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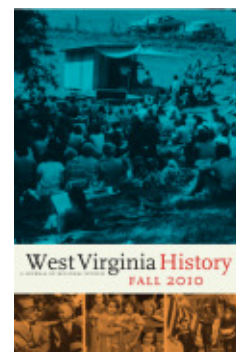
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“I Thought Things Would Be Different There”: Lynching and the Black Community in Southern West Virginia, 1880–1933

Tim Konhaus

West Virginia's place on the nation's map of race relations is in many respects a middle ground. Although never a major slaveholding region and without a substantial African American population, it nevertheless followed many southern racial customs. It is consequently an interesting location in which to explore race relations, particularly as manifested in its most vicious form—lynching. The case of West Virginia offers a much-needed corrective to scholarship about the Appalachian region. Over the past thirty years, scholarship has debunked the myth of Appalachia's racial homogeneity. Scholars like John Inscoc, Ronald Lewis, and Joe Trotter, to name but a few, more than adequately illustrate the diversity of a region long perceived as racially homogeneous.¹ Similarly, recent scholarship on lynching and racial violence within Appalachia has concluded that little separated the Mountain South from the Deep South; indeed one scholar most succinctly declared, “Lynching in Appalachia was simply and fundamentally . . . southern.”²

While acknowledging the horrors of lynching in Appalachia, scholarship on racial violence largely overlooks the practice within West Virginia. As recently as 2002, Philip Dray concluded that “lynchings were more prevalent in the low-lying agricultural lands than in the hills; indeed they were rare among the mountain folk in Kentucky and West Virginia.”³ Much of the historiography of lynching comes from sociologists, and frequently their focus has been causation: *Lynching and the Law* by Chadbourne, *The Tragedy of Lynching* by Raper, and more recently *A Festival of Violence* by Tolnay and Beck. Historical research has fallen into regional examinations; W. Fitzhugh Brundage's research concentrates on the New South and more localized research like Jacqueline Dowd-Hall's concentrates on specific states like Texas. Even Robert Zangrando's work *The NAACP Crusade Against Lynching, 1909–1950*, although purporting to examine the national campaign, looks most closely at the southern half of the United States.⁴ Although the research

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has come from different perspectives, the common thread is quantity. The number of lynching victims has heretofore determined the merit of lynching research. Not coincidentally, the greatest number of lynchings took place in the southern half of the nation. That is not to say that lynchings occurred nowhere else, sociologists are quick to argue. However, that sense of place, which appears with lynching and the tendency to quantify lynching research, leaves some holes in the scholarship. Although West Virginia's total number of lynchings pales in comparison to states in the South, the Mountain State felt the qualitative and quantitative impact of the lynch mob.

The fact is that West Virginia is at once both a microcosm of the United States in the late nineteenth and early twentieth centuries, and an anomaly in the study of lynching in America. The state was at the intersection of regional geography, North and South, East and West. Increasing industrialization within the state also placed it at the crossroads of urban industry and rural agriculture. West Virginia defies the popular and scholarly ideals of states prone to lynching and the resultant measures used to combat it. The absence of Jim Crow legislation, greater access to the ballot, and increased economic opportunity within the state contradicted the demographics of a state prone to lynching activity. In 1921, West Virginia passed an anti-lynching law designed to curb the practice within its borders, while at the same time offering financial compensation for the families of lynching victims. West Virginia was ahead of the curve when the state legislature passed the Caphart Anti-Lynching Law in 1921. Although the threat of lynching loomed as large in West Virginia as it did anywhere in the United States, social conditions as a whole within the state differed markedly from those of other states. Increased social, economic, and political opportunities allowed the state's black communities to respond to the lynching crisis in ways not possible anywhere else. As Ronald Lewis states, "In southern West Virginia, blacks came closer to finding economic equality than in any other coalfield, and perhaps anywhere else, in America."⁵

In 1896, southern Redeemers solidified the redemption of the South with the help of the Supreme Court's decision in *Plessy v. Ferguson*. The *Plessy* decision declared racial segregation legal so long as both white and black received equal access to services. However, when the Supreme Court rendered its decision in the case, the justices failed to establish legal guidelines for equal access. The absence of federal guidelines allowed state and local authorities to interpret equal access as they saw fit; southern Redeemers used the relative ambiguity of the term to further solidify white supremacy. Aided by the *Plessy* decision, Redeemers strengthened their hold on southern politics and further inhibited the black franchise.

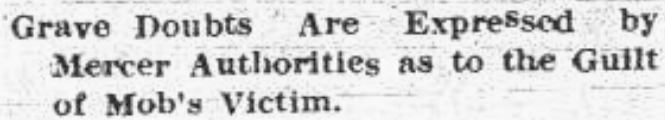
The lack of political voice relegated blacks to a tenuous position at the bottom of the southern economic ladder because their economic opportunities remained confined to the farms and plantations of the South. More often than not, such opportunities meant sharecropping since very few blacks owned their own land.⁶ Limited economic opportunities in turn limited southern blacks' access to education. Under Redeemer administrations, educational funding suffered for southern whites as well as blacks, but it was the black schools which suffered the most.⁷ The Plessy decision affirmed the maintenance of separate schools for southern blacks so long as facilities remained equal to that of white schools. Southern blacks found the term "equality" relative, as whites dictated its interpretation. Without equal access to education, blacks suffered the completion of a downward spiral of degradation and dependency in the South. The inability to challenge the interlocking hierarchies, which created the cycle of degradation and dependence, further inhibited black advancement; to question or challenge the cycle was to question white authority.

Challenges to white authority often met with a swift and brutal response in the form of a lynch mob. The decade from 1890 to 1900 saw a dramatic rise in the number of lynching incidents throughout the United States. In 1892, lynching reached its historic peak with 226 recorded victims. Four states in the Deep South (Georgia, Mississippi, Texas, and Louisiana) led the nation in total numbers. Southern lynch mobs disproportionately targeted blacks who made up more than 80 percent of all victims.⁸ "In the South," declared Georgia Populist Tom Watson, "we have to lynch him [the Negro] occasionally, and flog him, now and then, to keep him from blaspheming the Almighty, by his conduct, on account of his smell and color. . . . Lynch law is a good sign."⁹ Devoid of any political, economic, or educational opportunity, and without the ability to demand change, many southern blacks turned to migration as the only avenue available.

Lynching, as much as any other variable, contributed to the migration of blacks out of the South. Thousands migrated north to the coalfields of southern West Virginia, seeking to escape the horror of lynching.¹⁰ In West Virginia, the total number of lynchings paled in comparison to those of the Deep South; within the state, only ten lynchings occurred from 1890 to 1900.¹¹ Relative to the rest of the South, the threat of lynching seemed far removed from West Virginia. Even Carter Woodson, the father of African-American scholarship, expressed that belief: "In the mountainous region . . . people . . . have always differed from the dwellers in the district near the sea not only in their attitude toward slavery but in the policy they



**Lynched Negro May
Be Innocent of Crime**



Grave Doubts Are Expressed by
Mercer Authorities as to the Guilt
of Mob's Victim.

The Advocate, September 12, 1912



**BUSINESSMEN BRUTALLY LYNCH
TWO NEGROES IN WEST VIRGINIA**

The Liberator, December 19, 1931

have followed in dealing with blacks since the Civil War.”¹² Thus, in the last decade of the nineteenth century, thousands of southern blacks migrated out of the Deep South and chose West Virginia as their new home. In 1890, more than thirty-two thousand blacks resided within the state, and by 1900 that number increased to more than forty-three thousand.¹³ The perception of less racially oppressive treatment within the state apparently appealed to black migrants.

Although an important variable, the relative absence of lynching was not the only reason southern blacks found West Virginia appealing. Decreased lynching activity was not exclusive to West Virginia; other states outside of the South witnessed reduced numbers of lynching incidents as well. One black minister expressed the thoughts of many when he compared conditions in the South to those in West Virginia. In the South, he declared, “My people were denied the franchise . . . they were denied opportunities for education . . . [and] the labor market was such that they wanted to come to where the competition was less keen.”¹⁴ Migrating to West Virginia enabled southern blacks to regain the franchise; strict educational requirements, black codes, and grandfather clauses failed to impact black voting rights as they had in the South. Southern blacks clearly understood the importance of the franchise. Without such a right, they found themselves hopelessly mired in the cycle of degradation and oppression.

Southern blacks found West Virginia’s labor market, like the political climate of the state, more appealing than what they had left behind. At the same time they began to seek political and social refuge in West Virginia, the Mountain State was developing in earnest into an industrial economy. The expansion of two railroads in the late nineteenth century paved the way for the development of West Virginia’s coalfields and opened the doors of opportunity for thousands of black laborers. The Chesapeake and Ohio Railroad (C&O) employed about five thousand black laborers in 1871. According to one scholar, “in fact one could say with a great deal of accuracy that this important road was largely built by Negro laborers.”¹⁵ Completed in 1873, the C&O sought to link the tidewater region of Virginia to the Ohio River Valley. South of the C&O, another railroad sought access to the coalfields of southern West Virginia. In 1882, the Norfolk and Western Railroad (N&W) began construction of two new rail lines from the New River Bridge northwest to the Flat Top coal region and sixty miles to the southwest. The initial development of the new railroads created thousands of jobs for black laborers, but, as the lines reached their completion, more jobs opened in the coalfields.¹⁶

The development of the railroads, particularly the N&W, provided quick and efficient access to the mineral wealth of the Mountain State. With ready access to eastern markets, West Virginia's coal industry flourished; the demand for labor, however, quickly surpassed the local supply. Starved for laborers, mine operators actively recruited southern blacks by sending labor agents into the Deep South. Much to the chagrin of southern whites, these labor agents enticed black laborers north with train tickets and the promise of good wages. Labor agents were so successful in their recruiting endeavors that many southern cities enacted legislation prohibiting the enticement of southern blacks to the North. The apparent success of labor agents in and around Montgomery, Alabama, prompted the city's council to pass an ordinance banning the recruitment and relocation of its black labor force. Elsewhere in Alabama, the black exodus produced a shortage of unskilled labor in Birmingham. As many as five thousand blacks fled north for prospects in "West Virginia mines and the coalfields of Kentucky and Pennsylvania."¹⁷

In many ways, the coal camps of southern West Virginia resembled the mining towns of the "Wild West." George King, reflecting on his life in the West Virginia coalfields, commented that conditions for coal miners were not "any worse than the gold miner of the west."¹⁸ The often rough and unfavorable conditions of the coal camps did not lend themselves to family life. Most of the early black migrants in the coalfields were single men with few attachments or married men seeking seasonal employment. The labor agents who recruited these men routinely sought those whose strength lay not in their minds but in their backs and shoulders. In some instances in the South, labor agents persuaded local authorities to release incarcerated blacks if the inmates agreed to migrate north.¹⁹ Finding labor within the prisons of some southern states proved easier and supplied experienced black miners. Georgia, Kentucky, Alabama, and Tennessee all employed convict lease systems whereby local mining companies leased convict labor, thus alleviating the financial burdens upon the respective states of incarcerating criminals. Southern blacks found themselves disproportionately represented in the convict lease system, but it allowed them to gain experience in the mining industry long before they reached West Virginia.²⁰ Desperate recruiting measures frequently snared persons of questionable character and contributed to the rough and tumble image of the coal camps and their inhabitants. Stories of drunken debauchery and fighting routinely appeared in the newspaper headlines; murders and vigilante justice became the rule rather than the exception. The *Wheeling Intelligencer* reported with much disgust in 1876, "that when the law of the land ceases to adequately protect

life, the law of self-protection, the first law of nature is almost sure to be invoked.”²¹

The *Intelligencer* hit squarely upon the problem of inadequate law enforcement in the coalfields. West Virginia’s phenomenal growth rate in the late nineteenth century quickly outpaced its law enforcement capabilities. In the rural counties of the coalfields law enforcement consisted of an elected sheriff, who in turn hired deputies as he saw fit. Since the deputies received their pay from the sheriff’s salary, the sheriff could increase his own salary simply by hiring fewer deputies. With many sheriffs unwilling to reduce their salaries, the burden of law enforcement largely fell upon the emerging coal companies. W. P. Tams, a coal operator in the Flat-Top Coalfields, remarked of the law, “In all instances in southern West Virginia the county did not have sufficient money” to supply the necessary law enforcement. Tams later recalled, “You’ve heard of high justice, middle justice, and low justice in medieval times. I was all three . . . I held summary court.”²²

In southern West Virginia, the “marginal types” were the newly arrived southern blacks. Living in the rough mining and railroad camps was enough to draw suspicion, but skin color placed them in the marginal category. Black laborers invoked hostility by their mere presence. It was a hostility born of fear, fear that migratory blacks could not be readily watched and monitored and therefore defied social controls.²³ Whites in southern West Virginia perceived blacks not only as outsiders, but also as outsiders with criminal backgrounds. Some southern blacks had acquired their reputations as criminals honestly, having worked previously in the convict lease system of other states. However, other blacks received their reputation from racial stereotypes and misinformation. Local newspapers and private law enforcement helped bolster the fear and suspicion of black predators lurking in the camps of southern West Virginia. T. L. Felts of the Baldwin-Felts Detective Agency maintained that “at least fifty percent of the Negroes in here [southern West Virginia] at that time had criminal records, that is, including the desperadoes and those accused of some minor offense.”²⁴ In Bluefield, West Virginia, the local newspaper bolstered Felts’s claims by making clear distinctions when reporting the alleged crimes of blacks. Stories chronicling the dastardly deeds of “Negro desperadoes” and “coons” appeared all too frequently, but only when reporting black crimes was the stigma of race attached.²⁵

The perception of black criminality in southern West Virginia helped usher in the vigilante practice of lynching. Although many southern blacks perceived the Mountain State as a place of decreased racial violence, West

Virginia more than held its own in lynching activity. The Mountain State offered many opportunities to southern blacks, but failed to provide a home free from the grim specter of the lynch mob; the threat of lynching followed them north. Between 1882 and 1888, the state witnessed twenty-two lynchings. Over the ensuing thirty years, an additional thirty lynchings occurred. Writing in 1992, sociologist Robert Stuckert concluded that, "in the mountains, black people found themselves in an even more vulnerable position with respect to racial violence."²⁶

The total number of lynching incidents in the state bears little comparison to the number of victims further south, but a closer look reveals a startling statistic. Between 1890 and 1900, lynching peaked both nationally and in the state of West Virginia; during that period ten blacks met their fate at the hands of a lynch mob in the state. West Virginia's black population numbered 43,499, which means that one out of every 4,350 blacks fell victim to a lynch mob in the closing decade of the nineteenth century.²⁷ Such a ratio hardly seems an epidemic until compared with the four states which led the nation in total lynchings during that same decade: Georgia, Mississippi, Texas, and Louisiana. Mississippi led the four with 145 lynchings, followed by Georgia and Louisiana with 134; Texas rounded out the top four with 107. The rate of lynching in these four states fell short of West Virginia's; Louisiana finished second with a 1:4,857 ratio, Georgia, Mississippi, and Texas each had markedly lower rates of 1:7,722, 1:6,260, and 1:5,801 respectively.²⁸ But perhaps the most telling statement of West Virginia's propensity towards lynching came from a black fugitive in Uniontown, Pennsylvania. Faced with extradition back to Parkersburg, James Sherman declared, "My God, don't take me back there; you might as well hang me here."²⁹

Columbus Avery echoed the sentiments of many southern blacks shortly after their arrival in West Virginia. "I was disappointed at first," he said. "I thought things would be different in West Virginia, but there was just as much prejudice in McDowell County as there was in the South."³⁰ His simple but telling statement reveals a great deal about "things" in West Virginia. As evidenced by the rate of lynching, prejudice and racism in the Mountain State were not much different from anywhere else in the South. However, Avery indicated only initial disappointment; he left the state but ultimately returned to make McDowell County his home. In fact, paradoxically, despite the presence of significant lynching activity, the black population continued to rise in southern West Virginia, where the rate of lynching was as high or higher than states in the Deep South.³¹ There were

“things” other than lynching that convinced blacks to continue migrating into the Mountain State, and those same “things” convinced others that their position within the state was reason enough to stay and fight. The black community’s response to four separate lynching incidents demonstrates their desire to make things different in West Virginia.

In the Mountain State, blacks as well as whites perpetrated the act of lynching. On at least one occasion, a mob of blacks captured and lynched a fellow black. This lynching seemingly flies in the face of all that we know or think we know about lynchings. Because lynch mobs disproportionately targeted blacks, it seems almost incomprehensible to think that a mob of blacks would lynch another of their own race. However, Anderson Holliday always carried a reputation of a “tough citizen” with a “shady reputation” within the black community. When he shot and killed Wesley Cobbs in August of 1894, the black community decided he had crossed a line.³² Drunken and apparently angry, Holliday shot at and missed a man by the name of Bob Calloway, but Cobbs was struck in the head by the stray bullet. A local posse arrested Holliday and awaited the arrival of the train in order to send the suspect to Welch for incarceration. While waiting for the train, the posse, headed by Squire S. H. Pierce, successfully repelled initial attempts by community members to remove Anderson Holliday for the purpose of lynching him. Unsatisfied, the initial mob, estimated at three hundred members, soon returned with larger numbers. The second, larger mob of “about 3,000 armed Negroes made a rush and succeeded in getting him [Holliday] from the officers.”³³ Once in the possession of the mob, Holliday was carried a short distance from the station, tied to a tree and shot.³⁴

Although only newspaper records remain of this particular affair, and the insight they offer is scant, the black community may have felt coerced by the surrounding white community. Although it seems unlikely that some 3,000 blacks participated in the extralegal affair as reported in the press, certainly a large portion of the community actively participated in Holliday’s lynching. Their response reflects the desire to improve conditions for blacks in southern West Virginia. By disposing of such a rough character, the black community removed a source of agitation between themselves and the surrounding white community. However, significant evidence indicates that the black community resorted to vigilante justice of its own accord. The actions of the mob were “a clear warning to disorderly inhabitants that the newness” of their community “would provide no opportunity for the erosion of the established values of civilization.”³⁵ In any case, black-on-black

lynching in West Virginia bears greater attention, and perhaps opens the door to a larger study of the phenomenon on a national scale.

Two years later in nearby Keystone, West Virginia, blacks felt their community threatened when a white mob lynched a black man named Alex Jones. On the evening of January 27, 1896, a drunken man boarded the westbound passenger train at Keystone looking for trouble. "He was under the influence of whisky, very boisterous and quarrelsome."³⁶ When the conductor passed through collecting fares, the drunkard refused to pay and instructed the conductor to be quiet. Apparently upset by the drunkard's refusal to pay the fare, the conductor attempted but failed to "eject" the man from the train, whereupon the drunkard drew two revolvers. "Firing promiscuously," he emptied the chambers of both revolvers into the crowded train, wounding two passengers and the conductor. The passengers, W. H. Strother and Peter Rice, lay bleeding, one shot in the stomach and the other in the chest. Conductor McCullough received a minor wound to his side. Trainmen finally overpowered the drunken gunman as he attempted to reload his revolvers.

Alex Jones had sealed his own fate that evening when he fired indiscriminately into the crowded train.³⁷ He was turned over to authorities who took him to the jail at Elkhorn. While they prepared to place Jones on the train to Huntington for "safe keeping," a mob formed in the town of Welch for the express purpose of extracting Jones from the train in order to lynch him. An armed mob of roughly one hundred men marched to the small train station at Hemphill one mile west of Welch, and there managed to flag down the train by flashing a danger signal. Armed with Winchesters, the mob forced law enforcement officers to turn over their prisoner. Dragged from the train and taken to a nearby tree, the lynch mob tied Jones to the tree and riddled him with bullets. Several of Jones's friends attempted in vain to rescue him; the angry mob wanted Jones dead at any cost. The mob left a note pinned to the lifeless body: "This deed was done for the purpose of example and warning to Negroes. So Beware."³⁸ Almost before the proverbial dust settled, an advertising agent arrived on the scene to post "his stuff in every conspicuous place as well as on the sapling which Jones was tied."³⁹

Newspaper accounts of the Jones killing provide little indication of his standing in the community, with the noted exception that some friends tried to rescue him from the mob. Labeled a "desperado" by the press, Alex Jones's crime in the eyes of the white mob was the shooting of W. H. Strother, a white man and person of authority as postmaster in Elkhorn. At the time

of Jones's death, Strother remained alive; four days later, Strother died of his wounds. The note pinned to Jones's body presented a clear threat to the stability and safety of the black community. Implied by the note, any member of the black community who stepped out of line should expect a harsh reprisal. At that moment, the black community made the conscious decision to effect change in and around the Bluefield area. Two days after the lynching an estimated eight hundred members of the black community met to discuss the lynching and adopt measures to force county officials into action. Only through the strength of its leadership was the group dissuaded from organizing a mob to avenge Jones's death. Leaders agreed upon a house-to-house campaign to organize the black community in a show of strength. Officials of the N&W railroad took notice of the black response and ordered an inquiry into the affair, promising to turn all suspects over to the authorities. The overtures of the N&W apparently satisfied the black community because peace soon returned to the area.⁴⁰

Although no member of the white mob involved in the lynching ever faced legal repercussions for his actions, the black community's response sent a clear message to the state government; lynching threatened the stability of the entire community, both black and white. State officials apparently heeded the message because, in early September of 1912, the threat of lynching mobilized a company of state militia. Ordered by Governor William E. Glasscock to Princeton, about five miles north of Bluefield, the militia was to maintain order after authorities arrested a black suspect and charged him with the attempted rape of a white girl. Unfortunately for the young black suspect, Robert Johnson, the militia arrived too late. On September 4, 1912, a lynch mob hanged him by the neck from a telegraph pole.

The lynching of Robert Johnson is probably the most tragic in the state's history of racial violence. Johnson was charged with attempted rape of a young white girl in Princeton; however, he declared his innocence, gave an alibi, "and proved every statement he made."⁴¹ Taken to Bluefield following his arrest, Johnson faced his accuser who failed to identify him as her assailant. The police then removed Johnson, stripped him of his clothes, and dressed him according to the girl's original description. When the police took Johnson before the girl again, she screamed in horror, declaring, "That's the man." The young girl's father, also present, failed to identify Johnson initially, but also declared Johnson to be the assailant upon the second presentation.⁴²

Despite protests of his innocence, a lynch mob sought to force Robert Johnson from his cell. When the mob entered the jail, they discovered

that a deputy had removed him for "safe keeping," and was headed for the Virginia Railway. The angry mob eventually received reports of Johnson's whereabouts and proceeded to overpower the deputy and capture Johnson. They met an even larger mob upon their return to Princeton along with officers of the law. The officers, despite much protest, convinced the mob to turn Robert Johnson over to them. Recognizing their inability to assure Johnson's safety, the sheriff deputized an additional eighteen volunteers to guard the prisoner; unfortunately, for Johnson, the volunteers came from the lynch mob itself. Not long after the new "deputies" took their posts, another lynch mob removed Johnson from his cell. Wasting little time the mob, led by the father of the young girl, hanged Johnson and riddled his body with bullets.⁴³

By 1912, the NAACP became aware of events in West Virginia when an independent correspondent from Bluefield alerted the national office. The correspondent requested that the association send an attorney to represent the interests of the black community in the trial, then in progress, of a white man who led the mob which lynched Robert Johnson. Bluefield's black community offered to help defray the costs of hiring the attorney.⁴⁴ Correspondence immediately ensued between NAACP offices and the governor of West Virginia. The NAACP wished to know the extent to which the governor planned to get involved in the case. Having failed to prevent the lynching when he called out the state militia, Governor Glasscock asked the prosecuting attorney and the judge of the criminal court in Bluefield to call a special grand jury to investigate the incident and make any necessary indictments. Following a week of deliberation the grand jury adjourned without returning any indictments, although the governor assured the NAACP offices that this action did not preclude future grand juries from returning indictments.

The pressure placed on Governor Glasscock by both the NAACP and the black community in Bluefield undoubtedly made Governor Glasscock uncomfortable as he declared: "I am as much opposed to lynching as your association can possibly be and during my term of office have prevented four lynchings, on one occasion appearing myself in person with a company of militia and personally directing the movements of troops. I am sure that if I had been informed a few hours earlier of the seriousness of the situation I could have prevented this disgrace to the State."⁴⁵ A letter from the NAACP offices to Robert Johnson's parents offered the simple truth of case: "The trouble in a community like Bluefield is that you simply cannot convict white people of crimes of this sort even when the colored people, as was the

case with your son, are innocent. The jury simply will not return a verdict of guilty against a white man."⁴⁶ Despite the best efforts of the NAACP, no persons ever faced a prison sentence because of the lynching of Robert Johnson. Most troubling for the local black community, however, was the fact that the NAACP's investigator, James Oppenheim, later conclusively established Robert Johnson's innocence.⁴⁷

Despite the unfavorable outcome of the Robert Johnson case, the black community in southern West Virginia continued the struggle to end lynching. Following the lead of blacks in McDowell County, the West Virginia State League, in 1912, urged the state legislature to enact an anti-lynching law. Later that year, John Coleman, a black delegate from Fayette County, introduced an anti-lynching bill in the legislature. Coleman, Harry Capehart, and T. Edward Hill, all of whom were prominent members in the black community, argued, but without success, the necessity of such a law. The majority of the state legislators found no need for such a law because they believed that lynchings were rare in West Virginia. Ironically, as the bill lay tabled until the next session, three lynchings occurred in southern West Virginia. Again, special grand juries met at the insistence of the governor's office, yet they returned no indictments.⁴⁸ The three new lynchings did strengthen support for anti-lynching legislation; the fact that one victim was white no doubt helped garner support. Despite growing support, however, the efforts to enact anti-lynching legislation proved unsuccessful until the 1921 legislative session when McDowell County delegate Harry Capehart introduced a new anti-lynching bill. Unlike the earlier Coleman bill, the Capehart bill garnered sufficient support so that, after much debate and some minor revisions, the legislature voted to approve it. On April 20, 1921, the bill became the Capehart Anti-Lynching Law with Governor Ephraim F. Morgan's signature.⁴⁹

The passage of the Capehart Anti-Lynching Law brought a great deal of hope to the black community. It promised an end to the epidemic of lynching in West Virginia, and the state closed out the decade with no further lynchings. The relative peace and quiet of those nine years gave the illusion of greatly improved race relations. The newly created Bureau of Negro Welfare and Statistics routinely reported good, if not harmonious, race relations throughout the state in its annual reports. Nevertheless, the relative peace and tranquility ended in 1931 as the Capehart Anti-Lynching Law faced its first test. Unlike the earlier lynchings in the coalfields, two men met their fates at the end of a rope in the largely agrarian Greenbrier County. At far greater stake than the strength of the new law, the black

community's resolve to end lynching faced an equally strong test from the Greenbrier case.

At a "Negro dance" in Leslie on November 22, 1931, celebration and dancing got a little louder than some appreciated and Constable Joseph Myles and his deputy Jack Brown were called to quiet the crowd. When the two officers turned to leave the dance hall, "they were felled with a shotgun."⁵⁰ Myles died instantly but his companion lingered for another day before succumbing to death. The police later arrested Tom Jackson and George Banks on suspicion of murder and took them to Lewisburg for incarceration. On the morning of December 10, a well-organized mob consisting of fifty to sixty men approached the jail by automobile hoping to avoid detection by removing all license plates and turning off their lights. Once in the jail, the mob quickly subdued the jailer, took his keys, and removed Jackson and Banks who were clad only in their underwear. At the edge of town, the angry mob strung Jackson and Banks to the cross-arm of an unusually short telephone pole and hanged them by the neck at the same time with the same piece of rope. With their feet nearly touching the ground, the two men struggled while being shot repeatedly by members of the lynch mob. Investigators later retrieved a half-gallon of empty shells from the scene.⁵¹

The events leading to Jackson and Banks's lynching disturbed and subsequently mobilized the black community in Greenbrier County. William Walker, a local correspondent for the NAACP, wrote from Marfrance to the national offices of the organization and brought further details of the case to light. According to Walker, when Officers Myles and Brown arrived at the dance hall in Leslie, they quieted the crowd, but not before antagonizing a few of the dancers. Brown taunted an older man in an apparent attempt to start a fight, at which point Tom Jackson intervened and a fight ensued. As the two men wrestled about under the watchful eye of Constable Myles, Jackson gained the upper hand. Myles quickly handed a blackjack to Brown who struck Jackson repeatedly. Unable to overpower Brown and his blackjack, Jackson fled. Apparently satisfied with their work, Myles and Brown left the dance hall. Before getting into their car, the two men stopped to talk with another white man at the scene. Suddenly shots were fired and the two men collapsed. William Walker concluded his correspondence by appealing to the NAACP to send legal help for Jackson and Banks, but the lynch mob rendered that request unnecessary.⁵²

News of the Greenbrier lynching attracted national press coverage. Walter White, secretary of the NAACP, first read the accounts of the

incident in the New York newspapers and immediately wired Governor William Conley of West Virginia, urging him to take swift and decisive action to apprehend and punish those responsible. Later that same day, White expressed his doubts about the governor's ability to take such action in a letter stating, "I don't have much hope though, I trust we shall be disappointed."⁵³ However, White received a pleasant surprise when police arrested and charged brothers Earl, Pete, and Jack Legg, along with X. Y. McClung, with murder in the deaths of Tom Jackson and George Banks. Governor Conley called for a special grand jury to consider the facts of the case. As Conley and the rest of the state awaited the decision of the grand jury, the four suspects remained incarcerated without bail.

When the grand jury adjourned, its decision to return no indictments surprised the black community as much as the arrests of the four men.⁵⁴ The prophetic words of the NAACP correspondent ten years earlier echoed in the black community of southern West Virginia, "You simply cannot convict white people of crimes of this sort."⁵⁵ Despite what many considered overwhelming evidence in the case, the grand jury simply refused to perform its duty. Amidst allegations of jury tampering, the local black community, Walter White and the NAACP, and Governor William Conley stood stunned.⁵⁶ But the NAACP and the black community had come too far since the lynching of Alex Jones in 1896; they refused to quietly accept the decision of the grand jury and prepared for a long, protracted fight. With the support of Governor Conley, the NAACP presented a bill for \$10,000 to the County Court of Greenbrier County, citing section five of the Capehart Anti-Lynching Law: "Any person suffering serious injury to his property or to his person by a mob, shall have an action against the county or city in which such injury is inflicted for such damages as he may sustain, to an amount not to exceed five thousand dollars."⁵⁷

The Greenbrier County Court refused payment of the \$10,000 because they claimed that the Capehart Anti-Lynching Law was unconstitutional. Under the leadership of T. G. Nutter, president of the Charleston branch of the NAACP, the families of Tom Jackson and George Banks then decided to sue Greenbrier County in November of 1932 in the Kanawha County Court. Greenbrier County promptly appealed the decision to hear the case in Kanawha, believing "that the suit could be brought only in the court of the county in which the lynching occurred."⁵⁸ Nutter and the West Virginia Supreme Court disagreed and ordered the suit to go forward in Kanawha County. Finally, in February 1933, almost two years after the Greenbrier lynchings, Judge Arthur P. Hudson awarded \$5,000 each to the estates of

Tom Jackson and George Banks.⁵⁹ This decision signaled the end of lynching in West Virginia; to date, no formal records exist to indicate any further lynching activity in the Mountain State.

Southern blacks sought increased opportunities for themselves and their children when they left the South in the Great Migration. West Virginia offered increased economic opportunities, access to the ballot, and better education, but it failed to provide a home free from the threat of lynching and intimidation from whites. Although many southern blacks suffered initial disappointment upon their arrival, they recognized that, in comparison to other states, West Virginia offered the best chance at some semblance of equality. Their recognition of the opportunities available prompted southern blacks to establish communities in southern West Virginia. Their refusal to succumb to the threat of lynching ultimately led to the passage of anti-lynching legislation in the state. Like many other southern blacks, Columbus Avery may have been disappointed when he first arrived in McDowell County in 1912, but his concerns must have eased over time as he reflected in 1981 upon his long life spent in West Virginia.

Notes

1. John Inscoc, *Mountain Masters, Slavery, and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1989); Ronald L. Lewis, *Black Coal Miners in America: Race, Class, and Community Conflict, 1780–1980* (Lexington: University Press of Kentucky, 1987); Joe William Trotter Jr., *Coal, Class, and Color: Blacks in Southern West Virginia* (Urbana: University of Illinois Press, 1990).
2. W. Fitzhugh Brundage, "Racial Violence, Lynchings, and Modernization in the Mountain South," in *Appalachians and Race: The Mountain South from Slavery to Segregation*, edited by John C. Inscoc (Lexington: University Press of Kentucky, 2001), 302.
3. Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002), ix; Similarly, W. Fitzhugh Brundage surmised that "blacks seemingly preferred the coalfields of West Virginia, where they suffered less oppressive treatment at the hands of whites." "Racial Violence, Lynchings, and Modernization in the Mountain South," 313.
4. James Chadbourn, *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933); Arthur F. Raper, *The Tragedy of Lynching* (Chapel Hill: University of North Carolina Press, 1933); Stewart Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Urbana: University of Illinois Press, 1995); W. Fitzhugh Brundage, *Lynching in the*

- New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993); Jacqueline Dowd-Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1979); and Robert Zangrando, *The NAACP Crusade Against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980).
5. Lewis, *Black Coal Miners in America*, 121.
 6. C. Vann Woodward, *Origins of the New South, 1877–1913* (Baton Rouge: Louisiana State University Press, 1951), 205.
 7. *Ibid.*, 61-65.
 8. Brundage, *Lynching in the New South*, 7-8; NAACP, *Thirty Years of Lynching, 1889-1919* (New York: NAACP, 1919), 56-62, 68-80, 95-99.
 9. C. Vann Woodward, *Tom Watson: Agrarian Rebel* (New York: Rinehart, 1938), 432.
 10. Stewart E. Tolnay and E. M. Beck, "Racial Violence and Black Migration in the American South, 1910–1930," *American Sociological Review* 57, no. 1 (Feb. 1992): 106-8.
 11. NAACP, *Thirty Years of Lynching*, 102.
 12. Carter Woodson, "Freedom and Slavery in Appalachian America," *Journal of Negro History* (April 1916), 150.
 13. U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970: Part 1* (Washington, DC: Government Printing Office, 1975), 36.
 14. James T. Laing, "The Negro Miner in West Virginia" (PhD diss., Ohio State University, 1933), 147.
 15. *Ibid.*, 64.
 16. Randall G. Lawrence, "Appalachian Metamorphosis: Industrializing Society on the Central Appalachia Plateau, 1860–1913" (PhD diss., Duke University, 1983), 122; Joseph T. Lambie, *From Mine to Market* (New York: New York University Press, 1954), 32-33; Poor's Manual of Railroads, 15th Annual (New York: H. V. & H. W. Poor, 1882), 375.
 17. *McDowell* (WV) *Times*, Sept. 29, 1916.
 18. George King, interview by John Williams, Dec. 11, 1974, Oral History Collection, West Virginia and Regional History Collection, West Virginia University Library, Morgantown, WV (hereafter cited as WVRHC).
 19. Howard B. Lee, *Bloodletting in Appalachia: The Story of West Virginia's Four Major Mine Wars and Other Thrilling Incidents of Its Coalfields* (Morgantown: West Virginia University, 1969), 5-7; Lewis, *Black Coal Miners in America*, 125.

20. Lewis, *Black Coal Miners in America*, 15; Robert P. Stuckert, "Racial Violence in Southern Appalachia, 1880–1940," *Appalachian Heritage* 20 (Spring 1992), 39.
21. *Wheeling (WV) Intelligencer*, Jan. 26, 1876.
22. Major W. P. Tams, transcript of interview, June 9, 1966, 32, WVRHC.
23. Brundage, *Lynching in the New South*, 81-82.
24. Laing, "The Negro Miner in West Virginia," 149.
25. *Bluefield (WV) Daily Telegraph*, Jan. 28, 1896; *Ibid.*, Jan. 18, 1896. On more than one occasion (June 26 and July 2, 1897) a column entitled "Our Colored Brother" appeared in the *Daily Telegraph*. The column outlined reasons to be wary of renting to blacks and used the popular stereotypes of fried chicken and watermelon to depict blacks in a negative light.
26. Stuckert, "Racial Violence in Southern Appalachia, 1880–1940," 36.
27. John Reuben Sheeler, "The Negro in West Virginia before 1900" (PhD diss., West Virginia University, 1954), 288; NAACP, *Thirty Years of Lynching*, 102; U.S. Bureau of the Census, *Historical Statistics*.
28. U.S. Bureau of the Census, *Historical Statistics*; NAACP, *Thirty Years of Lynching*, 56-62, 68-80, 95-99.
29. *Bluefield Daily Telegraph*, Feb. 1, 1896.
30. Tim R. Massey, "I Didn't Think I'd Live to See 1950," *Goldenseal* 8 (Spring 1982): 37.
31. Stewart Tolnay and E. M. Beck argued that the total number of lynchings in southern states influenced migration out of the region. Although West Virginia's total numbers are not nearly as high, the concentration of lynching activity within the southern portion of the state certainly generated the same uneasiness. "Racial Violence and Black Migration," 106-8.
32. *Charleston (WV) Daily Gazette*, Aug. 1, 1894.
33. *Ibid.*
34. *Ibid.*
35. Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1977), 97.
36. *Bluefield Daily Telegraph*, Jan. 28, 1896.
37. *Wheeling Intelligencer*, Jan. 29, 1896.
38. *Ibid.*
39. *Bluefield Daily Telegraph*, Jan. 30, 1896.
40. *Charleston Daily Gazette*, Jan. 31, 1896; *Bluefield Daily Telegraph*, Feb. 1, 1896; *Bluefield Daily Telegraph*, Jan. 31, 1896.

41. Wm. E. Glasscock to Mary Childs Nerney, Oct. 19, 1912, "Administrative Files: Lynching in West Virginia," *The Papers of the NAACP* (Frederick, MD: University Publications of America, 1982), hereafter cited as NAACP Papers; James Oppenheim, "The Lynching of Robert Johnson," *Independent*, Oct. 10, 1912, as reprinted in NAACP, *Thirty Years of Lynching*, 20.
42. *McDowell* (WV) *Recorder*, Sept. 6, 1912.
43. *Ibid.*
44. Letter to Hamilton Holt, editor of the *Independent*, Oct. 2, 1912, "Administrative Files: Lynching in West Virginia," NAACP Papers.
45. Glasscock to Nerney, Oct. 19, 1912, "Administrative Files: Lynching in West Virginia," NAACP Papers.
46. Letter to W. R. Johnson, Dec. 13, 1912, "Administrative Files: Lynching in West Virginia," NAACP Papers.
47. Oppenheim, "The Lynching of Robert Johnson," 20.
48. T. Edward Hill, *First Annual Report: Bureau of Negro Welfare and Statistics* (Charleston: State of West Virginia, Bureau of Negro Welfare and Statistics, 1922), 73.
49. *Ibid.*
50. *Charleston* (WV) *Daily Mail*, Dec. 11, 1931.
51. *Ibid.*; *New York Times*, Dec. 11, 1931; *World Telegram*, Dec. 10, 1931.
52. William Walker to the corresponding secretary of the NAACP, Nov. 30, 1931, "Administrative Files: Lynching in West Virginia," NAACP Papers.
53. Walter White to Governor William Conley (telegram), Dec. 10, 1931, "Administrative Files: Lynching in West Virginia," NAACP Papers.
54. *Charleston Daily Gazette*, Jan. 21, 1932.
55. Letter to W. R. Johnson, Dec. 13, 1912, "Administrative Files: Lynching in West Virginia," NAACP Papers.
56. Dr. E. W. Myles, the brother of Joseph Myles, pleaded guilty to attempting to "fix" the grand jury. *Charleston Daily Mail*, Jan. 27, 1932; T. G. Nutter to Walter White, Jan. 29, 1932, "Administrative Files: Lynching in West Virginia," NAACP Papers.
57. Nutter to White, Feb. 4, 1932.
58. "Press Release," Nov. 18, 1932, "Administrative Files: Lynching in West Virginia," NAACP Papers.
59. *Afro-American*, Feb. 11, 1933.