

Origin of word / "Lynch Law"- LYNCH ('linch) v. t. To put to death by mob action without legal sanction.

A Virginia Planter and Judge, Charles Lynch and 3 fellow magistrates set up a court, proper in all respects but its jurisdiction, to try treason cases since the distance to Williamsburg prevented hearing there. Judge Lynch became particularly famous in 1780 when he prevented local Tories from seizing ammunition stores for Cornwallis and subsequently tried them as traitors, but neither he nor the other justices ever ordered anyone hanged for the crime of treason. In fact, only in one instance--a case of proven manslaughter--was their sentence ever greater than a fine or flogging. So the word is now attributed to another Virginian, Capt. William Lynch. Edgar Allan Poe is well known for horror stories, and he wrote an editorial about lynching in 1836, when he edited the 'Southern Literary Messenger.'

Poe claimed that the lynch law originated in 1780 when Captain Lynch and his followers organized to rid Pittsylvania County of a band of ruffians threatening the neighborhood. Poe even affixed a compact drawn up by Lynch and his men to the editorial: "Whereas, many of the inhabitants of Pittsylvania. . . have sustained great and intolerable losses by a set of lawless men . . . that . . . have hitherto escaped the civil power with impunity . . . we, the subscribers, being determined to put a stop to the ubiquitous practices of those unlawful and abandoned wretches, do enter into the following association . . . upon hearing or having sufficient reason to believe, that any . . . species of villainy (has) been committed within our neighborhood, we will forthwith . . . repair immediately to the person or persons suspected . . . and if they will not desist from their evil practices, we will inflict such corporeal punishment on him or them, as to us shall seem adequate to the crime committed or the damage sustained . . . In witness whereof we have hereunto set our hands, this 22nd day of September, 1780."

Lynchings became a horrid spectacle event during Jim Crow era, with crowds gathering to witness extrajudicial killings. The national context that led to Jim Crow lynching is described in one legal article:

'The 1880s was an era of great civil strife in the United States and a time of unparalleled development of the police and prisons, the criminal law, labor unrest, and overt class warfare (27). Moreover, this was a time when the death penalty, in general, was widely used without substantial social opposition. Crime then, as now, was the "central metaphor of disorder."(28) Nearly 900 people were legally executed in the 1880s and at least 1,215 people were legally executed in the 1890s, the highest proportionate execution rate in American history. (29) Some indication of the level of support for this state violence is indicated in the number of illegal executions, or lynchings: these reached 1,540 during the 1890s, also their highest level in American history.' (30)ⁱ

Documented lynching events in Alachua County are included as Attachment 1.

One undocumented lynching that occurred across Marion County line circa 1911, based on oral recollection of a relative of a member of the County Historical Commission, resulted from the shooting of a Civil War Veteran, with the motive to steal his veterans support money, as well as murder of his mentally disabled daughter. The suspects were arrested and jailed in Gainesville, but since the case was to be heard in Marion County a train was transporting the suspects and a mob pulled up the tracks to derail the train before overpowering the guard, seizing the men and lynching them.

Lynching violence was the extreme form of social dysfunction, and the violence and interference in Alachua County elections prior to and during Jim Crow are well documented by UF History Professor Dr. Paul Ortiz in the book *Emancipation Betrayed, The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920* (2005, Univ. of California Press). A specific quote by Josiah T. Walls of Alachua County describes the racial violence in the state (Ortiz, p. 40). Interference in the 1888 congressional election purging both Walls and Matthew M. Lewey, a Civil War combat veteran and Gainesville African American leader, is noted (p.58). In 1905 Lewey drafted a resolution opposing segregation of street cars in the State, but his efforts were ignored and the Jim Crow law known as the Avery Bill passed in the Florida Legislature (Ortiz, p. 122).

Dr. Ortiz described ‘persistent violence stalked African Americans in Alachua County’ and describes the 1916 Newberry lynchings. (Ortiz, p. 130-131). The Newberry lynching is the focus of another UF Professor, Dr. Tricia Hilliard Nunn. One of Dr. Hilliard Nunn’s conclusions in a written communication to the Historical Commission is the list of lynchings may never be complete, since records and memories are uncertain. Her entire list of written comments is included as Attachment 2 to this report, including her opposition to the Public Defenders Building as the memorial location.

James Weldon Johnson testified in Congress in 1920 that ‘racism undermined democracy’ (Ortiz, p. 235). The NAACP had begun work to reveal the evil of lynching, as described here-

https://en.wikisource.org/wiki/The_Fight_Against_Lynching#cite_note-Nt1-1

Stetson Kennedy recorded this time in American history in *The Jim Crow Guide, The Way it Was*, first published in 1959. The contemporary Equal Justice Institute (EJI) Project carries on the work of the NAACP.

<https://www.smithsonianmag.com/smart-news/map-shows-over-a-century-of-documented-lynchings-in-united-states-180961877/> (Also see links in related information on memorial design of EJI project in Alabama, also Salem MA project).

One ACHC effort for public participation at a Library meeting was unsuccessful. Scheduling in December is difficult with many special events, and some persons commented that the parking situation may impact participation. It was mentioned that scheduling a meeting at an AME Church in the rural areas would perhaps encourage persons, especially elders, to participate. ACHC will consider this in future.

There is research that examines the link between the price of cotton and the incidence of lynching.

<http://utminers.utep.edu/trcurry/Lynching%20article.pdf>. It is beyond the scope of the County Historical Commission to examine this type of information critically, but perhaps the UF scholar community can continue this work in local research.

The Matheson Museum hosted a viewing of a film that examines lynching history, “An Outrage” and the film producers announced a new partnership with the Southern Poverty Law Center (SPLC) “Teaching Tolerance” program to show the film in high schools.

Possible Locations of Local Memorial(s)

Public Park (an addition to the Victims Memorials at Squirrel Ridge Park for example, or an African American Resilience Garden as envisioned by Dr. Patricia Hilliard-Nunn, see her email attached);

Cemeteries- each burial of a lynching victim could be marked, as well as a central memorial/marker; and

Downtown government building (see list of possible buildings included as Attachment).

Afterword

We cannot really know why this history was silenced for so long. It may be a similar situation to a statement included on a PBS program about the Influenza Epidemic in 1918--- “Once the dying ended, the forgetting began.” The PBS report mentioned the collective terror of sudden death perhaps caused a psychological need to forget. This cannot be known with certainty over 100 years later.

There are however current events that make it necessary to remember the history of lynching. During the research on this grim history, Gainesville made national news when the community faced the arrival of an Alt-Right speaker. Here is one publication’s analysis of the opposition to the speaker-

<https://www.thenation.com/article/how-five-college-kids-brought-thousands-together-to-shut-down-richard-spencer/>

Many great men have attempted to explain evil, for example ...*evil is a force and, like the physical and chemical forces, we cannot annihilate it; we may only change its form. We light upon one evil and hit it with all the might of our civilization, but only succeed in scattering it into a dozen of other forms.* (James Weldon Johnson)

Recommendations to BoCC, approved by ACHC at January 8, 2018 meeting:

1. Send the updated research on Alachua County lynching history to EJI & add to ACHC webpage.
2. Share information with the School Board regarding SPLC Teaching Tolerance/ An Outrage film (<https://www.splcenter.org/teaching-tolerance>) and Public Library resources on topic for High Schools.
3. Direct staff to explore grants for partnership with Matheson Museum and/or UF history faculty and students for local memorial/garden/event.

(One possible low cost event approach could be similar to the “Subway Therapy” project described in a book available from the Alachua County Public Library: *Signs of Hope, Messages from Subway Therapy*.ⁱⁱ While there is no subway in Alachua County, working with the City RTS there could be a ‘pop-up’ event held at the Downtown Gainesville Rosa Parks Transit Station to encourage persons to express thoughts on community resilience.). UF College of Design could be contacted to determine if there is interest in organizing a design charrette when the memorial location is determined.

References

Chavez, Matthew “Levee.” *Signs of Hope, Messages from Subway Therapy*. New York: Bloomsbury Publishing Plc, 2017.

Henrickson, Robert. *Whistlin’ Dixie, A Dictionary of Southern Expression*, Vol. 1. New York: Facts on File Inc. 1993.

Ortiz, Paul. *Emancipation Betrayed, The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920*. Berkeley: University of California Press, 2005.

supremecourthistory.org/assets/pub_journal_2000_vol_1.pdf (Accessed online, Verbatim Excerpt from JOURNAL OF SUPREME COURT HISTORY 2000 vol. 25 no. 1)

Attachments

Attachment 1- Table of research compiled (by ACHC member Karen Kirkman) on Known Lynching events

Attachment 2- Email Correspondence from Dr. Patricia Hilliard Nunn on County Lynching History

Attachment 3- Downtown locations considered as possible sites for a Lynching Memorial

Related Information

Equal Justice Initiative’s national lynching memorial in Alabama: <https://eji.org/national-lynching-memorial>

Salem Witch Trials Memorial- <http://www.salemweb.com/memorial/memorial.php>

<http://coloredconventions.org/> (African American 19th Century history source)

<http://ufdc.ufl.edu/stetsonkennedy> (Stetson Kennedy Papers at UF Smathers Library)

https://blogs.loc.gov/teachers/2017/12/using-the-rosa-parks-collection-to-foster-student-inquiry-of-parks-depictions-in-civil-rights-narratives-part-2/?utm_campaign=%2B%20Education&utm_source=hs_email&utm_medium=email&utm_content=59494983&hsenc=p2ANqtz-9i47zh6l1kp6uKFuhJbp7g_jaydyEVwF_jEJnmClpFWjz1NfDTW7kd5WpELr8QGAEeASeO9c14BGKEeehko22N6LA&hsmi=59516054

https://www.brookings.edu/blog/social-mobility-memos/2017/09/08/6-points-on-race-and-culture-from-jd-vance-and-william-julius-wilson/?utm_campaign=Brookings%20Brief&utm_source=hs_email&utm_medium=email&utm_content=56134505

<https://www.usatoday.com/story/opinion/2017/12/19/what-kind-country-we-speak-out-core-american-values-sally-q-yates-column/951828001/>

ⁱ supremecourthistory.org/assets/pub_journal_2000_vol_1.pdf Verbatim Excerpt from JOURNAL OF SUPREME COURT HISTORY 2000 vol. 25 no. 1; "The Defendant Has Seemed to Live a Charmed Life": *Hopt v. Utah: Territorial Justice, The Supreme Court of the United States, and Late Nineteenth-Century Death Penalty Jurisprudence*; Sidney L Haning and Kathryn Swedlow. Includes these endnotes- 27 Lawrence M. Friedman, *Crime and Punishment in American History* (1993) [hereinafter *Crime and Punishment*]; Sidney L. Hatting, *Policing a Class Society: The Experience of American Cities, 1865-1915* (1983) hereinafter *Policing a Class Society*. 28 Martin J. Weiner, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (1990), [. 29 Even the absolute number of executions in the United States in the [890s was exceeded only by that in the period of the J 930s and J 9405. After the 1890s the number of legal executions declined slightly, despite the rapidly increasing population, until the [930s. That decade saw 1,670 legal executions, the highest absolute number. However, given the much higher population in the 1930s, this still meant fewer executions per capita. Bowers, *Legal Homicide*, supra note 5, 3-65; Raymond Paternoster, *Capital Punishment in America* (1991). Historian Watt Espy has systematical[y collected da ta on the death penalty. See V. Schneider and J. O. Smykla, "A Summary Analysis of Executions in the United States, 1608- [987: The Espy File," in Robert M. Bohm, *The Death Penalty in America: Current Research* ([99 []); M. W. Espy and J. O. Smykla, *Executions in the United States, 1608- 1987* [machine readable data fil e], Ann Arbor, MI, Inter University Consortium for Political and Social Research (199 []). JO Id. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (1993); Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South*, ([984); Charles D. Phillips, "Exploring Relations Among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889-1918," 2[*Law and Society Re view* (1987), 361-374; E. M. Beck and Stewart E. Tolnay, "The Killing Fields of the Deep South: The Market for Cotton and the Lynching of Blacks. 1882- 1930," 55 *American Sociological Review* 526 ([990); Susan Steretl, "' Entitled to Have a Hearing': Due Process in the [8905," 3 *Social and Legal Studies* ([994),47- 70, at 59- 66.

ⁱⁱ The book documents an activist-organized event that encourages persons to "express yourself" that started the day prior to the 2016 Presidential election. First started in NYC the action spread to other major metro areas. Persons were encouraged to share thoughts on a small sticky note paper. The book chapters describe the project organization and the major themes expressed:
Introduction: A Table and Two Chairs
My Heart is Heavy/ It is Hard Not to Fear the Future/ Dear Stranger, I (Heart) You/ Find Your Hope and Hold it Close/ Listen to Each Other/ I Refuse to Give Up on My Country/ I Will Stand Up for You
A Creative Toolkit