culminate in a lynching. Finally, de la Roche uses the concept of social distance, which she defines as the difference between individuals and groups vis-à-vis things such as language, dress, music, and religious practices. The greater the cultural distance, the greater the chance that there would be a lynching.<sup>410</sup>

Furthermore, de la Roche surmised that lynchings were more often than not carried out when the precipitating offense crosses large expanses of social space. This, she said, explains why the number of lynchings is unequally distributed across the United

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<sup>410</sup>Roberta Senechal de la Roche, "The Sociogenesis of Lynching," p. 49-51.

States, why they were uncommon during slavery but very common after emancipation and during times of economic dislocation, decreased after the 1930's, and reemerged during the modern phase of the civil rights movement.<sup>411</sup>

Finally, recall that de la Roche said that extreme social polarization—what she defined as a combination of her three variables—increases greatly the likelihood that a lynching will occur. This also explains the pattern described in the above paragraph.

Examining her first variable, relational distance, we find that in none of the lynchings were black and white Ohioans so close—either physically or emotionally—as to participate to any great degree in the lives of each other. In the near lynching that occurred in March 1904, in the village of Shadeville, there was a situation where white and black men frequented the same saloon. However, we cannot state with any degree of certainty that the two groups engaged in any type of regular, sustained social intercourse.

Likewise in none of the lynchings or averted lynchings was there a situation in which whites were heavily dependent upon black labor. Although in several of the lynchings the accused were employed by whites, whites were not so desperate for employees that they dared not antagonize or terrorize the local black population, thereby making the lynching of blacks too problematic.

de la Roche's third variable, vertical direction, can be found in each of the lynchings and the lynchings that were averted. There was no incident in which there was

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<sup>411</sup>Ibid., p. 59.

the slightest inkling of social equality between the alleged crime victim and the person lynched or nearly lynched. In three instances, black men who were threatened with lynchings or actually lynched had crossed a great expanse of vertical direction; that is, their alleged victims were children. Also, in five instances, black men were lynched in part because they committed crimes against people of high socioeconomic standing. Even in the case of the one black-on-black lynching, the victim was a woman of some economic means and well liked in her community.

Because all of the lynchings contained the element of vertical direction, it is safe to assume that social distance was present, also. For example, in the lynching of Henry Corbin, his murder victim, Georgina Horner, worried about his associates. All of the lynchings and averted lynchings show a great deal of cultural distance between the crime victims and the men who were the targets of mob violence.

In each of the incidents studied, the variable that was most immediately apparent was vertical direction. In none of the incidents discussed were the victim and the person lynched or nearly lynched of the he same social status. Moreover, we can assume that since almost none of the victims had very much contact with the whites in the communities where the lynchings took place, that there was very little functional distance between the two groups. Third, we can safely assume that there was a great deal of cultural distance between whites and blacks in Ohio. Recall in Chapter Two that the social and economic circumstances of the two groups were vastly different. Because of this, it is logical to assume that they worshiped, worked and played in very different

ways. Finally, in four of the eleven lynchings, and three of the twelve lynchings that were averted, the victim of the lynching was accused of violating some social taboo; that is, he crossed a large expanse of social space. The taboo most often cited was assault or rape of a white woman or girl. In only one circumstance did a lynching occur in direct response to some economic factor.

Additionally, I posited that if there were circumstances under which a lynching would most likely occur, then logically there must be some way to explain the decrease in the number of lynchings in early twentieth century Ohio. After all, de la Roche's variables did not disappear; they could still be found during this time period in virtually any community where whites and blacks lived. It is clear that the passage of an anti-lynching law in 1896 did not stop the crime of lynching. Although two families received financial compensation because of the lynchings of their loved ones, mob violence remained a real threat almost two decades into the twentieth century. Indeed, three men were lynched after the law was passed. Especially when the charge was that of a black man sexually assaulting a white woman or girl, vigilante justice continued to be meted out in Ohio.

Lynchings of black men in Ohio did taper off after the passage of the anti-lynching law in 1896, and ceased altogether after 1916. Was this *because* of the law or *in spite of* the law? Having studied the circumstances of each lynching and the reactions of the communities and the authorities to the lynchings, it is difficult to relate the decline

to the passage of the law if only because there were only two circumstances under which the families of lynch victims were compensated monetarily by the state.

Recall that historian David A. Gerber criticized Albion Tourgee's assumption that a monetary fine would succeed in eliminating lynchings on three grounds. First, the law's supporters assumed that participants in a lynch mob would stop to think how much money their actions would cost them; yet because the money did not come directly from each individual citizen, but in the form of a tax, this was unlikely. Second, Gerber pointed out that Tourgee based his faith in the law on the assumption that every mob, and the circumstances of each lynching, were alike. This, too, was an incorrect assumption. Finally Gerber pointed out that Tourgee's assumption that mob participants who were on the lower end of the socioeconomic ladder would be influenced by those above them was erroneous. The third assumption is especially incorrect in that in several of the lynchings, leading citizens of the communities, including those sworn to uphold the law, took part in the mob activity.<sup>412</sup>

What is more likely is that a combination of factors contributed to the demise of lynchings of black men in Ohio. First by the early twentieth century, America was increasingly becoming a nation of cities. Mob violence would have been particularly difficult to hide or sustain under these circumstances. Indeed one saw the national approbation heaped on the cities of Springfield, Lorain, and Akron in the aftermath of mob violence there.

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<sup>412</sup>David A. Gerber, "Lynching and Law and Order," p.

Second, by 1900, Ida B. Wells-Barnett, Mary Church Terrell, and Walter White, Albion Tourgee, and others had been working for the passage of an anti-lynching law for more than a decade. They had traveled throughout the United States and Great Britain publicizing the horrors of lynching, providing factual data on their real causes, and lobbying government officials. While a national anti-lynching law was never passed, the increased awareness of the injustice and barbarity of lynching, and the pressure brought on southerners to eliminate the practice, caused it to lose favor all over the United States, even in the South.

In response to the lack of economic opportunity and the dreadful social conditions, African Americans began migrating from the rural south to the urban north by the thousands beginning in the 1890's. In so doing, many black emigrants found better jobs, housing and educational opportunities. They were also freer to participate in the political process. Particularly after World War I, several northern cities were home to large populations of African Americans who wielded some political clout. Politicians in these cities could not afford to alienate this constituency, and as such, showed little tolerance for racial violence lest they be punished at the polls.

The modernization of American society also no doubt contributed to the decline in mob violence. The America of the early twentieth century was more pluralistic and democratic than the century before. While there continued to be clashes between modernism and older, rural values, modernism increasingly won out. The loosening of

Victorian values and World War I swept away the old order, and to some extent its reliance on frontier style justice.

Finally, if one subscribes to the theory of Wells-Barnett and Walter White—that black men and women in part were lynched because they threatened the economic livelihood of whites—the economic growth experienced during this time period probably had some effect on the steep decline in the number of lynchings. As America became more industrialized, there were more jobs to be had by all groups—whites, blacks and immigrants. While there was still a great deal of social tension and economic rivalry among these groups, the economic opportunity created by industrialism eased those tensions somewhat.

Clearly it was a combination of factors that accounted for the decline and eventual cessation of black lynching in Ohio.

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