POSTSCRIPT TO THE MARTIN TABERT CASE: PEONAGE AS USUAL IN THE FLORIDA TURPENTINE CAMPS

by JERRELL H. SHOFNER

IN 1923 NAACP Secretary James Weldon Johnson wrote the editor of the *New York World* thanking him for the paper's exposure of brutality in the Florida turpentine camps which had caused the state legislature to abolish the leasing of county convicts to private companies. Himself a product of the progressive era and a believer in man's ability to reform his society through positive legislation, Johnson wrote that "ending this evil" was "a long step toward the ending of peonage."[1] The state had already been prohibited in 1919 from leasing its prisoners to private firms, but counties had continued the practice until the *World* published a series of articles recounting the horrible death of Martin Tabert, a white South Dakota youth, after brutal beatings inflicted by Walter Higginbotham, a prison guard in one of the Putnam Lumber Company's turpentine camps. In the same progressive spirit as that embraced by Johnson, N. Gordon Carper recently wrote of the events leading to the legislature's 1923 action and the sentencing of Higginbotham to twenty years in prison for second degree murder.[2] Many who read Carper's article generally accepted the premise that society was capable of improvement by the discovery of wrongs and by correcting them through improved legislation. So believing, it was natural to infer that James Weldon Johnson was correct and that in 1923 the legislature ended a long-standing abuse. But a brief look beyond the 1923 enactment reveals the difference between enactment of a

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1. James Weldon Johnson to Editor, *The World*. Series C, Box 386, NAACP Papers, Library of Congress.
2. N. Gordon Carper, "Martin Tabert, Martyr of an Era," *Florida Historical Quarterly*, LII (October 1973), 115-31.

law and its implementation. It further raises serious doubt about the effectiveness of positive law when it runs counter to established customs.

Among the several individuals and firms involved in the Tabert case and the legislative investigation were Sheriff John R. Jones of Leon County; Thomas Walter Higginbotham, the so-called whipping boss; the Putnam Lumber Company, a Wisconsin firm with large timber interests in Florida; and State Senator T. J. Knabb, whose activities at and near Macclenny in Baker County were shown to be at least as reprehensible as those of the firm in whose camp Tabert had died.

As the records show, Higginbotham won a new trial when the state supreme court overturned his conviction on a legal technicality. Awaiting retrial, he was released on $10,000 bail and immediately resumed his duties for the Putnam Lumber Company, this time at its Shamrock camp in Dixie County. On October 19, 1924, Lewis "Peanut" Barker, a Negro turpentine worker, was beaten and shot to death near Shamrock. Accused of the crime were Higginbotham, who was still under bond; John H. Winburn, a Dixie County deputy sheriff; E. G. Priest; D. A. Parker; W. G. McRaney; and Charlie Hart, a black man. All six were indicted for first degree murder in March 1925. The following August Higginbotham was retried in Dixie County for the Tabert murder and was found "not guilty." He was scheduled for trail in the Lewis Barker case in early 1926. In the meantime, he was seriously injured in an automobile accident in Jacksonville, and Dr. S. E. Driskell affirmed that he was physically unable to appear in court. There was no further attempt to punish him or his accomplices for the second murder.[3] Sheriff Jones of Leon County was removed from office, but he was not otherwise punished although legislative investigators found evidence that he was arresting persons on vagrancy charges solely to fulfill an agreement he had with the Putnam Lumber Company to furnish it with workers.[4]

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3. Dixie County Court Records, Criminal Bench Docket One, 17, 19, and Criminal Case Files for 1925; clipping from *New York World,* March 15, 1925, C-386, NAACP Papers.
4. Carper, "Martin Tabert," 122; Fred Cubberly to Attorney General, February 1, 1924, Mail and File Division, Department of Justice Records, Record Group 60, National Archives (hereinafter cited as NA); John N. Beffel to Herb, May 4, 1936, Box 142, Folder 1, Workers Defense League

Far more important than these individual miscarriages of justice was the uninterrupted practice of peonage and brutality in the turpentine camps even after the legislature prohibited convict leasing. What had once been legal was perpetuated through another Florida law, frequent collusion of local officials with turpentine operators, and the custom of white employers using force on reluctant black workers without interference from either authorities or peers. At the same time it ended the leasing of state convicts to private companies, the 1919 Florida legislature passed a law empowering employers—including turpentine operators—to hold workers for debt. Entitled "An Act to Provide a Penalty to be Imposed Upon any Person in This State Who Shall, With Intent to Injure and Defraud, Obtain or Procure Money or Other Thing of Value on a Contract or Promise to Perform Labor or Service and Prescribing a Rule of Evidence Governing Same," the statute declared such persons "guilty of a misdemeanor" and subject to a fine of up to $500 or imprisonment up to six months. It was the "rule of evidence" which was pernicious. If an individual accepted a consideration of value—such as transportation to the camp of the employer—under such circumstances, his subsequent failure to perform "shall be prima facie evidence of the intent to injure and defraud." Thus, the burden of proof was placed on the laborer to disprove an employer's allegations rather than the customary assumption of innocence until guilt was proven.[5]

Under this handy statute—enacted despite considerable argument that a similar Alabama law had already been declared unconstitutional by the United States Supreme Court—turpentine operators and others requiring laborers could recruit individuals, furnish them transportation to the work site, assess an advance charge for the service, and subsequently hold the worker until he paid the debt. It was, however, often very difficult for the individual to pay up. Most of the camps operated their own commissaries from which workers drew their necessities on credit. The prices and interest rates in these monopolistic stores often kept workers in perpetual debt. In other cases, men were still picked up on vagrancy charges by local officials, fines were assessed, prospec-

Collection, Walter P. Reuther Library, Wayne State University, Detroit, Michigan (hereinafter cited as WDL).

5. Laws of Florida (1919), Chapter 7917, 286.

tive employers paid the fines, and the individuals were suddenly peons obligated to work off the debt. Since most of the victims were uneducated, unfamiliar with the law, and without recourse, and since things had been the same way as long as anyone could remember, they often did not realize how they were being mistreated or know what to do about it even if they did. There were a few exceptions. An excellent example of the peonage trap was revealed in Calhoun County in 1924, not long after James Weldon Johnson had applauded the Florida legislature's "long step toward the ending of peonage."

Calhoun County was a sparsely settled area where the main available employment, particularly for blacks, was in the lumber or turpentine camps. Charles and Alfred Land and Mood B. Davis operated the Naval Stores Company there. Workers chipped the trees, placed receptacles into which the sap could drain, and subsequently emptied the chips into heavy barrels which were taken to the camp for distillation. The laborers bought their supplies on credit at the company commissary managed by G. W. White. Carey Whitfield and Frank Daniels clerked in the commissary, and Will Proctor was the company bookkeeper. With the collusion of County Sheriff C. S. Clark and his deputies, Thomas Shuder and T. E. Cason, and County Judge W. I. Chafin, the company managers were virtually able to hold their workers as prisoners. The cooperation of these officials was made easier because Charles Land and Mood Davis were both county commissioners, the former serving as chairman of the board of commissioners.[6]

When Henry Sanders, a black woods worker, became dissatisfied with his situation, he was accused of stealing three dollars worth of chipping tools. He was taken before the county judge and was fined. Davis paid the fine and returned Sanders to the woods to work off the new indebtedness. Similarly, George Diamond worked for the company for several months, drew no pay, and yet found that he owed the commissary $14.30 above his wages. Outraged, he protested that this could not be because he had received nothing since arriving in the camp. He was then

6. *Pensacola Journal,* May 19, 1925, in C-386, NAACP Papers; Jacksonville *Florida Times-Union,* May 22, 24, 30, June 2, 1925; Tallahassee *Smith's Weekly,* May 29, 1925.

"arrested" and taken before Judge Chafin and urged to plead guilty to "stealing jumper coats from the commissary." At first he refused to comply, but when he overheard Davis telling the judge to "give him eight months on the hard road," Diamond decided it might be better to take his chances with the guilty plea.[7] He was sentenced to ninety days and released to the custody of his employer.[8]

Unable to work themselves out of debt because of the unfair bookkeeping methods of the Naval Stores Company commissary, Sanders, Diamond, Dewitt Stonam, and Galvester Jackson decided to try escaping in September 1924. They were overtaken at the Wewahitchka Bridge about twenty-five miles from the turpentine camp. There, Stonam was forced to beat the other three men with a heavy whip. Diamond was told that if he tried to run away again, he would be made into "catfish bait." Evidence of the whippings was still visible in May of the following year. When her husband left the camp, Lola Sanders had fled to the home of her father, Matthew Brown. While his partners and others were pursuing the runaways, Mood Davis and Carey Whitfield followed her. At gunpoint she was "arrested" and informed that she would be held until Henry Sanders was found and returned to work.[9]

About that time, rumors of peonage conditions in Calhoun County reached William B. Sheppard, United States judge for the Northern District of Florida, who had fought peonage as a United States attorney more than twenty years earlier.[10] He urged the justice department to investigate the Naval Stores Company case in Calhoun County, and indictments were brought against Mood B. Davis, Charles Land, Alfred Land, Carey Whitfield, Frank Daniels, Will Proctor, Gadi White, Sheriff C. S. Clark, and Judge W. I. Chafin.[11]

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7. After convict leasing ended in 1923, counties sent their convicts to work on the public roads.
8. *Pensacola Journal,* May 19, 1925, in C-386, NAACP Papers; *New York Age,* May 30, 1925.
9. *New York Age,* May 30, 1925; clippings from *New York World,* May 20, 21, 1925, in C-386, NAACP Papers.
10. Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana, 1972), 8-18, 34.
11. George E. Hoffman to Attorney General, November 29, 1924, Mail and File Division, RG 60, NA; *New York Age,* June 6, 1925; Jacksonville *Florida Times-Union,* May 19, 1925.

Since the witnesses against the turpentine operators and Calhoun County officials were all destitute and successful prosecution depended upon their testimony, it was a burden of the federal government to prepare and prosecute such a case to successful conclusion. The defendants secured able counsel and attempted to overturn the government's case by attacking on procedural grounds the validity of the grand jury indictment. A new grand jury was convened in late 1924, and the case was not completed until the following spring. In the interim of nearly eight months Henry Sanders, Galvester Jackson, George Diamond, Dewitt Stonam, and eight other black witnesses were detained in Pensacola at the expense of the government. The United States marshal kept them under surveillance to "forestall any prospective intimidation."[12]

After a five-day trial in May 1925, the two Lands, Davis, Whitfield, Daniels, and Proctor were all convicted on various counts of peonage. Charles Land was sentenced to one year in Atlanta Federal Penitentiary while the others received shorter sentences or fines. But that they were convicted at all was remarkable. Such cases were widespread in the turpentine belt, and rarely did they reach the courts of law. Alfred Land's conviction resulted from his having obtained a warrant for the arrest of Henry Sanders and for bringing him back to the camp to work out his debt. In sentencing him, Judge Sheppard delivered a blistering lecture in which he acknowledged that there may have been provocation to bring back the man who had quit while owing money. But, he added, "There is a marked inhibition in the law . . . against a man being brought back against his will to work out of debt. This law was not made particularly to protect the Negro, for all are included in its protection, and I know that in some sections white persons are in sore need of its aid."[13]

A more representative disposition of a peonage charge was a case reported by L. L. Fabasinski, a young Pensacola attorney. He wrote in behalf of Sallie Tolbert, a trusted Negro acquaintance, who had received a foreboding letter from her husband shortly after he had been recruited from Pensacola, along wtih his son-in-

12. Hoffman to Attorney General, November 29, 1924, Mail and File Division, RG 60, NA.
13. Jacksonville *Florida Times-Union,* May 21, 1925; *New York Age,* June 6, 1925.

law, Anthony Hawthorne, to work in a turpentine camp in Osceola County. Asking if Hawthorne had managed to reach Pensacola after his escape from the camp, Tolbert complained that he was being held against his will by white people who "treat these colored people like they was dogs." Unfortunately, another man from the same camp reached Pensacola about the same time and reported that Hawthorne had been killed by guards during the attempted escape. United States Attorney Fred Cubberly, a longtime foe of peonage in Florida, urged the attorney general to initiate an investigation into the situation since he believed that peonage was widespread in and around Osceola County where vast timber acreage had just recently been opened up. No further action was taken.[14]

Neither did the Putnam Lumber Company mend its ways. Responsible for the camp in which Martin Tabert met his death and having lied in attempting to cover up the truth about how he died, the company was sued by the Tabert family. An out-of-court settlement resulted in $80,000 payment to the bereaved family. But things remained the same. Higginbotham continued to work for the company, and at least as late as 1937 it was still keeping several hundred of its workers at its Shamrock camp behind a fence complete with guarded gates. No one entered or left without approval of the guards. Nor were those who reported this condition moved by humanitarian impulses. Officials of Cross City complained that their merchant constituents were being deprived of a market because the Putnam Lumber Company guards would not let them in or the workers out. The merchants alleged that this was denying them a portion of the camp trade so that the company's store would benefit. In any event, the United State Department of Justice saw no cause for action in this instance. Its investigator reported that the situation was being alleviated and that some merchants were being given permits to enter the "quarters" and "there does not appear to be any violations of the laws of the United States involved."[15]

Conditions remained the same at Macclenny as well. Testi-

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14. L. L. Fabasinski to Department of Justice, June 3, 1925, Mail and File Division, RG 60, NA; Cubberly to Attorney General, May 30, 1925, ibid.
15. H. L. Fleishel to W. L. Fisher, February 8, 1937, ibid.; W. B. Watson, Jr., to George E. Hoffman, February 12, 1937, ibid. See also Dan M. Sheppard to Department of Justice, May 11, 1930, in same file.

mony before the 1923 legislative investigating committee showed that Senator T. J. Knabb's turpentine works were about as bad in labor conditions as those of the Putnam Lumber Company. Some of Knabb's colleagues had tried unsuccessfully to have him removed from the senate because of the revelations of cruelty, brutality, and deprivation in his turpentine camps. Excitement abated in the years after the investigation, and Senator Knabb's notoriety faded. But his brother, William Knabb, was also a large scale naval stores farmer and distiller at Macclenny who practiced the same harsh labor policies as the senator. In the fall of 1936, Florida was once again thrust before the nation as a place where human beings were kept in virtual slavery. Newspapers across the nation carried grim stories describing the situation in Macclenny. It was charged that about 400 Negroes who worked in Knabb's turpentine distillery and lived in squalid huts owned by him were being kept by perpetual debt and a guard system in his employ. All roads leading from "the quarters" were watched closely, and no one was permitted to leave. Two informers lived among the workers, keeping close watch for dissidents. They had even crept under the cabins at night to listen for signs of discontent and possible escape attempts. Beatings were administered to those who tried to get away. The workers received from fifty cents to $1.00 a day for toiling from dawn to dark. A few were paid $1.25 per day for their labors. Everyone was forced to buy from Knabb's commissary where prices were nearly twice as high as in ordinary retail stores. This reduced the real wages of the lowest paid workers to little more than twenty-five cents a day.[16]

These disclosures occurred as the result of a series of events beginning in October 1936, when Alfred Smith, Arthur Smith, and Ed Baker tried to leave the employ of the Knabb Turpentine Company and go to work for William G. Boyd at Coleman, Florida. R. C. Boyd went to Macclenny in a truck to transport the men and their belongings. While the vehicle was being loaded, William Knabb, his son Earl, and Fred Jones, a woods rider, drove up and threatened the party with guns. They told the three workers who were trying to leave that they could not

16. A. Philip Randolph to Homer Cummings, March 5, 1937, File 50-18-12, Department of Justice Records, RG 60, NA; Frank McCallister to Senator Robert LaFollette investigating committee, 1936, Box 81, Folder 11, WDL.

since they owed Knabb money. Boyd offered to settle the indebtedness, but he was refused, and the Knabbs roughed him up at gunpoint. About a week later the three laborers started for Baldwin on foot, hoping to make their way to Coleman. They were overtaken deep in the swamp by Edwin S. Hall, Jr., another of Knabb's woods riders, who was armed with a shotgun. The three men were forcibly returned to Macclenny.[17]

Meanwhile, Boyd contacted the United States attorney and charged the Knabbs with peonage. Learning of the situation, the NAACP and the recently-organized Workers Defense League sent the Reverend C. F. Duncan, head of the Jacksonville branch of the NAACP, and Frank McCallister of St. Petersburg, southern secretary of the WDL, to investigate. In a communication to his New York office, McCallister described the situation in the Florida turpentine operations: "Peonage is nothing unusual in Florida. There are several sections in which it flourishes but these are veritable 'no-man's lands' where one must tread softly if wishing to live." He thought that a report could be obtained, but "the hardest job would be in getting the victims to talk."[18] Accompanied by the Reverend Duncan, however, McCallister found several witnesses who made full statements, but the presence of a white man and a well-dressed Negro from outside the town were obvious to those in the "quarters." As soon as they had secured enough information to make a case, the two investigators "decided it would be safer to leave." According to McCallister, one of Knabb's informers "had notified the commissary of our presence and we could see a small cluster of white men gathering. Wisdom seemed to dictate departure and so we left after about two hours in the quarters." Elsewhere he remarked that "it would be easier for an enemy of Hitler to operate in Germany than for a union organizer to attempt to set foot in these camps."[19] Told that a dispute between rival turpentine operators had caused the charges to be brought, McCallister said that sounded logical because "I cannot imagine a negro in one of these communities

17. W. G. Boyd to William Green, November 2, December 1, 1936, Division of Communications and Records, Department of Justice Records, RG 60, NA.
18. McCallister to Aron Gilmartin, November 7, 1936, Box 144, Folder 6, WDL.
19. Report of Frank McCallister, re peonage at Macclenny, Box 128, Folder 26, WDL; "Myth of Democracy in the South," mss. by Frank McCallister, Southern Secretary of Workers Defense League, Box 162, Folder 19, WDL.

voluntarily entering charges against one of the 'leading citizens of the community.' It is an open invitation to suicide by lynching."[20]

It happened that the American Federation of Labor was holding its convention at Tampa at the time, and A. Philip Randolph, who had just obtained AFL affiliation for his Brotherhood of Sleeping Car Porters, read the McCallister and Duncan report to the assembled delegates. AFL President William Green was induced to write Governor David Sholtz demanding an investigation. Affirming that "peonage is not to be countenanced in Florida," Sholtz assured the labor leader that he would pursue the matter vigorously. The governor did initiate an investigation, but he subsequently deferred to the federal authorities since peonage was a violation of national statutes.[21] Walter White of the NAACP wrote United States Attorney General Homer Cummings, urging vigorous action.[22] The Reverend Mr. Aron S. Gilmartin, head of the Workers Defense League, also contacted Cummings, noting that a preliminary investigation showed that "the entire Negro population of Macclenny . . . are held in . . . virtual peonage and slavery."[23]

An FBI investigation led to the indictment of William Knabb, Earl Knabb, Fred Jones, and Edwin S. Hall, Jr., on charges that they had forcibly held Smith and Baker to labor until their debts were paid. Extensive publicity accompanied the indictment and trial. Stetson Kennedy, a Florida journalist, wrote a series on peonage, Workers Defense League news releases were carried in several newspapers, the *Nation* wrote on forced labor in Florida, and RKO pictures produced a movie, "The Boy Slaves," about it.[24]

William Knabb, Jones, and Hall were tried in May 1937. Their defense was based on the premise that Boyd had bribed witnesses against them because he was a bitter business rival.

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20. McCallister to Gilmartin, November 21, 1936, Box 144, Folder 6, WDL.
21. *Tampa Tribune,* November 29, December 1, 1936.
22. Walter White to Attorney General, December 8, 1936, Division of Communications and Records, Department of Justice Records, RG 60, NA.
23. Gilmartin to Homer T. Cummings, November 24, 1936, ibid.
24. Brian McMahon to J. Edgar Hoover, November 7, 1936, ibid.; clipping from *Nation,* August 21, 1937, in peonage files, A. A. Schomberg Collection, New York Public Library; Samuel Romer to McCallister, January 31, 1939, Box 26, Folder 29, WDL; Jacksonville *Florida Times-Union,* May 25, 27, 28, 1937.

During the trial, William D. Strickland, a Gainesville attorney, produced a letter purportedly written by Ed Baker to another lawyer, asking him to handle a sum of money expected from his role in the trial. The government attorneys thought they had scored a victory when they promptly proved that Baker could neither read nor write. But they had underestimated the degree of proof required for a Florida jury to convict white men of holding blacks in peonage. In less than thirty minutes of deliberation the jury found the three men innocent of all charges. On the basis of that verdict, the government dropped its charges against Earl Knabb. Strickland was arrested in the courtroom and subsequently indicted for perjury, but he was apparently never tried.[25]

Nearly 300 miles west of Jacksonville near Wewahitchka a bizarre case was unfolding about the same time which further demonstrated the force of custom and the difficulty of overcoming it with legislation. Both sides recognized it as an important contest for high stakes. The United States solicitor general declared that the department of justice was interested in the case "partly because conditions in the Florida turpentine camps . . . have been a fertile source of complaints of involuntary servitude and peonage." At the same time, the American Turpentine Farmers Association, whose headquarters were at Valdosta, Georgia, had sent its general counsel to join the defense attorney in the case because the organization's membership was concerned that it might lose its labor supply. Lige James Johnson, a black man, had worked for Charles A. Gaskins, a white turpentine operator, at a camp near Wewahitchka from 1935 until 1937. He left the job free of debt and went to Panama City for other employment. In 1938, Gaskins approached Johnson and said he still owed him $35.00. After a lengthy protest, the latter was forced to return to Gaskin's turpentine works. He worked off the alleged debt in about four months, and the white man agreed that they were "square." Johnson worked from 1938 until 1940 at odd jobs in Panama City, during which time he met Gaskins several times on the streets. Then in July 1940, Gaskins said he had examined his

25. Jacksonville *Florida Times-Union,* May 29, 1937; Herbert S. Phillips to Attorney General, June 2, 1937; McMahon to Thurgood Marshall, March 3, 1939, Division of Communications and Records, Department of Justice Records, RG 60, NA.

books again and found that Johnson still owed him $22.00. In front of several disinterested witnesses, the two men fought, and Gaskins succeeded in forcing Johnson into his car. Sometime during the thirty-odd mile drive to the turpentine camp, Johnson jumped from the car and escaped into the woods.[26]

Peonage charges were brought against Gaskins, but at his trial his lawyer argued that he could not be guilty of peonage since Johnson had escaped before reaching the camp. The prosecution countered that Johnson knew what to expect at the camp, that he had been held to forced labor there before, and that he had been forcefully brought from Panama City to the point where he managed to escape. The jury found Gaskins guilty, but on appeal the United States Supreme Court overturned the conviction. The high court's reversal of the decision was based on the original defense premise that Johnson had not been actually required to perform labor, but had only been transported against his will to a place near Wewahitchka. This did not constitute peonage according to the statutory definition of the term.[27]

Turpentine operators were probably relieved by the decision. But in any case they continued to keep laborers in their camps by perpetual indebtedness and force. As late as 1949, the Workers Defense League found fourteen turpentine camps in Alachua County where "the practice of peonage is open and notorious."[28]

Martin Tabert died a victim of a vicious system. The exposures resulting from his death ended the leasing of prisoners to private companies by governing bodies, but it did little to alter the conditions of laborers in the Florida turpentine camps, and it did not significantly diminish the numbers of people who worked there. Collusion of local officials such as those in Calhoun County, or more often, lack of concern on their part for what happened between employers and employees in the isolated pine forests kept the turpentine camps after 1923 much as they had

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26. George E. Hoffman to Attorney General, October 9, 1942, Hoffman to Victor Rotnam, October 9, 1943, Marion B. Knight to Hoffman, October 7, 1943, File 50-802, Department of Justice Records, RG 60, NA.
27. United States *v.* Charles Gaskins, United States District Court Records, Record Group 21, Federal Records Center, East Point, Georgia. Presumably there were no complaints of justice being thwarted by "legal technicalities" at that time as there would be in later years.
28. Peonage and other forms of Forced Labor in the United States, Preliminary Report, April 1949, Box 97, Folder 15, WDL.

always been. The abuses uncovered in the aftermath of Tabert's death eventually ended when the extraction of turpentine gum ceased to be a major industry in Florida after World War II.