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For the first three decades of the twentieth century, dozens of predominantly black county chain gangs proliferated across North Carolina. The camps existed solely to build county roads, a consequence of efforts by the North Carolina Good Roads Association (NCGRA) to create a network of reliable roads in order to improve the state's economic prospects. As a self-proclaimed progressive non-governmental group, the NCGRA promoted reliance on chain gang labor as a reform that would profit the state and uplift the convicts. While convicts built roads that helped position North Carolina at the forefront of economic progress in the South, rather than benefitting the prisoners, the chain gangs became sites of abuse and degradation.

Chain gang convicts often resisted the inhumane conditions they endured, relying heavily on their connection to the State Board of Charities and Public Welfare (SBC), a state agency whose official duties included inspecting penal institutions and making recommendations for their improvement. With the SBC's assistance, convicts pushed for investigations into the camps and conveyed their messages to powerful politicians and newspapermen who publicized their struggle. Convicts helped shape reformers' debates as they risked severe punishment and even death by engaging in protest and resistance against the brutality of the camps. By the 1930s, their pursuit of humane treatment came to influence state level efforts to rectify the abusive conditions so long associated with the county chain gangs.

CHAIN GANGS, ROADS, AND REFORM IN NORTH CAROLINA, 1900-1935

by

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To Randy, Jeff, Elaine, Eli, and Cooper
for showing me what is important in life.

APPROVAL PAGE

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CHAPTER I

INTRODUCTION

Progress Cannot Travel in Mud.
Southern Good Roads, February 1910

From 1900 to 1935, county chain gang convicts helped shaped debates over penal reform in North Carolina. Convicts articulated their needs and expectations through interviews, testimony, and letters, and they agitated against the inhumanity of the chain gang camps. Forming bonds across the socially entrenched and legally constructed racial divide, black and white convicts supported each other in their efforts to focus the spotlight of public attention on problems within the county camps. For three decades, convicts exerted unrelenting pressure against the county chain gang system and forced many North Carolinians to pay attention to their concerns. By the 1930s, their influence helped inform the legislative decision to transfer authority over the chain gangs from the counties to the state.

The penal reform struggle that provides the setting for this work was one expression of North Carolina's multifaceted engagement with the wave of middle class reform activities that swept the nation in the early twentieth century. Reformers of that period reacted to the troubling changes left in the wake of unregulated industrial capitalism's rapid expansion throughout the northeast during the late nineteenth century.

In urban centers, reformers started settlement houses for large immigrant populations; sought to improve working and living conditions for sweatshop and factory employees; helped standardize professions such as medicine, law, and social work; and pressed for efficiency and an end to corruption in local and state politics. Because these progressives pursued such a broad range of interests and were often in positions of leadership, they were able to implement some degree of change in virtually all aspects of life.¹

Southern progressivism differed from that experienced in the rest of the country primarily because its methods and goals were predicated on white supremacy and Jim Crow, the legal stratification of society that relegated blacks to second-class citizenship and devalued their humanity.² Violent campaigns for white supremacy and disfranchisement around the turn of the twentieth century reversed the constitutional gains African Americans had won following the Civil War, depriving the majority of southern black men of involvement in electoral politics and limiting their opportunities

¹ Although somewhat dated, the two foundational works on Progressivism are Robert Wiebe, *The Search for Order, 1870-1920* (New York: Hill and Wang, 1967), and Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Random House, 1955). Because of the somewhat amorphous and fragmented nature of Progressivism, some historians have argued that no identifiable movement formed. See Peter Filene, "An Obituary for the 'Progressive Movement,'" *American Quarterly* 22:1 (1970): 20-34. Filene's contentions notwithstanding, however, the Progressive Era remains an active period of historical inquiry. One of the most important recent works to address the period does so from an international perspective; see Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Harvard University Press, 2000).

² The historiography on Jim Crow divides along lines of when and why it officially began. Most historians align with C. Vann Woodward, who argued in *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955) that race relations were fluid in the post-Civil War South until codification of laws divided the races in the 1890s. Howard N. Rabinowitz has argued that not only were there laws in place during the postwar era to divide the races, but that custom was sometimes equally powerful. Rabinowitz contends that what Jim Crow laws replaced was a system of exclusion, not integration, so that in some ways segregation was beneficial to African Americans by offering them opportunities they had previously been denied. See "More than the Woodward Thesis: Assessing the Strange Career of Jim Crow," *Journal of American History* 75 no. 3 (December 1988): 842-856.

for economic advancement. Beginning in the 1880s, southern whites began passing Jim Crow laws that demanded separation of the races in virtually all areas of life. Aside from these laws, unwritten customs that demanded black deference to whites often held just as much sway as anything enforceable in court.³

North Carolina's determination to bridge the past to the future began early, as the state's white Democratic elite worked to heal the wounds of the Civil War. Leaders pursued plans to restore the state's economy through industrial growth and as the nineteenth century ended, cotton mills and tobacco factories were becoming central features of growing piedmont towns. On the political front, state Democrats waged a violent but successful white supremacy campaign against the state's interracial Republican-Populist Fusion coalition that climaxed with the 1898 overthrow of Wilmington's predominantly black elected officials. The Democrats' efforts culminated in 1900 with constitutional disfranchisement through a literacy test and the virtual elimination of the black vote from the political process.⁴

³ On southern Progressivism see Jack Temple Kirby, *Darkness at the Dawning: Race and Reform in the Progressive South* (Philadelphia: J.B. Lippincott, 1972); Dewey Grantham, "The Contours of Southern Progressivism," *American Historical Review* 86, no. 5 (December 1981): 1035-1059 and *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville: University of Tennessee Press, 1983); and William A. Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina Press, 1992).

⁴ Paul D. Escott's *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985) is the essential work on this period of rebuilding in North Carolina. On black political participation during the quarter century following Reconstruction and their role in forming the Fusionists, see Helen G. Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill: University of North Carolina Press, 1951), and Eric Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second* (Baton Rouge: Louisiana State University Press, 1981). Also see, Benjamin R. Justesen, II, "Black Tip, White Iceberg: Black Postmasters and the Rise of White Supremacy in North Carolina, 1897-1901," *North Carolina Historical Review* 82, no. 2 (April 2005): 193-227. The newest literature on North Carolina during the quarter century after

Optimistic white leaders stood upon this reordered social and political structure as they embarked upon the twentieth century promoting North Carolina as a modern New South state. Leading men such as Daniel A. Tompkins, Josephus Daniels, and Charles B. Aycock heralded a future of even greater growth and progress to be achieved through a continued emphasis on industrial development and the expansion of educational opportunities.⁵ While these goals suggest a degree of consensus among those at the forefront of reform in North Carolina, the state's white elite was in some respects a divided group. Self-proclaimed progressive leaders, including Governors Charles B. Aycock and Thomas W. Bickett, Attorney A.W. McAlister, industrialist Daniel Tompkins, and women reformers Harriet Morehead Berry and Kate Burr Johnson, sometimes embraced differing and even conflicting visions of the direction and extent of progress, as well as the limits of reform. One of the areas in which the friction among

emancipation is Deborah Beckel, *Radical Reform: Interracial Politics in Post-Emancipation North Carolina* (Charlottesville: University of Virginia Press, 2011). Several works deal specifically with the Wilmington Riot of 1898 that culminated in disfranchisement. Among them are H. Leon Prather, *We Have Taken a City: Wilmington Racial Massacre and Coup of 1898* (Cranbury, NJ: Associated Universities Press, 1984), and *Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* (Chapel Hill: University of North Carolina Press, 1998), edited by David Cecelski and Timothy B. Tyson.

⁵ Historians generally date the New South from the end of Reconstruction (1877) until around the turn of the twentieth century. For over fifty years, the historiography of the New South has rested upon C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951). Woodward argued that the post-Reconstruction South was characterized by a high degree of change from what it had been prior to the Civil War. The most successful rebuttal to Woodward was Jonathan Wiener, *Social Origins of the New South: Alabama, 1860-1895* (Baton Rouge: Louisiana State University Press, 1978). Wiener contended that, at least in the plantation region of Alabama he analyzed, there was decidedly more continuity than change. For other perspectives, see Edward Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992); and Howard N. Rabinowitz, *The First New South* (Arlington Heights, IL: Harlan Davidson, Inc., 1992). Rabinowitz convincingly argued that, rather than focusing on the idea of one particular period as "the" New South, more useful would be to examine the concept of a succession of New Souths.

reformers revealed itself most profoundly was in their effort to sort out the relationship of convict labor, particularly the county chain gangs, to reform.

Since the 1970s, scholars have subjected the deservedness of North Carolina's enduring progressive reputation to historical inquiry. They have searched for the roots of the impression of moderation and progressivism North Carolina burnished over the years, and they have traced the evolution of the idea from its inception until the beginning of the twenty-first century. Historians have uncovered much that contradicts leaders' proclamations. This study adds to the literature emphasizing the "progressive paradox" that blended conservative white Democratic politics with a desire for economic advancement by addressing the fault lines that divided reformers and illuminating the role convicts played in shaping the reform agenda.⁶

Historical scholarship and popular culture have made familiar the degradation and brutality men endured in prison camps, especially in the Deep South. Through different lenses and using a number of southern states as their focus, historians have focused their work on the brutal reality of the state run system of convict leasing, especially as it existed in the twenty-five years before the turn of the twentieth century. Alex Lichtenstein's *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, argues for the interconnectedness of state controlled convict labor with

⁶ See Rob Christensen, *The Paradox of Tar Heel Politics* (Chapel Hill: University of North Carolina Press, 2010), 4. Christensen has noted that revisionist historians of the 1970s emphasized the concept of southern progressivism as a paradox, and that outlook continues to inform current scholarship on the region. One of the most effective of the earlier works to address the inconsistencies in North Carolina's progressive image was William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), wherein the author coins the phrase "progressive mystique."

the expansion of the political economy of New South Georgia. Karin Shapiro explores the tensions between white wage labor and leased black convicts in the Tennessee coalfields, and David Oshinsky examines the horrors convicts faced on Parchman Farm in Mississippi.⁷ Vivien Miller examined the convict labor system in Florida, a state that has sometimes been overlooked when dealing with the history of the South. While convict labor systems were indeed abusive, portraying convicts only as victims or viewing them as one piece of the larger puzzle of the New South economy has obscured the experiences of the men who labored in the camps and has ignored the significant role they played in shaping the terms of their detention. From these earlier works, we know how businesses, politicians, and workers viewed the convicts, but we know decidedly less about how the prisoners felt, thought, and acted within the chain gang system.⁸

⁷ See Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996); Karin Shapiro, *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coal Fields, 1871-1896* (Chapel Hill: University of North Carolina Press, 1998); and David M. Oshinsky, *“Worse than Slavery”: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Simon and Schuster, 1996). Other significant works dealing with the use of convict labor are Matthew Mancini, “Race, Economics, and The Abandonment of Convict Leasing,” *Journal of Negro History* 63, no. 4 (Oct. 1978): 339-352, and *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia: University of South Carolina Press, 1996); Martha Myers, *Race Labor, & Punishment in the New South* (Columbus: Ohio State University Press, 1998); Milfred C. Fierce, *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933* (Brooklyn: Africana Studies Research Center, City University of New York, 1994); Pete Daniel, “The Metamorphosis of Slavery, 1865-1900,” *Journal of American History* 66, no. 1 (June 1979): 88-99, and *The Shadow of Slavery: Peonage in the South, 1901-1969* (Chicago: University of Illinois Press, [1972] reprint 1990); and William Cohen, “Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis,” *Journal of Southern History* 42, no. 1 (February 1976): 31-60. For a look at Florida’s system, see Vivien Miller, *Crime, Sexual Violence, and Clemency: Florida’s Pardon Board and Penal System in the Progressive Era* (Gainesville: University of Florida Press, 2000). *Cool Hand Luke*, a 1967 movie depicting heroic defiance in a 1960s chain gang, remains fixed as the iconic view most people have of how the system worked.

⁸ Two works from James C. Scott drove much of the impetus for resistance studies in the 1990s, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1987) and *Domination and the Arts of Resistance, Hidden Transcripts* (New Haven, CT: Yale University Press, 1990). Also see Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market* (Cambridge

Like Mary Ellen Curtin's *Black Prisoners and Their World, Alabama, 1865-1900*, I probe convicts' role in shaping their circumstances, wherever possible relying upon their words to explain their concerns and using their actions to demonstrate the level of their commitment to changing the system.⁹ Whereas Curtin emphasized the development of interracial working class bonds that endured even after prisoners' release, I focus on the ways prisoners' actions shaped and reflected local and state policy initiatives. I do not deny the brutality of the county chain gang system. I include episodes of abuse not only to demonstrate the harshness of the men who operated the camps, but also to highlight the experiences of convicts who faced and responded to these circumstances and how they reacted. This work positions convicts in the forefront of the analysis, showing how they became relevant to the debate over penal reform.

North Carolina's white progressive elites sought to put the violence of their white supremacy battle behind them as they strove to distance the state from northern stereotypes of the Jim Crow South as a backward region riven with violence and racial strife. Yet frequent reports of lynching episodes through the 1930s threatened to tarnish the racially moderate image state leaders promoted. Lynchings reflected the widespread hatred and fear that prevailed among many of the state's whites, regardless of class.

Mass: Harvard University Press, 2001), and Steven Hahn, *A Nation under our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, Mass: Harvard University Press, 2003). For a later period, see Robin D.G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1994).

⁹ Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (Charlottesville: University of Virginia Press, 2001).

They turned to violence as a tool for exercising their control and superiority and as a means to keep blacks “in their place.” Lynch mobs regularly gathered to pursue alleged black criminals or to seize men already in custody in local jails or en route to the penitentiary for safekeeping.¹⁰ Death certificates listed the cause of death clearly. In one 1930 incident, the doctor wrote that the victim’s body had been “riddled with bullets and shot from hands of unknown mob (lynched).”¹¹ While governors immediately decried the use of vigilantism and sometimes called on the state’s National Guard troops to maintain order, whites knew they need not fear prosecution for their actions.

While progressive businessmen and politicians in North Carolina publicly criticized the lawlessness of lynching, they justified the state’s system of white supremacy and disfranchisement. Leaders such as Senator Furnifold Simmons, *Raleigh News and Observer* editor Josephus Daniels, and Governor Charles B. Aycock (1901-1905) claimed that the decision to exclude blacks from government and politics was beneficial for all. Two decades later, Governor Thomas W. Bickett (1917-1921) emphasized the continued need to retain the political order when he remarked with apparent conviction that “the happiness of both races requires that white government

¹⁰ For a discussion of lynching in North Carolina, see Vann R. Newkirk, *Lynching in North Carolina, A History, 1865-1941* (Jefferson, NC: McFarland & Company, 2009). For other states, see Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Vintage Books, 1998); and Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Chicago: University of Illinois Press, 1993). For an analysis of lynching in relation to the ideas behind white supremacy, see Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1900-1940* (New York: Random House, 1999).

¹¹ Death Certificate for Oliver Moore, 19 Aug 1930, Edgecombe County, NC. Available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_1058-1771&fn=Oliver&ln=Moore&st=r&ssrc=&pid=1453925 (accessed 10 June 2010).

shall be supreme and unchallenged.”¹² At every opportunity, North Carolina’s leaders crafted and zealously defended an idealized image of the state as progressive and racially moderate. They highlighted the support that white elites provided for black education and emphasized the “good feeling” that ostensibly existed between the races. Chain gangs became an integral part of this vision of white New South progress. As business leaders in North Carolina sought to boost the state’s economic prospects by developing a modern infrastructure that included reliable roads, they depended heavily on the labor of county chain gangs.

On both the state and county level, the justice system ensnared mostly blacks. Class also played a part in the process, and chain gang officials sometimes treated the poor whites who ended up on the chain gang just as they did the black convicts. While the black population of North Carolina accounted for only 31 percent and 33 percent of the population in the 1910 and 1920 censuses, respectively, they consistently represented between 70-80 percent of the state’s convicts.¹³ The extreme legal bias against blacks in the South reinforced the common perception that the “convict” was black. Leon Litwack

¹² “Legislation for Negroes,” Message to the 1920 General Assembly, 23 Aug 1920. *Public Papers and Letters of Thomas Walter Bickett, Governor of North Carolina, 1917-1921*, compiled by Sanford Martin, R.B. House, Ed. (Raleigh: Edwards & Broughton Printing Company, 1923), 72.

¹³ *Biennial Report of the North Carolina State Prison* (Raleigh: State of North Carolina), for the years 1903-1911; Thomas E. Strehler, *North Carolina’s Changing Population* (Chapel Hill: University of North Carolina Press for the North Carolina Population Center, 1973), 2; 18. Sources quoted in Robert E. Ireland, “Prison Reform, Road Building, and Southern Progressivism: Joseph Hyde Pratt and the Campaign for ‘Good Roads and Good Men,’” in the *North Carolina Historical Review* 68, no. 2 (April 1991): 157.

has discussed the relationship between blacks and southern justice, noting that all components of the system functioned to control African Americans.¹⁴

Southern attitudes toward black lawlessness usually did not question the great number of black convicts, but instead rationalized the phenomenon as being a consequence of the chaotic post Civil War years and evidence of the race's innate weakness. As was characteristic of the thinking and scholarship of the period, Kate Burr Johnson, a leading penal reform advocate in North Carolina in the 1920s who sought to improve the circumstances of convicts, explained her views on the reason behind the large percentage of blacks in prison. Johnson connected the predominance of blacks to the "orgy of crime" that followed the Civil War, "in which the negro, unprepared in every way for freedom and responsibility, played the principal part." Johnson went on to say that, as time passed, "this condition has not greatly changed." For this reason, Johnson pointed out, blacks made up almost four-fifths of all southern convicts.¹⁵

The state's 1868 constitution had created a dual penal system, under which long-term felons served their time in the state-run penitentiary and short-term misdemeanants

¹⁴ Equating "Negro" with "Convict" was not always exclusively a southern idiomatic usage. This same understanding of the terms has been cited in New York during the first half of the 18th century. See Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 200. The preponderance of black convicts, coupled with the tradition of "recruiting" blacks to fulfill convict lease requirements contributed to making "convict" a coded word for "negro." For a discussion of the bias against blacks in the southern justice system, see Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Vintage Books, 1998). Litwack says, "The entire machinery of justice—the lawyers, the judges, the juries, the legal profession, the police—was assigned a pivotal role in enforcing these imperatives, in exercising social control, in underscoring in every possible way the subordination of black men and women of all classes and ages." (249)

¹⁵ Proceedings of the Annual Congress of the American Prison Association, Sept. 13-19, Boston, Mass (New York: American Prison Association, 1923), 232. Quoted in Fierce, *Slavery Revisited*, 90.

remained in the custody of county law enforcement.¹⁶ The legislature did not fund the new system, and before the state made the penitentiary a budget line item, prison officials ran the facility like a business. They turned to convict leasing as the simplest and most lucrative solution to their funding problem. Prison superintendents leased hundreds of state prisoners to a variety of business concerns, including manufacturers, farms, timber companies, railroads, and rock quarries. Spurred by the dramatic expansion of the railroad between 1877 and 1900, the demand was so great for prison labor in North Carolina that wardens could select the most lucrative contracts. An 1889 itemized statement showed that the top four lessees were railroads, which together contracted for over six hundred prisoners and earned the penitentiary over \$8,000 per month.¹⁷ Profit, not the rehabilitation or reformation of the prison population, was the most important goal for prison authorities. Without budgetary support, the prison operated outside legislative purview. Lack of administrative oversight created opportunities for price gouging, graft, bribery, and other forms of fiscal misconduct among prison personnel. Although convict leasing continued until the 1930s, critics decried the corruption, greed, and brutality that plagued the system and expressed anger at the way its operation depressed wages for free labor by removing competition from the market for jobs.

¹⁶ The state and county legal systems initially identified short-term prisoners as those serving less than five years. Eventually, partly in response to pressure from road boosters, the state and the counties agreed that men serving sentences less than ten years were eligible for the chain gangs. Curtin noted in her work on Alabama that the penal system there was also bifurcated into state versus local jurisdiction over prisoners. See Curtin, *Black Prisoners and Their World, Alabama, 1865-1900*.

¹⁷ Figures derived from lease contracts, located in the Papers of the Prison Department, Central (State) Prison, Box: Contracts for Prison Labor and Financial Records, 1877-1925, Folder: Financial Statement 1889, North Carolina Department of Archives and History (Hereinafter NCDAH).

Convict leases lasted from a few months to a year, and stipulated that contractors pay the prison a specific per diem per prisoner for the duration of the contract period. Leasing removed prisoners from state protection, and usually required that contractors supply guards, shelter, medical care, and food. Prison officials did not ensure the men's well-being and did not inspect work sites to ensure prisoners' safety. If prisoners died while under contract, which was especially common during years of intensive railroad construction prior to 1900, state officials did not investigate the deaths; instead, they provided replacement workers so the full number of men stipulated by the lease remained on the job.

One of the most effective critiques to arise against convict leasing came from the North Carolina Good Roads Association (NCGRA), a group of civic leaders that organized in Asheville in 1902.¹⁸ The NCGRA considered itself a progressive reform organization established to undertake modernization of the state's infrastructure, with the greater aim to convince state legislators to bring road building under state control. An integral part of the NCGRA's program was the adoption of a plan to end convict leasing and combine the forces of all state and county convicts to work in chain gangs building roads. Convict leasing was distinct from the chain gangs counties established. Whereas convict leasing was a state undertaking operated through the penitentiary, chain gangs were county units coordinated by local boards of commissioners. The NCGRA desired to

¹⁸ A local Good Roads Association formed in Asheville in 1899, becoming the first group dedicated to the promotion of road building to originate in the South. In 1902, the state affiliate organized to coordinate and represent the interests of the county groups. See *Country Life in America*, 22, no. 1 (1 May 1912): 80.

combine the efforts of the entire population of convicts and dedicate their labor to building roads under the central authority of the state. In the meantime, the organization concentrated on building up a network of chain gangs to begin constructing county roads.¹⁹

The NCGRA claimed that prison-run convict leasing had enriched only the private sector and a select few state officials, while county chain gang labor assigned to road building would accrue benefits to all North Carolinians by enticing industrial investment and promoting employment through economic growth. In addition, the group argued for building roads as a way to bring in out of state tourists who could spend their money in resort areas in the mountains and on the coast.²⁰ The NCGRA's success in using county convicts as an untapped and exploitable source of cheap and abundant manpower in order to realize its vision came at a price. The conditions in which chain gangs worked were often horrific, yet NCGRA leaders glossed over or explained away any problems by framing their reliance on forced convict labor as a reform measure that would benefit the men.

¹⁹ Road advocates in North Carolina formed the Good Roads Association in 1902 and worked closely with the North Carolina Geological Survey to determine the best method for planning, building, and maintaining "all weather roads" in the state. See "Aycock on Good Roads," *Southern Good Roads* 10, no. 2 (August 1914): 22. For a brief overview of how the Good Roads movement in the South was one aspect of "business progressivism," see George B. Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: Louisiana State University Press, 1967), 254-258.

²⁰ See "A Great Eastern Playground," *Southern Good Roads*, 12 no. 5 (November 1915): 17; and "Good Roads Movement Opens to the World Famed Lakes of Bladen," *Raleigh News and Observer*, 18 February 1917, p. 17. On the connection between Good Roads and tourism in North Carolina, see W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge: Mass.: Harvard University Press, 2005), Ch. 5, 183-226; and Richard Starnes, "'A Conspicuous Example of What is Termed the New South': Tourism and Urban Development in Asheville, North Carolina, 1880-1925," *North Carolina Historical Review* 80, no. 1 (January 2003): 52-80.

By attempting to coordinate the chain gangs into a dedicated road building force, the NCGRA sought to eliminate the inefficient and haphazard traditional methods counties used to build and maintain roads. Since the early nineteenth century, state law had required all male citizens from age eighteen to age forty-five to contribute six days labor annually to road building and upkeep or to provide a substitute to work in their stead. By the turn of the twentieth century, about half of the counties supplemented this imperative with a property tax in support of local roads.²¹ County prisoners occasionally supplemented residents' labor in maintaining existing dirt roads and bridges, but this work was sporadic and usually only took place when weather-related damage and rutting made roads impassable. County convicts spent most of their time in local jails awaiting trial or serving their brief sentences. Chain gangs relieved country residents of the financial burden of housing the men in jails, which strained already limited operating budgets.²²

With the encouragement of the NCGRA's road building initiative, a county bureaucracy developed to coordinate the convict labor system that largely removed local law enforcement officers from responsibility for prisoners. Judges sentenced men to work on the roads, county road commissioners hired personnel to guard the convicts, and independent contractors designed the roads and dictated the work schedule. Counties

²¹ "The Public Roads Question in North Carolina," *Alamance Gleaner*, 13 April 1905, p. 1.

²² See Hilda Jane Zimmerman, "The Penal Reform Movement in the South during the Progressive Era, 1890-1917," *Journal of Southern History* 17, no. 4 (November 1951): 467-468; and Harry Wilson McKown, Jr. "The Good Roads Movement in North Carolina, 1885-1921" (Master's Thesis, University of North Carolina, Chapel Hill, 1972), 43 and 76.

began creating their own independent convict labor systems, solving budgetary problems and acquiring needed road improvement. From the beginning of the state's two-tier penal system, counties had not wanted responsibility for housing and guarding local offenders but they could not convince the state to take them. Chain gangs were the solution to counties' problem of providing for local prisoners.²³ Dozens of convict road camps emerged across the state during the early decades of the twentieth century to fulfill the NCGRA's economic reform agenda. Although the NCGRA endorsed increased reliance on convict labor for building roads, the group remained detached and unaccountable for anything untoward that happened in the camps. The unfolding of events in the camps, often brought to the fore by the convicts, engaged all other groups involved with the penal system, but not the NCGRA. In some ways, they were the invisible hand guiding the system's development but remaining disconnected from the day-to-day operation of the camps.

Local affiliates of the NCGRA encouraged judges to sentence convicts to the roads directly from the courts. Initially, judges only sent short-term offenders, usually only misdemeanants, to the county chain gang, a situation that led to a lot of turnover in the labor forces. To remedy the occasional labor shortages caused by short-term sentences and hasten the expansion of roads, the NCGRA lobbied state legislators and jurists to allow men with longer terms to go to the chain gangs instead of the penitentiary.

²³ "County Prison Camps," document located in Department of Social Services, State Board of Charities and Public Welfare (hereinafter, DSS-SBC), Commissioner's Office, Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1927, NCDAAH.

In addition, NCGRA leaders urged the state penitentiary to establish its own system of labor camps and use the prison population to build state roads rather than hiring them out to businesses. The organization also emphasized the economic benefits of using cheap convict labor instead of wage labor. The NCGRA argued that free laborers could strike, quit, refuse to work in poor weather or for long hours, or get drunk and lay out of work, none of which would be the case with forced convict labor.²⁴ They argued that putting men on the roads was more humane than leaving them in jails or exposing them to the dangers of the convict lease system. Good Roads advocates claimed that by building roads, convicts on the chain gangs could become upright and moral citizens who took pride in their work.²⁵

The daily reality for chain gang convicts clearly contradicted the restorative image reformers depicted in NCGRA speeches and literature. Prisoners in the predominantly black convict labor camps lived within a closely supervised environment. They worked year-round from sun-up to sundown six days a week and many performed their backbreaking labor wearing a ball and chain. The ball and chain consisted of chain looped around the convict's waist, attached to another length of chain around both ankles. Attached to one of the ankle chains was a solid iron ball. The length of chain between the ankle and the ball was too short to allow the convict to pick up the ball and stand

²⁴ Editorial content, *Southern Good Roads* 10, no. 3 (September 1914): 23. Also see "Convict Labor and Road Building," *Southern Good Roads* 2, no. 4 (October 1910): 18; and "Convict Labor in the South," *Southern Good Roads* 11, no. 6 (June 1915): 17. *Southern Good Roads* published many articles detailing the comparative benefits of using convict labor as opposed to free labor.

²⁵ E. Stagg Whitin, "The Spirit of Convict Road Building," *Southern Good Roads* 6, no. 6 (December 1912): 12.

erect, thus preventing him from running effectively. Convicts frequently complained about how badly the ankle chains rubbed their skin, causing sores that easily became infected and sometimes remained raw throughout the duration of the time served in the camp.²⁶

Convicts on the chain gang served their time under hired white guards and supervisors who received no training for their job. Without the constraints or accountability that citizens might expect of sworn law enforcement officials, camp guards and superintendents had wide leeway in dealing with prisoners. County politicians and businessmen connected with convict labor usually paid lip service to statutory requirements for inspections of the camps and provided only perfunctory oversight for prisoners whose worth they measured in manpower.

Collating the numbers of prisoners held in the camps from census records provides some sense of the imbalance in the proportion of white to black convicts. The 1910 census listed 719 black men as opposed to only 133 white men serving time in the 28 camps for which records are available. Numbers dropped significantly in 1920, with the census for that year reporting only 95 whites and 264 blacks serving on 20 county chain gangs.²⁷ For the 45 camps for which records are available from 1930, there were

²⁶ "Report on Visit to Stanly County Road Camp," DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

²⁷ While there is no indication of this in the records from the SBC, other sources reveal a push for using convict labor to grow food during the World War I years. In a letter distributed to all county boards of commissioners, Governor Thomas W. Bickett stated, "The production of foodstuffs is more important in this crisis even than the building of good roads, and I urge you to take this matter up...without delay." From a press release, April 1917. Papers of Thomas W. Bickett, Box 369: 1917 Correspondence, Folder: Correspondence, April 3-30, 1917, NCDAH.

523 whites and 1272 blacks listed.²⁸ Representing approximately one third of the state's population during these years, the consistently high number of black prisoners proves the racial bias in the justice system at the county level. While they are important, the numbers do no more than indicate who was in the camp at the time the census taker visited. They give no sense of how many men came and went in the decade between each census. During the intervening years, thousands of black men and hundreds of white men came and went as they served sentences lasting from thirty days to ten years on the chain gangs.

Convicts spent their non-working hours in cramped and overcrowded portable steel cages or makeshift lean-tos that offered little protection from the weather.²⁹ Camp superintendents and guards strictly regimented all aspects of prisoners' lives, discouraged intrusions into the daily routine, and limited the men's contact with the outside world. Isolated from friends and family, convicts in the camps endured frequent physical and psychological abuse. Guards hung prisoners by their wrists for hours or chained them in small dark cells for days as punishment for not working or for talking back, stealing food, or breaking other camp rules. Essentially left to fend for themselves, they lived and worked under threat of the lash and gun, lacking the most rudimentary forms of sanitation

²⁸ Using the database search feature for census records on www.ancestry.com, records for 1920 do not yield satisfactory results. Search terms convict and chain gang were successful for 1910 and 1930, but do not bring up matching documents for 1920. I can predict that the evidence would be similar, however, with numbers falling between the low of 1910 and the high of 1930.

²⁹ The "portable convict cage" was a prison on wheels that provided an economic solution to housing the convicts. Cages could be expanded to hold as many as fifty prisoners and could easily be relocated as the need arose. Guards could easily secure convicts overnight by chaining them to a metal rod that ran through the center of the cage. For a complete description of the cages and the conditions prisoners encountered, see letter to Roy M. Brown, Raleigh Bureau of Institutional Supervision, from Manly Jail

and medical care. Officials housed and transported them in steel cages, chained them to their bunks at night, and fed them their meager meals within sight of fly-infested open privies. Convicts caught complaining about conditions to visitors received punishments such as flogging or time in the dark cell.³⁰

Each of the state's one hundred counties had the option of establishing its own chain gang, but not all counties operated such camps and the number in operation usually ranged from a low in the forties to a high in the sixties. Counties that chose not to set up chain gangs could farm their prisoners out to neighboring counties, a practice that complicated jurisdictional oversight and was by nature prone to abuse and difficult to monitor. Demographic differences and varying county sizes dictated the distribution of camps as well as the existence of both segregated and integrated camps. Counties often had separate camps for each race because "commissioners did not want them [white men] to be placed with the negroes."³¹ In counties with a predominance of blacks and only a few whites, local officials sometimes sent white prisoners to a neighboring county to work with an all white camp. If the population mix was relatively equal, a few counties

Works, Dalton, GA, 24 August 1925. DSS-SBC, Commissioner's Office, Subject Files, Box 8: Prisons, 1912-1949, Folder "General and Miscellaneous, 1917-1925," NCDAH.

³⁰ See North Carolina State Board of Charities and Public Welfare, *A Study of Prison Conditions in North Carolina* (Raleigh: State Board of Charities and Public Welfare, 1923); and The North Carolina Experience, Beginnings to 1940, *Documenting the American South*, available online at <http://docsouth.unc.edu/nc/prison1923/prison1923.html> (accessed 9 October 2008) .

³¹ Exact numbers for each type of camp are not available. In 1914, however, a New Bern newspaper wrote about the need for the creation of a "whites only" camp to accommodate the few white men that were being sentenced to the roads in Craven County. Segregation was thus deemed necessary even in the convict labor camps. "White Men will Work Roads," 5 October 1914, *New Bern Journal*. Article found in *Good Roads Movement Clipping File, to 1975*, North Carolina Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

operated integrated camps where blacks and whites worked side by side, chained together, but they ate, slept, and bathed in separate areas (although there were exceptions). In integrated camps, black and white convicts endured similarly harsh punishments for real or imagined infractions and they cooperated in acts of protest.

County convict laborers recognized racial distinctions among themselves but they understood that they shared much in common. Their crimes were of the sort largely associated with poverty and desperation: vagrancy, theft, trespassing, assault, and violation of prohibition. The men mostly ranged in age from sixteen to forty (prime working years), and their terms ran from thirty days to ten years.³² Petty criminals could call upon few resources outside family and church, and sometimes those were not available to them. Yet, even under these difficult circumstances, some convicts found ways to take a stand against the brutality and deprivation they experienced in the camps. They were resourceful and politically aware of their value to the state and their rights as human beings.

Prisoners of both races sought out opportunities to protest mistreatment and provoke outside interest in their circumstances through direct action and by writing letters to reformers and politicians. Convicts knew that their labor was not only essential to building North Carolina's modern infrastructure, but it also enabled state politicians and economic boosters to speak glowingly of progressive reforms. Convict used their numbers and the demand for their labor as leverage, engaging in acts of resistance,

³² "Convict Roadmakers," *Alamance Gleaner*, 12 February 1903, p. 1.

addressing specific grievances, and usually targeting their actions at individual guards or superintendents. Men refused to leave their quarters or line up for work; they destroyed clothing, bedding, and tools; and they plotted among themselves to overtake abusive guards or demolish the camp. Through their activism, convict laborers forced white middle class reformers, journalists, business progressives, legislative elites, and the general public to grapple with the human cost and consequences of their decision to build a modern state through coercive and highly exploitative labor practices.

Just as North Carolina's penal system operated on two distinct levels, the county and state road building efforts were also separate undertakings funded and managed differently. Counties were responsible for funding, building, and maintaining their own local roads, while the state took responsibility for constructing the network of state and federal roads that intersected county lines and state borders. Counties relied solely on chain gangs for road building, while the state used a combination of free labor and prison labor. The difference in the number of convicts used at each level was clear when Joseph Hyde Pratt of the NCGRA reported that for 1914, counties had sent 1,700 short term convicts to the roads, while the state had sent only 140 prisoners to the state roads during the same period.³³ Federal and state funding applied only to those roads that fell under their jurisdiction, not to the system of "secondary" county roads built by the chain gangs. The emphasis of this study is the county unit of road building, and the chain gangs that labored to build those roads, not the state and its combined system of free and forced

³³ Joseph Hyde Pratt, "Statistics Regarding Road Work in North Carolina, 1914," *Southern Good Roads* 12, no.3 (September 1915): 18.

labor. The NCGRA involved itself at both levels, however, since its purpose was to eventually see the state assume responsibility for all prisoners and roads in order to accomplish the most complete and reliable system of roads possible.³⁴

The NCGRA's determination to deploy convict labor to build roads during the early decades of the twentieth century coincided with a growing interest in penal reform among white middle class reformers. The most influential of these groups was the State Board of Charities and Public Welfare (SBC), a government agency to which the 1868 constitution assigned responsibility for inspecting county institutions and reporting their conditions and any recommendations to the governor.³⁵ The SBC differed from the NCGRA in its emphasis on social reform rather than economic progress. The agency had no authority to demand improvements in the facilities it oversaw, which included all state and county charitable and penal systems. Without enforcement power and chronically underfunded, the SBC remained unable to fulfill even its limited duties until at least the second decade of the twentieth century.

Despite minor budgetary and staffing increases for the SBC in 1917, the agency could not cope adequately with the growing number of convict camps resulting from the NCGRA's road building campaign. Burdened by such a heavy and expanding workload,

³⁴ As early as 1913, the state legislature was debating the use of penitentiary prisoners on the roads, but noted that "certain special interests . . . have a well-paid lobby at Raleigh to fight this bill to a finish." See "North Carolina Legislature and Good Roads," *Southern Good Roads* 7, no. 2 (February 1913): 22-23.

³⁵ "What's the State Board of Public Welfare and What are Some of the Things it Does?" *Public Welfare Progress* 5, no. 10 (October 1924): 1-2. Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Welfare Department, NC, NCDAH.

SBC investigators usually managed only one visit per year to each camp. These were generally fact-finding missions, aimed at gathering statistical information about prisoners and camp personnel. With checklists in hand, they examined the clothing, bedding, food supplies, and living quarters, rating camps on a scale of one to ten and notifying the relevant county Boards of Commissioners concerning any obvious problems they detected. They needed this statistical information to inform their research into the connections between crime, poverty, and race.

Like the NCGRA, the SBC worked to secure favorable legislation that would improve standards and accountability in the entire penal system. The SBC's success depended not only on the persuasiveness of the department's leaders, but also on the political leanings of the men occupying the Governor's mansion. Kate Burr Johnson, who served as SBC Director for two years before being appointed Commissioner in 1921, was an especially capable leader who relentlessly pressed for penal reform.³⁶ Johnson found a sympathetic ear with Democratic Governor Thomas W. Bickett (1917-1921). Bickett displayed a willingness to improve conditions for prisoners and a concern for the men's well-being. Early in his administration, he secured passage of legislation that significantly increased the budget and the manpower of the SBC and established penalties for counties' failure to implement necessary improvements in the convict labor camps. Johnson and Bickett worked well together, but during the brief period of their

³⁶ Kate Burr Johnson was the first woman in the nation to be selected to head a state charity board and was the highest-ranking woman in North Carolina's state government. See Mollie C. Davis, "Kate Ancrum Burr Johnson," *Dictionary of North Carolina Biography*, Volume 3, H-K, edited by William S. Powell (Chapel Hill: University of North Carolina Press, 1988), 295-296.

interaction—her first year as commissioner and his last as governor—they faced opposition to much of their agenda from economic progressives and law and order traditionalists who decried their attempts to “coddle” prisoners.

The 1917 legislative changes and funding increases enabled the SBC to oversee the creation of a network of county welfare boards to assist in the state agency’s work. The laws left selection of local welfare agents and any supporting staff to the county commissioners, the same men who established the chain gangs and hired superintendents and guards for the camps. Given their close affiliation with the county commissioners, county welfare agents often jealously protected their own power, resentful of interference by state inspectors from the Raleigh office. The local welfare boards were less zealous about protecting the rights of prisoners or abiding by SBC’s guidelines than they were protecting the reputations of their communities and maintaining their own positions of power. Such expressions of localism were a primary cause of the SBC’s inability to provide uniform humane care and treatment for North Carolina’s county prisoners.³⁷

The SBC ran into some of its toughest opposition to change among county grand juries, the bodies responsible for keeping problems in the camps in check. At the behest of Superior Court judges, county grand juries conducted quarterly inspections of all local institutions, including poorhouses, workhouses, asylums, orphanages, and homes for the infirm, and they reported their findings to the court. Where the convict labor camps were

³⁷ “The Public Welfare System of North Carolina,” paper presented by Mrs. W.T. Bost, SBC Commissioner, at the Annual Public Welfare Institute, 19 October 1943, p. 5-6. Document located in DSS-SBC, Bureau of Work Among Negroes, Box 225, NCDAH. Also see, A. Laurence Aydlett, “The North Carolina State Board of Public Welfare,” *North Carolina Historical Review* 26, no. 1 (January 1947): 19.

concerned, the county-level inspection system was deeply flawed. Camp supervisors confessed to knowing when the grand jury or the local welfare officer was coming and they prepared for the visits by cleaning up the compound and warning prisoners about the consequences of complaining. Most grand jury reports on convict camps and jails stated that conditions were good, convicts made no complaints, and guards were capable men. Reports like this preceded some of the worst cases of criminal indictments against camp supervisors. Like the local welfare board, the grand jury was unlikely to be critical of its own county's institutions. The SBC interpreted these expressions of localism by remarking that the people involved were good citizens, but they, like most people in the state, "generally accept[ed] such conditions as a matter of course." The SBC went on to say that the public "had always been accustomed to regard brutality as a necessary part of prison routine and filth as inseparable from a prison camp." Changing this mindset was beyond the scope of what the agency was able to accomplish.³⁸

If the grand jury returned a finding that suggested removal of a guard or supervisor, a different group carried out the verdict. The county Board of County Commissioners (variously named in different counties) was in charge of hiring and firing personnel for the chain gang labor camps. Although the law required that the commissioners follow the grand jury's recommendations, they often chose to act independently and conduct their own investigations. The conflict between these local

³⁸ North Carolina State Board of Charities and Public Welfare, *A Study of Prison Conditions in North Carolina* (Raleigh: State Board of Charities and Public Welfare, 1923), available online at *Documenting the American South, The North Carolina Experience, Beginnings to 1940*, <http://docsouth.unc.edu/nc/prison1923/prison1923.html> (accessed 16 November 2009).

groups often resulted in nullification of the grand jury's recommendations and the SBC's suggestions. Not only was there a power struggle between the state and the counties, but also within the various counties. The different groups responsible for local oversight of the chain gangs often failed to cooperate with one another, and usually they were reluctant to work with the SBC.

Not only did none of these groups consistently work well together, but in 1922 the state's Attorney General also ruled that "the law does not confer any authority upon county commissioners to make rules . . . much less can they make rules and regulations for the discipline of . . . prisoners."³⁹ This ruling should have undone the chain gangs, since the board in charge had no legal power to make decisions or implement regulations regarding the camps they supposedly controlled. In fact, however, nothing changed. County commissioners continued to function as the overseer of the chain gangs unchallenged.

North Carolina's county chain gang system depended on unskilled and usually illiterate whites to serve as guards and supervisors for the camps, but officials offered the men no training and paid them poorly. Rules, when there were any, were open to interpretation, leaving care and discipline of convicts to the discretion of the guards with no oversight or accountability. Most guards were young, poor, uneducated, and unskilled; some had been in trouble with the law in the past. Camps were usually located in isolated areas, out of the public eye, so county officials knew that they could easily

³⁹"Seeks to Secure Humane Dealing," *Raleigh News and Observer*, 10 September 1922, p. 17.

cover up any trouble. Guards and supervisors owed their positions to the county Board of Commissioners and understood that it was the only group to whom they were answerable. County commissioners expected the men they hired to enforce strict discipline over the convicts and they stressed efficient completion of assigned work. They did not question camp employee's tactics in fulfilling those requirements. The commissioners' priority was staying on schedule, and their allegiance was to the businessmen and taxpayers who secured funding for the road building projects.

The SBC became an outspoken critic of North Carolina's entire penal system, a stand that often placed it at odds with powerful state legislators whose important constituents endorsed the economic progress that they believed convict-built roads encouraged. Unable to implement improvements in the county camps, the SBC increasingly pressed for a stronger mandate in order to gain greater control over the state's convict population. Though aware of the poor quality of life in the camps and sometimes empathetic with prisoners' concerns, the SBC was most powerful when responding to convicts' initiatives in resisting their circumstances. For that reason, the agency remained important because the convicts believed its workers were on their side.

Regardless of its own intentions and weaknesses, SBC investigators' intrusions into camp routine provided convicts with a rare opportunity to reach the outside world. Their interviews with prisoners provided an outlet for complaints, and information gathered on these visits occasionally prompted legal action against camp officials. Because some convicts took the initiative and communicated with the investigators,

which meant risking severe punishment, the public learned of many of the abuses in the camps.

Problems within the county chain gangs were a constant as the camps took hold across the state, but the 1920s witnessed a marked uptick in the number of cases that attracted media attention, a trend that stretched well into the following decade. This shift was in part a reflection of the NCGRA's success and the pressure to get roads built in all parts of the state. A new phase of road building began following the 1921 passage of an ambitious highway plan conceived by the NCGRA, providing more work for the convicts and expanding the camps to new areas. In addition, by the 1920s the SBC had acquired a more prominent role in overseeing the penal system, which made the investigations the agency conducted a matter of public concern.

Increased attention to unrest in the camps during the 1920s also can be associated with the outmigration of black labor in the wake of World War I. North Carolina, along with other southern states, had to cope with the loss of thousands of black laborers who sought employment opportunities in the North. White business leaders and landowners observed the exodus of their labor force as northbound trains departed weekly with hundreds of black families aboard. Whites in North Carolina struggled to find ways to keep their most valuable asset in place. Aside from instituting laws that required labor agents to pay a hefty fee and register with local officials before recruiting workers, whites sometimes promised higher wages or better treatment to those who stayed. Strict enforcement of contract labor laws and vagrancy laws (along with local prosecution of

prohibition) provided the most effective means of stemming the flow of blacks out of North Carolina, while also filling the ranks of the chain gangs.

Newspapers played a crucial and diverse role in framing public discourse over convict labor as they covered everything from grand jury inspection reports of the camps to sensational investigations. In large cities like Raleigh and Charlotte, the white press played up North Carolina's progressive image, emphasized the need to rectify any problems in the camps, and sought to deflect criticism that might mar the state's image. Raleigh's *News and Observer*, the Democratic standard-bearer under the editorial leadership of Josephus Daniels until 1933, usually placed state and county officials in the best light possible when running stories of alleged abuses in the county chain gang system, although they sometimes used their editorials to question state policies. In the rural counties of Stanly and Perquimans discussed in Chapter II and IV, the local press highlighted the county's authority and the upstanding reputations of any camp officials accused of wrongdoing. Local papers like these pictured the SBC, which was involved in some capacity in most investigations, as an outside intruder. These smaller papers usually supported the status quo and seldom endorsed prosecution of accused officials or overhauling of camp protocol. One example of the way in which local papers disparaged efforts to incriminate camp officials was in a 1926 article that covered the arrest of two men who had previously testified against the chain gang superintendent. The paper

concluded that they “represent[ed] in a fair way the class of men produced by the state to make out its case.”⁴⁰

African American press coverage of this time period within North Carolina exists today only in limited issues of the state’s African American Presbyterian church publication *The Africo-American Presbyterian*. Coming from a religious perspective, articles convey the sentiment that blacks who ended up in jail (or at the end of a rope) had brought such calamity upon themselves by not “living right.” Marcus Garvey’s Universal Negro Improvement Association (UNIA) had a strong following in the state, and organizers of the Negro State Fair invited Garvey to speak on opening day one year. Outside of North Carolina, in cities such as Chicago, Pittsburgh, New York, and Atlanta, the Negro News Service reported on instances of convict labor abuse or investigations as evidence of the state’s true nature. The *Chicago Defender* and the *Pittsburgh Courier* printed critical articles about North Carolina’s treatment of convicts, about the legal system that put so many black men on the chain gangs, and about the state’s attempt to gloss over such truths with progressive rhetoric.

North Carolina’s small middle class black population developed its own resources for reform. Black progressives focused largely on educational improvement and economic development. In 1925, philanthropic contributions to the SBC allowed for the creation of the State Bureau of Work among Negroes. The bureau aligned itself with the SBC agenda by creating local welfare boards to assist black communities across the state,

⁴⁰ “Prisoner Witness Give Trouble in Local Jail,” *Albemarle Press*, 7 January 1926, p. 1.

but did not become involved in penal reform work. Black religious leaders also emphasized striving for respectability and acceptance through economic advancement and support for some white initiatives. Black progressives, both men and women, worked to protect their class from association with the lifestyles and crimes whites connoted with their race.⁴¹

During the first three decades of the twentieth century, debates over the path to progress, the rights of prisoners, and the limits of reform extended from the convict working on the chain gang to the Governor residing in the executive mansion in Raleigh. The convicts demanded humane treatment; decent food, shelter, and clothing; the right to communicate with their families; and reasonable working conditions. Although some within the SBC were moderately responsive to the convicts' needs, even they frequently discredited convicts' complaints and stated that the men needed hard work. Most of those affiliated with the SBC viewed the prison population at all levels as symptomatic of larger problems within the state, and leaders used their interaction with convicts to formulate social solutions to the problem of crime. County officials largely dismissed convicts' concerns and concentrated on maintaining their own status and protecting their own livelihoods. The NCGRA positioned itself on the fence, claiming concern for the well-being of the convicts, while pressing ever harder for getting more work out of them and ignoring the circumstances in the camps.

⁴¹ See Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), and Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge, Mass.: Harvard University Press, 1994).

Government officials responded to the SBC's demands for convict labor reform differently with each legislative and gubernatorial election, sometimes taking action to remedy problems in the system and sometimes allowing the status quo to continue or worsen. The white press generally allied with the expectations of the governor's office, which meant that the needs of business progressives who focused on economic growth, such as the NCGRA, superseded those of groups seeking social reform, which included the SBC. The power struggles that marked all levels of state and local government illustrate the lack of consensus among progressives and reveal some of the contestations over race and class politics that marked the early decades of the twentieth century in North Carolina.

This study examines the development of the county convict labor system in North Carolina by analyzing instances of prisoner resistance and highlighting its influence on the state's progressive reformers. Chapter II introduces the groups that were involved in penal reform efforts. It provides a close examination of the development of the NCGRA and the SBC, analyzes their policy initiatives, and looks at their interactions with and perspectives on chain gangs in North Carolina. It also emphasizes the role of politicians and the media in relation to these reformers and assesses the convicts as a force for change.

Chapter III provides analysis of two court cases and shows how convicts used the justice system as a means of resistance. The first case was that of a young African American convict who in 1922 attempted to rid a Wake County chain gang of two men

who had brutally beaten him. The case highlights the complexity of the bureaucracy of which the convict labor system was a part. Everyone even tangentially involved in the system had their own agenda and fought to protect their authority. The second case deals with the 1923 prosecution of Stanly County's chain gang superintendent based on testimony of convicts in the camp. Whereas Wake County, where the first case unfolded, was home to the state capitol of Raleigh, Stanly County was located in one of the poorest and most rural sections of the state. The settings influenced the way the two cases were handled, as well as the newspaper coverage of the proceedings. Both cases emphasize that convicts knew their rights and they attempted to use the law as a means of protection as well as prosecution.

Chapter IV concentrates most heavily on letter writing as a means of convict resistance. Letters not only pointed out the problems associated with the chain gangs, they also revealed the hopes and fears of the writers and provided a window into how they viewed their circumstances. The determination to put their grievances in writing and send their letters to family members, reformers, and politicians speaks to convicts' knowledge of the debates over their use and their willingness to take a stand against the authority of camp officials. This chapter includes discussion of other acts of protest that appear in the records of the SBC that usually did not attract media attention, such as work stoppages, plots to destroy the camps or attack the guards, destruction of property, or feigning sickness.

Chapter V explores two convict-initiated incidents from 1935, a period in which the governor sought to improve camp conditions by consolidating county chain gangs under state control and merging them with the highway department to form the Department of Highways and Public Works. The two cases studied reflect both the determination of the convicts to continue to effect change and the weaknesses of the new state system that their protests had helped to create. Together the cases demonstrate not only the state's failure in the 1930s to ameliorate the problems in the labor camps, but also the convicts' determination to continue to protest chain gang conditions. Convicts made headway against the problems associated with the county chain gang system; they would carry that struggle forward when the state took control. The Conclusion, Chapter VI, brings the preceding arguments together and emphasizes the relevance of this work to current historical inquiry.

CHAPTER II

THE PROGRESSIVE DEBATE OVER CHAIN GANGS IN NORTH CAROLINA

North Carolina is pointed to all over America as not only the south's most progressive State, but as one of the most progressive States in the Union.

Raleigh News and Observer, 14 April 1923

Almost every week, some committee or official comes to North Carolina to study its progressive policies . . . [for] which its fame has gone abroad.

Raleigh News and Observer, 23 June 1927

At the bottom of that progress is the chain gang.

Southern Good Roads, November 1910

North Carolina has long enjoyed a reputation for being a “progressive plutocracy,” a state whose leaders dedicated themselves to distancing the state from what some termed the “darker phases of the South.”¹ From the end of Reconstruction and into the twentieth century, leading white businessmen and politicians stressed their desire for social and political moderation as they sought to address persistent problems associated with racism, illiteracy, and poverty. However, questions regarding the role of convict labor and particularly the use of county chain gangs inspired controversy among those who agreed on many other elements of reform. As chain gangs commanded reformers’

¹ V.O. Key, *Southern Politics in State and Nation* (New York: Alfred Knopf, 1949; republished Knoxville: University of Tennessee Press, 1984), 205-208; and Frank Tannenbaum, *The Darker Phases of the South* (New York: G.P. Putnam's, 1924).

attention in the early decades of the twentieth century, the ensuing struggle to define and regulate the convict labor system came to encapsulate the conflict and uncertainty that prevailed during this period.

North Carolina's path to progressivism began prior to the 1880s, when Democrats started to pave the way for a successful white supremacy campaign that resulted in the constitutional disfranchisement of virtually all black men in the state.² Progressive businessmen and politicians justified their support for white supremacy and disfranchisement by claiming that removing blacks from politics eliminated the major source of political corruption and racial violence; provided much-needed social, political, and economic stability; and paved the way for industrial development. State legislators and town councils contributed to resolving what they called the "Negro problem" by passing Jim Crow laws and ordinances that codified racial segregation in all possible aspects of daily life.³

The reformers who led North Carolina's white supremacist efforts and their supporters on the state and local levels were among the best-educated and most powerful people in the state. A week after the Wilmington riot in 1898, University of North Carolina president Edwin Alderman praised newly elected state legislator Henry

² Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900; Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* edited by David Cecelski and Timothy B. Tyson; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908*, especially Chapter Seven, "Defeating Fusion II," 148-172; and Kent Redding, *Making Race, Making Power: North Carolina's Road to Disfranchisement* (Chicago: University of Illinois Press, 2003).

³ See Erin Elizabeth Clune, "From Light Copper to the Blackest and Lowest Type: Daniel Tompkins and the Racial Order of the Global New South," *Journal of Southern History* 76, no. 2 (May 2010): 280.

Conner's participation in the white supremacist campaign. Alderman wrote that he deemed Conner's efforts to ensure white Democratic control of state politics "an act of citizenship not less heroic than going to war." Conner went on to become speaker of the North Carolina House of Representatives, and was serving in that capacity during the drafting and passage of the disfranchisement amendment. Josephus Daniels, owner and editor of the *Raleigh News and Observer*, used his paper to promote the campaign for white supremacy and personally visited other southern states in search of a model for North Carolina's disfranchisement amendment.⁴

While white Democrats regained control on the political front, business leaders set out to rebuild the state's depleted economy by endorsing the New South ideal of industrial expansion in partnership with northern capital. Many progressive North Carolinians supported developing a system of modern roads as the best means to boost the state's economic prospects, and they advocated the deployment of predominantly black chain gangs to provide the needed labor.⁵ The primacy of the chain gang system as

⁴ Edwin Alderman to Henry Conner, 18 Nov 1898, Folder 40B, Box 3, Henry G. Conner Papers #175, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC; Cited in, Gregory P. Downs, "University Men, Social Science, and White Supremacy in North Carolina," *Journal of Southern History* 75, no. 2 (May 2009): 267. See *Dictionary of North Carolina Biography*, Vol. 1, A-C, William S. Powell, ed. (Chapel Hill: University of North Carolina, 1979), 416-417. On Daniels' support of white supremacy, see Benjamin R. Justesen, II, "George Henry White, Josephus Daniels, and the Showdown over Disfranchisement," *North Carolina Historical Review* 77, no. 1 (January 2000): 7-8.

⁵ In *Origins of the New South, 1877-1913*, C. Vann Woodward laid the groundwork for the debate by making an argument for change. In *The Social Origins of the New South: Alabama, 1860-1895*, Jonathan Wiener rebutted Woodward by showing significant continuity among landholding whites following Reconstruction. The most notable contribution to the field since Wiener was Edward Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992). That same year, Howard N. Rabinowitz argued in *The First New South, 1865-1920* (Arlington Heights, IL: Harlan Davidson, 1992) that more useful would be to examine the concept of many New South's.

a tool for the state's advancement in this area was recognized as early as 1903, when a local paper ran an article declaring that "North Carolina was the leader in this work...building greatly needed highways [with convict labor] at low cost."⁶

Not all reform-minded North Carolinians agreed that exploiting chain gang labor was an acceptable approach to progress, however. Between 1900 and 1930, the control and use of convict labor became a major point of contention between two of North Carolina's most notable and well-organized white reform groups, the North Carolina Good Roads Association (NCGRA) and the State Board of Charities and Public Welfare (SBC). Each of these entities engaged the wider public in the debate over convict labor as they gradually created county-based groups to expand their influence and implement their policies. Their vision of progress and reform differed, however, and this became clear as each organization strove to define what could and should be the purpose of the chain gang in North Carolina.

The NCGRA and the SBC, as well as politicians and the media, highlighted the state's position at the forefront of reform in the South by creating an image of economic progress along with political and social harmony that cloaked frequent dissension both between the races and among reform groups. Yet, while these self-proclaimed progressives cooperated in the relegation of blacks to second-class citizenship, they disagreed on the extent and the limits of social, economic, and political reform. This

⁶ "Convict Roadmakers," *Alamance Gleaner*, 12 February 1903, p. 1.

tension is most evident in the thirty-year debate over the place of convict labor and chain gangs in North Carolina.⁷

The county chain gangs that stood at the juncture of social, economic, and political reform following 1900 were a part of a larger penal system that emerged in the state after the Civil War. At that time, North Carolina was one of only three southern states without a penitentiary.⁸ In the antebellum period, counties were responsible for punishing white lawbreakers and free blacks, since laws allowed slave owners to discipline and even kill their slaves with little or no outside interference. Reflecting back on this situation in 1924, noted social reformer Kate Burr Johnson remarked, “There was little need for state prisons in the south previous to the Civil War. Gentlemen had methods of settling most of their difficulties [and]...the middle class, composed largely of poor whites... [was] on the whole law-abiding. The negro was in complete subjection to a master.”⁹ Counties established jails to hold prisoners in detention, but they also fined

⁷ C. Vann Woodward summed up Southern Progressivism by stating it was for “whites only.” See *Origins of the New South, 1877-1913*. Also, see George Brown Tindall, *The Emergence of the New South, 1913-1945*. Herbert J. Doherty, Jr., pointed out that the North “did not think of them [the South] as progressives because they ignored Negro rights.” In “Voices of Protest from the New South, 1875-1910,” *Mississippi Valley Historical Review* 42, no. 1 (June 1955): 66.

⁸ Darnell Hawkins, “State versus County: Prison Policy and Conflicts of Interest in North Carolina,” *Criminal Justice History* (1984): 91-95. South Carolina and Florida were the other states. For an overview of the development of law enforcement and penal institutions in the South, see Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984).

⁹ Johnson served as Commissioner for the State Board of Charities and Public Welfare from 1921-1930. Quote taken from a speech delivered in Charlotte in 1924, located in the Kate Ancrum Burr Johnson Papers, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC.

offenders or administered immediate corporal punishment. Moreover, since the legal system regarded slaves as property and not people, laws were generally unnecessary for their protection or prosecution.¹⁰

The harshness of North Carolina's system of punishment became the driving force behind early nineteenth century penal reform efforts. Branding (for bigamy), mutilation (for perjury in a capital crime), whipping, and confinement in stocks for offenses by whites that did not reach the level of a capital crime continued until the Civil War. Seventeen crimes merited the death penalty, and public executions were the norm.¹¹ North Carolinians engaged in congressional debate over building a state penitentiary "for decades" prior to the Civil War, with many reformers pressing for the state to follow the model of northern penal systems in the 1820s and 1830s.¹² Reformers' efforts were fruitless, however, and state leaders did not agree to build a penitentiary until legislators created a new state constitution in 1868 that instructed the General Assembly

¹⁰ North Carolina slave law could be less brutal and more flexible than that which prevailed in surrounding states. Part of the reason for this was the agricultural economy was not tied to the plantation but consisted mostly of small farmers. Also, there were few urban centers where free blacks might congregate. See Timothy S. Huebner, "The Roots of Fairness: State v. Caesar and Slave Justice in Antebellum North Carolina," 29-52, in *Local Matters: Race, Crime, and Justice in the Nineteenth Century South*, Christopher Waldrep and Donald G. Nieman, eds. (Athens, GA: University of Georgia Press, 2001).

¹¹ Jesse F. Steiner and Roy M. Brown surveyed the chain gang system in North Carolina in the mid 1920s as part of a study of crime undertaken by the Institute for Research in Social Science at the University of North Carolina in Chapel Hill. See , Guy B. Johnson and Guion Griffis Johnson, *Research in Service to Society: The First Fifty Years of the Institute for Research in Social Science at the University of North Carolina* (Chapel Hill: University of North Carolina Press, 1980) 143, 240-242; and *The North Carolina Chain Gang: A Study of Convict Road Work [1927]* (Chapel Hill: University of North Carolina Press, 1969), 11-12. Charles C. Bolton has shown that local authorities did not flog poor whites judged guilty of crimes bearing that sentence because of the punishment's association with slavery. He found that they treated itinerant poor whites more severely than local residents. See *Poor Whites in the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham, NC: Duke University Press, 1994), 58-65.

¹² Steiner and Brown, 35.

to implement plans for the penitentiary in the capital city of Raleigh. The first prisoners arrived in Raleigh in 1870, where they were housed in a log structure surrounded by a stockade until the convict-built penitentiary, designed to house felons, was finally ready to open in 1884.¹³

State legislators intended for the penal system to be self-supporting and did not include funding for the penitentiary in its budget, a circumstance that gave rise to convict leasing of long-term felons sent to the prison. Begun in order to maintain the facility and provide wages for employees, convict leasing was the state level system wherein penitentiary officials contracted prison labor out to the highest bidder. The opportunity to make money from leasing out large numbers of convicts to businesses eager to increase their own profit margins was quickly apparent. Demand for cheap labor was high, with some contractors requiring hundreds of convicts over the duration of several years. Convict leasing became an extremely lucrative enterprise for prison wardens in the latter years of the nineteenth century.¹⁴

Lack of governmental involvement in funding, regulating, and operating the penitentiary enabled wardens to exploit their powerful position over prison operations

¹³ Hawkins, 93.

¹⁴ Most of the historical scholarship on convict labor has been on the southern convict lease system, not chain gangs. See Alex Lichtenstein's *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*; Karin Shapiro, *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coal Fields, 1871-1896*, especially see pp. 6-8; Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900*, most significantly Chapter 7 "Prisons for Profit, 1871-1883," pp.62-80; Matthew Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*; and Martha Myers, *Race Labor, & Punishment in the New South*. Also see Douglas A. Blackmon, *Slavery by another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Doubleday, 2008); David M. Oshinsky, "Worse than Slavery": *Parchman Farm and the Ordeal of Jim Crow Justice*; and Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969*.

and opened the door for corruption. Prison officials collaborated with businessmen at the expense of prisoners' welfare, since once the lease was signed the state no longer dealt with prisoners until the contract expired. During the last quarter of the nineteenth century, prison superintendents leased prisoners primarily to railroad contractors, but also supplied convict labor to timber companies, mining concerns, and other labor-intensive and often dangerous businesses. Without a juvenile justice system in place, boys as young as thirteen worked under contract alongside men in their fifties and sixties.¹⁵

Accounts of brutality and high death rates were common within the lease system, and the lack of accountability on the part of prison officials meant that they could continue sending replacement workers for any convicts who died or became unable to fulfill the contract. Other than the prison officials and the businessmen who benefited from being able to cheaply obtain large numbers of convicts, few North Carolinians approved of the convict lease system. Popular opposition to the convict lease was widespread because of the detrimental effect the system had on prospects for working men. With large numbers of convicts available at little cost to employers for so many jobs requiring unskilled manual labor, poor white men seeking work complained of the unfair competition from convicts, the elimination of so many jobs from the market, and the way the lease system depressed wages. Their complaints and those of reformers went

¹⁵ The first reformatory in North Carolina was Stonewall Jackson Training School, which opened in 1909 following a concerted campaign by a contingent of women's groups that included the Women's Christian Temperance Union (WCTU) and the United Daughters of the Confederacy (UDC). The home only accepted white boys under age 16. It took until 1925 to open a similar institution for African American boys, Morrison Training School. See Anastasia Sims, *The Power of Femininity in the New South: Women's Organizations and Politics in North Carolina, 1880-1930* (Columbia: University of South Carolina Press, 1997), 121-123.

unheeded by prison officials and politicians, however. North Carolina's lease system did not end until 1933, when the state took control of both the penitentiary and the county chain gangs.¹⁶

The same constitutional imperative that sanctioned construction of the state penitentiary reinforced the duty of counties to continue maintaining local jails for housing misdemeanants. In the 1870s and 1880s, counties faced a greater need for jails than they had before the war because lawmakers banished methods of immediate corporal punishment utilized during the antebellum years and instead mandated fines and/or incarceration for minor offenders. County jails also became important holding centers for indicted prisoners. Because of the infrequency of convening criminal courts, alleged felons sometimes spent up to six months in jail cells pending their trials, and courts remanded convicted felons back to the local jails after sentencing to await transport to the new Raleigh penitentiary. Aside from these uses for the county jails, many whites viewed the legal system as a tool to help them control blacks through enforcement of laws that targeted the black population. In 1927, University of North Carolina sociologists Jesse F. Steiner and Roy M. Brown, in their study of the chain gang system noted that, "[The] prison system in the South cannot be understood without reference to the fact that within the two decades following the Civil War the problem ...became

¹⁶ Fierce, *Slavery Revisited*.

preeminently the problem of dealing with the Negro prisoner.”¹⁷ In this way, the penal system came as close as possible to replicating the former bonds of slavery.

North Carolina’s bifurcated penal system developed differently from those in other southern states. Elsewhere, Matthew Mancini points out that all convicts were under state control and liable to serve time in the lease system or on chain gangs. While on the surface the differences may appear negligible, the role of the state in operating the penal system in other states meant that at least there was one entity accountable for making regulations and enforcing discipline. In North Carolina, the development of county chain gangs under the two-tier penal system in the state resulted in what the SBC sometimes referred to as untold numbers of individual prisons operating according to their own arbitrary guidelines and completely separated from state interference.¹⁸

Just as was the case for the state penitentiary, North Carolina’s constitution provided no standardized set of regulations for the care and treatment of prisoners in the counties, leading to the development of a disconnected network of jails under the sole jurisdiction of local authorities. Local citizens were typically reluctant to pay more taxes to build proper county jails or pay for prisoner protection and upkeep at a time when most were enduring personal privation in the wake of the war. That the majority of the convicts were black bolstered this apathetic attitude among white law-abiding citizens. Faced with insufficient funds to build suitable facilities, counties often turned to chain

¹⁷ Steiner and Brown, *The North Carolina Chain Gang*, 14-15.

¹⁸ Mancini, *One Dies, Get Another*. Also see Steiner and Brown, *The North Carolina Chain Gang*.

gangs for handling of misdemeanants.¹⁹ Petty criminals could work off their time on chain gangs, eliminating any need to spend money on them. Farmers or local businesses in need of workers might bail out convicts and use them for as long as they deemed necessary to work off the debt, or even hire them out by paying money to the jailer.²⁰

The racial disparity in North Carolina's criminal justice system was clear at both the state and county level. That the majority of county chain gang laborers were African American men was a consequence of the prevailing legal code and long-standing social custom within North Carolina. As Milfred Fierce has noted, with slavery abolished, southern whites anticipated a surge in lawlessness among the large population of freed people. Prejudice and fear fueled an atmosphere of increased vigilance toward black men and ensured a stronger presence of law enforcement across the South, thus turning this prediction into reality and yielding disproportionately high numbers of African American men in southern jails and penitentiaries. North Carolina was no exception.²¹ After disfranchisement, and with the rise of younger generations of African Americans who

¹⁹ Blake McKelvey, "A Half Century of Southern Penal Exploitation," *Social Forces* 13, no. 1 (October 1934-May 1935): 117. McKelvey gives the date of the inception of North Carolina's chain gang as 1866, predating the constitution, making it an institution that emerged out of need and remained operational as time passed.

²⁰ In extreme cases in the Deep South, convicts became ensnared in debt peonage in this manner. See Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969*. Steiner and Brown discuss peonage and include a proponent's 1926 defense of the peonage system as beneficial to African Americans because it enabled them to avoid spending time in jail. See *The North Carolina Chain Gang*, 25.

²¹ Fierce, *Slavery Revisited*. Fierce also notes that the common attitude among southern whites was that lawlessness was to be expected among the former slave population, which explained the disproportionately higher percentage of African Americans in the convict labor system. Steiner and Brown also address the propensity toward lawlessness among the freedmen. See Steiner and Brown, *The North Carolina Chain Gang*, 12-13.

had not known slavery and who sometimes refused to act out time-honored codes of racial deference, whites became even more concerned over the potential for black criminality.²² Thus, while they consistently represented barely one-third of the state's total population, blacks made up the great majority of prisoners. As an example of this disparity, combined figures for 1919 showed that the state prison, county jails, and chain gangs held a total of 643 white men and 1,793 black men. The prison also housed 10 white women and 42 black women.²³

Vagrancy and contract labor laws that emerged in conjunction with sharecropping throughout the South after Reconstruction brought a regular stream of black inmates into the jails and onto the chain gangs. Minor infractions that whites had overlooked during slavery, such as petty thievery or minor squabbles, led to unpayable fines and time on the chain gang for many. With white attitudes about African Americans' propensity for criminality already firmly entrenched, North Carolina's passage of statewide prohibition in 1908 turned what had previously been an innocuous trade in spirits into a crime that particularly affected the poorest elements of the community. All of these conditions enabled whites to exert control over the large population of free black labor while using

²² Janette Thomas Greenwood speaks to the generational differences and their consequences in *Bittersweet Legacy: The Black and White "Better Classes" in Charlotte, 1850-1910* (Chapel Hill: University of North Carolina Press, 1994), 215-216. Also see Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996).

²³ Figures taken from letter to E.H. Jones, Secretary, National Urban League, New York from Kate Burr Johnson, 28 February 1920. DSS-SBC, Prison Files 1917-1931, Box 1, Folder: State Prison Correspondence, 1918-1920, NCDAAH; and from a comparative chart for the years 1918 and 1919, located in DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1927, NCDAAH.

bound labor to extend the social order that had existed during slavery well into the twentieth century.²⁴

Most whites accepted the overtly racist nature of the system as a matter of course, believing that blacks were naturally prone to break the law; however, choosing who went to the chain gang was not predicated upon race alone, but was also dependent on ideas of class.²⁵ Poor whites sometimes ended up serving time under the same circumstances as blacks because they were unable to pay fines and redeem themselves, and their social status was such that they lacked community support and political clout. Still, regardless of their status, white offenders were more often given preferential jurisprudence, were more likely to have the means to pay fines assessed by the courts, and if they did receive time, they were given shorter terms and were more often assigned to less onerous work than were black prisoners. After conducting a study spanning nineteen years, results confirmed, “the lengths of sentences of Negroes are longer, even for similar offenses.”²⁶

Segregation in the camps enforced their racial privilege, as did the fact that all camp

²⁴ For the early years of the chain gang, see Steiner and Brown, *The North Carolina Chain Gang*. North Carolina was the first southern state to pass statewide prohibition, doing so with a referendum vote in which nearly two thirds of the state supported the move. “Prohibition Sweeps State!” *Raleigh News and Observer*, 27 May 1908, p.1.

²⁵ While most historians now agree that race is a social construct, a view widely attributed to the work of Barbara Jean Fields, for whites and blacks during the early twentieth century, race has served historically as the accepted means of identification and locating oneself within the social hierarchy. Through Jim Crow laws, race also became a legally constructed reality in the South. I therefore treat race as real from the perspective of the period. See Barbara Jean Fields, “Slavery, Race, and Ideology in the United States of America,” in *New Left Review* 181 (May-June, 1990): 95-118.

²⁶ Leon Litwack generalized about the disparities between black and white justice across the South. See *Trouble in Mind: Black Southerners in the Age of Jim Crow*. Lawrence Oxley conducted the survey in his capacity as head of the Bureau of Work among Negroes under the SBC. See “The Negro and Crime in North Carolina,” located in DSS, Bureau of Work among Negroes, Box 226, NCDAH.

personnel were white, ensuring their rights as white men were more likely to be recognized and protected as they served their time.²⁷

Prior to 1900, county chain gang prisoners in North Carolina worked as needed in cutting new roads, repairing damage from rains, or digging ditches for drainage, but no dedicated labor system existed for construction or maintenance of either the county or state infrastructure. County prisoners were generally too few in number to provide a consistent source of manpower to undertake major construction projects, and counties continued to rely upon their citizens to ensure that roads were passable. State laws required that all property owners devote three days a year to roadwork, or pay an equivalent amount in taxes for someone else to labor in their stead. If roads fell into disrepair, a designated overseer was responsible for giving an account to the court of why the men in his district had failed to do their job.²⁸ Chain gang convicts provided supplementary labor for this rudimentary system of uncoordinated and unprofessional citizen-based roadwork during the quarter century following the Civil War. Lack of funds, poor planning, and technological challenges meant that most roads in the state were impassable for weeks at a time due to inclement weather conditions. North

²⁷ Writing in 1927, Steiner and Brown noted, "At present time, especially in the county chain gangs, the Negroes still furnish a quota greatly out of proportion to the part which they form of the population." *The North Carolina Chain Gang*, 15. On the privileges of whiteness, see David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991) and Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940*. For a critique of whiteness studies, see Peter Kolchin, "Whiteness Studies: The New History of Race in America." *Journal of American History* 89, no. 1 (June 2002): 154-173.

²⁸ "Progress Cannot Travel in Mud," *Southern Good Roads* 1, no. 2 (February 1910): 15. The system allowed taxpayers to work off their tax burden by working on the roads a given number of days each year and required taxpaying men to work the roads on "volunteer" days.

Carolínians tolerated these circumstances until around the turn of the twentieth century, when many of the state's New South economic boosters began envisioning a reliable network of roads for transporting people and goods.²⁹

In 1899, the growing popularity of the automobile and the prospects for greater economic growth associated with dependable roads led concerned citizens in Asheville, North Carolina, to organize what was the South's first Good Roads Association. Three years later, the statewide North Carolina Good Roads Association (NCGRA) was established to promote and coordinate the efforts of county-based groups.³⁰ As a non-governmental civic organization whose all-white leadership included leading businessmen, politicians, journalists, and a significant number of educated women, the NCGRA emerged in conjunction with the progressive push for "Good Roads" that was sweeping the nation.³¹ Believing that "progress [could not] travel in the mud," NCGRA leaders aimed to move the state to the forefront of the South's road building efforts, with hopes of reaching par with if not surpassing work in the northern and western sections of the country.³²

²⁹ Steiner and Brown, especially Chapter II, "Early Development of the County Chain Gang System," 11-41.

³⁰ The organization's goals were the "promotion, creation, maintenance, and improvement..." of the county's roads. *Country Life in America* 22, no 11 (May 1912): 80.

²⁷ George Brown Tindall describes the rise of the Good Roads Movement in *The Emergence of the New South, 1913-1945*, 254-258. Tindall labels reformers involved in the Good Roads Movement as "business progressives," whereas I use the term "economic progressives."

³² "Progress Cannot Travel in Mud," *Southern Good Roads* 1, no. 2 (February 1910): 15.

Promoters traveled across the state in Southern Railway's "Good Roads Train," making whistle stops to rally support and holding mass meetings of the state's most powerful men and women to generate enthusiasm for their cause.³³ NCGRA spokespersons addressed the South's traditional resistance to change, as they strove to convince a largely rural populace that only when the state developed a system of modern roads could they be "the happy and contented people that the Almighty intended." To allay farmers' fears that roads would encourage an exodus of rural young people to the cities, they asserted that reliable thoroughfares would make "our boys... willing to stay on the farm and our daughters ... willing to become farmers' wives."³⁴

NCGRA literature targeted all segments of white society and all aspects of family and community life. According to their articles, good roads would make women "wholesomer [sic] . . . prettier, healthier, and . . . more self-reliant."³⁵ Roads would enable children to receive a better education; and they would allow families to attend

³³ "Southern Railway's Good Roads Train," 16 July 1911, p. 3; and "Good Roads Train Coming to Greensboro," 23 July 1911, p. 2; both articles published in the *Greensboro Telegram*. The train traveled throughout the southern states as part of the railroad's efforts to promote road building and thereby increase its own business.

³⁴ *Good Roads Circular No. 15*, 26 November 1902 (Washington: U.S. Office of Public Road Inquiries), Joseph Hyde Pratt Papers, Box 5, Vol. 3, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

³⁵ "Good Roads and the Women," *Southern Good Roads* 13, no. 5 (May 1916): 11. *Southern Good Roads* was published from January 1910 through December 1920 out of Lexington, NC. Although the periodical was considered the "official organ" of the NCGRA, it was not limited to state road news. There was a clear effort to cover regional and national road building movements, as well as both ancient and modern roads in Europe, Asia, and Africa.

church more regularly and be better neighbors in their communities.³⁶ Understanding that most North Carolinians were concerned about the cost of roads, regardless of the social benefits, NCGRA leaders' most convincing argument for building roads was economic. Good roads would increase property values while reducing the cost and the time required to transport agricultural products to market. Profit margins for the farmer would increase not only because of lower costs, but also because his product would reach the market at a higher quality.³⁷

The NCGRA pressed their case for chain gangs in *Southern Good Roads*, a magazine published by Lexington newspaper editor H.B. Varner. Within the pages of this magazine, the NCGRA regularly addressed ways in which the chain gangs benefitted both the state and the prisoners. In one of its earliest editions, it emphasized that reliance on chain gangs would “free our cities and count[ies] of the tramp nuisance” and the resulting good roads would be a “blessing to all.”³⁸ Many articles argued for the state's absolute right to the prisoner's labor rather than “selling . . . erring citizens into slavery” by leasing them to businesses.³⁹ The magazine did not shy away from discussing the

³⁶ *Good Roads Circular No. 15*, 26 November 1902 (Washington: U.S. Office of Public Road Inquiries), *Joseph Hyde Pratt Papers*, Box 5, Vol. 3, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

³⁷ The NCGRA emphasized the practical side of good roads, but there was also interest in promoting tourism. See, W. Fitzhugh Brundage's discussion of the importance of good roads to tourism and the southern economy in *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass: Belknap Press of Harvard University Press, 2005), chapter five, “Exhibiting Southernness in a New Century.”

³⁸ “Convict Labor and Road Building,” *Southern Good Roads* 2 no. 5 (October 1910): 18.

³⁹ “Convicts and the Public Roads,” *Southern Good Roads* 5, no. 2 (February 1912): 20.

analogous relationship between convict labor and slavery. One contributor wrote, “The convict is as much the property of the state as the slave before the war was the property of the slave owner.” Like slavery itself, convict labor operated under the rubric of paternalism, wherein “The state is [the] real master . . . [and] the state gains more real profits for itself out of humane handling of these its slaves than out of waste and destruction of its own property.” The rhetoric of slavery was fitting in that the preponderance of convicts were black.⁴⁰

NCGRA leaders developed a two-pronged strategy to implement their road-building program. Because the group believed that professionally planned roads were integral to the state’s growth, and because good roads were beyond the reach of most counties economically, the ultimate objective of the organization was to obtain state and federal funding for road construction. To achieve this goal, NCGRA leaders worked to develop effective lobbying and legislative campaigns. Pursuing legislative endorsement for their plans was a lengthy and laborious process that took years to realize. Led first by state geologist Joseph Hyde Pratt and then by the organization’s secretary, Harriet Morehead Berry, the NCGRA presented itself as “a medium through which our progressive citizenship can act and make its opinion felt in connection with the obtaining . . . [of] a State system of hard-surfaced roads.” Working at the state level, they recruited

⁴⁰ Quotes from E. Stagg Whitin, “Convicts and Road Building,” *Southern Good Roads* 5 no. 6 (June 1912): 16. Jacqueline Jones has argued that the Good Roads Movement’s endorsement of chain gang labor turned the state into a “neoslaveholder.” See Jacqueline Jones, *The Dispossessed: America’s Underclass from the Civil War to the Present* (New York: Basic Books, 1992), reference on 152, but see 148-166 inclusive. Also see Jones’ later article, “Labor and the Idea of Race in the American South,” *Journal of Southern History* 75, no. 3 (August 2009): 613-626; and Kim Gilmore, “Slavery and Prison—Understanding the Connections,” *Social Justice* 27, no. 3 (2000): 195-102.

financial and political backers and stumped for enabling legislation to realize their goals as quickly as possible.⁴¹

In 1916, the Federal Road Act made funds for roads available to all states, to be distributed at the county level. *Southern Good Roads* ran an article that informed readers that the funding was targeted at constructing “post roads” for mail delivery and those roads that would facilitate interstate commerce. Roads and trails in National Parks could also benefit.⁴² To take advantage of this windfall, each county had to contribute matching funds toward construction projects. This situation worked to the benefit of North Carolina’s more prosperous counties but did little to help those that struggled financially. The state refused to step in and make up the difference, so the five-year funding program did not significantly improve the state’s roads. Since the federal funding could only assist counties in a position to match the aid, Berry worked with Pratt to formulate an ambitious plan for getting state funds for county road building that might provide for equitable distribution of the money.⁴³

⁴¹Miss H.M. Berry, “North Carolina to Take Another Step in Road Building,” *Southern Good Roads* 22, no. 3 (December 1920): 11. The article provides a chronological overview of the NCGRA’s legislative efforts.

⁴² “The New Road Partnership: The Federal Government Joins Hands with the States in the Tremendous Task of Building Better Roads,” *Southern Good Roads* 16, no. 2 (19 August 1916): 21.

⁴³ Walter R. Turner, *Paving Tobacco Road: A Century of Progress by the North Carolina Department of Transportation* (Raleigh: Office of Archives and History), 4-5.

Upon Pratt's entrance into the Army during World War I, Berry took up leadership of the organization.⁴⁴ She campaigned for legislative adoption of the NCGRA's proposed bill for a \$50 million state bond initiative to construct "all-weather" roads to connect the state's one hundred county seats and the major cities. The plan included the state's first gasoline tax and allowed each county to retain all automobile taxes and apply the revenue to road building (previously there was a 30/70 split of the tax income between the counties and the state).⁴⁵ Unlike the federal aid initiative, it assured equitable distribution to all counties, and did not require matching funds. In 1919, after legislators quashed the bill, Berry set out on a two year grass-roots campaign of stump speeches in all but a few of the state's counties. Reflecting their involvement in reform

⁴⁴ Harriet Morehead Berry served as his secretary in the NCGRA but did much of the organizing work of planning conventions and drafting legislation. She earned tremendous respect for her leadership and success, so much so that she has been honored as the state's Mother of Good Roads. See Papers of Joseph Hyde Pratt and Papers of Harriet Morehead Berry, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

⁴⁵ Turner, *Paving Tobacco Road*, 6. Both the 1916 Federal Aid Act and the 1921 highway funding bill in North Carolina were groundbreaking because they eroded the barriers between the federal government, the state, and the counties. For more on the way state and federal involvement in road building changed the relationship between the two government entities and helped to strengthen the apparatus of state power, see Tammy Leigh Ingram, "Dixie Highway: Private Enterprise and State Building in the South, 1900-1930" (PhD diss., Yale University, 2007), in Proquest Dissertations and Theses, [54](http://search.proquest.com.libproxy.uncg.edu/pqdft/results/132EF8F87BC20A65363/1/$5bqueryType$3dadvanced:pqdft$3b+sortType$3drelevance$3b+searchTerms$3d$5b$3cAND$7csch:Yale$3e,+ $3cAND$7c ti:$28Dixie+Highway:+Private+Enterprise+AND+State+Building+in+the+South,+1900-1930$29$3e$5d$3b+searchParameters$3d$7bNAVIGATORSS$3dsourcetypenav.pubtitlenav.languagenav$28filter$3d200$2f0$2f*$29,decadenav$28filter$3d110$2f0$2f*,sort$3dname$2fascending$29,yearnav$28filter$3d1100$2f0$2f*,sort$3dname$2fascending$29,yearmonthnav$28filter$3d120$2f0$2f*,sort$3dname$2fascending$29,monthnav$28sort$3dname$2fascending$29,daynav$28sort$3dname$2fascending$29,+flag s$3dORIGINALEMPTY+FT,+chunkSize$3d20,+fieldLimiters-global:Obj:ScholarlyInfo:UMISourceDatabase$3dADD,DAI,+date$3dLAST_N_YEARS,5,+ftblock$3d194000+1+194001,+DUPLICATIONREMOVAL$3dtrue$7d$3b+metaData$3d$7bUsageSearchMode$3dAdvanced,+dbselections$3d10000011,+siteLimiters$3dManuscriptType,+Language,+FDB$3dNONE$7d$5d?accountid=14604 (accessed 8 October 2011).</p></div><div data-bbox=)

initiatives as a whole, many local women joined in Berry's effort as paid organizers. They distributed propaganda and held membership drives across the state for the NCGRA. As a result of their efforts, membership in the group increased from just over 270 in 1919 to over 5,500 in 1921, the year the state funding bill passed.⁴⁶

As a key part of her strategy in winning approval of the legislation, Berry aggressively pursued support from the state's newspapers editors. She believed that framing the NCGRA's message favorably on the front pages and in the editorial sections offered the best method of raising awareness and support from voters and taxpayers.⁴⁷ In some cases, she wrote the articles and then forwarded them to the editor for publication under his byline. She also used Varner's *Southern Good Roads* as a tool to promote the legislation she supported.⁴⁸ Indeed, *Southern Good Roads* was an important tool in promoting Berry's work. Using the circumstances brought on by the war, the magazine highlighted the need for better roads to hold up under the heavy trucks required to move troops and supplies. In addition, the War Department donated surplus road building machinery not needed for the war effort to the states in order to assist in the construction

⁴⁶ For a brief summation of Harriet Morehead Berry's career with the NCGRA, see Jeffrey Crow, *Discovering North Carolina: A Tarheel Reader* (Chapel Hill: University of North Carolina Press, 1991), 155-159. Bickett had worked against passing the 1919 bill because he felt the state should neither loan money to the counties nor build their roads. Things changed with the inauguration of Governor Cameron Morrison, who wholeheartedly supported the NCGRA's initiatives. See Turner, *Paving Tobacco Road*, 6 and 11.

⁴⁷ See Ireland, "Prison Reform, Road Building, and Southern Progressivism: Joseph Hyde Pratt and the Campaign for 'Good Roads and Good Men,'" 125-157.

⁴⁸ In the end, the governor appointed Frank Page to the position. The governor had served as chairman of the State Highway Commission since its formation in 1915. Page was the first person hired to fill the position. See Turner, *Paving Tobacco Road*, 6.

of federal roads. The equipment included caterpillars, road rollers and graders, and concrete mixers.⁴⁹

While Pratt and Berry waged the state legislative campaign, Varner and other focused on finding ways to begin building county roads. The NCGRA saw road building as a problem of practical engineering that demanded statewide planning, with “no room for local feelings or county politics.”⁵⁰ Suggesting that the state send the tradition of relying on taxpaying citizens to take care of the roads to the “crap heap” because of the resulting inconsistent and poor quality roads, the NCGRA laid plans for a professional statewide road construction program based on a scientific approach.⁵¹ They organized and coordinated the work of county NCGRA branches to win support for local bond initiatives and pushed counties to increase taxes. With guidance from the NCGRA, county leaders used this money to hire skilled engineers to design and plan roads and acquired modern equipment and durable materials to build them.

To get the most out of the money county organizations raised through donations and local bond initiatives, as well as the matching funds some received from the federal government after 1916, NCGRA leaders embraced the tradition of sending county offenders to work on the roads. Supporters of the plan emphasized the obvious economic advantages of using convicts rather than spending their limited funds to hire free labor

⁴⁹ “Public Attitude on ‘Good Roads’ Has Undergone Change,” and “Army Equipment for Highway Work,” both articles published in *Southern Good Roads* 20, no. 2 (1920): 9.

⁵⁰ Harry Wilson McKown, Jr. “The Good Roads Movement in North Carolina, 1885-1921” (Master’s Thesis, University of North Carolina, Chapel Hill, 1972), 43 and 76.

⁵¹ “Progress Cannot Travel in Mud,” *Southern Good Roads* 1, no. 2 (February 1910): 15.

that might strike or quit at any given time. Because of the efforts of the NCGRA, the county chain gang system expanded to gain permanence and prominence in the building of the state's county roads.⁵²

NCGRA leaders promoted their plan by asserting that, "Good roads Make Good Men"; reforming the roads was a means to reforming the convicts who built them. Using their monthly publication *Southern Good Roads*, NCGRA spokespersons assured its readers that putting petty criminals – slaves of the state – to work on the roads instead of placing them in jails and in prison was in itself a reform measure. They pointed out that their plan not only used the available pool of cheap and abundant convict labor for the good of the state (instead of benefitting private industry), it also served to lift the morale and improve the character of the convict laborers through the "hard work" of road building and the "fresh air" of the chain gang camps. Good Roads advocates claimed that convicts on the chain gangs could "find a new life under God's sun in the fresh air, delving in dirt which will not soil his soul, developing his muscles by shoveling not fighting." Because of his efforts, so the argument went, the laborer would reap the reward of "seeing an accomplishment which is his, a mighty road extending over the

⁵² Blake McKelvey has argued that had it not been for the Good Roads Movement, the state would have followed the pattern of the Deep South and developed a plantation system to employ convicts. Instead, as inklings of the possibilities of using chain gangs for road building begin to appear, the state changed its laws in 1889 to allow judges to assign men with terms as long as ten years to road work. See McKelvey, "A Half Century of Southern Penal Exploitation," 117.

plain.”⁵³ Framing road building as a rehabilitative process that would transform minor offenders and even felons into productive members of society upon their release, the NCGRA concentrated on the beneficent aspects of road building for convict laborers and the future prosperity their work would bring to all classes of society. That the group worked so diligently to sell the positive aspects of the chain gang implies that not all were convinced.

The NCGRA’s campaign for building roads with convict labor gradually shaped legal custom in the counties by convincing local judges to bolster the size of chain gang forces. A 1919 letter to a county road supervisor working to build a chain gang suggested, “taking the matter up systematically with the judges.”⁵⁴ Road boosters encouraged judges not only to put more misdemeanants in the camps, but also to sentence both white and black felons, some with terms up to ten years, to the county chain gangs instead of to the state penitentiary.⁵⁵ Putting long-term felons on the roads provided a stronger workforce, since road contractors could train those men to do more skilled labor than the transient convicts who served only weeks or months on the gangs. Thus, men

⁵³ E. Stagg Whitin, “The Spirit of Convict Road Building,” *Southern Good Roads* 6, no. 6 (December 1912): 12. Whitin almost makes it seem that the chain gang’s main purpose is to uplift the convicts. Also see, “Convict Road Workers,” *Washington Post*, 10 June 1909, p 6. This article commended the use of convict labor, stating that there was “no better occupation for them, for their physical, mental, and moral welfare, than open-air labor on the roads.”

⁵⁴ Anonymous, to Ira B. Mullis, Supt of Roads, Monroe, NC, 2 October 1919. DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Prisons, 1912-1949, Folder: Prison Camps, 1917-1925, General and Miscellaneous, NCDAH.

⁵⁵ *N.C. Public-Local Laws*, 1913, chapter 463, as quoted in Steiner and Brown, *The North Carolina Chain Gang*, 45. Note that those sentenced to terms as long as ten years customarily would have been sent to the penitentiary, but the emphasis on building “Good Roads” and the NCGRA’s push to get as many men as possible on the gangs led to changes in sentencing.

whom judges might have sent to the prison in the past began serving their time working to build county roads.

During the first decade of the NCGRA's emphasis on expanding the convict labor force, black men almost exclusively populated chain gangs. By the early teens, however, county judges began to sentence poor white men to the camps as well. The policy change, perhaps a consequence of the increased number of road projects coupled with the migration of black residents to northern war industries, ensured that the work of road building could continue as planned. The sentencing of greater numbers of white offenders to the chain gangs forced county commissioners, who determined placement of the camps and hired personnel to operate them, to provide segregated spaces within formerly all-black gangs, or to create all-white gangs.⁵⁶ The possibility of creating white camps was one way in which to bolster the number of men available for work. A 1919 letter to a road supervisor noted, "I believe that the idea of establishing a white man's camp would tend to draw you a good many white men and bring up your force to a larger number than you could otherwise hope for."⁵⁷

Conflict emerged between state prison officials and the counties as a result of the NCGRA's pressure to divert felons to the chain gangs. As the NCGRA spread its

⁵⁶ In 1914, a New Bern newspaper wrote about the need for the creation of a "whites only" camp to accommodate the few white men that were being sentenced to the roads in Craven County. Segregation was thus deemed necessary even in the convict labor camps. See, "White Men will Work Roads," *New Bern Journal*, 5 October 1914. Article found in Good Roads Movement Clipping File, to 1975, North Carolina Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

⁵⁷ Anonymous, to Ira B. Mullis, Supt of Roads, Monroe, NC, 2 October 1919. DSS-SBC, Commissioner's Office, Subject Files: Box 8, Prisons, 1912-1949, Folder: Prison Camps, 1917-1925, General and Miscellaneous, NCDAH.

influence, state penitentiary officials had to contend with the county chain gangs for enough able bodied men to fulfill lease contracts. Penitentiary officials depended on receiving a large number of inmates from the courts to maintain the prison lease system. The state also needed a sufficient supply of prisoners to do the essential work of running the prison farms and providing upkeep for the facilities.⁵⁸ When judges began to sentence all but the weakest or most dangerous white and black prisoners to county chain gangs in order to build roads, officials at the state prison in Raleigh complained of not having enough men to fulfill its own needs and began a campaign to take control over the county camps. Indeed, such a limited number of men were entering the prison system at one point that officials had to delay a planned expansion of the state farm. Prison officials initially pushed back against county usurpation of the state's convict labor force by emphasizing the public safety concerns associated with placing potentially dangerous felons on gangs in proximity to local citizens. Despite its complaints about losing its labor to the county chain gangs, however, the state penitentiary continued to operate its prison farms, at least one rock quarry, and even a parallel system of camps building state (as opposed to county) roads, all relying on a mixture of black and white prisoners.⁵⁹

⁵⁸ McKelvey discusses this conflict at the very earliest stages of deploying chain gangs for roadwork, which seems to have predated the Good Roads Association's formation. He stated, "The rapid expansion of this activity decreased the number of state prisoners from 1300 in 1890 to 660 in 1905..." See "A Half Century of Penal Reform Exploitation," 117. Also see Darnell F. Hawkins, "State Versus County: Prison Policy and Conflicts of Interest in North Carolina," in *Criminal Justice History* (1984): 91-128.

⁵⁹ U.S. Census Records for 1910, 1920, and 1930 reveal that counties still held a number of prisoners in the jail, although it is impossible to say whether they were awaiting distribution to the chain gangs. These records also enumerate prisoners on state prison farms in Halifax County and Bertie County, and those working at least one rock quarry. In 1921, the state operated twelve road camps containing 500

Keeping a workforce of convicts at work on the roads represented a considerable logistical problem for counties, one that demanded a solution in keeping with the NCGRA's emphasis on frugal spending. The answer was the "portable convict cage," or a prison on wheels. Instead of having a stationary camp and transporting the men as progress dictated, portable cages enabled supervisors to relocate the camps as often as necessary. The first cages were constructed of wood and were described as wheeled "boxcar-like bunk houses constructed to hold thirty men." The wooden structures were unsatisfactory for a number of reasons, however. They were firetraps, easy to break out of, and difficult to maintain.⁶⁰ Chain gang organizers gradually turned to a more modern solution described variously as "steel cages" or "barred freight cars," which they valued for being both economical and secure. Triple-tiered bunks along both walls and a narrow center aisle created crowded conditions, and the height was seldom sufficient for the men to stand erect. According to one of the cage manufacturers, these negative aspects were "more than offset ... inasmuch as each convict has 14 sq. feet of open grating directly against each bunk and that he has the whole outdoors to breathe if he wants it."⁶¹ NCGRA leader J.A. Holmes explained, "To facilitate safety without expense or risk, each [convict] has one foot or hand manacled to a chain or rod," so one guard could easily

prisoners. Census records available online through <http://www.ancestry.com>. See, "Prison Wages to be cut by Board," *Raleigh News and Observer*, 12 January 1921, p. 3.

⁶⁰ McKelvey, 117.

⁶¹ Manly Jail Works, Dalton, GA, to Roy M. Brown, Raleigh Bureau of Institutional Supervision, 24 August 1925. DSS-SBC, Commissioner's Office, Subject Files, Box 8: Prisons 1912-1949, Folder: General and Miscellaneous, 1917-1927, NCDAH.

handle the night duty, thereby cutting operating costs. Holmes noted that, at a cost of \$500 each, the cages were “easily and cheaply made,” and they were “comfortable . . . [with] ample ventilation in the summer.” In winter, tarps draped the sides of the cages and a primitive woodstove heated the units. A hole on one end of the cage offered convicts a place to relieve themselves without having to leave the enclosure. Though usually fitted to house eighteen men, cages in use on North Carolina’s roads could be extended to accommodate as many as fifty convicts.⁶²

Aside from housing the convicts, counties needed men to supervise the camps and guard the men while they worked. The solution again reflected reformers’ desire to limit spending. County commissioners were responsible for hiring men to work in the camps and for allocating funds for camp operation, including salaries for the supervisors and guards. Because the camps were not a part of the county jail system, the men commissioners hired to guard and supervise the convicts did not receive any special training for their jobs. All hired personnel were white men, many barely out of their teens, and many times all of the convicts were black, a situation that set the stage for racial abuses. Commissioners paid camp employees poorly to do a job that required only that they force the prisoners to work. Although not sworn law enforcement officers, superintendents and guards held the power of life and death over the men in their charge.

⁶² J.A. Holmes, “Road Building with Convict Labor in the Southern States,” *Good Roads Circular* no. 3, 16 August 1902, (Washington: U.S. Office of Public Road Inquiries), Joseph Hyde Pratt Papers, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

The NCGRA achieved great success and grew rapidly, pushing each county to establish an affiliate and recruit dues paying members to support their work. County supporters usually included many of the leading men and women of the counties, those with the deepest pockets and the greatest political influence. As the NCGRA established its presence and swayed voters to its cause, state and local funding for county road building projects increased. Roads branched out across the countryside, representing a visible sign of progress and reform that leaders boasted about as they sold the state's attributes to any who would listen. North Carolina soon earned a reputation as the South's leader in the good roads movement, enabled through the exploitation of chain gang labor.

While the NCGRA consistently emphasized the many benefits to the convicts of life on the chain gangs and worked to expand the system statewide, the prisoners' welfare was clearly not the organization's priority. Convict welfare came under the purview of the State Board of Charities and Public Welfare (SBC), which was established by the post-Civil War constitution of 1868. The constitution stated, "the General Assembly shall, at its first session, appoint and define the duties of a Board of Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall report annually to the Governor upon their condition with suggestions for their improvement."⁶³ The SBC focused on developing guidelines and criteria for state and

⁶³ In Article XI, Sec. 7, the name was changed from the State Board of Charities in 1917 to the more inclusive State Board of Charities and Public Welfare. Prior to this change, the poor were the responsibility of county commissioners. "What's the State Board of Public Welfare and What are Some of

county institutions as it targeted poverty and its associated ills, including health problems, illiteracy, and criminality.

Prior to the twentieth century, inadequate funding and popular resistance to state interference in local affairs constrained the SBC's efforts to fulfill its duties, making it an ineffectual agency. Lacking the power to enforce its recommendations, the SBC could make little headway in implementing improvements.⁶⁴ The widespread view that individuals bore personal responsibility for their own circumstances exacerbated the department's relative impotence during its early years, and any attempt at state intervention in social reform efforts was an uphill battle.⁶⁵ The SBC gained momentum during the early twentieth century, however, as it benefitted from the developing national trend of transitioning many of the responsibilities of private welfare organizations, civic groups, and church affiliated charitable committees to state-sponsored initiatives.⁶⁶

the Things it Does?" *Public Welfare Progress* 5 no. 10, October 1924, 1-4. Located in the Nell Battle Lewis Papers, Box: Social Welfare 1922-1938, Folder: Welfare Department, North Carolina, NCDAH.

⁶⁴ In fact, an undated overview of the Board's formation and development stated that changes made to the budget so severely limited the agency that it "remained inactive from 1879 to 1889." DSS-SBC, Commissioner's Office, Subject Files, Box 1, Folder: Acts, Rules, and Regulations, NCDAH. Blake McKelvey contended in the 1930s that the SBC was essentially inactive prior to 1917, primarily because of lack of concern within the state for the welfare of prisoners at any level. Records indicate that this assumption was inaccurate. The agency was active but it was ineffectual until it had the money and manpower the job required. See "A Half Century of Penal Exploitation," 117.

⁶⁵ Resistance to perceived outside interference was particularly strong in the South, where traditionalism and localism, along with rural isolation, supported views of individual responsibility and distrust of intrusion by non-locals and the government into anything deemed as community affairs or personal business. The best study of the pursuit of progressive reform in the South, including North Carolina, is William A. Link's *The Paradox of Southern Progressivism, 1880-1930*. Link describes the tension as being between paternalist reformers and local traditionalists, a view I adapt in portions of my work.

⁶⁶ See Elna C. Greene, *This Business of Relief: Confronting Poverty in a Southern City, 1740-1940* (Athens: University of Georgia Press, 2003), especially Ch. 7, "The New South, Part II: Progressivism and

By the time that chain gangs became a major concern for the SBC in the late teens and early twenties, the state legislature had endowed the department with more funding, a larger staff. Even though the agency could not make demands on the counties or the state, its commissioner did have the power to issue subpoenas and command the appearance of witnesses whenever an investigation was necessary.⁶⁷ These improvements, as well as a name change to the more inclusive State Board of Charities and Public Welfare, transpired at the beginning of the governorship of Thomas W. Bickett (1917-1921). Governor Bickett earned a reputation as a progressive leader among both whites and African Americans that extended beyond state borders by supporting initiatives aimed at improving the conditions of North Carolina's black population. In working with chain gangs, he encouraged Superior Court judges to visit the camps so they might know which ones "respond[ed] most readily to plans for proper treatment and care of the men."⁶⁸ On the state level, he demonstrated his desire to treat African Americans fairly by issuing more pardons for black offenders than had any other governor before him or for decades thereafter.⁶⁹

the Welfare State through the 1920s," 128-152; and Anastatia Sims, *The Power of Femininity in the New South*, 125. A good example of viewing personal weakness as a social problem is the campaign for Prohibition. See William A. Link, *The Paradox of Southern Progressivism, 1880-1930*, 95-100.

⁶⁷ "Welfare Measure is Introduced in Senate by Scales," *Raleigh News and Observer*, 16 Jan 1917, p. 1; and "State Welfare Bill is Favored," *Raleigh News and Observer*, 25 January 1917, p. 7.

⁶⁸ Form letter with the salutation "My Dear Judge," from Governor Thomas W. Bickett, 9 March 1917. Papers of Governor Thomas Walter Bickett, Box 369: 1917 Correspondence, Folder: March 7-31, 1917, NCDAH.

⁶⁹ Nathaniel F. Magruder, "Thomas W. Bickett," *Dictionary of North Carolina Biography*, Vol. 1, A-C, William S. Powell, ed. (Chapel Hill: University of North Carolina Press, 1979), 151. In addition to

As was true for other southern leaders, however, Bickett held firmly to the tenets of white supremacy and was ever on guard against potential threats to the state's established racial framework. When the mayor of Chicago contacted Bickett to ask about the possibility of returning 25,000 African Americans who had migrated to the city for employment during the war, Bickett replied that finding jobs for the men would be no trouble. But he cautioned the mayor that North Carolina would not welcome any blacks who had imbibed northern ideas of social equality. In a 1920 speech concerning "Legislation for Negroes," Bickett first addressed the paternalistic view that the white citizenry had a "peculiar obligation to protect the negro in his life and property...and to help and encourage him in the pursuit of happiness." He went on to speak in support of a "teacher training school" for African Americans in the state, emphasizing that it was needed primarily because when black residents went to train in the North, they learned northern "ideals...some of which [had] a tendency to unfit them to be useful citizens in the South."⁷⁰ For Bickett, working to improve the lives of African Americans meant that the outcome of those efforts had to align with the racial mores of the segregated South. Bickett argued that the South continued to be the best place for African Americans to live, but behind that assertion was the knowledge that cheap black labor fueled the southern economy.

his other accomplishments, Bickett also established a parole system for county convicts. See, "Way of County Convicts Easier," *Raleigh News and Observer*, 18 February 1918, p. 4.

⁷⁰ Quotes taken from "Legislation for Negroes," 23 August 1920, a speech before the North Carolina General Assembly, found in *Public Letters and Papers of Thomas Walter Bickett: Governor of North Carolina, 1917-1921*, compiled by Sanford Martin, edited by R.B. House (Raleigh: Edwards & Broughton Printing Company, 1923), 72-73.

Even with the reinforced staff and increased budget made available to the SBC during Bickett's tenure, department inspectors rarely managed even one annual visit to each of the chain gang camps, the number of which fluctuated between fifty and seventy-five between 1900 and 1930.⁷¹ In keeping with the duties prescribed by the Constitution, the SBC's foremost concern regarding chain gangs was remedying the poor sanitation and inhumane treatment that prevailed in the labor camps. In 1920, the Commissioner of the SBC, Roland F. Beasley, expressed this attitude after an inspection of a chain gang camp in Gaston County. Beasley surmised:

It is an unchristian thing to confine white men, or even colored men, in such a place[cages], chaining them at night and requiring them to sit in there all day Sunday in the heat and flies.... To require men to eat, sleep, and live when not at work in such a place cannot possibly reform them, but if it makes anarchists out of them, we could not be surprised.⁷²

Political etiquette and SBC procedure demanded that Beasley give local authorities the benefit of the doubt and operate on the assumption that county officials were ignorant of the problems he uncovered. In this case, as in most others, the county representative responded to SBC criticism by explaining it away and denying any problems existed in the camps or jails. County officials typically distrusted the state agency and resisted their intrusion into local affairs, refusing to cooperate in resolving

⁷¹ Number of camps collated from United States Census records for 1900, 1910, 1920, and 1930. Documents available online through <http://www.ancestry.com> .

⁷² Roland F. Beasley, State Commissioner of Public Welfare, to R.K. Davenport, Chairman of the Board of Commissioners for Gaston County, 1 September 1920. DSS-SBC, Commissioner's Office, Subject Files, Box 146: Institutions and Corrections, Folder: Gaston County and City Jails, 1920-1946, NCDAH. Beasley's latent racial attitudes are evident in his phrasing, emphasizing the plight of white men first, and then recognizing that "even colored men" did not deserve the treatment he witnessed.

problems. On several occasions, SBC Commissioner Kate Burr Johnson commented on the antagonistic attitude many county officials displayed, declaring in one instance that problems might not have reached the point of criminal prosecution against officials if she could have “had one bit of cooperation” from the county. Another time she remarked that she was “frankly disappointed at the spirit” of camp authorities’ reaction to SBC reports.⁷³

Since visits to the camps were limited by funds and manpower, the SBC’s interaction with individual chain gang convicts was infrequent and seldom personal, and only rarely were the men able to speak freely to investigators. Camp guards and superintendents were often aware of pending visits from the SBC and closely supervised all outside contact with convicts, warning the men in advance of the consequences they would face should they make complaints or start trouble. Thus, rather than concentrating on the needs and complaints of the convicts, SBC inspectors primarily collected statistical information. Investigators filed reports on sanitation problems in the camps and collected data regarding the numbers of men held, their crimes, and their personal backgrounds. On occasion, convicts found ways to pass along information privately to inspectors, but always at great risk to themselves and never with any certainty that the recipients would take the messages seriously. The sentiment prevailed among SBC

⁷³ Kate Burr Johnson to J.W. Carroll, Gastonia, NC, 21 September 1922. DSS-SBC, Commissioner’s Office, Subject Files, Box 146: Institutions and Corrections, Folder: Gaston County and City Jails, 1920-1946; and Kate Burr Johnson to Effie Turner, 2 August 1926. DSS-SBC Commissioner’s Office, Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1929, all in the NCDAH. This incident is indicative of the conflict between localism and progressivism referenced by William A. Link in *The Paradox of Southern Progressivism*.

inspectors that convicts were prone to exaggerate the difficulties they faced in order to receive more lenient treatment or perhaps early release, and the general public tended to feel that as convicts, the men deserved no better.⁷⁴

One of the most active and successful commissioners for the SBC was Kate Burr Johnson, the first woman in the United States to serve as a state commissioner of public welfare, and the first woman in North Carolina to head a state agency. Women were at the fore in many of the reform organizations during the progressive years. Johnson and Berry were representative of the many white women involved in the state's progressive reform programs, expanding their reach beyond the work of women's clubs and church activities into the broader social and political realm. Examples of other North Carolina women who seized opportunities opened during these years were Jane S. McKimmon, who organized women extension agents in the state; Gertrude Weil, who led the woman's suffrage campaign and the League of Women Voters; and Nell Battle Lewis, a journalist who used her talents to assist the SBC and promote reform.⁷⁵

Prior to taking the position as the SBC's commissioner in 1921, Johnson had gained considerable experience promoting the cause of social welfare through voluntary

⁷⁴ Undated, Roy M. Brown to Kate Burr Johnson. DSS-SBC, Commissioner's Office Subject Files, Box 8, Folder: 1917-1927, NCDAH.

⁷⁵ On McKimmon, see LuAnn Jones, *Mama Learned us to Work: Farm Women in the New South* (Chapel Hill: University of North Carolina Press, 2002); for Weil, see Anne Firor Scott, "Gertrude Weil and Her Times," *Southern Cultures* 13, no. 1 (Spring 2007): 87-102, and Anastatia Sims, *The Power of Femininity in the New South: Women's Organizations and Politics in North Carolina, 1880-1930*, 48.

groups.⁷⁶ She worked with the Raleigh Episcopal Church doing charitable projects; helped organize and became president of the city's first Women's Club; served as vice-president for the North Carolina Conference for Social Services (1916-1917); was president of the North Carolina Federation of Women's Clubs (1917-1919); and joined the SBC in 1919 as director of Child Welfare. When the commissioner's position at the SBC opened in 1921, Johnson's reputation as a hard worker and innovative leader made her the unanimous choice for the job. She remained there for nine years.⁷⁷

Although Johnson was a strong supporter of woman's suffrage and maintained close ties with the League of Women Voters, she emphasized the need to keep partisan politics out of the business of welfare. She decried the way in which politicians used the state's penal system as a plum in the realm of political spoils, with governors appointing men to the State Prison Board solely on the basis of their affiliation and loyalty to a particular candidate, their contribution to campaign efforts, or their support for particular initiatives, regardless of their qualifications. Johnson complained that such a practice led to frequent turnover of prison officials and prohibited the development of sound penal

⁷⁶ The year 1921 marked a number of important accomplishments for women in North Carolina. Not only was Kate Burr Johnson chosen to lead the SBC, but also Harriet Morehead Berry succeeded in getting NCGRA legislation passed, and the first woman legislator for the state, 26 year-old Lillian Exum Clement of Buncombe County took her seat in the State General Assembly. On Clement, see Rob Christensen, "Women Waited a Long Time for This," *Raleigh News and Observer*, 11 January 2009, p. A1, where he notes that she was "pelted with rotten eggs and tomatoes" and endured ridicule from her congressional peers.

⁷⁷ Draft of obituary, 1968. Kate Ancrum Burr Johnson Papers, Collection No. 91, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC. Johnson and a fellow member of the North Carolina Women's Club visited Bickett shortly after his inauguration and encouraged him to appoint women to the "governing boards of the State Normal [School], Greenville Training school, and other educational, charitable, and penal institutions where women [were] especially

policy that focused on the prisoners. However, Johnson was not naïve. She was well connected within the state's circles of power, working behind the scenes and using her many allies to push the SBC's agenda. To assist her in maneuvering through the politics of reform, Johnson enlisted support from the Legislative Council of North Carolina Women as she made proposals regarding the institutions under the SBC's supervision and submitted budget requests to enable the agency to meet its obligations adequately. The Legislative Council was a new lobbying group organized in 1921 to serve as a "clearinghouse" for legislation proposed by seven of the major women's organizations in the state.⁷⁸

Johnson was not afraid to stand up to local politicians, although she often attempted to handle differences of opinion without generating publicity. In the 1920s, she broke a tie by selecting a Republican man to chair a local board of welfare instead of the Democratic candidate for the office. When politicians criticized her for abandoning her party, she rebuffed them by saying that she would do what was best for the SBC, regardless of politics. On another occasion, though she never spoke out publicly, she

interested and . . . capable." See, "Want Women on Institution Boards," *Raleigh News and Observer*, 20 February 1917, p. 5.

⁷⁸ Drawn from draft of Johnson's obituary, located in the Kate Ancrum Burr Johnson Papers, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC. Also see biographical sketch on Kate Ancrum Burr Johnson by Mollie C. Davis in the *Dictionary of North Carolina Biography, Vol. 3, H-K*, 295-296, William Steven Powell, ed. (Chapel Hill: University of North Carolina Press, 1988). Johnson left the SBC in 1930 to become superintendent of the State Home for Girls in Trenton, NJ, where she served until 1948. She returned to NC to serve on the Prison Advisory Commission under Governor Kerr Scott. She died in Raleigh in 1968 at the age of 87. Johnson did marry and raise two sons, but only their names appear in documents, with no mention of their influence in her work or her work on their lives. Her husband, Clarence A. Johnson, died in Sept 1922, a year after her appointment as Commissioner for the SBC. When she left to become Superintendent of the State School for Delinquent Girls in New Jersey in 1930, she went alone.

worked steadily behind the scenes, writing confidential letters to influential colleagues, to prevent the reappointment of George Ross Pou, the man the governor supported to head the State Prison Board. Johnson and Pou had consistently been on opposing sides of penal reform concerns during her tenure and she tried to use her connections to thwart his reappointment.⁷⁹

Johnson's position of leadership frequently placed her in the public eye, where she articulated a complex view on race relations in North Carolina and the connection between African Americans and the problem of crime. In 1923, as a participant in the American Prison Association meeting in Boston, Johnson noted that the disproportionately large percentage of blacks detained in the South's prisons and jails was a continuation of lawless conditions following the Civil War. In a 1924 speech delivered in Charlotte, Johnson explained that the prison system (including the chain gangs) had been developed for the purpose of controlling the black population. As a result, the SBC had to strive against the assumption that "anything is good enough for a 'nigger.'" Johnson criticized that mindset, likening the chain gang to the coffles of captured slaves led by "slave dealers."⁸⁰

⁷⁹ Kate Burr Johnson to unknown recipient, undated. DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: General and Miscellaneous, 1917-1927, NCDAH.

⁸⁰ Proceedings of the Annual Congress of the American Prison Association, Sept. 13-19, Boston, Mass (New York: American Prison Association, 1923), 232. Quoted in Fierce, *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933*, 90. The 1924 speech is located in the Kate Ancrum Burr Johnson Papers, Collection 91, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC.

Johnson's outspoken concern for the convict population was an expression of her paternalistic outlook. She challenged the conditions of convict labor and the use of prisoners on public roads, preferring that the state concentrate their labor on farms instead, but she did not question the injustices that led to disproportionately high black imprisonment. Even as she promoted improvement in convict living and working conditions, Johnson believed that blacks were not capable of improving themselves without white guidance. She joined many of the state's white leaders in the campaign for sterilization, and she advocated separation of the races in all things social, an idea shared by those who traveled in the same circles as Johnson.⁸¹

Johnson's position as SBC commissioner often placed her and the department she led in opposition to the economic aims of the NCGRA and politicians. Interference from the SBC, and inspectors' insistence that county officials comply with newly energized efforts to monitor the labor camps (after 1917) created tension among all groups involved with the chain gangs. In private correspondence and in state and local newspapers, government authorities, local politicians, and reform groups attempted to define and shape the role of the prisoners in the camps. The SBC's investigative reports sometimes generated negative publicity for local and state officials, as well as the NCGRA, causing

⁸¹ Frances Doak, who served in Governor Charles B. Aycock's administration and campaigned for subsequent Democratic gubernatorial candidates into the 1950s, provides insight into the attitude of progressive white women reformers regarding race. Writing to her daughter who was away at school in the North, Doak said, "I felt sure you would have the Negro problem arise. I believe you know my position." She went on to explain that she had always "done what [she] could as a citizen to help them..." but that she was convinced of the need for "separate schools, churches, playgrounds, and social activities" in order to prevent "eventual amalgamation of the two races." See letter dated 12 Nov 1931 in the Frances Doak Papers, Collection No. 329, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC.

friction between the agency and those who saw convicts as “instrument[s] with which to build and maintain roads.”⁸² SBC leaders went up against state officials, county level bureaucrats, businessmen, and local tradition as they sought to implement more humane living conditions for the prisoners in the camps and at times acted as advocates for the convicts. Johnson and those who assisted her sought to set the official standard for use of convict labor as they outlined their agenda for penal reform in the state.

Even though blacks in the penal system turned to the SBC for assistance, the state-funded SBC relied upon white social workers and primarily targeted white reform initiatives from its inception. Johnson believed that carrying out welfare work among the state’s white population was futile, however, as long as the “great masses of black people were left unheeded to spread their social evils into the white race.”⁸³ She sought funding to enable her agency to develop welfare programs for African Americans and finally, on January 1, 1925, the SBC received a grant from the Laura Spelman Rockefeller Fund that subsidized the creation of the Bureau of Work among Negroes, “the first of its kind in the nation.”⁸⁴

⁸² Quotes taken from a speech delivered by Johnson in Charlotte, NC, entitled “North Carolina’s Prison System,” (Nov 1924) Kate Ancrum Burr Johnson Papers, Collection No. 91, East Carolina Manuscript Collection, J.Y. Joyner Library, East Carolina University, Greenville, NC. Also see, “What’s the State Board of Public Welfare and what are some of the Things it Does?” *Public Welfare Progress* 5, no. 10, October 1924, p. 4. Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAAH.

⁸³ Quote from a prepared speech by Lawrence A. Oxley, 10 April 1925. DSS, Division of Work Among Negroes, Box 225, NCDAAH.

⁸⁴ “Special Report, Bureau of Work Among Negroes, State Board of Charities and Public Welfare,” by Lawrence Oxley, 31 March 1925. DSS-SBC, Commissioner’s Office Subject Files, Box 6, Folder: Negro Bureau, Reports of Organization Work, 1925, NCDAAH. A 1943 version of the report issued by then SBC Commissioner Annie K. Bost gives an overview of the Bureau’s goals and achievements from

Johnson recruited Lieutenant Lawrence Augustus Oxley to head the new agency. Oxley was an interesting choice to lead the organization. A black man born in Boston in 1887, he was educated at Howard University and his title referred to the rank earned during service in World War I. Oxley had traveled to Europe on at least two different occasions, had taught at St. Augustine College in Raleigh, and at the time Johnson contacted him regarding the new position, he was beginning a promising career in Durham's black owned and operated North Carolina Mutual Life Insurance Company. Letters of recommendation for Oxley came from C.C. Spaulding, head of North Carolina Mutual, and Mrs. Josephus Daniels, wife of the editor of Raleigh's paper.⁸⁵ Oxley's background and job status marked him as a member of the black middle class, but he had no experience to indicate he was suited for the job.

Johnson's selection of Oxley to lead the Bureau raises a number of significant points. Following disfranchisement in North Carolina, as elsewhere in the South, black men's opportunities to participate in the realm of formal politics were limited in the extreme. Religious and social work, avenues where women of both races had long been actively engaged within their communities, became virtually the sole arenas where black men could enter safely into the public domain. The professionalization of social work

its inception until the date of the report, 1943. "A History of the Unit of Work among Negroes," bound typescript issued by the North Carolina State Board of Charities and Public Welfare; date of issuance referenced in the script. Also see N. Yolanda Burwell, "Lawrence Oxley and Locality Development: Black Self-Help in North Carolina, 1925-1928," *Journal of Community Practice* 2, no. 4 (1996): 49.

⁸⁵ DSS-SBC, Commissioner's Office, Subject Files, Box 6, Folder: Negro Social Worker for the State, 1924, NCDAH.

that took place during the early twentieth century tended to place men in positions of control where women had always held sway. Social work, a respectable occupation, was acceptable to whites and could provide access to a world of power that was otherwise closed to African American men.⁸⁶

The new position at the Bureau afforded Oxley entrée into the highest offices of the state, giving him the opportunity to mingle with white politicians and business leaders as the agency's representative for the needs of black North Carolinians. Oxley worked hard to build a network of African American social workers and establish programs to aid the poor black population, but he understood that his role was to support the racial views that whites in the state had promoted since the turn of the twentieth century. Indeed, in seeking support from Johnson for the position, Oxley realized the importance of the role and emphasized his preparedness to fulfill its duties, as he explained, "For the last eight years I have worked in the Southland with White Southerners, and among my own race."⁸⁷ He understood the need to build relationships with whites who had the power to

⁸⁶ For an excellent account of the transition to professionalization and men replacing women in the realm of social work at the national level, see Linda Gordon, *Pitied but not Entitled: Single Mothers and the History of the Welfare State, 1890-1935* (New York: The Free Press, 1994).

⁸⁷ US Census Records, 1930; Ship's Manifest Pennland, 1927, both available online at <http://www.ancestry.com>. A 1928 article in the *Pittsburgh Courier* described how Oxley hosted the paper's editor, Floyd J. Calvin, taking him to the office of *Raleigh News and Observer* editor Josephus Daniels. From there, Oxley and Calvin visited the mayor's office and the state penitentiary, where they chatted with the superintendent of the state penal system, George Ross Pou. See, "Calvin Interviews Editor: Hon. Josephus Daniels Gives Rare Opinion," *Pittsburgh Courier*, 5 May 1928, p.3. Quote taken from letter from Oxley to Johnson, 5 December 1924. Located in DSS-SBC, Commissioner's Office, Subject Files, Box 6: Folder, Negro Social Worker for the State, 1924, NCDAAH.

facilitate improvement through budgetary or legislative means. His leadership skills and his notable success as the head of the Bureau in North Carolina later led Francis Perkins to tap him for Chief of the Division of Negro Labor within the Department of Labor during the New Deal, serving as part of what has since become known as the Black Cabinet.⁸⁸

Although the Bureau of Work among Negroes sought to build a network of black social workers in communities across North Carolina, the agency's focus remained in line with that of the SBC. Johnson defined the purpose of the bureau as the "intelligent study of negro life with its social problems and the development of programs in the community through the stimulating of co-operative self-help effort on the part of the negroes."⁸⁹ Following a Washingtonian model that emphasized self-help and hard work, the Bureau wanted to improve conditions for African Americans where they lived, encourage industriousness, and assist blacks in gaining access to funds from whites for education and health care. As head of an agency under the umbrella of the SBC, Oxley consistently worked for goals acceptable to whites.

⁸⁸ Nancy Joan Weiss, *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 71 and 154. Even though Perkins felt Oxley suited the needs of the Labor Department, when a position opened up for a national representative for the "welfare of the Negro during the Depression," Perkins did not believe that Oxley could meet the demands of that job.

⁸⁹ For instance, in January 1926, Kate Burr Johnson presided over the opening of a Winston-Salem meeting to train black social workers. "Will Train Negro Social Workers," *Raleigh News and Observer*, 04 January 1926, p. 5. Leslie Brown has argued that actions that looked like accommodation could really be meant as resistance by weakening of the bonds of Jim Crow. See Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008), 19.

Much like the SBC, the Bureau of Work among Negroes organized county boards, trained prospective social workers, and sought to gather statistical information on conditions among the black population. They could not create facilities, but could only suggest the need for them. The initial grant that sponsored creation of the Bureau provided funding to work within only four counties, and even then Oxley needed greater financial support. The state, which never funded the SBC adequately during these years, provided no financial aid to the Bureau, leaving it to Oxley to solicit funding to supplement the initial grant. When, during the first year of its operation, the Bureau selected a black woman to be Wake County's first "colored welfare worker," Oxley had to rely on "subscriptions from colored people of the county" to pay her salary.⁹⁰ The economic constraints on the Bureau were such that Oxley devoted much of his time to fundraising efforts. He sought financial support from the black middle class, from black and white women's groups, and from African American churches. Oxley asked rural congregations to commit to a donation of \$15 and urban black churches to contribute \$25 to the Bureau. Even black schoolchildren raised money for Oxley's work.⁹¹

The development of the juvenile detention system for African American girls under the age of sixteen illustrates both the limits of the officially sanctioned yet insufficiently funded Bureau of Work among Negroes and the strengths of North

⁹⁰ "Negroes to Have Welfare Worker," *Raleigh News and Observer*, 3 July 1925, p. 5.

⁹¹ Jeffrey J. Crow, Paul D. Escott, and Flora J. Hatley, *A History of African Americans in North Carolina* (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1992), 137; and "Negro Children Give to Survey," *Raleigh News and Observer*, 26 May 1928, p. 14.

Carolina's organized middle class black women. White women's groups had been successful in establishing reformatories for white and African American boys and white girls during the teens and twenties, and the state had agreed to support those institutions. But white women were unable to develop a place for troubled black girls, which Oxley recognized as "the most difficult social problem confronting North Carolina Negroes."⁹² Black women outside the Bureau of Work among Negroes and its small network of county agencies took it upon themselves to raise funds to build a home for African American girls. They succeeded where state agencies had failed.

After getting the institution for troubled African American girls up and running in the rural community of Efland during the early 1920s, the women continued to struggle to win state support. They believed that the state bore the responsibility to fund the home, just as the legislature had undertaken support of Stonewall Jackson Training School for white boys (1909), Samarcand Manor for white girls (1919), and Morrison Training School for African American boys (1923). The state legislature granted the home a \$2000 a year contribution toward upkeep, but the women reformers had to continue to rely on the largesse of private white and black philanthropists for maintaining

⁹² Lawrence Oxley, "North Carolina's State-Wide Welfare Program for Negroes," 511 and 514. Oxley's remarks were delivered in recognition of a two thousand dollar allotment from the state to the Efland home in 1927. As quoted in Sims, *The Power of Femininity in the New South*, 125. Oxley began remarking about the school for young African American girls as soon as he took over responsibilities at the Bureau of Work among Negroes. His initial report ended with a list of recommendations, and last on the list was the question, "Negro delinquent girls?" His next report, filed June 12, 1925, noted that he had "visited and inspected the new training school for Negro girls." DSS-SBC, Commissioner's Office, Subject Files, Box 6, Folder: Negro Bureau, Reports of Organization Work, 1925, NCDAH.

the home in Efland until the 1940s, when they paid off the mortgage and presented the facility to the state.⁹³

Despite the limitations under which he labored, Oxley became a respected leader within the state welfare hierarchy. His reputation, and the fact that North Carolina alone in the South operated a separate welfare unit for the black population, encouraged states outside the region to seek his expertise. In September 1928, the Women's League of Hartford, Connecticut, invited Oxley to speak at its annual statewide conference. The women asked Oxley to the event to provide advice on how to handle "problems of race relations" that were affecting the city as a result of black migration to the area. According to newspaper coverage of the event, Oxley "made a profound impression"

⁹³ The definitive source on the work of the Bureau of Work among Negroes is *Negro Child Welfare in North Carolina: A Rosenwald Study*, directed by Wiley Brinton Sanders (Chapel Hill: University of North Carolina Press, 1933), in which pages 50-69 discuss the girl's home. A primary source covering the building of training schools in North Carolina is "What's the State Board of Public Welfare and what are some of the Things it Does?" *Public Welfare Progress* 5 no. 10 October 1924, p. 2, in Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAH. The Industrial Home for Delinquent Negro Girls, a project backed by Charlotte Hawkins Brown and the North Carolina Federation of Colored Women's Clubs, opened in 1926 with space for only fifteen girls. For historical perspective on the home, see Sims, *The Power of Femininity in the New South*, 123 and 125. Samarca Manor, the institution for white girls, was approved for state funding in 1919, the same year in which the state established a system of juvenile courts for dealing with youthful offenders. See "What's the State Board of Public Welfare and what are some of the Things it Does?" *Public Welfare Progress* 5, no. 10 October 1924, p. 2, in Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAH. The Industrial Home for Delinquent Negro Girls, a project backed by Charlotte Hawkins Brown and the North Carolina Federation of Colored Women's Clubs, opened in 1926 with space for only fifteen girls. For the later years of the home's operation, see Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South*, 271-273. Aydlett disputes Brown's assertions regarding the final years of the women's involvement with the Efland Home, stating that lack of support forced closure of the facility. In 1943, the state finally agreed to fund temporary quarters for a home for young black girls. See A. Laurence Aydlett, "The North Carolina State Board of Public Welfare," 29-30.

upon the 800 people who assembled for his talk, and they rewarded him with “applause which was a tribute both to him and to his State.”⁹⁴

When Oxley left North Carolina to join the New Deal administration in Washington, D.C., the rising black leadership of that city did not view him so favorably. This younger group of black leaders eyed him as a figure in the mold of “Uncle Tom,” doing the white man’s bidding instead of taking a stand for the needs of African Americans. Ralph Bunche was particularly critical of Oxley, referring to him as the “champion pussyfooter of all pussyfooters” and naming him as the “head S.O.B. of all the S.O.B.’s” within the nationally recognized black leadership.⁹⁵

Although there were exceptions, most black reformers in North Carolina agreed with Oxley’s emphasis on racial uplift and respectability, operating within the proscribed bounds, striving for acceptance by and inclusion with the white middle class. Middle class blacks pursued educational achievement and economic progress and enforced high moral standards in their homes and communities. When possible, black and white middle class reformers collaborated in social reform efforts. Neighborhood clean-up programs were common among both white and black women’s groups and they shared the same aspirations of uplift for residents and beautification for properties. Collaboration between

⁹⁴ “Hartford Group Told of State Negro Work,” *Raleigh News and Observer*, 24 September 1928, p. 5.

⁹⁵ From a 1936 speech, quoted in Jonathan Scott Holloway, *Confronting the Veil: Abram Harris Jr., E. Franklin Frazier, and Ralph Bunche, 1919-1941* (Chapel Hill: University of North Carolina Press, 2002), p. 170-171.

black and white women was not always successful, however, and racial politics could sometimes supersede gender in determining alliances.⁹⁶

Class tensions existed among African Americans, just as they did within the white community. Those of the “better classes” often looked down upon the working poor with disdain for their failure to reflect well upon the race as a whole. To protect their own status, many in the black middle class took pains to separate themselves from the negative image most whites held of poor blacks. By contrast, those black community leaders who took a more activist stance, such as Durham newspaper editor Louis Austin, criticized the accommodation that elite blacks showed toward whites. Class tensions and divisions worked in both directions. Evelyn Brooks Higginbotham speaks to this class dynamic with African American clubwomen, showing that many non-elite club workers resented the attitudes of the elite black women who wished to become involved in their groups only to show off their finery.⁹⁷

In their remarks about crime as related to their race, African American leaders sometimes echoed the same attitudes as whites, often attributing criminal behavior to an

⁹⁶ Sims, *The Power of Femininity in the New South*, 50-59. In *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920*, Glenda Gilmore pointed out that black women in North Carolina sought and received a charter for a separate Women’s Christian Temperance Union (identified as WCTU No. 2) because they felt white women were overlooking them for leadership roles and undervaluing their contributions.

⁹⁷ Jerry Gershennhorn, “A Courageous Voice for Black Freedom: Louis Austin and the *Carolina Times* in Depression Era North Carolina,” *North Carolina Historical Review* 87, no. 1 (January 2010): 57. Austin’s career at the *Carolina Times* began in 1927 when he purchased the paper. He became an unflinching critic of racial inequality, especially during the World War II years. See Gershennhorn, “Double V in North Carolina: The *Carolina Times* and the Struggle for Racial Equality during World War II,” *Journalism History* 32, no 3 (Fall 2006): 157.

individual's personal failing. Black men and women involved in reform efforts understood the importance of distinguishing themselves from those men sent to work in convict labor camps. The black better class felt an obligation to criticize openly the actions of the "shiftless and rowdies" within their communities, fearing that by their actions these elements would close doors of opportunity to hard-working African Americans.⁹⁸ During the years of World War I, black elites echoed the message of whites, encouraging black men to remain in the South, because, "the indiscriminate exodus of Negroes to the North [would] prove very hurtful to the race." In addition, blacks risked "losing [their] place in the Southern labor market" by leaving behind their white friends.⁹⁹

The burden of responsibility for the behavior of the entire race fell on the shoulders of leading African Americans, as Glenda Gilmore and many other historians have noted, because whites tended to measure the worth of the entire race by the actions of the few. Black reformers worked diligently to secure their standing among their white counterparts, to better accomplish their goals.¹⁰⁰ Many black civic and religious leaders

⁹⁸ C.C. Spaulding, President of North Carolina Mutual Life Insurance, to Governor Thomas W. Bickett, 1918. Papers of Thomas W. Bickett, NCDAH.

⁹⁹ James B. Dudley, President of North Carolina Agricultural and Technical College, to Governor Thomas W. Bickett, 18 May 1917. Papers of Thomas Walter Bickett, Box 369: 1917 Correspondence, Folder: May 1-31, 1917, NCDAH.

¹⁰⁰ Glenda Gilmore says the status of the "best" man and woman within the African American community was "measured not just by his own behavior but also by that of any random stranger who happened to be African American." Gilmore speaks to the way in which the "best" women and men in black communities bore a responsibility to call out those who were acting in ways that besmirched the race. See *Gender and Jim Crow*, 63. These intra-racial class-based attitudes are highlighted in a number of works dealing with race relations in the New South and beyond. Also on North Carolina, see Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow*

advocated living right, maintaining respectability in the community, and putting aside vice as guidelines for men who wished to avoid the chain gang. Elite blacks occasionally even blamed lynchings on the victims instead of the mobs who carried out the acts, again emphasizing the need to establish class distinctions rather than allowing whites to view all blacks through the same negative lens. Assessing these statements in light of the precarious position of African American elites in early twentieth century North Carolina helps clarify the apparent callousness of their words. Blacks had to maneuver within a hostile Jim Crow system in order to make any social gains or maintain the positions they held, and they knew that leading whites were paying attention and would remember whatever they said in relation to crime or the justice system.¹⁰¹

Black elites in North Carolina seldom publicly endorsed equal political and social rights or contested white discrimination, as they had to survive in a politically and

South. For a broader view, see William Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865-1914* (Chapel Hill: University of North Carolina Press, 2004), which emphasizes that the “better class” of blacks tried to ban lower class participation in African American post-Civil War parades or celebrations. Also see Karen Ferguson, *Black Politics in New Deal Atlanta* (Chapel Hill: University of North Carolina Press, 2002) which carries the discussion into the 1930s when class distinctions among blacks determined who benefited from relief programs; and Victoria Wolcott, *Remaking Respectability: African American Women in Interwar Detroit* (Chapel Hill: University of North Carolina Press, 2001), which examines the way in which ideas of respectability translated from the South to the northern city of Detroit. Wolcott shows that respectability became a more fluid and personal measure of one’s life as women adapted to their new surroundings and necessities of earning a living. Cheryl Hicks discusses the importance respectable black families placed on keeping their families in line. Hicks explains that some even went so far as to enlist outside help in disciplining their children in order to protect themselves from criticism. So the pressure was not only from whites on the outside, it was exerted from within the “respectable” black community. See, “‘In Danger of Becoming Morally Depraved’: Single Black Women, Working-Class Black Families, and New York State’s Wayward Minor Laws, 1917-1928,” *University of Pennsylvania Law Review* 151, no. 6 (June 2003): 2077-2121.

¹⁰¹ Although lynchings were less common in North Carolina than in some of the states of the Deep South, they did occur. Raleigh’s *News and Observer* published frequent accounts of mobs trying to lynch black prisoners accused of assaulting white women.

socially oppressive environment. On some occasions, however, these goals came to the fore, as when they congregated annually to celebrate Emancipation Day and listened to visiting speakers remind them of freedoms won and lost. In 1921, Raleigh blacks celebrated Emancipation Day with a speech by Channing Tobias, a mulatto who was secretary of the International YMCA. Tobias, who lived in Washington, D.C., and had organizational connections with New York, delivered a powerful address in which he told his audience, “What we want...is the ballot...We protest against any kind of propaganda directed against a full and free exercise of freedom by all...regardless of race.” Tobias went on to decry the lynching and violence that was so commonplace in the South, saying that such things happened “when a community segregates a group of people, restricts their rights, [and] discriminates against them.” Marginalizing a segment of society in this way indicated that whites did not deem blacks worthy or contributing members of the community, with the result being that they could be attacked “with impunity.”¹⁰²

Tobias’ speech served as a strong rebuttal to the publicly endorsed rationale of blaming the victim who ended up on the chain gang or at the end of a rope. As powerful as his message was, however, Tobias moderated its import by reminding his listeners that “advancement must come from within,” by his audience making themselves “worthy.” The following year, Raleigh’s Emancipation Day crowd heard a local African American pastor declare that “diligence in industry, honesty, and religious fervor” were the “hope

¹⁰² “Negroes Endorse Election Enquiry,” *Raleigh News and Observer*. 2 January 1921, p.10.

of [the] race.”¹⁰³ Activism, the hallmark of Channing Tobias’ address, was not presented as an option. Whereas Tobias was not a North Carolina resident and could exercise the liberty to speak his mind without undue concern for his future prospects, for a local pastor, the risks of speaking out so boldly might have had dangerous repercussions. African American leaders in North Carolina understood that they would be risking their own security by openly criticizing the state’s racially discriminatory social, political, and economic environment. Democrats who had waged the white supremacy campaign that culminated in the 1898 Wilmington Riot, including the powerful Senator Furnifold Simmons, continued to be the driving political force during the first decades of the twentieth century. Indeed, disfranchisement in North Carolina by constitutional amendment in 1900 barely preceded the formation of the Good Roads Association that promoted expanding the racially biased system of county chain gangs.¹⁰⁴ Then-Governor Charles B. Aycock touted disfranchisement as the solution to the state’s “negro problem,” but his assessment of the state’s race relations was overly optimistic. Racial violence remained a constant threat for decades thereafter and could erupt at any time or place.

Common among most black and white progressive leaders was a sense of optimism about the state of race relations in North Carolina. Josephus Daniels, the white

¹⁰³ “Diligent, Hard Work, Remedy, Negro Says,” *Raleigh News and Observer*, 3 January 1922.

¹⁰⁴ Speaking to a convention of North Carolinians in Baltimore, Governor Aycock stated that the solution was “as far as possible . . . remove him from politics . . . [and] ‘let him tote his own skillet,’ quit coddling him.” “Negro Problem Solved,” *New York Times*, 19 December 1903. For an overview of disfranchisement in North Carolina, see Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), Chapter 8, “Defeating Fusion II, North Carolina, 1898-1900.”

editor of Raleigh's daily *News and Observer*, made this point during an interview that Lawrence Oxley had arranged with a reporter from the African American paper, the *Pittsburgh Courier*. Daniels welcomed the reporter by saying, "[Y]ou have never seen anything in the headlines of the Raleigh newspapers except good-will between the races."¹⁰⁵ Yet, while North Carolina enjoyed a national reputation for progressive race relations and was home to one of the largest contingents of prosperous African Americans in the South (in Durham), the majority of the state's blacks faced constant reminders of the barriers put in place by Jim Crow.¹⁰⁶ Any attempt at political involvement by black men or women made news with explicit reminders of the continued need to maintain white supremacy.¹⁰⁷

Despite efforts on the part of black and white reformers to foreground the state's racial moderation and progressive attitudes, most African Americans in North Carolina lived lives of uncertainty with no guarantee of either their physical or economic security.

¹⁰⁵ Interview of Josephus Daniels conducted by Floyd J. Calvin, published in the *Pittsburgh Courier*, 5 May 1928, p. 3.

¹⁰⁶ W.E.B. DuBois, the most noted critic of the enforced second-class citizenship of most African Americans, praised Durham, North Carolina, as being a place where black people could prosper without the interference of whites. DuBois was obviously speaking of the middle and upper class black population, arguing that if whites oppressed the advancement of African Americans, they would get the "shiftless, happy-go-lucky, semi-criminal man." W.E.B. DuBois, "The Upbuilding of Black Durham: The Success of the Negroes and their Value to a Tolerant and Helpful Southern City," from *World's Work* Vol. 23 (January 1912): 334-338. Text available online at *Documenting the American South, The North Carolina Experience*, at <http://docsouth.unc.edu/nc/dubois/menu.html> (accessed 2 August 2009).

¹⁰⁷ In 1923, the *Raleigh News and Observer* reported the "mistaken" appointment of a black man as a notary public in Hertford County. The article noted that Governor Cameron Morrison had "long since announced that he would not issue notary commission[s] to negroes," and had refused the appointment of the president of A. and T. College in Greensboro for the position. It is obvious from this article that regardless of the class standing of a black man in North Carolina, holding political office was not possible. "Negro is Appointed as Notary Public," *Raleigh News and Observer*, 26 October 1923, p. 1.

They understood that white ideas of progress could undermine black security. When editor of the *Progressive Farmer* Clarence Poe, inspired by apartheid in South Africa, began promoting legislation in 1913 to establish rural segregation, he framed it as a move to alleviate racial tensions. Poe's plan failed to gain support from North Carolina legislators, even though he emphasized the higher land values whites would enjoy if buyers were not concerned about living in proximity to black families. The need to continue using black tenant farmers and sharecroppers outweighed the desire to create white and black "townships" in North Carolina.¹⁰⁸

African Americans recognized the propensity of whites to react violently at the least provocation, regardless of what both white and black leaders said. Though conditions in the state were perhaps not as brutal as what prevailed in the Deep South, black North Carolinians did not expect the law to protect them. Almost weekly, the *News and Observer* reported either attempted or successful lynching incidents, even as it covered state representatives' refusal to vote for the 1921 federal Dyer anti-lynching bill. Speaking against the bill in a speech before Congress, North Carolina Representative E.W. Pou declared that, "Only southern men [know] of the problems to be dealt with in the South, and that with southern men there is nothing higher than the protection of the home." Implicit in Pou's statement was the prevailing attitude that white women faced a constant threat from black men who were intent on ravaging them at the first opportunity. Pou contended that change would come only when upstanding southern blacks exposed

¹⁰⁸ Jeffrey J. Crow, "An Apartheid for the South: Clarence Poe's Crusade for Rural Segregation," in Crow, Paul D. Escott, and Charles Flynn, Jr., eds., *Race, Class, and Politics in Southern History: Essays*

the offenders (accused rapists) instead of protecting them from prosecution.¹⁰⁹ Blacks, of course, recognized that they had no incentive to turn over anyone to county authorities, for they knew the likely consequences.

In northern urban centers, including Pittsburgh, Chicago, and New York, African American newspapers regularly published critiques of the inequality of southern justice and the region's frequent and highly publicized lynchings. North Carolina received its share of attention. Southern readership of these papers, particularly the *Chicago Defender*, was high among African Americans in the late 1910s and early 1920s because trains coming to the region distributed the paper.¹¹⁰ Northern journalists told southern blacks that North Carolina's chain gangs belied the progressive façade the state's leaders proclaimed.

From 1900 to 1930, North Carolina's progressives sought to define and control the state's agenda for reform. Men and women, white and black, took it upon themselves to identify and remedy social, political, and economic problems by soliciting the power

in Honor of Robert F. Durden (Baton Rouge: Louisiana State University Press, 1989). Also see Jack Temple Kirby, "Clarence Poe's Vision of a Segregated 'Great Rural Civilization.'" *South Atlantic Quarterly* 68, no. 1 (Winter 1969): 27-38. Poe was the son-in-law of Governor Charles Brantley Aycock, who was in office when the state passed the disfranchisement amendment in 1900.

¹⁰⁹ Pou argued that the law would actually increase the number of lynchings by removing the fear from southern blacks. "Strong Speech by Pou against Anti-Lynch Bill," *Raleigh News and Observer*, 20 December 1921, p.1.

¹¹⁰ The Great Migration did not draw as many African Americans from North Carolina as from states in the Deep South, but there was still concern over the obvious stream of black workers taking part in the exodus. "Migration of 5000 Negro Laborers Hurts Road Work," *Chicago Defender*, 25 April 1923, p. 1.

of the government to implement their programs. The county chain gang system became a point of intersection where the conflicting interests and goals of competing groups were particularly clear. Race became a dominant factor in placing men on the chain gangs and there was little to no criticism of that aspect of the system; in fact, reformers justified the discriminatory effects of racial justice as a legacy of slavery and the chaotic years that followed emancipation. Most blacks who ran afoul of the law during these years ended up working on the roads as part of a county chain gang, helping bring the state into the modern era with the backing of the NCGRA. Aware of their position and the leverage afforded by their numbers, many convicts sought to use the opportunities afforded by rising interest in reform to their advantage. The story of that struggle begins in the following chapter.

CHAPTER III

COUNTY CONVICTS AND THE JUDICIAL SYSTEM

[The] chaingang system was devised primarily to care for negro offenders guilty of things which prior to that time would have only necessitated adjustment between the master and slave.

Kate Burr Johnson, 25 June 1925

By the 1920s, county chain gangs had become integral to North Carolina's road building program. Unregulated expansion of the chain gangs to accommodate the state's growing need for roads led to greater visibility for the convicts and resulted in mounting criticism of the system. Economic, political, and social reformers sometimes engaged in contentious debate over the desirability of the chain gangs and the need to reform the system. They disagreed on how to handle the chain gangs, who should be in control of the system, and whether and how to deal with incidents of abuse and neglect in the camps. Their discord created an unsettled environment within which convicts found space to negotiate their own grievances and inform the debate. For some convicts, the locus of that space was the county judicial system.

Even during slavery, southern blacks had taken advantage of the semblance of justice offered by the courts. Slaves, whom the law categorized as property and not

persons, sometimes petitioned for and won their freedom.¹ Freedmen who migrated in great numbers to urban areas in the decades following the Civil War used the courts to defend themselves and their property against whites, and to press charges for wrongs they incurred. Whites in southern towns and cities responded to this intrusion into their space with increased policing and vigilance, using their power to remove vagrants from the streets and clean out areas where blacks congregated for pleasure.²

As a central part of the administration of justice and law enforcement, the judicial system was an important part of the white power structure within the South. Although Jim Crow laws that emerged at the turn of the twentieth century did not stipulate separate courthouses for the races, all understood that blacks were less than equal in the eyes of the law. Grand juries and county courts functioned as sites of racial oppression for African Americans. White juries determined guilt or innocence of alleged black offenders and white judges meted out punishment, leaving little room for African Americans to defend themselves and exercise their rights before the law. The number of black attorneys in North Carolina was extremely low, according to census numbers, rising to only 27 by 1930. For the same period, the number of white attorneys increased

¹ For how slaves used and were viewed by the law, see Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, NJ: Princeton University Press, 2000); and for an overview of how the southern criminal justice system evolved from antebellum days until the end of Reconstruction, see Christopher Waldrep, *Roots of Disorder: Race and Criminal Justice in the American South, 1817-1880* (Chicago: University of Illinois Press, 1998). Also see Laura F. Edwards, "The Politics of Marriage and Households in North Carolina During Reconstruction," 7-27, in *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, Jane Dailey, Glenda Gilmore, and Bryant Simon, eds. (Princeton, NJ: Princeton University Press, 2000); and Karin L. Zipf, *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715-1919* (Baton Rouge: Louisiana State University, 2005).

² Howard N. Rabinowitz discussed the changes in urban areas as blacks moved into growing towns and cities across the South in *Race Relations in the Urban South, 1865-1900*.

to 2,335. With no African Americans behind the bench or serving in juries, blacks had little reason to expect fair treatment before the bar.³

Black attorneys who sought to help those of their race accused of serious crimes sometimes had to flee for safety under threats of white retribution, often leading them to abandon the practice of criminal law and transition to the safer domain of representing black business interests.⁴ White attorneys who dared to represent black defendants faced even greater danger, particularly in the early 1920s, when the Ku Klux Klan had re-emerged and purported to be protector of white society.⁵ Yet, even against these odds, blacks did not allow themselves to be shut out of the justice system. Persisting in their struggle to protect their rights, southern blacks continued to turn to the courts to press charges against whites, or they appeared as sworn witnesses providing damaging testimony against them.

This chapter analyzes two highly publicized and controversial court cases that took place in North Carolina during the 1920s, both of which involved black and white

³Numbers derived from U.S. Census Data provided in Appendix 2, J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer, 1844-1944* (Philadelphia: University of Pennsylvania Press, 1993), 624; 626;629;632. North Carolina admitted its first African American attorney to the state bar in 1871. After a Supreme Court decision in 1939 requiring that states provide law schools for the black population if they were barred from enrolling in white schools, North Carolina Central Law School opened in Durham to serve blacks' needs. For the law schools, see 62-63. North Carolina did not entertain the idea of putting black men on juries until after the 1932 Scottsboro case highlighted the injustice of the South's all white judicial system.

⁴ Smith, *Emancipation*, 202 and 206.

⁵ In a March 1923 case in which two black sharecroppers from Shelby, NC, were attempting to sue the landowner for having forced them off the land, leading to the loss of their crop revenue, the white attorney who was assisting them (along with the two men) received threats from the KKK. They all received letters, signed by the KKK, which ordered them to leave town by the 15th of the month, *Raleigh News and Observer*, 19 March 1923.

convicts making accusations against white chain gang officials. The first case played out in Wake County, home to Raleigh, the capital of North Carolina, and one of the state's largest cities. The second case unfolded over the course of several years during the mid-1920s in impoverished rural Stanly County. Together, these cases reveal not only the efforts convicts made to improve their circumstances by attempting to prosecute whites, but they also emphasize the white response to their actions. The cases provide a window into the conflicts and tensions among North Carolina's social and economic reformers at both the state and county levels. They expose the struggle for control between those determined to uphold the status quo and those who sought to implement change. Most important, the two cases highlight how convicts worked to reform the chain gang system from the inside out.

One afternoon in early October 1922, twenty-year-old Robert Barnett walked into the office of Raleigh Attorney Oscar F. Johnson. The two men had become acquainted when Barnett, who was black, waited tables at the boarding house where the white attorney had previously lived. Barnett came to Johnson to ask for a twenty-five cent loan because, as the attorney later recalled, he was "just off the roads and broke," but could not work because he had been badly beaten while serving time on one of Wake County's several chain gangs.⁶ Barnett made no mention of why he needed the money, but he had a mother and sister in Raleigh with whom he lived and worked before his confinement.

⁶ Oscar Johnson appeared as attorney in criminal court, and Barnett may have also come to him for that reason. See "'Killed Off' His Policy Holders," *Raleigh News and Observer*, 8 September 1922, p. 2.

Since he had been working steadily prior to his arrest, Johnson likely trusted Barnett would repay the money once he had recovered from his injuries.⁷

Johnson not only loaned Barnett the money, he also suggested that he see a doctor for his injuries. Barnett agreed to see Dr. L.E. McCauley, a local black physician. McCauley's examination confirmed that Barnett had extensive bruising and lacerations over a large part of his body, along with an unhealed gash in his head. After receiving the doctor's report, Barnett and Johnson discussed what had happened on the chain gang and what they could do about it. They agreed that Johnson would begin the process of filing charges against the two men responsible for his injuries, Camp Supervisor E. Marcus Smith and a guard named Raymond Pendergraft. Having Johnson's assistance enabled Robert Barnett to take action, but neither man realized that by doing so they were setting in motion a series of events that would end in Barnett's violent death barely six months later.⁸

Barnett's complaints about his mistreatment on the Wake County chain gang signified the urgent need to reform the county convict labor system. The press acknowledged frequently the prevalence of abuse in the camps, on one occasion

⁷ Raleigh's directories over several years list Barnett holding positions first as a porter, then as a cook, and finally as a presser. His mother and sister appear at the same location, working as laundresses. See *Raleigh, N.C. Directory, 1918-1919* (Richmond, VA: Hill Directory Co., 1918): 157, where Barnett is listed as a porter; *Raleigh, N.C. Directory, 1919-1920* (Richmond, VA: Hill Directory Co., 1919): 172, which lists him as a cook; and *Raleigh, N.C. Directory, 1920-1921* (Richmond, VA: Hill Directory Co., 1920): 172, where he is listed as a presser.

⁸ Testimony, "Additional Evidence Submitted before the Joint Committee Investigation the Conditions in Wake County Prison Camp No. 1," 15 April 1923. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAAH.

remarking, “[W]hipping of prisoners [in county convict camps] has been practiced without any attempt at secrecy since time immemorial.”⁹ Unless the convicts themselves took action, it seemed that the system would not change. The point/counterpoint rhetoric of reformers published daily in the state newspapers either dealt with the chain gangs as case studies for reform or as essential components of economic progress. Debates focused primarily on what type of work the men should do and who should be in charge of the chain gangs; they largely overlooked the daily physical and psychological abuses convicts suffered. Neither the North Carolina Good Roads Association (NCGRA) nor the State Board of Charities and Public Welfare (SBC) concentrated on the personal experiences of the convicts who lived and worked in the camps they debated. To its credit, the SBC attempted to improve sanitation and impose humane guidelines for handling of county convicts. The SBC, however, lacked authority to secure implementation of any of its recommended reform measures, so the agency was primarily useful for the convicts as a way to instigate investigations and draw public interest to their concerns.

Shortly after taking on Barnett’s case, Attorney Johnson contacted Wake County’s grand jury and requested an immediate investigation into the activities of Supervisor Smith and Guard Pendergraft. Under North Carolina’s judicial system, not only did local grand juries issue indictments against alleged offenders, they also exercised investigative powers over county institutions of confinement. Grand jury

⁹ “Dudding Threatened Governor with Ku Klux for Inactivity,” *Raleigh News and Observer*, 16 April 1923, p.1.

members, made quarterly inspections of the courthouses, jails, county homes, and convict camps and filed reports on their findings with the Superior Court Judge. The men serving on the grand jury would thus have been familiar with the procedure for dealing with the chain gang and would have known the men in charge.

Wake County's grand jury responded promptly to Johnson's petition and initiated a special investigation of Smith and Pendergraft based on Barnett's charges. After visiting the camp and interviewing the black and white convicts held there, the grand jury determined that both Smith and Pendergraft were guilty of prisoner abuse, using excessive force, and violating prison camp rules as established by the county. On October 16, 1922, the grand jury foreman issued a statement in favor of Barnett, concluding, "We regret to say that after lengthy and very careful investigation, we find the prison regulation has been violated . . . and respectfully insist that Supervisor E.M. Smith and guard Raymond Pendergraft be discharged at once."¹⁰ The grand jury could only make recommendations for changes, however, since the investigation fulfilled the limits of the group's power over the chain gang. Hence, the foreman forwarded the grand jury findings to Wake County's Board of Commissioners, the men in charge of hiring and firing camp employees. It would be up to the Board of Commissioners to take action against the accused camp personnel. Although Robert Barnett was no longer a prisoner, it seemed his complaints would bring judgment to bear against Smith and Pendergraft, and the men would have to answer for his mistreatment.

¹⁰ Grand Jury Report, Wake County Superior Court, October Term, 1922. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

Instead of complying with the grand jury's recommendation to replace the two camp employees, which was their legal obligation, Wake County commissioners chose to conduct their own investigation. They intended to "give due consideration" to Smith and Pendergraft, men whom they had entrusted to operate the camp.¹¹ The commissioners selected three local men who had no connection to any of the parties to the investigation to assist the board chairman, and instructed the men to visit the camp and interview each prisoner concerning Barnett's claims.¹² On October 26, 1922, the committee spent several hours at the camp. They questioned prisoners, some as a group, and some individually without supervision, asking them whether Supervisor Smith or the guards had ever abused them or any other prisoners. The four-man committee found that all prisoners, both blacks and whites, supported Smith; none made any complaints, not even the twenty-two interviewed privately. The group reported back to the Board of Commissioners that they had found everything at the Wake County chain gang camp "clean, orderly, and in good condition," a catchphrase commonly used in local inspection reports of county penal institutions. Superior Court judges sometimes reprimanded local bodies who described convict camps in this way. These judges challenged county boards and grand juries to take their jobs seriously instead of shirking their duties. They admonished grand juries and boards of commissioners to stop accepting unsavory

¹¹ Grand juries constituted the "supreme power" and were supposed to be proactive in determining abuses of power within local penal institutions. Their determinations were supposed to be considered law. "The Working Grand Jury," *Raleigh News and Observer*, 15 November 1925, p. 4, and "Defer Action on Whipping Charge," *Raleigh News and Observer*, 17 October 1922.

¹² "Solicitor Asked to Probe Killing Negro Convict," *Raleigh News and Observer*, 28 March 1923.

conditions or rough handling as necessary or unavoidable components of operating chain gangs.¹³

Following its inquiry into the Wake County camp, the Board of Commissioners concluded that Smith was a “competent man” who fulfilled his obligations “in full recognition of his responsibility both to the county and to the men in his charge.”¹⁴

Without evidence against Smith and Pendergraft from their own investigation, the Board exonerated them and recommended no personnel changes for the camp; the two men kept their jobs, absolved in the public eye of any wrongdoing. To do otherwise would have been for the commissioners to admit that they had failed in their own duties by allowing an incompetent and violent man to manage the county’s bound labor force for nearly a decade.¹⁵ Perhaps the commissioners preferred to have such men handling the chain gang, believing harsh discipline was necessary to make the convicts obey and knowing that they had the final say in whether to fire them. Regardless, the grand jury’s lack of enforcement power, coupled with the autonomy of the Board of Commissioners, resulted in the failure of Wake County’s regulatory system to rectify abusive practices in the prison camp. Barnett had done as much as he could, but public officials had failed to

¹³ Committee Report to Wake County Board of Commissioners, 31 October 1922. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

¹⁴ Committee Report to Wake County Board of Commissioners, 31 October 1922. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

¹⁵ Smith had been employed at the camp for “eight or nine years” prior to the Barnett incident, which meant he had a lot of experience dealing with men on the chain gang and the Board of Commissioners would have repeatedly returned him to the job over the years. See Testimony of E.M. Smith, “Additional Evidence Submitted before the Joint Committee Investigation the Conditions in Wake County Prison,” County Court House, p.11, 19 April 1923, DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

fulfill their responsibilities. Neither the grand jury nor the Board of Commissioners interviewed Barnett or deposed Dr. McCauley. No public outcry arose over the Board's decision to retain Smith and Pendergraft, and media coverage of the incident in the newspapers quickly ended.

The matter might have ended there, but in January of 1923, only three months after attempting to file charges against Smith and Pendergraft, Robert Barnett again stood in Raleigh's city court accused of vagrancy and trespassing. The presiding judge pronounced Barnett guilty as charged and sentenced him to thirty days on the roads, plus costs of court, the standard punishment for the crime.¹⁶ Because judicial and law enforcement officials endorsed a policy of returning prisoners who had caused trouble in a camp back to that same camp if they re-entered the system for another offense, the judge sentenced Barnett to serve his time back at Smith's camp. Authorities believed returning prisoners to camps where they had caused trouble in the past ensured that the men never assumed that they could manipulate the legal system or that guards were unable to control them. Either the practice failed to take into account likely consequences for the returning convict, or it ignored them.¹⁷

Barnett was on his way back to the Wake County chain gang of Supervisor Smith, and he understood the implications. He had tried to take legal action against Smith, which

¹⁶ "Solicitor Asked to Probe Killing Negro Convict," *Raleigh News and Observer*, 28 March 1923. Clipping from DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps 1922-1923, NCDAAH.

¹⁷ Testimony of J.A. Stallings, 23 April 1923. "Additional Evidence Submitted Before the Joint Committee Investigating the Conditions in Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAAH.

had led to two highly publicized investigations of how the supervisor handled the men in the camp. Now Barnett had to face him again.¹⁸ As J.A. Stallings, the new road engineer for the chain gang, picked him up at Raleigh's city jail and drove him back to the camp, Barnett begged him not to let Smith and the guards shoot him. Stallings later recalled that he had taken Barnett's concerns seriously enough that when he got to the camp he had warned Smith not to harm the convict. Stallings suggested that Smith call him if Barnett became a problem.¹⁹

Barnett's concerns were prescient. The following month, on the morning of February 24, 1923, camp guard Bill Tilley shot him in the back as he was reportedly trying to escape. Barnett died the next day in Raleigh's St. Agnes Hospital of a shotgun wound inflicted under Smith's command.²⁰ At the time of his death, Barnett had already completed his thirty-day term at the time of the shooting, but he still had to work off his court costs. Witnesses later recalled that Barnett had approached Smith on several occasions prior to his death and sought to arrange for another prisoner to put up the money for costs so he could be released. Smith had refused to allow the transaction and kept Barnett at the camp.

¹⁸ Pendergraft had left the employ of the camp some time prior to Barnett's return. Later newspaper accounts hint that his leaving was a consequence of the investigation in October 1922. See, "Will Investigate Cruelty Charge," *Raleigh News and Observer*, 4 April 1923.

¹⁹ Testimony of J.A. Stallings, 23 April 1923. "Additional Evidence Submitted Before the Joint Committee Investigating the Conditions in Wake County Prison Camp No. 1." Department of Social Services, State Board of Charities and Public Welfare, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAAH.

²⁰ Testimony of Mr. Owens, County Coroner, 15 April 1923, "Additional Evidence Submitted Before the Joint Committee Investigating the Conditions in Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAAH.

Although not all convict deaths in North Carolina promptly resulted in coroner's inquests or public investigations, the notoriety Barnett earned by leveling charges against Smith and Pendergraft in the fall of 1922 should have made his subsequent death under the supervision of one of those same men especially newsworthy. In fact, even though so little time had passed since the earlier incident, Barnett's death initially gained little notice. The relative lack of publicity surrounding the shooting of Barnett led Attorney Johnson and investigators for the SBC to suspect that Wake County officials had covered up the event in order to protect themselves and Smith.²¹

At the prompting of Barnett's family, Attorney Johnson began an investigation into the shooting that soon put the story on the front page of the Raleigh newspaper. Johnson first questioned Wake County Coroner J.E. Owens about his failure to hold an inquest into Barnett's death. Owens replied that he had asked camp engineer Stallings, who had reported the death, if there were suspicious circumstances that might merit an inquest. The coroner stated that no one ever contacted him to suggest that there had been any foul play, so he had assumed the guard had simply done his job and prevented Barnett from escaping. Johnson next discovered that the March 1923 meeting of Wake's grand jury did look into Barnett's death as a matter of regular business, but the men exonerated both Smith and the guard Bill Tilley of any wrongdoing.²²

²¹ "Solicitor Asked to Probe Killing Negro Convict," *Raleigh News and Observer*, 28 March 1923. Clipping from DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps 1922-1923, NCDAH.

²² "Tempest in Teapot, Declares Evans," *Raleigh News and Observer*, 29 March 1923. The article stated that "Attorneys for relatives of the deceased negro" were expected to pursue an investigation.

The grand jury, comprised of different men from the one that investigated the camp in October 1922, found that not only was Barnett's death justifiable, but also that Smith was innocent of all charges of cruelty that prisoners had been "circulating" against him since the earlier incident. The grand jury concluded that the convicts' continuing accusations against Smith were "groundless and unfounded" and were "the result of a plan formed by prisoners... in hopes of breaking the discipline" of the camp. They recognized the prisoners' role in contesting camp conditions by attempting to undermine Smith's authority, even though they dismissed the men's actions as "groundless."²³ The grand jury admitted that the convicts were complaining about Smith and that the men were collaborating in this effort as part of a plan. This admission was contrary to what the committee for the Board of Commissioners had reported in 1922, when they reportedly found no prisoners had any grievances.

It is unclear exactly where the reports were "circulating," but the indication is that the complaints about Smith had filtered outside of the camp. And while some of the convicts involved in the campaign against Smith may have been in the camp during the 1922 incident, many new men would have joined the chain gang during the intervening months, adding more weight and complexity to the purpose of their actions against Smith. The convicts in the camp had clearly seized the opportunity created by Barnett's

²³ "Wake Road Camp Inquiry not Over," *Raleigh News and Observer*, 24 April 1923. Other prisoners in Smith's camp had apparently continued to find ways to keep rumors of abuses alive during the intervening months since the Wake Board of Commissioners exonerated camp officials. This is recognition on the part of the grand jury of the prisoners' role in contesting camp conditions, even though they dismissed the men's actions as groundless.

earlier actions and his death to draw more attention to themselves by targeting Smith and attempting to disrupt operations at the camp. That they all had an actual connection to either Barnett's attempt to press charges or his death is unlikely.²⁴

Attorney Johnson continued his inquiry by interviewing current and former convicts from Smith's camp. He uncovered a number of witnesses willing to testify about how Barnett died, including two white convicts who were serving sentences in the camp at the time of the shooting. The two men indicated to Johnson that there was more to the story than an ordinary escape attempt, which was how county officials were framing it.²⁵ The witnesses told Johnson that all the prisoners in the camp knew who Barnett was and about the trouble he had caused for Smith and Pendergraft by bringing charges against them. The convicts believed that Smith was out for revenge and "had it in" for Barnett. One of the witnesses, John Beck of Raleigh, recalled that on the day of the shooting he overheard Smith telling Barnett that he was going to take him back to camp from the work site and beat him. Beck also remembered hearing a guard say that Smith warned Barnett, "[If] he knew what was good for him, he would be leaving there." According to Beck, Barnett then ran and, without warning, guard Bill Tilley shot him in

²⁴ "Solicitor Asked to Probe Killing of Negro Convict," *Raleigh News and Observer*, 28 March 1923.

²⁵ "Conclude Wake Inquiry Monday," *Raleigh News and Observer*, 20 April 1923, p. 1. At the time of Barnett's death at the end of February 1923, the camp at Garner housed both white and black convicts. By the time of the investigation into his death in April, the camp had become exclusively white.

the back.²⁶ If Beck's story were true, both Smith and Tilley were guilty of deliberately murdering Robert Barnett.

In view of the witnesses' incriminating accounts, Johnson determined to act. Johnson believed that guards shot Barnett for the trouble he caused in the fall of 1922, and he wanted to hold Smith accountable for his former client's death. Johnson's efforts to find evidence against Smith drew significant attention from the press and "caused a stir among county officials."²⁷ The witnesses' own dislike for Smith's tactics and the fact that one of them had survived his time in the camp emboldened them to speak out against the supervisor. If they had stopped to think that they might also end up back in the same place one day, they might have hesitated.

Since the Wake County Board of Commissioners had nullified the October 1922 grand jury recommendation to fire Smith and Pendergraft, and the March 1923 meeting of a different grand jury had exonerated Smith and Tilley in Barnett's death, Johnson's options for proceeding were limited. He understood there was little likelihood of achieving satisfactory results by turning to either of these groups with his evidence.

²⁶ Beck was serving time for "possession of whiskey for the purpose of sale." See, "Immoral Women Get Last Chance," *Raleigh News and Observer*, 27 January 1923, p 3. Also see, Testimony of John Beck, "Additional Evidence Submitted Before the Joint Committee Investigating the Conditions in Wake County Prison Cam No.1," 15 April 1923; located in DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

²⁷ "Solicitor Asked to Probe Killing of Negro Convict," *Raleigh News and Observer*, 28 March 1923.

Johnson thus bypassed both the grand jury and the Board of Commissioners and went directly to Wake County's solicitor, William F. Evans.²⁸

While Johnson was hopeful for a quick response from Evans, the Solicitor was consumed instead with handling fallout from allegations of abuse within the state penitentiary emanating from the Prisoners' Relief Society in Washington, D.C. Earl E. Dudding, who had spent five years in prison for manslaughter, organized the group in 1914 after potential employers refused to hire him because of his criminal record. The organization's purpose was to aid prisoners and their families, as well as monitor and attempt to improve prison and jail conditions throughout the country. Dudding relied on charitable contributions for operating expenses and claimed support from a number of congressmen.²⁹

Dudding became a concern for North Carolina penal authorities after he wrote to the head of the state penitentiary in Raleigh, claiming to have evidence from inmates that guards were flogging both men and women at the institution, a disciplinary measure that was against regulations. The prison superintendent declared his intention to ignore Dudding's charges, and he found agreement among the remaining leadership of the state penal system. Solicitor Evans was responsible for defending the penitentiary against Dudding's allegations and advising penal officials. Governor Cameron Morrison also

²⁸ "Solicitor Asked to Probe Killing of Negro Convict," *Raleigh News and Observer*, 28 March 1923.

²⁹ Information drawn from a publication distributed by a group called "Lend a Hand," which declared that Dudding's relief society had done "far more in helping men to help themselves than any other organization of like nature." DSS-SBC, Prison Files, 1917-1931, Box 8, Folder: State Prison Investigation (Dudding), 1919, 1923, NCDAH.

went on the defensive to counter Dudding's negative remarks about the state. Morrison wanted to avoid a scandal and insisted that the state had nothing to hide in relation to its penal institutions. Solicitor Evans and Governor Morrison were not the only ones in Raleigh focusing on Dudding's accusations. The SBC, headed at the time by Commissioner Kate Burr Johnson, had undertaken an independent investigation into Dudding's claims, hoping to determine whether there was any truth in what he said. Commissioner Johnson remembered Dudding from her experience with him over five years earlier, at which time he had made similar accusations about the state prison system. At that time, Governor Bickett had responded that he did "not propose to let anybody from outside of North Carolina investigate any of our institutions."³⁰ The leadership of the SBC had agreed with Bickett and decided to ignore Dudding because they believed he was not a reputable source of information. Commissioner Johnson decided that this time the state needed to make Dudding "put up or shut up." She and her staff were still in the planning stages of their proposed investigation, however, when Governor Morrison instructed her to call off her plans. Morrison felt that taking any action would only generate more publicity, possibly give credence to Dudding's claims, and even "cause embarrassment" to the state. Rather than seek transparency to avoid any semblance of a cover-up, Morrison felt that denial was the safest route.³¹

³⁰ "No Jail Inquiry for Him," *New York Times*, 25 July 1920, p. 4.

³¹ "Mrs. Johnson Thinks State Should Make Dudding Put Up," *Raleigh News and Observer*, 14 April 1923, p.1.

In the aftermath of Morrison's decision to halt the SBC's planned Dudding investigation, newspapers across the state ran editorials in which they chose sides in the matter. In private correspondence, Commissioner Johnson and her colleagues in the SBC pondered the advisability of allowing the executive to prevent a government agency from carrying out its duty. The very thing that Morrison had hoped to avoid, increased publicity over Dudding's charges, resulted from his arbitrary decision to shut down the SBC's investigation. The power struggle to control the state's progressive image and the efforts of the SBC to fulfill its duties as part of a progressive social reform agenda clashed in the turmoil of the Dudding episode, and the power of the executive prevailed.³²

As the public followed newspaper coverage of the Dudding situation, the state Attorney General ordered all counties in the state to conduct investigations into their chain gang camps and report any problems. The counties had to comply with the orders of the Attorney General, even though the camps were not under the authority of the state. The investigations lasted several weeks, during which time they uncovered numerous problems related to mistreatment of prisoners and shoddy conditions in camps all over the state. Publishing the findings of the investigations regularly in the newspaper served to undermine Morrison's desire to avoid public confrontation regarding treatment of convicts in the state. Other than garnering daily press coverage that detailed problems in county convict labor camps, however, the extensive investigations yielded little more

³² Meeting in October 1923, the SBC decided it would postpone any investigation of the state penal system until such time that Governor Morrison completed implementation of promised reforms. *Raleigh News and Observer*, 10 October 1923, p. 8.

than an acknowledgement that the system needed improvement. The governor used the opportunity to take credit for undertaking such a broad study of convicts, which gave the semblance of concern and hinted at the possibility of change, but since the county chain gang system did not fall under state jurisdiction, he pursued no further action.

Attorney Oscar Johnson had done the legwork investigating the death of Robert Barnett; he just needed Evans to press the case. Instead of pushing forward with an investigation based on witnesses' testimony, however, Evans declared that there was nothing to indicate malicious intent on the part of Smith or his guards and that the turmoil over Barnett's shooting had become a "tempest in a teapot." To Johnson's dismay, Evans turned the matter back over to the Wake County Board of Commissioners, the same men who had ensured that Smith retained his position in the earlier confrontation with Barnett.³³ The Board of Commissioners had cleared Smith and Pendergraft in October 1922, so Johnson understood that they would be unlikely to listen to his evidence or take action against the superintendent. And the grand jury had already cleared camp officials. Johnson had struggled to have Barnett's case weighed by the judicial system, but with Evans' informal dismissal of the case, it seemed clear that was not going to happen.

Within days of Evans' remarks downplaying the charges against Smith and his men, Johnson's second eyewitness, Edward Reeves of Baltimore, wrote a letter to the man who had led the Board of Commissioners' four-man investigative committee in October 1922. In the letter, Reeves, who was still serving time in the camp, accused

³³ "Teapot Tempest, Declares Evans," *Raleigh News & Observer*, 29 March 1923.

Supervisor Smith of habitually mistreating prisoners, kicking them, and hitting them with sticks without cause. He confirmed fellow prisoner John Beck's version of events surrounding Barnett's death, recalling that Smith "had threatened to beat the negro and even advised him to take to the bushes" before the shooting occurred. On April 4, 1923, Raleigh's *News and Observer* reprinted Reeves' letter in its entirety.³⁴ Later testimony revealed that Reeves suffered the consequences of sending the letter. Smith had ordered that guards "put on a spike" on Reeves to punish him for airing complaints about what went on in the camp. With the publication of Reeves' letter, the county finally made a decision to look into the shooting death of Robert Barnett and Smith's treatment of the convicts retained in the Wake camp.³⁵

On April 18, 1923, just over six weeks after the shooting occurred, a joint committee consisting of members of Wake County's Board of Commissioners, agents from the county welfare department, and representatives from the SBC began a closed-door investigation into Robert Barnett's death.³⁶ The investigative committee was to decide whether the charges Barnett and Attorney Johnson pressed in October 1922 had contributed to the prisoner's death. The investigation lasted ten days, and the list of twenty-three witnesses included Beck and Reeves, the two white convicts who had provided evidence to Attorney Johnson, along with several other prisoners who were

³⁴ "Will Investigate Cruelty Charge," *Raleigh News and Observer*, 4 April 1923.

³⁵ Testimony of J.O. Wood, 19 April 1923, p.7, "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

³⁶ "Conduct Inquiry into Road Camp." *Raleigh News and Observer*, 19 April 1923, p. 7.

serving time in the camp when Barnett was shot. Other witnesses included doctors who had attended the prisoners; residents who lived in the neighborhood of the camp and who observed the men working under the supervision of Smith and his guards; and the engineer with whom Barnett pleaded on the morning of his return to the camp. The engineer spoke on Smith's behalf, as did several camp guards. Supervisor Smith rounded out the list of witnesses the committee interviewed.³⁷

Prisoners and their families testified to multiple abuses perpetrated by Smith and the guards, not only those related to what happened to Robert Barnett. They conveyed an image of camp life where officials kicked and beat prisoners at the least provocation and administered frequent floggings. Former convicts recalled Smith and his guards cursing and threatening prisoners, while they ignored camp regulations regarding upkeep of inmates. White prisoner J.O. Wood, who on the day of the shooting had offered to pay Barnett's court costs so he could be released, testified that guards punished Edward Reeves of Baltimore after he wrote the letter exposing the circumstances of the shooting.³⁸ A relative of another prisoner explained how Smith had "given [the convict relative] twenty licks," because he had complained to a visiting grand jury that his shoes

³⁷ "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH. Guard Raymond Pendergraft, who had been accused with E.M. Smith of abusing Barnett in October 1922, had resigned from his position sometime prior to the February shooting, as noted in the article "Will Investigate Cruelty Charge," *Raleigh News and Observer*, 4 April 1923.

³⁸ Testimony of J.O. Wood, 19 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

hurt his feet.³⁹ Support for the prisoners came from white farmer U.S. Howell, who lived with his family near the chain gang's work site. Howell said his wife and children had heard Smith beat Barnett twice "rather cruelly," and his son testified that he had observed the supervisor using a "stick so large [he] had to use both hands as he struck Barnett over the head and shoulders."⁴⁰

Speaking on Smith's behalf were the county doctor, current and former guards, and the camp's road engineer, all of whom vouched for the supervisor's integrity and commitment to his responsibilities. Dr. Z.M. Caviness testified that he believed Smith was "one of the most considerate men he had ever seen," and that prisoners' living conditions were "better than those of the average farm tenant."⁴¹ Guards described Smith as the best man they had ever worked under, denying ever having seen him mistreat or curse prisoners. J.W. Stallings, the road engineer to whom Barnett had pled his cause on the drive from jail to the camp, claimed Smith was "the most even tempered man" he knew and that he had never heard him curse or even speak crossly to guards or prisoners. Stallings contradicted his earlier statement of concern for Barnett's safety and his

³⁹ Testimony of Mrs. Kizzie Sykes, 19 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

⁴⁰ Testimony of U.S. Howell and Charles Howell, 25 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

⁴¹ Testimony of Dr. Z.M. Caviness, 19 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No.1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps 1922-1923, NCDAH.

recommendation that Smith contact him if the convict caused trouble. He testified that the convicts were free to come to him with any complaints, leaving the impression that Beck and Reeves might have fabricated their stories to cause trouble for Smith.⁴² A large number of identical sworn affidavits signed by current and former prisoners vouched for Smith's fairness and even temper in dealing with men in the camp.

When Smith appeared before the committee, he denied that Barnett's death was in any way related to previous events. He admitted to having made the statements other witnesses had overheard, warning Barnett about the consequences if he remained in camp, but he claimed to have meant nothing by it. He told investigators that he never thought "the fool" would take him seriously and try to escape. When questioned as to why he refused to accept the offer of prisoner J.O. Wood to pay Barnett's court costs, Smith informed the committee that he did not think the check would clear the bank and he did not want to release the prisoner without security.⁴³

The joint inquiry into Wake County's camp and Robert Barnett's shooting ended by the middle of May, but members of the investigating committee issued a statement indicating that they needed time to confer on their findings before submitting their final report. They told reporters that they planned to "clear up completely all the charges that

⁴² Testimony of J.A. Stallings, 23 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No.1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps 1922-1923, NCDAH.

⁴³ Testimony of E. Marcus Smith, 23 April 1923, derived from "Additional Evidence Submitted before the Joint Committee Investigating the Conditions in the Wake County Prison Camp No. 1." DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

have been lodged against the camp and its supervisor, E.M. Smith," presumably referring to the complaints convicts had been making since the public began focusing on the camp the previous October. Committee members intended to prepare a complete written report in time to send it to the upcoming grand jury meeting, the first Monday in June.⁴⁴

The group spoke in agreement in criticizing county physician Z. M. Caviness for failing to recognize the brutality of the floggings he witnessed. Camp rules required that guards and superintendents administer floggings only under the observation of the camp physician to ensure that they did not exceed the limit required to ensure discipline. According to the investigating group, Caviness had failed to fulfill his responsibilities toward both the convicts and the county that paid him. Aside from addressing public concerns about physical abuses against convicts, committee members commented on the need to improve the care of the convicts and suggested that camp personnel implement changes in sanitation, feeding, and housing of prisoners as soon as possible.

The committee concluded by exonerating Smith and Bill Tilley, the shooter, of any malfeasance in Barnett's death. The group agreed that Smith had an excellent reputation and was doing a good job. They did not suggest making personnel changes. The report concluded, "Any blame must be attached to the system rather than to the man."⁴⁵ Smith, according to this reasoning, was only guilty of fulfilling the duties required to maintain the system as it was. The message from the committee was clear;

⁴⁴ "Agree on Report on County Camp," *Raleigh News and Observer*, 19 May 1923.

⁴⁵ "Agree on Report on County Camp." *Raleigh News and Observer*. 19 May 1923.

Smith was still the right man for the job. With the assurance that his position was secure in spite of two rounds of investigations and the death of a convict, Smith had little incentive to change his ways or to instruct the men under his command to do so. The local white power structure that sustained the chain gang system was on his side and was willing to support him in spite of incriminating evidence. The endorsement of Smith was unanimous, which meant that representatives of the SBC, a state oversight agency, also failed in their duty to the prisoners.⁴⁶

When the Wake County grand jury met for its next regular session in June 1923, the body issued its own statement concerning the convict labor camps. The men accused other investigative groups of bypassing the grand jury's authority during the most recent inquiry into Barnett's death, and they defended the position they took after their own investigation into the incident in mid-April. At that time, the jury found neither Smith nor guard Bill Tilley guilty of any wrongdoing, and they believed that should have resolved the issue. The report they filed determined that Barnett had caused his own death by trying to escape another jail sentence and had not been fleeing a whipping, as subsequent inquiries suggested. The grand jury declared, "We doubt the wisdom of so many investigations, Camp No. 1 having been recently subjected to four separate

⁴⁶ Smith continued to work for the Wake County chain gang until his untimely death three years later, in 1926. His death certificate lists his age as 33 years and the cause of death was identified as Leukemia. North Carolina State Board of Health, Bureau of Vital Statistics, Standard Certificate of Death, 25 September 1926. Document available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_193-2979&fn=Marcus+E&ln=Smith&st=r&ssrc=&pid=457206 (accessed 7 April 2009).

investigations. We fear for the effect upon discipline and are apprehensive that untoward events may come."⁴⁷

Wake County's grand jury surmised that investigating problems in the convict camps created rather than solved disciplinary problems. They emphasized the likelihood that the lack of consensus and the public scrutiny of events created space for convicts to resist officials' authority and draw even more attention to the camps. Indeed, response to a negative report concerning the Guilford County convict camp shows how right they were. The Guilford County welfare committee wrote a scathing report to the county commissioners about the local chain gang, but its primary recommendation was the elimination of flogging. Reacting to this suggestion, the chairman of Guilford County's Board of Commissioners declared, "If they [the welfare board] won't let us handle them we will turn them over to the State." Two days later, the foreman of the camp resigned because, "The convicts, reading of investigations, reports and efforts made to make life easier for them, have become so difficult to handle."⁴⁸ Each public investigation and the publicity that accompanied it gave convicts room to influence the operation of the chain gang.

The ripple effect of the Barnett investigation went beyond the county level to include state prison camps. After the completion of the inquiry, Governor Cameron Morrison and George Ross Pou, Prison Superintendent, spoke with the heads of fifteen

⁴⁷ "Grand Jury Says Force Necessary," *Raleigh News and Observer*, 09 June 1923, p. 10.

⁴⁸ "Bad Conditions Found in Prison," *Raleigh News and Observer*, 04 June 1923, p.6; and "Guilford Convict Foreman will Resign," *Raleigh News and Observer*, 07 June 1923, p.2.

state prison camps and encouraged them to speak out if they witnessed any abuses taking place. Pou submitted a new list of regulations for the prison and its camps in response to the publicity over mistreatment of county convicts in the state. The most important change dealt with forms of punishment. Pou abolished the use of the whip and the dark cell for state prisoners, and he told camp supervisors if they could not abide by that rule, they should resign. These efforts did not affect the county chain gangs, however, because the state had no control over them and they were not a part of the state penal system. Counties had tried and failed to eliminate flogging in the past, however, so success in the state's prison system seemed unlikely.⁴⁹

What Robert Barnett had done in response to the beating he received in late 1922 was remarkable, given his circumstances. He was a black man living in a Jim Crow world of few privileges and intense discrimination. Barnett managed to overcome these disadvantages, reaching across the color line and blurring the boundaries of class when he went to white attorney Oscar Johnson for assistance upon his release from custody. He could not have known that he would soon be back in the same camp facing the likelihood of retribution from one of the men he had sought to remove from his position. He could not have foreseen that this foray into justice would end so tragically.

Barnett recognized his rights under the law, but the legal system failed to respect and uphold those rights. Still, while E. Marcus Smith retained his position as supervisor of Wake County's chain gang and authorities ruled Barnett's death justifiable, the

⁴⁹ "Supervisors are Pledged to Plan," *Raleigh News and Observer*, 24 May 1923, p.1.

investigations into the camp further complicated ongoing debates over conditions in the county convict labor camps and state prison system. Analyzing Barnett's experience discloses the friction between state and local authority and within the county system as well. Above all, Barnett's story reveals how dangerous it could be for convicts to expose the brutality of camp life.⁵⁰

During the same month that Robert Barnett faced the Wake County judge the second time in January 1923, another prisoner-driven investigation regarding chain gangs began in rural Stanly County, North Carolina. John Alton McIver, Clerk of Superior Court for neighboring Moore County, responded to "several reports from different sources of very cruel and inhumane treatment of [Moore County] men who had been sent to the Stanly County roads for crimes and misdemeanors."⁵¹ Surrounding counties sent their misdemeanants to Stanly County's chain gang, which meant that what took place there was of concern for a greater number of people over a wider geographic area. Some of the complaints McIver referred to originated from former convicts who spent time on the Stanly County chain gang under the supervision of Nevin C. Cranford.

⁵⁰ Testimony, "Additional Evidence Submitted before the Joint Committee Investigation the Conditions in Wake County Prison Camp No. 1." 15 April 1923. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Prison Camps, 1922-1923, NCDAH.

⁵¹ "In the Matter of the Road Force of Stanly County and the Alleged Cruel Treatment of Prisoners," 13 January 1923. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp 1925, NCDAH. It was customary for counties that did not have roadwork or chain gangs to send their prisoners to other counties. Therefore, Montgomery, Richmond, and Moore counties, which neighbored Stanly County, often sent their prisoners to Stanly County's chain gang. This explains why complaints against Stanly County are being dealt with in Moore County's Superior Court.

McIver opened his investigation into the possibility of abuse by calling in ex-prisoner Dan Ritter, a white man who had just completed a six-month term on the roads in Stanly County. The former prisoner described Superintendent Cranford as a violent man who regularly abused prisoners and treated them with contempt. He informed McIver that Cranford was so brutal that at least three guards had quit because they could not abide his cruel methods of handling the prisoners.⁵² Ritter told McIver that he had overheard Cranford warning prisoners that he “expected to bury every one of them there on the road before they ever got to go home.” He testified that Cranford refused to allow the men to relieve themselves during the night, forcing them to soil their clothes and then lie in their waste until morning. He remembered having seen Cranford whip a white convict “nearly to death” for “selling his sweater” to one of the guards, and on two different occasions, the superintendent had stripped and beaten a “big negro preacher” until “the blood spurted out” for “not eating his bread.”⁵³ Ritter’s testimony before McIver in January 1923 marked the beginning of an investigation that waxed and waned over the next three years, climaxing in early 1926 when Cranford finally went on trial on charges stemming from the deaths in 1918 of two black prisoners in his custody.

Former prisoner Dan Ritter’s revelations about Stanly County’s convict labor camp prompted McIver to request an investigation by the SBC. On February 10, 1923,

⁵² Sworn Affidavit, Dan Ritter, Moore County, NC, 13 January 1923. DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁵³ Sworn Affidavit, Dan Ritter, Moore County, NC, 13 January 1923. DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

SBC investigators W.B. Sanders and Roy M. Brown arrived at the Stanly County camp. The men noted in their report that the camp contained about forty prisoners, both black and white, and was under the control of Nevin C. Cranford, who had served in that capacity for the previous nine years. Sanders and Brown remarked that almost all of the men wore chains as they worked “at a furious rate of speed, almost in a frenzy of haste.” The investigators also observed that the prisoners were uncommonly silent, with no “sound of singing as [was] customary in many camps.” According to their report, the camp itself was comprised of three “traveling cages on wheels” arranged around a run-down farmhouse that served as quarters for camp personnel and provided a kitchen.⁵⁴

When Sanders and Brown began questioning Cranford about his treatment of prisoners, the camp supervisor invited the men to speak to the convicts themselves. The two men took advantage of this opportunity but soon found that most of the prisoners were too “thoroughly cowed and frightened to talk at all, with the guards watching them only a few yards away.” Sim Campbell, a black prisoner with four months left on his sentence, refused to offer any information about camp life, saying only that he “wanted to see his wife again.” One or two prisoners said they would talk to the investigators only after their sentences were up, but not before.⁵⁵ Sanders and Brown then spoke with three white prisoners, each of whom at first expressed reluctance to supply information about

⁵⁴ “Report on Visit to Stanly Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁵⁵ “Report on Visit to Stanly Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

Cranford, but eventually opened up. The two investigators asked a prisoner named Stainback Muse whether the incidents that Dan Ritter had testified to were true. At first, Muse would only say that “Dan ought to know,” but he confided that after his two remaining months were up and he no longer had to fear “being beaten,” he would say more. Muse, whom Sanders and Brown assessed as one of the “most intelligent” among the prisoners, then acknowledged that Cranford had “beaten [fellow prisoner] Sim Campbell’s head against an apple tree” and had come close to putting out another prisoner’s eye with a knife.⁵⁶ Prisoner Sam Brown told of being beaten three weeks earlier for “looking at a guard with a gun” and said that, even though talking to Sanders and Brown would likely lead to another severe flogging, “they couldn’t do more than kill him.”⁵⁷

While the black prisoners were initially less forthright in their responses to the questions Brown and Sanders asked, they were willing to show the investigators their wounds and scars from the chains around their ankles. The prisoners explained that, when guards first put the chains on, new men usually developed sores caused by the friction and swelling that went “all the way to the bone.” Since prisoners in the Stanly

⁵⁶ “Report on Visit to Stanly County Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁵⁷ “Report on Visit to Stanly County Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

camp wore the chains twenty-four hours a day, seven days a week, and lacked access to adequate medical treatment, the wounds never healed properly.⁵⁸

Brown and Sanders learned that prisoners worked six days a week and, with the exception of meal breaks, they spent Sundays locked in their cages. On rare occasions, a local preacher held services at the camp for the prisoners on Sunday afternoons, but Cranford discouraged this practice. Cranford also restricted visits from family members and read all outgoing mail, attempting to prevent the men from contacting the SBC, the local grand jury, or anyone else who might be working to improve conditions in the labor camps. Yet, the very presence of Brown and Sanders in the camp in 1923 reveals the limits of camp supervisors' control, since even the determined N.C. Cranford could not prevent former prisoners from exerting pressure on authorities for change in the camps.⁵⁹ Why Cranford was so willing to invite Sanders and Brown to interview the prisoners is uncertain, but perhaps he felt his control was so complete that the convicts were sufficiently fearful of the consequences of speaking out that he need not worry.

Cranford impressed Sanders and Brown as being proud and confident of both his tactics and his absolute authority over the men in the camp, so much so that he showed them the leather whip he used to flog prisoners. Brown and Sanders noted that Cranford seemed oblivious to the fact that each flogging represented a violation of state law, and

⁵⁸ "Report on Visit to Stanly County Road Camp," DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁵⁹ "Report on Visit to Stanly County Road Camp," DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

he shrugged off the information as though it were of little consequence.⁶⁰ Cranford explained that he was an upstanding and well-respected member of his community, mentioning his position as a steward in the Methodist church to substantiate this claim. He admitted having no written rules or regulations for the guards or the prisoners and that he had no other means of punishing the men than flogging. In the view of Brown and Sanders, Cranford had “no idea that he [was] particularly brutal in his treatment of prisoner,” but that ignorance had not prevented him from retaining his position at the camp for nearly a decade.⁶¹

Disturbed by conditions in the Stanly County chain gang, and appalled that Cranford seemed unfazed by the illegality and brutality of his actions, Sanders and Brown pursued their investigation further. The two men set up a meeting with Stanly County’s Attorney, W.E. Smith, and the Chairman of the county’s Highway Commission, G.D. Troutman, at which they discussed the situation in the labor camp at length. Both Smith and Troutman expressed their belief that “the only way to appeal to a nigger is through his hide,” conflating their perception of race with the identity of the convicts, and relegating poor whites in the camp to the same derogatory category of “nigger.”⁶² Smith

⁶⁰ The illegality of flogging Brown and Sanders reference evidently refers to the lack of a county ordinance allowing flogging on the chain gang. Though most counties practiced flogging, few actually had the required authority from County Commissioners to do so. “Mrs. Johnson Thinks State Should Make Dudding Put Up,” *Raleigh News and Observer*, 14 April 1923, p.2.

⁶¹ “Report on Visit to Stanly County Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁶² Since the Stanly County camp held men of both races and both groups were treated with equal disregard, the use of the term “nigger” seems to connote class as much as race in this instance.

and Troutman told Sanders and Brown that, as long as the convicts were in good enough physical condition to do the work required of them, what Cranford did to the prisoners did not matter. Troutman told the investigators that he was satisfied as long as the men were treated as well as the mules, while Smith maintained that the “prisoners were no good at all and did not deserve humane treatment.” When Sanders and Brown reminded the county officials that many of the prisoners were there only because they were poor and “had no influence,” Smith and Troutman responded that such men belonged in a prison camp.⁶³ As the two county officials saw it, regardless of their color, all chain gang convicts were on the same level and deserved equally inhumane treatment. Cranford met officials’ expectations in handling the convicts and satisfactorily fulfilled his obligations as camp supervisor.

The interview with Cranford, followed by the meeting with Attorney Smith and Highway Commission Chairman Troutman, left SBC investigators Sanders and Brown nonplussed. The attitudes county officials expressed so openly helped explain why Cranford so casually flaunted his abusive practices; he knew he had the backing of the men who placed him in charge of the convicts. If Smith and Troutman were any indication, sympathies within Stanly County ran strongly in favor of Cranford and there would be little concern for the convicts. As Sanders and Brown experienced firsthand the extent of official local support for Cranford and disdain for the prisoners’ well-being, they concluded their investigation of Stanly County’s labor camp by saying they “did not

⁶³ “Report on Visit to Stanly County Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

believe the county authorities will cooperate in the least since they believe the existing conditions are all that are necessary or desirable.”⁶⁴ Lacking enforcement power, SBC investigators could legally do no more than write up their report and make recommendations.

Stanly County prisoners persisted in contacting the SBC even though investigators were unable to effect change in the labor camp. They kept investigators informed and took advantage of subsequent regular visits by SBC representatives. Prisoner activism prompted so many visits from state investigators that, in August of 1925, Roy M. Brown received a letter of complaint from Z.V. Moss, Superintendent of Public Welfare for Stanly County. Moss reprimanded Brown for bypassing the local welfare board by continuing to make unauthorized, unannounced visits to the convict labor camp and by responding to “unreliable and exaggerated complaints” emanating from the prisoners against Cranford. Moss, who should have been siding with the SBC, claimed that he had personally visited the camp on a regular basis, and “always found things in good condition, prisoners well-treated, wholesome food, sanitary conditions, [and] comfortable sleeping quarters.” Moss said the local grand jury had also visited the camp on several occasions, and had never found a reason to bring charges or demand changes.⁶⁵ The SBC had worked since 1917 to develop a network of county welfare

⁶⁴ “Report on Visit to Stanly County Road Camp,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁶⁵ Z.V. Moss to Roy M. Brown, 22 August 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

boards to enable and support its initiatives, but in Stanly County, Moss was taking a stand against the state agency.

In response to Moss' letter, SBC investigator Brown agreed to cooperate in a joint visit to the camp on August 26, 1925. In what Brown later considered to have been an event staged for his benefit, Cranford met Moss at the camp to interview prisoners and discuss reports of abuse. Standing by Cranford at that visit were one of the camp guards, along with Dr. C. M. Lentz, the county physician responsible for care of the prisoners, and G.D. Troutman, chairman of the county road commission whom Brown had met earlier. Brown described these three men as an "amen chorus" on behalf of Cranford, declaring that "the thing was a farce [and] that not one prisoner in a thousand would tell the truth under the circumstances."⁶⁶ He presented Cranford with a list of allegations drawn from his repeated visits to the camp and from testimony of current and former convicts. Brown noted that Cranford initially denied all accusations, and then seemed to waver on what actually happened, until he finally offered a qualified explanation of particular events in question. Brown remarked later that he felt that none of those from the county camp or the local welfare organization understood why he kept pursuing his investigation into the Stanly camp. He felt they were "closing ranks," believing that, if the time came, any local jury would believe the word of local white authority figures

⁶⁶ Report on Stanly County Road Camp 26 August 1925, p. 6. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

before they would accept the testimony of chain gang convicts or outsiders from Raleigh.⁶⁷

Prisoners had informed SBC representatives that Cranford had attempted to drown one of the convicts, that he had hung another up by his heels for several hours, and that he used sharp wire to hang another prisoner by his wrists for an entire day. The most egregious incident Brown questioned Cranford about was the reported dragging death of a 38-year-old black prisoner named Henry Wooten. Several prisoners had told Brown that Cranford typically ordered guards to drag Wooten behind the tractor whenever he complained of being unable to walk. Cranford followed along behind the tractor, throwing large rocks at the prisoner to compound his punishment. Prisoners reported that this abusive practice led to Wooten's death in May 1925, less than a month after his arrival at the Stanly camp. Cranford denied ever having dragged Wooten, eventually asserting that other prisoners had done it as a joke. Dr. Lentz, the county physician who was with the group supporting Cranford, admitted knowing about the dragging incident but refused to reveal how he learned of it or who was responsible. He had reported that Wooten died of "heart dropsy."⁶⁸

As the story of Cranford's brutal reign as camp superintendent unraveled, former white convict S.P. Thompson came forward in September of 1925 to disclose what had

⁶⁷ Report on Stanly County Prison Camp. 26 August 1925. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁶⁸ Heart dropsy is another name for congestive heart failure. Report on Stanly County Prison Camp. 26 August 1925, p. 4-5. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

occurred during a four-month sentence on the Stanly County chain gang in 1918, seven years earlier. The judge in Thompson's case had ordered that he serve the first two months of his sentence, at which time he was to be released to harvest his crops before returning to complete the remainder of his sentence. Thompson recalled that when he showed his commitment papers to Cranford upon his arrival in camp on August 18, 1918, in response to which the superintendent shouted, "I have a notion to beat you to death." Cranford did not allow Thompson the allotted time to tend his crops. Thompson claimed that while at the camp, he had witnessed Cranford inflict injuries on many of his fellow prisoners and declared, "It would take ten sheets to tell all the unmerciful and brutal treatment inflicted upon the convicts while I was out there."⁶⁹

The most important aspect of Thompson's testimony was his recollection of the details concerning the deaths of two black prisoners in 1918 at the Stanly camp. Thompson said he was working between the two men, James Terry and James Howell, when they fell to the ground and called out to Cranford to let them go to the shade and rest. The two had complained the day before that they were sick and they had since been unable to eat anything, but the superintendent had forced them out with the work gang that morning. Thompson recalled that Cranford responded to their pleas by cursing them, while beating first one and then the other with a four and a half foot long stick. After the beatings, Cranford thrust the smaller end of the stick down the men's throats until "the

⁶⁹ Sworn Affidavit, S.P. Thompson, Montgomery County, NC, 26 September 1925. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

blood ran out.” Thompson testified that both men died later that evening.⁷⁰ Dr. Lentz indicated on Howell’s death certificate that he had died of “heat prostration” and that his occupation was road construction. The death certificate for James Howell notes the date of death as August 7, 1918. The document makes no mention of the Stanly County chain gang, although it identifies Cranford as the informant.⁷¹

Supplementing Thompson’s testimony was another white former prisoner named Sam Brown. Brown not only reiterated the many acts of cruelty for which Cranford was responsible, but he also explained that the convicts were regularly warned against revealing what went on in the camp to grand jury visitors or SBC investigators. He stated that Cranford always knew when to expect the grand jury, and he told the convicts he would “get even” with them if they told anything. The former prisoner recalled that once when several men confided some of the “mildest things” to SBC inspectors, Cranford beat them.⁷² A white prisoner named Charlie Lisk confirmed Brown’s testimony. Lisk recalled, “Always, the day before the Grand Jury was to visit the camp, Cranford would line up the prisoners” and tell them, “You can tell anything you want to, but if you hand me a shady deal, I’ll hand you one back.” Lisk concluded that all the men knew what

⁷⁰ Sworn Affidavit, S.P. Thompson, Stanly County, NC, 26 September 1925. DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp 1925, NCDAH.

⁷¹ North Carolina State Board of Health, Bureau of Vital Statistics, Standard Certificate of Death for James Howell, available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_86-2637&fn=James&ln=Howell&st=r&ssrc=&pid=96784 (accessed 21 April 2011). Death Certificate for James Terry unavailable.

⁷² Sworn Affidavit, Sam Brown, Stanly County, NC, 22 October 1925. DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp 192, NCDAH.

Cranford meant.⁷³ Since each new grand jury that confided in Cranford consisted of a different group of white men from within the county, it appeared there was collusion in ensuring that the camp continued to operate as usual.

Thompson's testimony about the death of the Terry and Howell in 1918 did not surface until September of 1925, in the middle of the three-year long SBC investigation into Cranford and over seven years after the incident occurred. During the intervening years, black and white prisoners from Stanly and surrounding counties repeatedly registered complaints about Cranford after they had served their sentences. The former convicts exerted so much pressure on the judicial systems of Stanly, Montgomery, Richmond, and Moore counties (all of which sent prisoners to the Stanly camp) that Cranford and his camp became the subject of national news stories. The prisoners also contacted the SBC and convinced that group of the need for a complete investigation of the Stanly County camp. The repeated reports of Cranford's actions kept the camp under the constant scrutiny of the SBC, as investigators worked to build a case against the camp superintendent.

By the end of the first week in October 1925, concern over the operation of Cranford's camp grew even stronger among investigators of the SBC and judicial officials. Prompted by the testimony of so many current and former prisoners, and disturbed by the presumptuous and complacent attitudes of Stanly County officials, SBC Commissioner Johnson submitted the group's summary report to Rockingham Judge P.A.

⁷³ Substance of Statement of Charlie Lisk, undated, Stanly County, NC. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Stanly County Prison Camp 1925, NCDAH.

McElroy and Richmond County attorney Don Phillips. Phillips expressed his intentions to undertake an investigation into the SBC's allegations against Cranford, suggesting that if evidence warranted, he would convene a Grand Jury to indict the Stanly County superintendent on criminal charges for causing the deaths, of James Howell and James Terry in 1918, and of Henry Wooten in 1925.⁷⁴

The day after news of a possible criminal investigation appeared in the Raleigh paper, Cranford issued his own statement. Cranford contended that the entire drama over his handling of prisoners at the Stanly County camp was a political ploy perpetrated by local Republican attorney I. R. Burleson, who was assisting Phillips in the prosecution. Cranford and his supporters accused Burleson of trumping up the charges and orchestrating the SBC's continuing investigation in order to make political hay. A group of Cranford's defenders, including Z.V. Moss, Stanly County's welfare officer, wasted no time in personally submitting their own affidavits in support of the superintendent to Governor Angus McLean in Raleigh. Moss took the opportunity to reiterate his own impressions of Cranford and the camp, claiming he had always been able to give it "a clean bill of health."⁷⁵

SBC Commissioner Johnson then entered the public debate over what was actually happening in the Stanly Camp. She informed readers of the Raleigh paper that former prisoners as well as concerned citizens of Moore and Stanly Counties had urged

⁷⁴ "Say Stanly Supervisor Caused Convict's Death," *Raleigh News and Observer*, 9 October 1925, p.1.

⁷⁵ "Cranford Denies Cruelty Charges," *Raleigh News and Observer*, 10 October 1925, p. 2.

her agency to look into Cranford's camp. Johnson stressed that, for prisoners to defy Cranford and reveal the truth about his abusive tactics, they had to be willing to risk even worse treatment if authorities failed to do anything. Johnson asserted that it was the duty of the Governor and other elected officials to respond to prisoners under Cranford's supervision, realizing that they were living in "the worst conditions occurring anywhere in North Carolina."⁷⁶ Johnson considered the prisoners helpless, but their success in convincing prominent citizens to believe their accounts revealed that they exerted a significant level of influence. By rising above their fear of Cranford and revealing what was happening to the men on the Stanly County chain gang, the prisoners were instrumental in fueling demands for change.

Given the relatively equal pressure exerted by supporters and accusers of Cranford, Governor McLean decided to send his own investigator to Stanly County to determine the facts of the case. McLean chose L.G. Whitley to do the job. Whitley worked jointly for the State Board of Health and the SBC, and he was very familiar with regulations for the convict labor camps. Whitley inspected the camp and found that it warranted a score of fifty-eight out of a possible one hundred. He remarked on the poor sanitary conditions, as well as the low morale and weak physical condition of the convicts. Whitley reported to Governor McLean that Cranford told him he had "about

⁷⁶ "Says Cruelty, Not Politics, is Stanly County Trouble," *Raleigh News and Observer*, 11 October 1925, p. 1-2.

turned the camp over to the prisoners since there has been so much said about the management of the prisoners.”⁷⁷

Immediately following Whitley’s report, news broke that more than one hundred supporters of Cranford had submitted affidavits to the state Attorney General. In reporting on this new turn of events, the *Raleigh News and Observer* surmised that Cranford “appears to be a well-meaning man, whose aim is to please his superiors and who has done so.” The article went on to say Cranford was prone to emotional “spells..., loses control of his temper..., and because he has done this, it appears that the charges of cruelty have arisen.” The reporter wrote that Cranford had resigned several times over the years, but the Board of Commissioners for Stanly County had always refused his resignation and asked him to stay.⁷⁸ Both the content and the tone of the article indicated that the course of events was beginning to border on absurdity. Cranford was no longer claiming innocence but instability; county officials had known what was happening in the Stanly County convict labor camp all along but refused to recognize that there were problems and would not accept Cranford’s resignation.

In November 1925, the grand jury for Stanly County submitted a bill of indictment against Cranford for the 1918 deaths of James Howell and James Terry, stating he “feloniously, willfully, and of his malice aforethought, did kill and murder” the

⁷⁷ “Stanly County Charges Confirmed by Whitley,” *Raleigh News and Observer*, 21 October 1925, p. 11.

⁷⁸ “Cruelty Denied in Affidavits,” *Raleigh News and Observer*, 23 October 1925, p. 18.

two men.⁷⁹ Judge P.A. McElroy immediately issued a bench warrant for Cranford. Judge McElroy had over forty witnesses subpoenaed for the preliminary hearing, and he ordered Cranford held under bail of over five thousand dollars. Barely a week before his arrest, Cranford had pleaded guilty before a local justice of the peace for “simple assault” on another prisoner, for which he paid a one-dollar fine.⁸⁰ As he faced this new legal action, Cranford hired “most of the local bar” for his defense and had nearly one hundred and fifty rebuttal witnesses summonsed to testify on his behalf. Attorney Don Philips of Richmond County, one of the two men to whom Kate Burr Johnson had submitted the SBC report in early October, asked that she attend the hearing. Although Johnson lacked the authority to bring legal action against Cranford, her symbolic presence in court in support of the prosecution was crucial.⁸¹

The hearing began before a packed courtroom on the afternoon of November 25, 1925. Cranford sat at the defense table, accompanied by at least six local defense attorneys. I.R. Bursleson, the attorney whom Cranford had accused of stirring up trouble against him as a political scheme, assisted Attorney Don Phillips for the prosecution. The hearing began with the interrogation of several white men from Montgomery County who had been on the Stanly County chain gang in 1918. They all testified to “having seen Cranford unmercifully beat two negroes ... and that they both died early in the night of

⁷⁹ “State Against N.C. Cranford, Murder Indictment,” DSS-SBC, Commissioner’s Office Subject Files, Box 9, Folder: Stanly County Prison Camp 192, NCDAH.

⁸⁰ “Chaingang Head Will Face Jury,” *Raleigh News and Observer*, 14 November 1925, p.1.

⁸¹ “Cranford Makes Vigorous Fight,” *Raleigh News and Observer*, 25 November 1925, p.1.

the same day.” Dr. C.M. Lentz, physician for the chain gang, appeared next and contended that the two black prisoners had died of heatstroke. Judge McElroy, revealing his own investment in racial stereotypes, asked the doctor if he had ever heard of “a negro in this country dying from becoming overheated.” Dr. Lentz said that he had not.⁸²

A large number of former prisoners testified to permanent injuries received at the hands of Cranford, and some of the men partially disrobed to reveal scarred bodies, the marks serving as compelling evidence of months of physical abuse. As the afternoon session neared its conclusion, questioning turned to the death of Henry Wooten, the black prisoner who had died earlier in the year and within a month of his commitment to the Stanly Camp. Wooten’s death allegedly resulted from several episodes of “unmerciful” torture in which he was dragged behind a tractor while Cranford walked along behind and threw rocks at him. Again, Judge McElroy called upon Dr. Lentz for an explanation of the prisoner’s death. Although Lentz admitted having learned about the alleged dragging incidents from a guard, he declined to say that the death occurred as a consequence of that action. Instead, Lentz stood by his determination that Wooten died from heart dropsy.⁸³

Judge McElroy forwarded his findings to the Stanly County Grand Jury on the morning of November 27, 1925. McElroy charged that the preponderance of the

⁸² “Frightful Cruelty Ascribed to Supervisor by Witnesses,” *Raleigh News and Observer*, 26 November 1925, p. 1-2.

⁸³ *Ibid.* The guard subsequently denied knowing about the dragging of Wooten or sharing such information with Lentz.

evidence indicated that Cranford had directly caused the murders of the two black prisoners in 1918, and his treatment of Henry Wooten qualified as assault with a deadly weapon. He warned them to disregard rumors circulating in the streets to the effect that no grand jury would indict Cranford, and if they did, “others would pay his fine and any penalty for him.” McElroy cautioned the grand jury to do their duty “fearlessly,” for if Cranford was guilty of the crimes of which he was accused, “the highest penalty of the law is not sufficient to punish him for what he has done.” With limited deliberation, the grand jury found that there was sufficient evidence to indict Cranford on murder and assault charges. While the grand jury had persisted in overlooking camp conditions in the past, McElroy’s admonition gave them no alternative. They had to follow his lead. After the grand jury issued its indictment, Cranford arranged for bail, \$1,000 for each count of murder and \$500 for assault. He was then released.⁸⁴

Meanwhile, Cranford tendered his resignation as chain gang superintendent to the chairman of the Stanly County Highway Commission sometime after court adjourned on the second day of the hearing. The official had accepted Cranford’s offer. Raleigh’s *News and Observer* reported that speculation around Stanly County was that Cranford’s indictment would mark the end of the chain gang. Given the almost constant stream of negative news emanating from Stanly County’s convict labor camp, the state legislature

⁸⁴ “Cranford Stands Indicted for Two Murder Cases,” *Raleigh News and Observer*, 28 November 1925, p. 1-2.

had authorized the local Board of Commissioners to abolish the chain gang. Public sentiment appeared to be supporting that option.⁸⁵

Both the grand jury indictment and the resignation of Cranford were hopeful signs of change for Stanly County's prisoners and for those who had been investigating the convicts' charges for so many years. SBC Commissioner Johnson responded approvingly to these developments, especially since the removal of Cranford from the labor camp meant that prisoners might be more forthcoming. Cranford's inhumane treatment of convicts had always kept many men from speaking up for fear that they might not live out their terms in the camp. Johnson realized that there was a strong possibility that the jury might acquit Cranford, since he had long evaded charges based on support from officials in the county. Even if Cranford did go free, Johnson contended that, by bringing to light what was going on in the camp, conditions could never sink so low again.⁸⁶

In December 1925, officials announced that Cranford's trial was set to begin March 29, 1926, the opening of the next session of Superior Court. Between the indictment and this announcement, Stanly County's Board of Commissioners had abolished the chain gang prison camp.⁸⁷ As the public awaited the beginning of Cranford's trial, Commissioner Johnson continued her campaign to inform the public

⁸⁵ "Cranford Stands Indicted for Two Murder Cases," *Raleigh News and Observer*, 28 November 1925, p. 2.

⁸⁶ "Approves Action in Stanly County," *Raleigh News and Observer*, 29 November 1925, Section O, p. 7.

⁸⁷ "Call Cranford Trial This Week," *Raleigh News and Observer*, 13 December 1925, p.11.

about what prisoners endured and the danger convicts faced in the camps. The SBC's monthly newsletter, *Public Welfare Progress*, provided a forum for Johnson to air her views and to educate readers about the state's penal system. In the December 1925 issue, she wrote an editorial remarking on the frequent shooting deaths that occurred in the camps as convicts reportedly tried to escape. Johnson likened these deaths to executions for misdemeanors, wherein careless and irresponsible guards and superintendents wielded more power than the laws allowed.⁸⁸ Johnson had earlier indicated that she felt that guards should use bloodhounds to deal with escapees, rather than shooting at them as they ran. Using dogs instead of guns would "preserve life," rather than executing petty criminals for fleeing chain gangs.⁸⁹

Cranford's trial lasted from the end of March until the middle of August 1926. As the proceedings drew to a close, Effie Turner, a white woman who had attended the trial regularly, wrote a duplicate letter to Governor McLean and Commissioner Johnson. Turner said she had spoken with several ex-convicts who were testifying in the trial and with many in the community about how the case was going. Turner felt that the defense was misrepresenting facts by contending that prisoners' injuries had occurred before they became charges of the county. She told McLean and Johnson that she knew that two or three of the prisoners were in good health and were able-bodied strong men before

⁸⁸ "Five Prisoners Killed in State," *Raleigh News and Observer*, 18 December 1925, p. 1. The *News and Observer* republished the editorial from *Public Welfare Progress* in its entirety in this article.

⁸⁹ "Approves Action in Stanly County," *Raleigh News and Observer*, 29 November 1925, Section O, p. 7.

arriving at the Stanly County camp. The letter noted that upon their release, the men appeared to be “consumptive” and had to be nursed back to health. The trial had raised questions about the county penal system that Johnson could not answer, and Turner wanted both the governor and the commissioner to know her concerns.⁹⁰

Johnson wrote back to Effie Turner, confirming that she was right to be concerned about what was happening in the prison camps and that authorities need to implement changes. As for the Cranford case, she told Turner that Stanly County officials had denied all evidence of the superintendent’s cruelties presented to them over the years. Johnson noted, “If I could have gotten one bit of cooperation from the duly constituted authorities in Stanly County, the county convict camp might have been cleaned up years ago.” She concluded by saying, whether or not the jury in the trial convicted Cranford, “the people of North Carolina have found Mr. Cranford guilty of the most atrocious cruelty, regardless of the outcome of the case.”⁹¹

During the trial, prosecutors were able to question former convicts who had signed affidavits denying reports of Cranford’s cruelty and claiming that the superintendent treated the prisoners fairly. Cranford’s resignation, the abolition of the county chain gang, and the possibility that the former superintendent might have to go to jail encouraged the witnesses to speak out. On the stand, the men testified that they did

⁹⁰ Effie Turner, Norwood, NC, to Governor A.W. McLean and Kate Burr Johnson, 28 July 1926. DSS-SBC, Commissioner’s Office Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1929, NCDAH.

⁹¹ Kate Burr Johnson to Effie Turner, 2 August 1926. DSS-SBC, Commissioner’s Office Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1929, NCDAH.

not know or care what they were signing, that they did so only because they knew the consequences of refusal, and that they would have signed whatever Cranford or his attorneys gave them. When asked if he would have signed the document even if it had been a confession of murder, one of the convicts said he would not have hesitated to do so.⁹²

On August 5, 1926, in spite of the evidence mounted against him, the jury in Cranford's trial found him not guilty on the charges of killing James Howell and James Terry in 1918.⁹³ The deaths of the two convicts went unpunished and Cranford remained an upstanding member of the community. The chain gang in Stanly County disbanded as a result of the events surrounding Cranford's treatment of convicts in the camp. Nevertheless, he retained the support of the community and, when the Chief of Police of Albemarle in Stanly County died unexpectedly, Cranford was the unanimous choice for his replacement. Despite the efforts of convicts who were willing to risk their own well-being, as well as support from concerned citizens and pressure from the SBC, attitudes toward convicts seemed unchanged in Stanly County. Perhaps for this reason, similar incidents would continue to plague the state for the coming decade.⁹⁴

⁹² SBC report on Stanly County Case, DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: Prison Camps, General and Miscellaneous, 1917-1929, NCDAH.

⁹³ "Prison Boss 'Not Guilty': Prisoners Testify to Cruelties," *Pittsburgh Courier*, 7 August 1926, p. 1. The *Courier* was an African American newspaper, which had followed Cranford's trial over the months.

⁹⁴ "Nevin C. Cranford is Chief of Police," *Raleigh News and Observer*, 15 May 1927, p. 1. Cranford had lost his previous position as a county employee in charge of road construction three weeks earlier.

From 1922 to 1926, chain gangs remained in the news almost constantly in North Carolina. The cases of former convict Robert Barnett and Stanly County camp Superintendent Nevin C. Cranford occupied reformers, politicians and, with the help of newspaper coverage, engaged the public as well. Convicts used both of these cases to demonstrate their own understanding of humane treatment and their rights under the law. Black and white convicts worked together to incite interest in the chain gangs and to push for change where they could. That the system failed to respond to the demands they made does not diminish their effort. Their struggle for justice continued, even as more convicts suffered beatings and death in chain gangs across the state.⁹⁵

Convicts navigated the justice system and relied on white allies to accomplish their goals. But the allies faced opposition from above and below as they attempted to work on the convicts' behalf. At the top and bottom, groups jealously tried to protect their own authority and image, often unconcerned about the convicts as they weighed their options and decided how best to eliminate the negative image that convict brutality and convict resistance brought to the county and the state.

⁹⁵ In the same month that Barnett's case was being decided by the joint committee in Wake County, Raleigh's *News and Observer* reported the shooting deaths of three chain gang convicts. See "Negro Killed by Road Force Foreman," 27 April 1923, which mentions two shootings in Chatham County, and another in Nash County, see "Fleeing Convict Killed by Guard," 28 April 1923.

CHAPTER IV
INVISIBLE RESISTANCE

Numerous complaints of severe whippings have been made to the State Board of Charities and Public Welfare and former Governor Morrison . . . Following such complaints, an investigation was conducted.

Kate Burr Johnson, *Raleigh News and Observer*, 7 June 1925

Most of what county convicts did to protest chain gang conditions occurred out of the public eye. This was particularly true for letter writing, a subtle yet powerful means of subverting the authority of camp officials. Where camps were integrated, black and white convicts sometimes collaborated in writing letters, defiantly signing their names as a way of signifying their willingness to stand together against the authority of camp superintendents and guards. The many extant convict letters offer personal accounts of how the men thought, felt, and acted in response to the conditions they experienced within North Carolina's network of county chain gangs. By writing letters of protest, convicts often stirred reformers to action.

Convict letters refute many negative assumptions that have persisted about the character and abilities of chain gang prisoners. Letter writers were politically aware, in that they knew the names and positions of state and local officials, and they addressed themselves directly to public figures including the governor, mayors, the SBC Commissioner, and even the president. Convicts called for reform based on their

intrinsic worth as human beings, despite what they had done, and they laid claim to their rights as men. Convict letters demonstrate that men in the camps kept up with current news and political alignments. They were familiar with ongoing debates and the frequent conflicts among reformers over control and treatment of chain gang labor, and they sought to influence decisions about prospective reform measures by providing details of problems and needed improvements to the system. Men on the chain gangs reminded reformers of their obligation to protect them when the county bureaucracies that organized, supported, and operated the camps failed to do so. The letters provide an enduring witness to the courage of convicts in challenging the authority of camp officials, but they also reveal the constant fear that plagued the men as they contemplated the outcome if camp officials caught them speaking out.

This chapter begins by analyzing letters that black and white chain gang convicts wrote to family members and friends, state and local officials, and middle class white reformers. The letters provide insight into the lives of the convicts and expose how they understood their position within the system. Convicts wrote from camps all over the state, and they stated their concerns with conviction and clarity. Former convicts also wrote in fulfillment of promises they made to those who remained in the camps. They all shared one goal, which was to prompt investigations and elicit improvements in the camps.

This portion of the chapter also includes discussion of letters concerned citizens, friends, and family wrote to the SBC and others on behalf of the convicts, since they also

hoped to influence the system. These writers became privy to the need for reform either through personal contact with convicts, through observation of the chain gangs at work, or through following press coverage of convict protests or deaths. They, like the convicts themselves, pushed for investigations and reform.

The remainder of the chapter analyzes some of chain gang convicts' daily acts of protest. Here I include a discussion of escape, the most dangerous form of resistance.¹ Convicts challenged the authority of camp officials in numerous ways, and their actions often led to abusive and even deadly forms of punishment. Whatever method of resistance they chose, convicts attracted attention from the SBC and the media most often not because what they did was successful, but because it prompted camp personnel to react in ways that sometimes led to public investigations.

In August 1926, a group from the Institute for Research in Social Sciences at the University of North Carolina in Chapel Hill published results from a survey they conducted regarding the 469 white men and 1,052 black men who had served on the county chain gangs for the previous year. The stated goal of the study was to determine

¹ Escape as a means of resistance has become a recognized interpretation among historians of bound labor. For African Americans, escape during slavery was an obvious act of resistance. Blacks continued to resist white oppression by escape during Reconstruction, the rise of contract labor and sharecropping, and the emergence of the New South. Civil War historians, too, have recognized prisoners' attempts to escape as resistance. On escapes during slavery, the first publication to deal with escapes as resistance was Herbert Aptheker, *American Negro Slave Revolts* (New York: Columbia University Press, 1943; reprint, New York: International Publishers, 1993), especially Chapter 6, "Individual Acts of Resistance." Also see Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York: Oxford University Press, 1972); and Loren Schweninger and John Hope Franklin, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 2000).

how many convicts could read, and for their gauge, survey workers requested that the men read the newspaper. After completing the examination, they determined that illiteracy was a significant problem among both whites and blacks on the chain gangs. Only 48 percent of whites and just 17 percent of blacks proved able to pass the test. While low, the numbers did not mean the remaining prisoners were completely illiterate, a fact that evaluators took into account by noting that only 16 percent of whites and 34 percent of blacks fell into that category.²

Black illiteracy had served most white North Carolinians well, especially following disfranchisement in 1900, for it provided substantive proof that a man lacked qualifications for voting and it validated the decision to eliminate black men from the electoral process. White taxpayers had little interest in funding schools for blacks, believing education would make them “uppity” and uncontrollable. The state delayed supplying public funds for black schools until 1910, and even then, the amount was only a fraction of what white schools received. Reformers’ arguments for providing at least limited education for blacks had little to do with white altruism. They emphasized that allowing blacks to continue living in ignorance promised to lead to general degradation of the state, thereby threatening the prospects for whites. The goal for white reformers became to provide sufficient education to blacks to ensure that the younger generations learned to be deferential. Julius Rosenwald, benefactor of rural black education in the

² Roy M. Brown, “Prisoners on County Roads,” 18 August 1926, *University of North Carolina Newsletter*, Vol. 12 no. 60, p. 1. Located in the North Carolina Clipping Collection, NC Good Roads Movement, Vol. 1, North Carolina Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

South in the 1920s, put these ideas succinctly by stating, “Because I am interested chiefly in white people . . . I take an interest in the Negro.”³ That attitude informed other reform efforts as well, especially in the areas of health and sanitation where whites feared disease from black sections of town might infiltrate white neighborhoods. In 1917, based on belief that “negro cooks, domestics, and washwomen are doing much in the spread of tuberculosis . . . among the white people,” a Fayetteville politician introduced a bill requiring that the state fund the hiring of a “negro instructor” to educate them on disease prevention.⁴

Educational reformers advocated industrial education for blacks and targeted their efforts at creating schools that would teach them to be compliant and subservient, content with their inferior status, and convinced of the good intentions of whites. Though many blacks prided themselves in educational advancements during the early twentieth century, and philanthropic groups such as the Jeanes Fund and the Rosenwald Fund supplemented the number of teachers and schools available to them during the mid-1920s, far fewer black children were able to attend school once they became old enough to provide

³ Quoted in James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: University of North Carolina Press, 1996), 214.

⁴ “Would Instruct Negroes in Regard to Tuberculosis,” *Raleigh News and Observer*, 20 January 1917, p. 1. Speaking of the anti-hookworm crusade in the South, the discoverer of the parasite noted, “The white man owes it to his own race that he lend a helping hand to improve the sanitary surroundings of the negro.” See John Ettlign, *The Germ of Laziness: Rockefeller Philanthropy and Public Health in the New South* (Cambridge, Mass.: Harvard University Press, 1981), 172.

manual labor.⁵ For boys, this usually meant agricultural work in the tobacco or peanut fields; for girls, it meant entering the world of domestic labor for whites. Many white children worked in fields or in cotton mills too, but when reformers began their effort to reform state child labor laws, their emphasis was on the need to protect white children from the dangers of the workplace and their need for an education. The reformers did not address the needs of black children.⁶

Black and white illiteracy may have been high in the early twentieth century, but having only a few convicts in any given camp capable of reading and writing benefitted others exponentially. The men in the camps relied on each other, regardless of race, to discover and disseminate information about how the system worked and whom they could trust. The influence of what all of the men then learned and shared through mutual bonds of trust shaped not only their actions in response to the inhumane and abusive conditions in the camps, but also their expectations for reform. Thus, even the reportedly low proportion of literate convicts proved to be much more useful and powerful than researchers' statistics seemed to indicate.⁷

⁵ On North Carolina reformers' attitudes toward black education, see Leloudis, *Schooling the New South*, especially Chapter Six, "The Riddle of Race." North Carolina notably employed the largest number of Jeanes teachers and opened the greatest number of Rosenwald schools of any of the southern states.

⁶ Shelley Sallee, *The Whiteness of Child Labor Reform in the New South* (Athens: University of Georgia Press, 2004). Sallee argues that targeting poor whites for reform was part of reformers' strategy for strengthening the rule of white supremacy and reducing conflict between both the classes and the races.

⁷ Steven Hahn makes this argument concerning rumor and networks of communication in *A Nation under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*. See especially Ch. 3, "Of Rumors and Revelations," 117-159.

The files of the SBC hold fifty-one handwritten letters from chain gang convicts that reveal the extent to which the men in the camps relied on each other. Written between 1918 and 1930, this small group of letters likely represents only a fraction of those county convicts successfully sent during these years. Men on the chain gangs enjoyed only limited opportunities to write letters, since camp officials strongly disapproved of the act and censored both incoming and outgoing mail. Convicts addressed their letters to many different people, not only the SBC, which means that certainly not all recipients forwarded the correspondence to the agency. Sometimes convicts used their families to secret letters to penal reform investigators or to men serving on local grand juries, whose duty it was to inspect the county camps on a quarterly basis. That any of their letters reached the files of the SBC shows that prisoners sometimes circumvented the limitations camp supervisors imposed on them, and at least on some occasions the recipients complied with convicts' wishes and passed the correspondence along. The SBC's retention of the letters is important as well, for it indicates that the agency found the correspondence important enough to its work with the chain gangs to retain the original documents in its files.

In none of the existing letters did prisoners claim innocence, nor did they argue that their sentences were unjust or too long. Rather, they focused on improving conditions by ridding the camps of particularly brutal personnel or alleviating certain intolerable aspects of camp life. One Johnston County prisoner wrote to the SBC Commissioner that he was "a Negro of good Christian family [and] although I made a

mistake... [it]does not call for the management of this camp to treat me and my race as dogs.” This prisoner said he knew he had “done wrong,” but he accepted responsibility for the crime he committed.⁸

That convicts kept up with the SBC and its involvement in the chain gangs is obvious in many letters. In 1925, a former convict wrote SBC Commissioner Kate Burr Johnson after his release from the Mount Olive chain gang in Wayne County. He explained that he had promised his fellow prisoners to write to her once he got out of the camp, and he remarked that all the men had “heard what you did at Rocky Mount Camp.” Johnson had successfully pushed for prosecution of two chain gang officials accused of flogging a black convict to death in that camp for not “working fast enough.”⁹ The writer told Johnson that he was black, and he understood that she believed that “they all complain.” He assumed Johnson embraced the stereotype most whites held of blacks being unreliable. He was concerned about the remaining men in the camp, however, and wanted her to know that the camp “boss” beat the men brutally and did more that he could not write about in the letter. Trying to convince Johnson of his trustworthiness, he told her the name of the white man who owned the land on which the camp was situated. He asked her to send someone to talk to the man, who could confirm what he was saying.

⁸ Wiley Woodard, a prisoner in the Smithfield Camp, to Kate Burr Johnson, undated. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁹ “Jury Reports Prisoner was Beaten to Death by Guards,” 6 June 1925, p. 1. In this rare instance, the jury convicted the two guards involved of murder and the presiding judge sentenced them to twenty years in prison. SBC Commissioner Johnson noted that this was the only occasion she knew of where camp officials had to serve time for abusing or killing convicts. See, “Says Chaingang System Must Be Abolished Here,” *Raleigh News and Observer*, 25 June 1925, p. 13.

In closing, he asked Johnson not to disclose his identity, for even outside the bounds of the camp, he did not feel safe having officials know that he had written to the SBC.¹⁰

Many of the letters highlight convicts' knowledge of rules governing treatment of chain gang prisoners. They complain about the abusiveness of guards and superintendents and speak to camp officials' failure to follow counties' established guidelines for punishment of convicts. In 1926, a convict serving time on the Rockingham County chain gang wrote to the SBC because the camp superintendent had whipped him without either the "presents of a doctor or preacher" and was taking away his "good time"—time off the men's sentences, so many days per month served, based on good behavior. He wrote that he knew "the law of North Carolina provide[d]" these protections and benefits.¹¹ In 1928, another convict writing from the Hamlet camp in Richmond County implored SBC Commissioner Kate Burr Johnson to bring "a law book" to the camp and "explain the laws to this boss man" because "they don't go by laws in this camp." He, too, complained about not getting his good time and mentioned that, since he was from Raleigh, home to the SBC, he was sure that Johnson would respond.¹² These convict letters demonstrate that prisoners understood their rights and

¹⁰ Allec Malley to Kate Burr Johnson, 8 October 1925. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Prison Complaints, 1912-1929, NCDAH.

¹¹ Lloyd Fulcher, Reidsville, NC, to Kate Burr Johnson, 8 August 1926. DSS-SBC, Commissioner's Office: Subject Files, 1891-1952, Prison Files, 1912-1949; Folder: Prison Complaints, 1915-1929, NCDAH.

¹² Joe Turner to SBC, 11 November 1928. DSS-SBC, Commissioner's Office: Subject Files, 1891-1952, Prison Files, 1912-1949; Folder: Prison Complaints, 1915-1929, NCDAH.

they expected to receive the benefit of new laws. They pushed reformers to intervene to ensure that camp officials followed the laws.

Letters demonstrate that many convicts knew the duties of the various county and state groups involved with the chain gangs. In 1926, a convict wrote from the Smithfield camp in Johnston County to Commissioner Johnson regarding conditions there. He said he knew that the SBC had “a representative in this county” but that no one ever inquired of the men how they were getting along.¹³ That same year, another convict writing to Johnson from the Madison County chain gang described a variety of abuses he and his fellow prisoners had endured. He explained that the guards had hit the men, “some with rocks and sticks,” and forced them to work in the rain, which usually meant that the men continued to wear the wet clothes night and day until they dried out. Aware that the law required the grand jury and the county welfare department, as well as the SBC, to undertake regular inspections of the camps, the convict reported that no one had come to survey conditions since his arrival. He complained, “[T]here ain’t been no one up hear to see about how we are getting along” and the “public don’t look out for us.” He wanted Johnson to take care of this problem. He further asked her to be sure to share what he had written with the newspaper.¹⁴

¹³ Wiley Woodard to Kate Burr Johnson, 10 August 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder, Prison Complaints, 1915-1929, NCDAH.

¹⁴ Grand juries examined all county institutions at the behest of the District Court Judge as part of their duties during their terms of service. County welfare departments did not begin to emerge until 1917, when the state budget allotment for the SBC increased and the legislature addressed the need for a network of county agents to assist the agency. The SBC reported to the governor. Quotes from unsigned letter from Marshall, NC, in Madison County to SBC, March 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

The convict's request that Johnson alert the newspaper to what he had written illustrates the important role the media played within the camps. When convicts referenced current regulations or proposed changes in the laws designed to provide uniform and humane standards of treatment within the camps, they sometimes spoke of having gathered their information from newspapers.¹⁵ They followed investigations into problems within camps regarding floggings and inquiries into shooting deaths of men who tried to escape. Prisoners read newspaper coverage of how politicians, reform groups, and the citizenry understood the rights of chain gang laborers, and they took steps to insert their own perspective into the discourse. Many times they used information they read in the papers as incentive to speak out or act against conditions in the camps.

Access to newspapers was so vital to convicts that withholding that privilege was one non-abusive form of discipline camp officials used against the men. In 1926, a former convict in Forsyth County wrote to the SBC that the men in camp "had not been allowed any newspapers since [a fellow prisoner] ran away."¹⁶ Camp officials worried that allowing convicts to read the papers could "break the discipline" of the camp, and they had reason to be concerned. In March 1923, such complaints resulted when convict Edward Reeves wrote a letter about the death of his fellow prisoner, Robert Barnett, which ended up on the front page of Raleigh's *News and Observer*. Convicts became lax

¹⁵ In the two cases discussed in Chapter III concerning former convict Robert Barnett and Stanly chain gang supervisor Nevin C. Cranford, county officials complained that convicts in the camps had read about the investigations with the result being a decline in cooperation and effort on the part of the prisoners.

¹⁶ Joe C. Hamm, Winston-Salem, North Carolina, 16 October 1926. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

and stubborn, feeling assured that officials would not dare punish them with the spotlight of the media focused squarely on the camp. Camp officials and even county commissioners voiced frustration about the negative consequences of too many investigations and too much interference from reformers.¹⁷

Convicts often mentioned by name others in the camp who wanted to be a part of writing letters and were willing to share the risks involved. While most letters named only a few other men, a few included lists that appeared to cover most if not all of the chain gang force. In a 1919 letter from the men in one of Forsyth County's camps to Governor Thomas W. Bickett, the writer listed the names of twenty convicts at the camp who were standing with him and he emphasized that he spoke for the group. A March 1920 letter from a different convict in the same Forsyth County camp listed only nineteen of a possible thirty-nine men serving time in the camp, according to that year's census enumeration in January. All of the men were black. The writer consistently used the collective "we," as when he told the governor that, "the[y] beat us with shovel and stick just like we are dog[s] . . . some of us got wi[v]es and children."¹⁸

Through confidential networks of rumor and information, and by sharing the potential burden of punishment, convicts supported each other. In 1918, when a young black convict serving time in a Mecklenburg County camp explained to Governor Bickett

¹⁷ "Will Investigate Cruelty Charge," *Raleigh News and Observer*, 4 April 1923.

¹⁸ Unsigned letter to Governor Thomas W. Bickett, 17 March 1919, DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder Prison Complaints 1915-1929, NCDAH.; and unsigned letter to Governor Thomas W. Bickett, 7 March 1920, DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder 1917-1925, General and Miscellaneous, NCDAH. Numbers for the camp derived from 1920 Census Records, Forsyth County, Winston Salem, District 100, available online at <http://www.ancestry.com>.

that “all the white folks at Camp Greene told me to wright to you,” he was relying on an interracial underground network of inside information. The writer, who included the name of a cohort in the letter, declared that he had written three previous letters that the “captain” had taken away, and he explained that the superintendent would whip them if he found out they had sent the letter. Still, he instructed the governor to reply to the camp address in care of one of the guards, indicating a possible degree of trust between the guard and the prisoners and friction between the guard and the camp superintendent.¹⁹ In 1926, another black convict relied on the internal camp information system when he wrote to the SBC from Southern Pines in Moore County that “a white man seen the place the guard beat me and told me to notify you at once.”²⁰

Black and white collaboration in letter writing, as well as in other forms of resistance, emphasizes how the chain gang system could weaken or even break down racial barriers. In all the camps for which records are available, integrated camps consistently held a greater number of black men than white.²¹ Outside of camps, poor whites and blacks were often in competition for the same jobs. Poor whites often learned to both fear and hate black men through imbibing the dominant culture of racism and

¹⁹ Carey Moss to Governor Thomas W. Bickett, 28 August 1918. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

²⁰ Letter from George Smith in Southern Pines to Kate Burr Johnson, 15 June 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

²¹ Census records provide this information at some points, but grand jury reports frequently included the racial makeup up the camps in their reports, too. For instance, a Cabarrus County report for 1911 listed “23 convicts . . . 5 white and 18 colored.” For the same county in 1915, the grand jury reported “27 convicts, 7 white and 20 colored,” and in 1917 “35 . . . 30 colored and 5 white.” The reports noted that all the men were “well cared for.” Cabarrus County Miscellaneous Files, Box 1, 1794-1945, NCDAH.

white supremacy, and that culture no doubt fostered fear and hatred of whites among many blacks. Within the camps, however, whites and blacks alike recognized that race was less important than survival and cooperation in negotiating the system, sharing information, and supporting each other against abusive camp officials.²²

Poor whites suffered many of the same injustices black convicts endured, and at times camp officials expressed their opinion that all convicts were alike, regardless of their color.²³ Evidence of white officials conflating poor white and black men into the “blackened” identity of convicts appeared in the casual way those who worked with the chain gangs used racial slurs to speak of the men.²⁴ An early example of this mentality came to light in a 1923 debate over the need to banish flogging. Supporters of flogging remarked that, “the only way to appeal to a nigger is through his hide,” openly grouping together white and black convicts as one.²⁵ Grand Jury reports and concerned citizens realized the need to keep the races separate and sometimes spoke out against the intermingling of black and white convicts. For example, the Guilford County Welfare

²² The scholarship on race relations and mob violence during the early twentieth century is abundant, including Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940*; Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow*; and Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*.

²³ For two examples of white prisoners suffering similar punishments to blacks, see “Wake Whipping Case is Presented,” 22 February 1917, p. 5; and “Bad Conditions Found in Prison,” 4 June 1923, p.6; both articles from the *Raleigh News and Observer*.

²⁴ Glenda Gilmore discusses the idea of blackening whites by placing them in close proximity to lower class blacks, thereby “reading them out of the white race.” See *Gender & Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920*, 72. See also Randolph Lewis, “Black and White on the Chain Gang: Representing Race and Punishment,” *Borderlines: Studies in American Culture* 3, no. 3 (1996): 229. Lewis notes that even in the 1940s, criminologists used the term “prisoner” and “Negro” interchangeably.

²⁵ “Fight Against Flogging Rule,” *Raleigh News and Observer*, 23 February 1923.

Board complained that the local camp provided “insufficient segregation for eating...requiring black and white to eat at the same table.” The Board suggested that camp officials “add partitions” to remedy the situation. But in their letters, convicts did not express any concern over integration within the camps. They may have made racial distinctions when they signed their letters, but they saw themselves as relative equals as they learned to survive within the chain gangs.²⁶

Black and white convicts on the chain gangs struggled individually and collectively against many of the same kind of injustices striking wage laborers faced. Convicts risked physical abuse, while wage laborers put their jobs on the line; convicts sought decent food and treatment, while free labor sought better pay. North Carolina employers fired and blacklisted workers who joined unions or went on strike, but superintendents and boards of commissioners did not have that option in dealing with chain gang labor. Officials could not fire, blacklist, or replace convicts who refused to work or engaged in protest. Convicts instead suffered physical punishment for insubordination or participating in resistance, but if they survived, they remained on the job. Moreover, whereas most employers could use race as a wedge to divide workers, integrated camps became sites of interracial cooperation in disrupting routine and

²⁶ An example of grand jury concerns over racial segregation was seen when they requested that the Nash County camp provide two separate spaces for black and white medical care and enlarge the “white” dining area. “Prison Camps in Good Condition,” *Raleigh News and Observer*, 1 June 1923, p.7. For the Guilford County case, see “Bad Conditions found in Prison,” *Raleigh News and Observer*, 4 June 1923, p. 6.

challenging authority.²⁷ Camp officials gained no advantage in pitting blacks and whites against one another, for the labor of the entire force was necessary to build the roads. Interracial conflict would unnecessarily delay the work.

Though convicts came to rely on one another for information, not all men trusted what others told them, regardless of whether the source was white or black. In a 1925 letter to Governor Angus McLean, a convict whom guards had punished for writing other letters remarked that “a con has give me a man’s name to rite to . . . and that is a man I don’t know.” Still determined to write in spite of his previous punishment, the prisoner felt more secure in continuing to contact the governor. Even though he had received no response to earlier letters, rather than placing his confidence in an unknown person and risking the possible consequences, he ignored the information the fellow prisoner offered.²⁸

Camp supervisors realized the potential power of convicts’ letters. They treated letter writing as a threat to their authority and sought to impose strict limitations on the practice, even trying to eliminate it entirely on some occasions. Supervisors censored both incoming and outgoing mail, restricted convicts’ access to paper and pencils, and

²⁷ I see the cooperation between white and black chain gang convicts as similar to episodes of interracial cooperation between blacks and whites in strike actions and organizing labor protests. See Michael Honey, *Southern Labor and Black Civil Rights, Organizing Memphis Workers* (Chicago: University of Illinois Press, 1993); Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863-1923* (Chicago: University of Illinois Press, 1994); and Daniel Letwin, *The Challenge of Interracial Unionism: Alabama Coal Miners, 1878-1921* (Chapel Hill: University of North Carolina Press, 1998).

²⁸ Jesse J. Hennigan to Governor Angus McLean, 27 November 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

punished men for writing letters to reformers or writing letters at unapproved times. Limiting or eliminating letter writing as a form of punishment came to light in 1923, when a former convict who had returned to his native city of Omaha wrote to a prisoner relief organization about his experiences serving time on Guilford County's chain gang. The young white man said he had served a thirty-day sentence for a charge of "riding the rails," during which time he witnessed a number of floggings and other "cruelties." The Omaha convict letter prompted Guilford County's welfare board to conduct an investigation into the chain gang camp.²⁹

After a six-week investigation, Guilford's welfare board found that camp officials had punished a number of prisoners for "writing a letter weekly, when the 'rules' allow only one letter every two weeks." The board reprimanded the superintendent for his actions, suggesting that he allow prisoners to write weekly to family and twice a month to anyone else. The group also recommended a number of changes to camp operations, including "abolition of the lash" and an end to the practice of punishing prisoners "in the heat of anger" and without the presence of the county physician, as required by law. The newspaper article that printed the welfare board's findings concluded with a quote from the chairman of Guilford County's Board of Commissioners saying, "If they won't let us

²⁹ "Guilford County Convict Camp is also under Fire," 1 May 1923, *Raleigh News and Observer*, p. 1. Not all counties had full-time welfare officers and boards. In 1924, the University of North Carolina in Chapel Hill reported finding that only forty-four of one hundred counties had fully operating boards, while in the others either the school superintendents served as welfare officer or they had a part time official who served as needed. This situation would have increased the load on the SBC. "Welfare Officer for Each County," 27 January 1924, *Raleigh News and Observer*, p. 19.

handle them, we will turn them over to the state.”³⁰ Camp officials were under no obligation to abide by recommendations from the local welfare board or the SBC. Within two years of the letter writing investigation, a convict in the same Guilford camp wrote to Governor Angus McLean and requested an investigation because guards were flogging the men on “bare skin.”³¹

Convicts occasionally wrote letters following visits from groups inspecting the camps. In 1928, after talking with SBC investigators, three convicts in Lenoir County reportedly wrote “letters of complaint . . . to The Law Chamber of Raleigh.” When camp superintendent Frank Rehm learned of the men’s actions, he administered floggings as punishment.³² The Lenoir County grand jury brought charges against Rehm for flogging the men, one white and two black. The grand jury found that Rehm had not only flogged the men, he had also shackled them, amounting to double punishment for a single offense. The *Raleigh News and Observer* reported this was the “third ‘legalized flogging’ probe” into the Lenoir camp in fifteen years, yet Rehm defended himself by claiming that problems had arisen because of SBC interference.³³ He admitted to

³⁰ Chain gangs were outside the limits of state control, yet counties petitioned the state legislature for their formation and dissolution, as well as specific rules governing the camps. Final authority always rested with the county, however, not the state.

³¹ “Bad Conditions Found in Prison,” 4 June 1923, *Raleigh News and Observer*, p.6. C.B. Balmon to Governor Angus McLean, 4 May 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1912-1929, NCDAAH.

³² “Rehm Convicted, Fined a Dollar,” 27 May 1928, *Raleigh News and Observer*, p. 2.

³³ “Flogs Three Prisoners who Report Cruelties,” 15 May 1928, p. 1; and “Flogging Prove will Start Today,” 21 May 1928, p. 2, both articles in *Raleigh News and Observer*. That there were three cases brought to court over 15 years seems insignificant, but most floggings did not prompt such action.

flogging “about six [men] a year” and stated that prisoners “require[d] the use of the lash.” Despite the apparent determination of the grand jury to reckon with Rehm, after a two week investigation, the group merely fined the superintendent one dollar for his actions and let him go back to work.³⁴

In testament to the risk convicts took by writing, letters were sometimes anonymous. When they did sign their names, convicts often cautioned the recipient not to reveal the source of the information they provided. Some convicts sought to protect themselves from certain retribution by instructing officials to whom they wrote to respond to a friend or relative rather than sending a letter back to the camp. Others devised secretive ways for recipients to acknowledge receipt of letters. In 1922, a prisoner on the Murphy chain gang in Cherokee County wrote to his mother with urgency about the intolerable conditions in the camp. He told her that other prisoners had previously written similar letters to Governor Cameron Morrison, President Warren G. Harding, and various lawyers, but nothing had changed. He concluded by asking her to acknowledge receipt of his correspondence only “by putting a cross mark at the bottom” of her response. He feared repercussions, telling her “if they find out I sent this to you they will give me a beating for it.” The prisoner asked if she could “cause an investigation” of the camp by getting the letter into the hands of Governor Morrison. The convict explained that he had tried twice before to write to her but that camp officials had

³⁴ Ibid. Rehm’s remarks underscore the prevailing mentality among those who ran the camps that convicts would not work without at least the threat of the lash.

confiscated the letters. On this occasion, he wrote that he was sending his letter by a fellow convict who was planning to escape that evening.³⁵

Using the fellow convict as a courier was a particularly bold move for the above writer, since he had twice been unsuccessful in getting a letter out of the camp. If guards caught or killed the prisoner during the attempted escape, a likely outcome, they would undoubtedly discover the letter. The letter writer would then face punishment not only for his own scheme, but also for failing to report the plans of the fellow convict to guards. Since the letter eventually found its way into the files of the SBC, the escapee not only succeeded in fleeing the camp, he also followed through on helping out the man he left behind. Nothing in the files indicates whether the SBC undertook an inquiry in response.

Whether addressed to the SBC or to others who then forwarded them to the agency, the letters demonstrate prisoners' high level of confidence in the likelihood of receiving a response to their letters, and many took the necessary measures to guard their identity. They pleaded with officials they were addressing not to mention the letters they had received from prisoners, because, as one anonymous writer from Goldsboro in Wayne County stressed to SBC Commissioner Johnson in 1928, "the fellows fair bad anough and they would fair as much worse."³⁶ SBC investigators often neglected convicts' wishes, however, and usually contacted county commissioners or even camp

³⁵ Elipton (?) Jones to his mother, 16 April 1922, Murphy. DSS-SBC, Commissioner's Office: Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

³⁶ Anonymous letter from Goldsboro to Kate Burr Johnson, 6 August 1928. DSS-SBC, Commissioner's Office: Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

superintendents to inform them they had received complaints from the prisoners about conditions in the camps. Reluctant to deplete their limited budget and allocate scarce manpower without cause, and attempting to work through local officials when possible, the SBC was seldom willing to accept convicts' complaints at face value. Their caution might also reflect the volume of letters they received, but on many occasions, the agency's efforts to confirm a basis for an investigation exposed the men's actions.

While some convicts took precautions to limit the chances of guards or superintendents discovering their actions, others expressed the belief that the risks involved in writing letters were worth the possible reward of an investigation and maybe even reform. In 1922, a group of five convicts writing to the SBC for the second time from the Carthage chain gang in Moore County noted that they "caught Hell" for their previous letter, but they were determined to "keep it up until we get our writes."³⁷ In 1926, another convict writing from the Richmond County chain gang recognized the danger of his actions but concluded, "This will make it hard on me but it will be better for the next man."³⁸ This particular convict saw himself as part of a larger group engaged in an ongoing struggle against the injustices of the chain gang, and he was willing to jeopardize his own safety for the good of the whole.

³⁷ W.T. Johnson, J.R. Edmonds, Clyde Smith, C.A. Mays, and T.E. Davis in Carthage to the SBC, 5 August 1922. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

³⁸ J.R. Maness, in Ellerbe, NC, to an unidentified "sir," 22 February 1926. DSS-SBC, Commissioner's Office Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

In their attempt to isolate the convicts and lessen their opportunity to interaction with the outside world, camp officials limited or eliminated visitation so that prisoners could not slip messages out or receive uncensored mail from the outside. When officials refused visitors entrance into the camp, not all were willing to comply quietly. In 1917, the wife of a convict on the Rocky Mount chain gang in Nash County wrote to an SBC investigator and explained that the camp supervisor refused to allow her to visit her husband. In 1918, a concerned citizen complained to Governor Bickett about the same Rocky Mount camp, stating that camp officials had denied prisoners any visitors and they were “holding back” the men’s mail. An SBC investigator responded to these complaints by interrogating the camp superintendent. The official explained that he restricted access to and from the prisoners in order to maintain camp routine without interruption, a response the investigator considered unacceptable. Such inquiries were useful, for at times they provided sufficient evidence to prompt grand jury indictments and legal prosecutions.³⁹

If officials allowed families and friends to visit, convicts could find out useful information about events in other camps or they could show their scars and unburden themselves, which often prompted others to write letters on their behalf. Letters about the camps from concerned citizens helped buttress convicts’ allegations. But reformers were often skeptical about both letters from the public and those from convicts, and

³⁹ Mrs. Joe Bissett to Roland F. Beasley, SBC investigator, 8 December 1917; Mrs. P.D. Burnett, Rocky Mount, NC, to Governor Thomas W. Bickett, 8 July 1918; Response from T.T. Thorne, Mayor of Rocky Mount to Daisy Denson, SBC Secretary, 18 July 1918. All letters located in DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

writers thus had no guarantee of receiving any response. In 1927, following the suspicious death of a young black convict in a Forsyth County camp, several men managed to confide in black business owner James A. Lowe that the superintendent and guards were abusing the prisoners. Using company letterhead that established his ownership of a Winston-Salem bakery, a position that would likely bestow some standing and responsibility among both whites and blacks, Lowe wrote a detailed letter to the SBC that provided the convicts' names, the lengths of their terms, and what they had experienced.

Neither Lowe nor the SBC explained his connection to the chain gang, but he had been in contact with the agency several months earlier regarding the death of a nineteen-year-old black convict named Colonel Jones at the same camp. Lowe believed camp officials were responsible for Jones' death, but by July he had begun to feel that neither the SBC nor the legal system was going to investigate the incident fully. SBC Commissioner Johnson had responded to that earlier letter by asking Lowe to "be a little patient" because gathering sufficient evidence for a legal investigation into the camp took time. Lowe appeared anxious to hasten the process along, however. He pressed the SBC for prompt action by providing more evidence of continued abuse in the camp.⁴⁰

On the same day that Lowe penned his July letter to the SBC, A.W. Cline, the head of Forsyth County's Welfare Board, also wrote to Johnson. Cline, who was

⁴⁰ James A. Lowe, Winston-Salem, to Kate Burr Johnson, 29 April 1927. DSS-SBC, Commissioner's Office, Subject Files, Institutions and Corrections, Box 146, Folder, Forsyth County Prison Camp Investigation, 1926-1928, NCDAH. Also see, "Probe Flogging of Negro Convict," *Raleigh News and Observer*, 28 April 1927, p. 13.

apparently responding to a query from Johnson regarding Jones' death, devoted the letter to a personal and unflattering assessment of Lowe. Cline told Johnson that Lowe "ha[d] been talking entirely too much" and that "[o]utstanding colored citizens" disapproved of his "methods." He went on to say Lowe was "far from the type of man to preserve harmony between the races."⁴¹ Cline's assessment of Lowe indicated his belief that Lowe was a troublemaker, not a part of the respectable black citizenry, and thus they might dismiss him without concern. Cline's remarks might also dispel any hint that he had failed in his own duties to inspect the camp and report any problems to the state agency, something that Lowe had alluded to in his letter. He concluded by reminding Johnson that he and his office had always enjoyed "the support of the best people, white and colored." Clearly, in Cline's assessment, Lowe did not qualify as one of the "best people." A brief grand jury investigation subsequently "reprimand[ed]" camp officials for "breaking the rules" but failed to find sufficient reason to press charges against them for Jones' death. The outcome evoked displeasure from Johnson, who had hoped for more. As was usually the case, however, local justice exonerated local officials.⁴²

Another letter from a concerned citizen of Asheville addressed problems within the Buncombe County chain gang camp. Writing to Governor Bickett in 1920, he stated he wanted "to protest" conditions because he believed that chain gangs "savored too

⁴¹ James A. Lowe to Kate Burr Johnson, 9 May 1927; A.W. Cline to Kate Burr Johnson, 9 May 1927. Both letters found in DSS-SBC, Instruction and Corrections, Box 146, Folder: Forsyth County Prison Camp Investigation, 1926-1928, NCADH.

⁴² "Grand Jury will ask about Prison Death," 24 May 1927, p. 4; and "Grand Jury Reprimands but Refuses to Indict," 9 June 1927, p. 2; both articles from *Raleigh News and Observer*.

much of slavery times.” He warned Bickett that although the “state may be getting some good roads,” the price was too high, for “it seem[ed] to [be] at the cost of human souls.” He explained that he had tried to start a religious service for the convicts, but had received “no encouragement” from the superintendent.⁴³ He lamented the poor living conditions and mistreatment of the convicts, and mentioned that, should the governor be inclined to investigate, he could supply the name of a local woman who could confirm his allegations. The woman had recently gone to the camp to deliver magazines to the convicts and had come back greatly concerned about the great number of sick men who appeared to need medical attention.⁴⁴

Many convict letters dealt with the lack of medical care in the camps. At the outset of establishing the road camps, the NCGRA told readers of its *Good Roads* Circular, “owing to the usually good sanitation and benefits of daily exercise, cost of medical attention is almost nothing.”⁴⁵ County Boards of Health elected doctors to serve as county physicians, and part of their duty was to minister to the needs of convicts. Counties stipulated that the physician examine each convict upon arrival in the camps to ensure there were no communicable diseases, including tuberculosis and venereal

⁴³ The reluctance of camp supervisors to allow religious services on Sundays seems counterintuitive at first. A more compliant group of men would seem to better serve the interests of the county. But any outside visitors posed a potential threat because they limited the control of camp officials and could report any conditions that were problematic.

⁴⁴ Urban A. Woodbury to Governor Thomas W. Bickett, 8 February 1920. DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: 1917-1925, General and Miscellaneous, NCDAAH.

⁴⁵ J.A. Holmes, “Good Roads,” *Good Roads Circular*, no. 3, 16 August 1902. Papers of Joseph Hyde Pratt, Box 5, Vol. 3, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC.

disease, in which case isolation or transfer was necessary. They also required the physician to attend all floggings to ensure that they were not “unnecessarily brutal.” The frequent complaints about doctors’ neglect of prisoners indicated that the chain gangs were not a priority.⁴⁶

SBC Commissioner Johnson witnessed the impact of poor medical care firsthand in 1922, when she personally conducted an investigation into one of the Wake County camps after receiving “an unusually well-written letter from an 18 yr. old negro convict.” The young man asked for Johnson’s help regarding a leg amputation he had undergone nine months earlier, before his arrival in the camp. The wound had never healed properly, and the convict explained he had received no care since his arrival in the camp. Johnson, who rarely visited the camps personally, took a local minister with her to interview the prisoner. The minister recognized the convict immediately and told Johnson several times that he was “not a bad nigger,” indicating a degree of sympathy for his condition. Johnson found that what the convict had written about his condition was true, and she left the camp convinced that he needed hospital care and perhaps a second amputation.⁴⁷

⁴⁶ “Dr. Z.M. Caviness County Physician,” *Raleigh News and Observer*, 9 January 1917, p. 5.

⁴⁷ “Inspection of Wake County Camp #3,” by Kate Burr Johnson, 2 August 1922, p. 1. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Wake County prison Camps, 1922-23, NCDAH.

Johnson then visited the Wake County physician who received “\$2,500 a year to take care of the home and 3 convict camps.”⁴⁸ During her visit, Johnson explained to the doctor her views about the convict’s wound but found him completely unconcerned with the situation. Although he had not seen the man in four months, he “insisted he didn’t need hospital care.” Johnson interviewed the doctor regarding his interaction with the men in the camp and discovered that he was unaware of his duties, did not realize that some of the men were syphilitic, and had no record of ever having examined the convicts. He believed in the “worthlessness of negro convicts in general,” which Johnson interpreted as his rationale for failing to attend to the men’s needs. At the conclusion of Johnson’s visit, he reluctantly agreed to have the convict brought into his office the next day. The doctor called Johnson after his examination to say that, although he still felt the wound had not worsened beyond what he saw four months earlier, he had committed the convict to the hospital for a “fresh amputation.” All the time she was listening to him, Johnson later remarked, she was wondering “how much service Wake County got for her \$2,500.”⁴⁹ Throughout the entire discussion over the young convict’s medical condition, no one questioned why the judge sentenced a recovering amputee to the roads.

As Johnson discovered during her visit to the Wake County camp in 1922, most physicians did not fulfill their duties to the convicts. In 1925, a convict writing for “all

⁴⁸ The “home” refers to the poor house, an institution all counties operated to house indigent persons. Residents of the poor houses included the disabled and the mentally challenged population. Those who operated the facilities often treated the least able cruelly. The SBC and the local grand juries inspected the homes, just as they did the local penal institutions.

⁴⁹ “Inspection of Wake County Camp #3,” by Kate Burr Johnson, 2 August 1922, p. 3. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Wake County prison Camps, 1922-23, NCDAH.

the boys” from the Greenville camp in Pitt County remarked that guards made them bathe and sleep among those who were suffering from venereal disease. He asked that someone “look into this and see if that is any law” that could prevent this from happening.⁵⁰ A letter dated the same year but from a group of eight convicts in Transylvania County also asked that Johnson visit the camp because a number of the men suffered from venereal diseases but had to share everything with the others. They believed that was “against the law of North Carolina.”⁵¹ Similarly, prisoners writing in 1926 from the Matthews chain gang in Mecklenburg County explained that many of the men were “suffering with sickness and cannot even get a doctor.”⁵²

In some letters, convicts spoke of the sense of fear and desperation they experienced on the chain gangs, often without making any specific complaint. The writers’ phrasing in describing their circumstances and their repetition of allegations to ensure that they made themselves clear reveal the strain they felt. In a 1929 letter that began only with the salutation “Miss,” an anonymous convict wrote about conditions at an unidentified labor camp. Writing in November, he reiterated several times the lack of food as well as the inadequacy of the clothing and bedding to keep the convicts warm. He complained twice that officials forced the men to bathe in cold water and said that

⁵⁰ Anonymous letter from Greenville, NC, 28 November 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder, Prison Complaints 1915-1929, NCDAH.

⁵¹ Transylvania Chain Gang to Kate Burr Johnson, 25 September 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder, Prison Complaints 1915-1929, NCDAH.

⁵² Letter to Kate Burr Johnson, 18 July 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder, Prison Complaints 1915-1929, NCDAH.

when they became sick, guards forced them to work anyway. He wrote that if “anybody come to see us they will curse them out, run them away . . . and you can’t even see your people.” The convict also explained that every time an inspector came to the camp to interview the men, they were too afraid to be honest and instead toed the line by responding that they were “getting along all right.”⁵³

Investigators understood that circumstances could prevent convicts from being truthful. The men often responded to their questions vaguely, fearful of exposing the reality of the camps and then having to face the camp superintendent’s anger afterward. A former Nash County convict expressed these feelings when he wrote to Commissioner Johnson that the men in the camp were “too afraid to tell the grand jury anything.”⁵⁴ In writing about their visit to the Stanly County camp in 1925, two SBC investigators noted that they found the convicts “too thoroughly cowed” to speak freely. County grand juries sometimes quoted convicts’ assurances that everything was okay in the camps, accepting at face value their words and ignoring any evidence to the contrary.⁵⁵ Their fears were justified, for in a number of cases investigators found that camp officials had punished convicts who had talked with them or written letters.⁵⁶

⁵³ Anonymous letter, 2 November 1929. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁵⁴ Allec Malley to Kate Burr Johnson, 8 October 1925. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁵⁵ Report on Visit to Stanly Road Camp,” DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Stanly County Prison Camp, 1925, NCDAH.

⁵⁶ See Cabarrus County, 1923; and Guilford County, 1925.

Some convicts used their letters as a means to bargain their way out of camp, evident in two letters to Governor Bickett from men on one of Mecklenburg County's chain gangs. Instead of asking for an investigation, they chose to offer Bickett a deal. In lieu of serving their time on the chain gang, they volunteered to join the army and go to war. In August 1918, the first letter writer stated he "would rather be in France in a trench" than in the camp. He pleaded for Bickett to allow him and several other convicts to enlist.⁵⁷ The writer of a 1919 letter from the camp had the same idea. The convict stated that he was serving a six-year term on the roads but declared he could not endure that time in such conditions. He promised that if the governor could arrange it, he would gladly join the army and be "willin to stay their 7 years or more fert to get away from this place." On the last page of the letter, he told the governor that he had tried to obey the camp rules but believed it was impossible.⁵⁸

African American women sometimes ended up in the chain gang camps too, brought there from county jails or workhouses to "cook and wash" for the convicts and camp officials.⁵⁹ Earlie and Millie were two such women who wrote to Commissioner

⁵⁷ Carey Moss to Governor Thomas W. Bickett, 28 August 1918. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH. The camp was situated in close proximity to Camp Greene, a WWI training facility for the army. It seems likely that the men drew upon their observance of that camp when asking to be allowed to enlist.

⁵⁸ Willie Wade to Governor Thomas W. Bickett, 22 June 1919. DSS-SBC, Commissioner's Office, Subject Files, Box 8, Prison, Miscellaneous, 1917-1925, NCDAH.

⁵⁹ Quote from "Road Building with Convict Labor in the Southern States," by J.A. Holmes, published in *Good Roads Circular*, No. 3, 16 August 1902. Papers of Joseph Hyde Pratt, Box 5, Vol. 3, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill, NC. For a discussion of the campaign to create a home for young African American women who got into trouble, see Anastatia Sims, *The Power of Femininity in the New South: Women's Organizations and Politics in North Carolina, 1880-1930*, 123-125.

Johnson from Lillington in Harnett County. Writing in the 1920s (exact year illegible), the two women, who identified themselves respectively as “mulatto” and “colored,” complained about their heavy workload. They explained that they endured seventeen hour work days because they were responsible for cleaning the two “cages” that held the convicts and the “offices” of camp officials, washing clothes for the convicts and the guards, cooking for the camp, and gathering wood for both cooking and heating when the weather turned cold. The women said the guards cursed them and complained that they had not ironed their clothes nicely enough. They requested that Johnson send SBC investigator Roy M. Brown to the camps so they could explain more, indicating that the two women must have had some contact with him in the past.⁶⁰

Women were also involved in the upkeep of the Salisbury chain gang in Rowan County. In 1926, an anonymous convict wrote a letter to an unidentified “sir” in which he described conditions in the camp and the mistreatment of the “girls.” The letter writer noted that county officials were not doing their “duty” and that the “commissioner . . . doesn’t ever visit the place.” The writer went on to list the responsibilities camp officials had given the “girls” and asked several times that something be done to ensure that they receive better treatment, as well as decent clothes and shoes. He complained about the guards’ actions toward the girls, cursing them and hitting them, but also not giving them any privacy when they “went out” to relieve themselves or went to their sleeping quarters. Sometimes the guards even “went in with the women.” He concluded by

⁶⁰ Earlie Gilbert and Millie Pipkin to Kate Burr Johnson, 26 July (year illegible, but 1920s). DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

asking the recipient to “please make a change for the prisoners and make it as quick as possible.”⁶¹

A number of examples show that over the years the letters helped spur investigations into some of the worst camps and the men who operated them. In January 1918, a convict wrote a six-page letter detailing numerous occasions of abuse on the Rocky Mount chain gang in Nash County, including a description of the suspicious death of one of the men in the camp. He addressed his letter to the local mayor, T.T. Thorne, who forwarded it to the SBC with a note of his own that he concluded with the disclaimer, “I know nothing at all about the truth of his statements.” Acting upon the convict’s letter and the mayor’s personal correspondence, the SBC began an inquiry concerning the camp two weeks later.⁶²

The SBC also responded in January 1919, when a group of five Rowan County convicts wrote to Governor Bickett about the insufficient quantity and poor quality of food they received. Two weeks later, an SBC investigator contacted the Rowan County Board of Commissioners, the men who organized and controlled the operations of the camps, and informed them that convicts had sent a letter of complaint. The investigator

⁶¹ Unsigned letter to unidentified recipient, 9 May 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁶² Joe Bissett to T.T. Thorne, Rocky Mount, NC, 22 January 1918. SBC to T.T. Thorne, 12 February 1918. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

requested that the commissioners “look into this matter and improve conditions.”⁶³ The SBC’s decision to hand off responsibility to the local men, and their revelation that they were reacting to a letter of complaint from a convict, were both problematic. Indeed, the general sentiment among convicts and their families was that “the grand jury and the county board of welfare pull together with chain gang officials.”⁶⁴

Convicts wrote SBC investigators and others about the floggings and other abusive treatment they had suffered from guards and superintendents. In March 1919, a group of twenty-four prisoners serving sentences from four months to four years on a Forsyth County chain gang wrote to Governor Bickett that camp officials had kicked, beaten, and whipped them. Within four days, SBC Commissioner Roland F. Beasley followed up on the prisoners’ complaints, asking Forsyth County officials to check into the matter and quoting directly from the prisoners’ letter. While Beasley wrote that “we know that sometimes complaints are made with little or no real foundation,” he did end the letter to the Health Officer of Forsyth County with an assertion that an investigation would follow if there was proof of the men’s complaints.⁶⁵

⁶³ Chris Black, J.A. Cranford, L.W. Goodwin, A. G. Helms, and M.M. Culbison, from Salisbury, to Governor Thomas W. Bickett, 19 January 1919; Commissioner of Public Welfare to Board of County Commissioners, Salisbury, 1 February 1919. Both letters in DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁶⁴ Mrs. H.A. Smith to Kate Burr Johnson, undated, location not specified. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

⁶⁵ Roland F. Beasley to Dr. A.C. Bulla, 21 March 1919. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH. The involvement of the County Board of Health was unusual, but it highlights another aspect of reform work during the progressive years in the New South. For the development of state and county agencies focused on improving health and sanitation throughout the New South, see Ettling, *The Germ of Laziness: Rockefeller Philanthropy and Public Health in the New South*.

As happened in the Forsyth County case above, the SBC often delegated the task of investigating complaints to the local boards of welfare or health, and sometimes to the county commissioners. On April 6, 1926, a prisoner on the Nash County chain gang wrote to Governor McLean that the camp guard had “whipped [him] severely.” Within three weeks investigators from the county welfare board reported to the SBC that they had gone to the camp to talk with officials. Though the correspondence is not available, the visit was no doubt in response to a request by the SBC, since governors typically forwarded convict letters to the agency.⁶⁶ The local board remarked that camp superintendent J.C. Collins appeared nervous when they arrived and told them he “knew what [they] had come for.” Collins proceeded to explain his own version of the incident the prisoner had reported, claiming that a guard had struck the man four “licks” with a “switch” in order to stop him from cursing at the dinner table. He went on to say that such punishment “would not have hurt a four year old child.” When county investigators asked to interview the convict in question, Collins informed them he had escaped from the camp on the day prior to their visit.⁶⁷

In each of these cases, the queries and investigations were a direct result of letters from convicts. Yet, even in the absence of the hoped-for response, convicts sometimes remained persistent in pushing for change. In a 1919 letter from a Mecklenburg County

⁶⁶ Such letters bear the handwritten name of the SBC Commissioner at the top, indicating the governors’ intention to pass the correspondence along to that agency.

⁶⁷ Paul Harris to Governor Angus McLean, 6 April 1926; L.G. Whitley to McLean, 24 April 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

convict addressed to Governor Bickett, the prisoner wrote as though he and the governor were regular correspondents, beginning with a cordial exchange of information about his own well-being and inquiring after that of Bickett. The convict wrote that he wanted to “tell [the governor] agan I have got 6 years her on the county road,” but conditions in the camp were so bad that he feared “he would not make it.” The letter was brief, only three short pages, but the convict concluded by saying that he would “close for this time” and hoped to hear back from Bickett soon. He identified himself as a black man and named the superintendent of the camp. The prisoner intended to continue his one-sided correspondence with the governor, believing that perhaps one day someone would address his concerns.⁶⁸

Convicts who sought intervention from the SBC and others were always hopeful of a response. Their failure to follow through could sometimes prove devastating to the convicts. In October 1923, a prisoner on the Rocky Mount chain gang in Nash County began writing a series of letters to the SBC, asking that someone come visit the camp “at once.” The convict, a thirty-year-old black man named Roy Scott, wrote that he had been in the camp for only three weeks but guards had already given him two beatings. Scott stated that others had told him that SBC investigators had visited the camp earlier that year, and “[they] was telling me you all is the one to tell my troubles to.”⁶⁹ Several

⁶⁸ Willie Wade to Governor Thomas W. Bickett, 22 June 1919. DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: Prison 1917-1925, Miscellaneous, NCDAH.

⁶⁹ Roy Scott, Rocky Mount, 21 October 1923. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prisoner Complaints, 1915-1929, NCDAH.

months later, in January 1924, the same convict wrote that he had already sent three letters to the SBC but was worried that they had not been received because no one had responded. This time he concluded by saying, “you all is our only hope . . . we remain the same poor prisoners.” Five fellow convicts signed their names along with Scott, two whites and three blacks.⁷⁰

Instead of visiting the chain gang, the SBC investigator responded to Scott’s letters by writing either to the Nash County Board of Commissioners or to the camp superintendent. The investigator had requested that county officials look into conditions in the Rocky Mount camp, but it is uncertain if the SBC official provided Scott’s name. At the end of February, Scott penned another letter in which he informed the recipient that after the SBC had written to county officials about his letters, the superintendent and guards increased their abuse even more. Scott declared that they had threatened to kill him and the men who had signed with him. He provided the SBC investigator with the names of camp personnel and again implored him to visit the camp or arrange a transfer for him and the other five men.⁷¹ According to Scott, the camp superintendent had bragged that no one would tell him how to do his job; yet he viewed Scott’s actions as a great enough threat that he recruited a stool pigeon to write to the SBC and refute all of

⁷⁰ Roy Scott, Rocky Mount, 20 January 1924. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prisoner Complaints, 1915-1929, NCDAH. Envelope shows the letter was addressed to State Welfare Officers. The intervening letters he mentioned are not in the files.

⁷¹ Roy Scott, 14 February 1924. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH.

the men's claims. The stool pigeon insisted that all the earlier letters had been forged in order to get the group they identified in trouble.

Still hopeful that he could convince the investigator to visit the camp, Scott composed a sixth and final letter at the end of February. He explained the stool pigeon episode and again listed the men who had signed the earlier letters. Scott pleaded for the investigator to come to the Rocky Mount camp, and told him to send any response to a friend who was a "free man" to keep officials from confiscating it. There is no evidence to indicate that Scott's pleas were successful. No doubt discouraged by the agency's failure to visit the camp, Scott's campaign ended. The deterioration in the readability and steadiness of Scott's penmanship is apparent from the first letter to the last. Even without the content, the appearance of the words on the page bear witness to the strain on Scott and the others. Five months after sending his final letter to the SBC, a guard shot and killed Scott allegedly in self-defense. A grand jury exonerated the guard, although a year later he was attempting to have a judge change the venue for a trial over the incident.⁷²

While writing letters seldom cost prisoners their lives, overt acts of resistance, however insignificant, could result in horrific abuses and even death. One particular case demonstrates the extreme risks convicts took when they decided to resist camp officials.

On July 20, 1930, an eighteen-year-old black man named Willie Bellamy received a

⁷² Roy Scott, 24 February 1924. My count of six letters includes the two missing letters Scott mentioned in the January letter. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH. Death date was July 14, 1924, provided in North Carolina Death Collection, 1908-2004; available online http://search.ancestry.com/iexec?htx=View&r=an&dbid=8908&iid=NCVR_D_425_0005-0634&fn=Roy&ln=Scott&st=r&ssrc=&pid=4472489 (accessed 5 November 2010). Also see, "Convict Guard to Ask for Change of Venue," *Raleigh News and Observer*, 12 June 1925.

ninety-day sentence for violation of the state's prohibition law. On July 26, less than a week after arriving in one of Wake County's camps, Bellamy died at St. Agnes Hospital in Raleigh from "heat prostration," with "excessive hot weather" blamed as a contributing factor. The county physician who attended to the men in Wake's chain gang camps determined the cause of death and signed the death certificate.⁷³

Shortly after Bellamy's death, two men, one white and one black, arrived at the Raleigh office of SBC investigator L.G. Whitley. The men claimed Bellamy died because of abuse for his part in the resistance effort and wanted Whitley to examine the body at the funeral home. Although he found no visible signs of abuse, Whitley spent the next few days interviewing convicts and camp officials. He learned that Watkins had not beaten Bellamy, but he admitted to chaining the convict in the "dark cell" at least three times during the few days that the convict was in camp. The dark cell was a "wooden structure, 4 ft. wide, 7 ft. long, and 6 ft. high," made of wide heavy boards that provided "little if any air flow." The same boards covered the top of the cell, with a "3½ in. opening at the top." It stood in "full sun" during the summer months, "thirty five feet from the nearest shade," leading many to refer to it as the "sweat box."⁷⁴

⁷³ "Report of Investigation of Death of Prisoner Willie Bellamy (Col), Wake County," 5 August 1930. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder, Wake County Camp #5, 1930-1931, p. 1, NCDAH. North Carolina Death Certificate for Willie Bellamy, available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_1050-2054&fn=Willie&ln=Bellamy&st=r&ssrc=&pid=1443956 (accessed 1 June 2010).

⁷⁴ "Report of Investigation of Death of Prisoner Willie Bellamy (Col), Wake County," 5 August 1930, p. 6. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder, Wake County Camp #5, 1930-1931, NCDAH.

Watkins explained that he punished Bellamy for being the “leader of the striking gang” that had sat down and refused to work on the morning after the young man’s arrival. All of the convicts returned to work the following day, but Bellamy had continued his defiance and dared the guards to shoot him because he would “rather be dead” than have to be on the chain gang. For his actions, Bellamy endured hours in the dark cell on several succeeding days and, as his condition visibly deteriorated, Watkins failed to alert the county physician. SBC investigator Whitley’s findings showed without doubt that Watkins was responsible for Bellamy’s premature death.⁷⁵

Because of the SBC’s investigation, the Wake County Grand Jury indicted Watkins and two guards for assault with a deadly weapon. The October 1930 trial resulted in a six-month sentence to the roads for Watkins and acquittal for the two guards. A later newspaper article on the case stated that Watkins’ received a six-month jail sentence, indicating that his attorneys may have persuaded the judge to change the sentence in view of the convicted man’s former position as a camp guard. The attorneys also appealed the guilty verdict based on problems with the judge’s remarks to the jury.⁷⁶

The Bellamy case drew the attention of an attorney with the American Civil Liberties Union, who wrote to the new SBC Commissioner, Annie K. Bost, asking when

⁷⁵ “Report of Investigation of Death of Prisoner Willie Bellamy (Col), Wake County,” 5 August 1930, p. 3. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder, Wake County Camp #5, 1930-1931, NCDAH. See also, “Supervisor Says He Didn’t Think Negro Was Sick,” *Raleigh News and Observer*, 24 September 1931, p. 1.

⁷⁶ “Testifies to Convict’s Torture in Wake Camp,” *Raleigh News and Observer*, 23 September 1931, p. 1.

a new trial would take place.⁷⁷ The attorney had spent some months in North Carolina working with defendants in mill strikes and had subsequently become interested in the convict camps because some of the men he worked with drew sentences to the roads. He asked that Bost provide him with information about the camps and any incidents similar to what happened with Bellamy. The *Pittsburgh Courier* also picked up on Bellamy's case, and although it borrowed coverage from a North Carolina paper, it positioned the story under the bold headline, "North Carolina Daily Flays Convict's Death."⁷⁸

Watkins won a second trial in September 1931, in which he faced the more serious charge of manslaughter. Testimony revealed that upon his release from confinement around noon on the day of his death, Bellamy was unconscious, his temperature was 105 degrees, and his muscles were "twitching."⁷⁹ Still, the doctor did not immediately send him to the hospital but instead transferred him to another camp. By the time Bellamy reached the hospital, doctors could do nothing. Yet the county physician swore that his death was unrelated to the punishment Watkins administered. As the two-day trial ended, the defense attorney won over the jury with his impassioned appeal to the simplicity of the past, when the "whipping post" provided the ideal form of

⁷⁷ Bost became commissioner in March 1930, after Kate Burr Johnson accepted a position at a New Jersey home for girls. "Staff Regrets Losing 'Its Chief,' Mrs. Johnson to Head up Pioneer Venture in Penology," *Public Welfare Progress*, February 1930, both articles in North Carolina Collection Clipping File, University of North Carolina, Louis Round Wilson Library, Chapel Hill, NC.

⁷⁸ Walter Wilson, New York City, to Mrs. W. T. (Annie K.) Bost, 29 October 1930. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: Wake County Camp #5, Willie Bellamy 1930-1931, NCDAH; and "North Carolina Daily Flays Convict's Death," *Pittsburgh Courier*, 15 November 1930, p. A3.

⁷⁹ "Supervisor Says He Didn't Think Negro Was Sick," *Raleigh News and Observer*, 24 September 1931, p. 1.

punishment for prisoners. Abolition of the whipping post was the source of penal problems, he argued, and the jury nodded and smiled approvingly before retiring for thirty minutes to return a verdict of not guilty. Watkins, like so many others before him, walked away a free man.⁸⁰

Convicts sometimes tried to escape the brutality of the chain gangs. We cannot know how many escape attempts occurred, for if camps kept records, they no longer exist. From SBC records, it is clear that escapes, or perhaps their outcome, were of great concern. As part of its ongoing effort to establish rules for the camps, the SBC decided to canvas states across the country to determine what methods they used for preventing convict escapes. In 1926, the agency distributed a survey asking for information on whether penal authorities operated chain gangs, and if so, how many men had escaped from those camps during the previous year. Most of the respondents to the SBC survey simply provided the requested information, but one law officer in West Virginia chided North Carolina and other southern states for authorities' quick use of the gun in dealing with escapees. After stating that guards had killed no convicts in his state during the previous year (1925), the respondent commented that the West Virginia system was more like "northern states." He concluded by suggesting that "The South must get over the idea that escapes are so bad...who cares if some run?"⁸¹ In his view, the deaths of many

⁸⁰ "Supervisor Says He Didn't Think Negro Was Sick," 24 September 1931, p. 1; and "Free Watkins in Death Case," 25 September 1931, p. 1; both articles from *Raleigh News and Observer*.

⁸¹ R. Eugene Brown, Director, Bureau of Institutions, SBC, to C.L. Stonaker, State Board of Children's Guardians, Charleston, WV, 24 July 1926. DSS-SBC, Commissioners Office, Subject Files, Box 8, Folder: Escaped Convicts, NCDAH.

non-violent felons and misdemeanants guards shot during alleged escape attempts were unnecessary because they posed no threat to the general population.

The question of escapes became much more important once the NCGRA and its political allies pushed for the distribution of felons as well as misdemeanants to the chain gangs. Citizens might not have minded if a man serving time for vagrancy or drunkenness successfully fled, but they felt differently about those convicts judged guilty of violent offenses or grave crimes. In 1926, citizens of Buncombe County made “vigorous protests” against the local chain gang and even went so far as to file suit with the Superior Court to have the camp removed. They accomplished their purpose as camp personnel quickly moved the chain gang elsewhere. Also in 1926, a camp in Madison County was closed down but officials provided no explanation for that decision.⁸²

In spite of the concern about having felons working near homes and places of business, most of the men guards killed during alleged escape attempts were serving short sentences of only months, not years, and most were black. This outcome aligns with the greater number of black men serving in the camps, which would yield more escape attempts by them. But it also shows camp officials’ relative certainty that they could shoot and kill these men without public outcry and judicial prosecution. They knew that regardless of the circumstances, guards had only to claim that they had warned the convict to stop before shooting, and no one dared dispute his word. Coroners and grand juries determined in such cases that the guards had only been doing their duty.

⁸² “Prison Camp to be Closed Up,” *Raleigh News and Observer*, 28 September 1926, p. 3.

Media coverage of convict deaths from alleged escape attempts shows that on the rare occasion when the shooter was convicted of a crime, public sympathies and support from white friends prevented him from serving time. Everyone agreed that killing a man for running away was a shame, but the general sentiment was that the guard “was only doing his job.” The problems in the camps and official response to those problems stemmed from the widespread attitude so aptly expressed by a Buncombe County camp superintendent. In 1928, as part of an article decrying conditions in the camp, the official commented, “the main object of the camp [was] to build roads and make the prisoners ‘pay the price.’”⁸³ The problems connected with eliminating resistance on the chain gang, investigators concluded, lay not with the man holding the gun, or those sanctioning the shooting, but with the system itself.

Some convicts came up with inventive ways to escape. Perhaps the most unique letter in the SBC files was from a convict writing to his “Baby Doll” with a scheme for executing an escape from one of the Wake County chain gangs. Writing in early 1926, he said he had talked with the “night watchman” and found that the guard, although an “old man,” was “as crazy about women and whiskey” as he could be. The convict, who signed the letter “Your Same Loving Daddy,” wanted his girlfriend to drive out to the camp around midnight with some whiskey for the guard and persuade him to let her in for a visit. He asked that she bring him some “hacksaw blades” so he could saw through the cage bars. To ensure that the guard would not interfere, he asked that she put “dope” in

⁸³ “Buncombe Camp Called Very Bad,” *Raleigh News and Observer*, 13 July 1928, p. 3.

the whiskey that would put the “old man” to sleep. If she was unable to encourage the guard to drink, the writer said she could take him back to the car and “keep him there for about 30 minutes and we can make it in that time.” At this point, the convict indicated that there might be others counting on his plan to escape, too. No evidence remains regarding whether or not the convict’s plan was successful, or whether he tried it.⁸⁴

Other attempts to escape relied on daring and resourcefulness. In February 1922, a convict on the chain gang in Mitchell County attempted to dynamite his way out, using supplies on site for blasting rock during road construction. The attempt caught guards by surprise, for they had only recently dealt with rumors that a large group of convicts was plotting to use dynamite to blast their way to freedom. Guards had taken “steps to prevent” the men from carrying out their plan, and believed the camp, which held fifty-five men, was secure. The convict who decided to strike out on his own underestimated the dynamite’s effectiveness at stopping guards from pursuing him. Instead of a major explosion, of the two sticks of dynamite he threw toward the guards before running, only one exploded and it landed at a distance from its intended victim. The unharmed guard shot the convict, seriously wounding him and slightly injuring another convict not involved in the escape.⁸⁵

⁸⁴ Letter from Knightdale in Wake County, 26 May 1926. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Prison Complaints, 1915-1929, NCDAH. Since there is no mention of the SBC, there is no way to know how this letter arrived at the agency’s office or why it was in the files.

⁸⁵ “Tries Dynamite to Escape Camp,” *Raleigh News and Observer*, 15 February 1922, p. 3.

The shooting of convicts purportedly attempting to escape was relatively common in the chain gang camps. Yet, according to an early article about one such incident, “there [were] no regulations by which such matters [could be] promptly reported to the proper authorities and investigated.”⁸⁶ Because of the looseness that characterized oversight of the county camps, shootings could pass unnoticed unless someone questioned the circumstances and drew the attention of the press. Coroners did not have the authority to conduct an official inquest into shooting deaths unless there was a complaint or evidence of willful wrongdoing. Since the coroner determined whether a death was officially a homicide that required a legal investigation, and because he relied on the testimony of the guards, investigations were rare. County commissioners and grand juries generally sided with camp personnel. These circumstances only emboldened guards and superintendents to believe they were above the law, since in almost all cases the only witnesses to shootings were other convicts.

Not all convict shootings were fatal. One July evening in 1911, three men serving time on the Guilford County chain gang plotted to escape from the camp. According to one of the convicts, they had hoped to escape while they were in the jail with the aid of a hacksaw promised by a relative, but guards moved them to the camp before they could break out. The men assumed that if they all ran at the same time but in different directions, at least two of them stood a good chance of getting away in the ensuing

⁸⁶ “Was it Murder?” *Greensboro Daily News*, 10 September 1909, p. 1. In this case, unnamed witnesses came forward to claim that the guard had shot the convict without cause. The guard fled, indicating guilt, and there was no immediate resolution to the case.

confusion. On the morning following their discussion, one of the men “edged off a respectful distance and broke into a run.” When guards warned him to stop, he continued running in anticipation of the other two men fleeing, as they had planned. One of the guards raised his gun and shot the runaway prisoner in the leg, shattering bones but not fatally wounding him. Both of the other convicts who had agreed to participate in the escape “became as still as statues” and failed to provide the cover that might have prevented the shooting.⁸⁷

Convicts most often attempted to escape during the warmer months of the year, summer through fall, when it was not uncommon for more than one incident to occur in a given month. Perhaps that was why the *Pittsburgh Courier* ran an article in July 1923 that discussed the fatal shooting of three convicts that month, occurring in the counties of Wake, Forsyth, and Nash. All of the victims were black men serving short sentences that ranged from ninety days to four months. The paper only identified the convict killed in Forsyth County, where the death certificate revealed that he was twenty years old; the cause of death was listed as “Gunshot wound by the county road guard (escaping convict).”⁸⁸ The *Courier* article gleaned much of its information from the New York office of the NAACP and included a quote from an editorial in the *Raleigh Times*, a short-lived competitor to the *Raleigh News and Observer*. The editorial criticized the

⁸⁷ “Trying to Escape, Prisoner was Shot,” *Greensboro Daily Telegram*, 12 July 1911, p. 2.

⁸⁸ North Carolina Death Certificate for Henry Lockett, 9 July 1923, database available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_149-0553&fn=Henry&ln=Lockett&st=r&ssrc=&pid=449816 (accessed 1 July 2010).

mismanagement of the chain gangs and contended that guards and superintendents were not qualified “to herd a gang of geese.” The journalist for the *Courier* concluded by reminding his readers, “Many Negroes are being convicted of petty offenses in North Carolina to provide labor on the roads.”⁸⁹

The most typical escape attempt and shooting was the story of the convict fleeing the camp at an opportune moment, the guard yelling for the man to halt, and the guard shooting the convict in the back for failing to heed. Usually this was the most information that newspapers provided regarding the incidents, if they covered them at all. In April 1923, however, Raleigh’s *News and Observer* included a significant amount of detail when describing the events surrounding the shooting death of a convict on the Rocky Mount chain gang in Nash County. According to the article, the victim and a companion took advantage of the dinner hour to flee, the guard shouted his warning, but neither man stopped. The guard killed one of them and the other succeeded in getting away. The paper stated that camp officials notified the coroner “immediately after the shooting.” Upon his arrival at the scene, “an inquest was performed over the dead negro . . . and after testimony had been heard, the guard . . . was exonerated.” The dead man was serving a thirty-day sentence for vagrancy. The guard had done his duty and the doctor had confirmed his innocence.⁹⁰

⁸⁹ “Prisoners are Shot by Guards on Road Gangs,” *Pittsburgh Courier*, 28 July 1923, p. 3.

⁹⁰ “Fleeing Convict Killed by Guard,” *Raleigh News and Observer*, 28 April 1923, p. 5. Holding an inquest at the scene was not the norm, but given that this was the period during which the Barnett case discussed in Chapter II was winding down, officials may have been overly cautious. At the time the article ran, the second convict remained at large.

A similar amount of detail appeared in a 1925 article in the *Raleigh News and Observer* regarding the shooting death of a convict in Wake County. The article described the escape attempt and noted that two guards warned the convict to halt, and when he did not stop, one of them shot him through the back with his Winchester rifle. The mention of the particular weapon is significant, because in almost all other cases where newspapers reported shootings, they noted that guards used shotguns that sprayed buckshot. The rifle, unlike the shotgun, was a much deadlier weapon that increased the likelihood of death, amounting to “overkill.” Buckshot from a shotgun might scatter and wound a victim at a distance, but the bullet from a rifle was more lethal and the weapon was more accurate at a longer range. The result, as in this case, was that the bullet bored through the back and exited the front. The coroner once more came to the scene of the shooting, interviewed the guards and trustees, and exonerated the shooter completely. Unless someone filed a complaint, which was not likely, the case was closed. The convict was serving a sentence of thirty days for larceny, plus thirty more days to cover costs of court.⁹¹

Throughout the 1920s, convicts worked within the county chain gangs to eliminate abuse and improve conditions in the camps. They wrote letters, destroyed camp property, refused to obey guards, and tried to escape. They hoped that what they did would engage the support of the SBC, and sometimes they accomplished their

⁹¹ “Negro Shot Down by Convict Guard,” *Raleigh News and Observer*, 30 October 1925, p. 1-2.

purposes. However, they and the SBC alike faced challenges larger than they could handle in the very structure of the county convict labor camps. County chain gang officials need not fear or respect the demands of anyone, for local officials were not answerable for their actions towards convicts. As long as the camps operated independently and outside state governance, lasting and meaningful reform remained elusive.

CHAPTER V
REBELLIOUS PRISONERS AND STATE CONTROL

North Carolina can no longer look down its nose at its neighbors in the deeper South.
Macon Telegraph, 5 August 1935

Throughout the period of their involvement with chain gangs, both the State Board of Charities and Public Welfare (SBC) and the North Carolina Good Roads Association (NCGRA) worked to convince legislators to transfer responsibility for all convicts and road building from counties to the state. This shared desire for centralized control represented a clear expression of the progressive mentality that inspired these reformers. For the SBC, state control of county convicts offered the only way to eliminate the constant wrangling over regulation and use of chain gangs. For the NCGRA, state control provided the most effective means for realizing the organization's primary goal of funding and constructing a coordinated network of hard-surfaced county, state, regional, and national roads. For the men in the scattered county chain gangs who spent their days constructing roads, state control represented a small measure of legal success rising from their decades-long pursuit of reform within the chain gangs.

Assumption of state control of convicts and the roads they built occurred in two stages. In 1931, Governor O. Max Gardner signed legislation that began the gradual process of eliminating county chain gangs and bringing all offenders with sentences

greater than sixty days under the purview of the state penal system. Two years later, Gardner led the consolidation of the Prison and Highway Departments into the State Department of Highways and Public Works.¹ Gardner's motives in making these changes were economic, representing a pragmatic administrative response to the weight of the Great Depression and the need to streamline the state's budget. When the 1931 legislation took effect, counties relinquished control of approximately 4,800 chain gang convicts to the state. The new department subsequently absorbed the burden of funding, constructing, and maintaining over 45,000 miles of county roads. The addition of such a large number of convicts appeared to be a boon for road building, but economic constraints eventually forced the state to declare a two-year moratorium on construction of new roads. In May 1935, use of convicts on roads was reduced even further as the federal government required the hiring of men from relief rolls for construction of any national roads in North Carolina.²

State control of the county camps promised a legal remedy to many of the problems convicts had highlighted through the various forms of protest they had used to exert pressure for reform. New regulations created in conjunction with state takeover of county chain gangs included stricter hiring policies and training programs for camp

¹ "North Carolina's Plan of Prison Management," for Committee on Jails of the American Prison Association, Philadelphia, undated. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: St. Highway and Public Works, NC's Plan of Prison Management, NCDAH. Convicts with terms under sixty days remained under custody of local officials and could only be worked on farms, not roads. See, "Refuses to Take over Short Term Convicts," *Raleigh News and Observer*, 2 July 1931, p. 12.

² "State Takes over 45,000 Miles of County Roads Today," *Raleigh News and Observer*, 1 July 1931, p.1; and "New Labor System to Cut Penal Cost," *New York Times*, 16 July 1933, p. E6; and "Those on Relief to Get Road Jobs," *Raleigh News and Observer*, 23 May 1935, p. 1.

personnel, elimination of flogging and a graded system for punishment and rewards, improved medical care, and the creation of a new board of penal oversight with enforcement power over the state camps. In addition, penal officials began to implement plans to improve living conditions in existing county camps and built many new ones. All of these changes corresponded to the concerns county convicts had persistently addressed from within the chain gangs.

Nevertheless, convicts believed that state control fell short of resolving problems associated with upkeep and discipline. After the transition, they wrote letters to various officials and protested inhumane conditions just as they had previously done under the county chain gang system. Faced with residual problems within the redesigned convict labor system, prisoners highlighted the need for strict oversight and intervention from state officials. Convicts reminded penal authorities that eliminating problems required them to do more than hire new personnel, build new camps, and create new rules. They needed to take a stand to protect and defend the rights of the prisoners.

This chapter begins with an analysis of the transition from a fragmented and ungovernable two-tiered penal system to a unified state system joined with the Highway Department. The remainder of the chapter analyzes two major events from 1935, both of which demonstrate the uncertainty and confusion that afflicted the state's efforts to remedy chain gang conditions. The first, a court case in Mecklenburg County that sought to prosecute camp officials for prisoner abuse, garnered months of unwanted notoriety for the state. The second, a labor strike that occurred at the Woodville convict camp in

Perquimans County, emphasized the men's reliance on one another in standing up to abusive authorities and illustrated the significant degree of confusion among prison officials. Together, the cases show that, while the name and seat of power had changed and in some ways offered new avenues of resistance, for the men in the state's prison camps, the struggle for reform was not over.

The SBC began its full-fledged campaign for state control of the entire convict population early in the twentieth century but became more outspoken as the chain gangs expanded and convicts began exposing the camps as sites of recurring abuse and degradation. In 1919, an unattributed SBC speech commented on the agency's desire for "executive control" of the convict population and delegation of responsibility for the camps to "state officials" who could "enforce . . . regulations as to their care and treatment."³ Again in 1925, speaking before Raleigh's Lion's Club, SBC Commissioner Kate Burr Johnson advocated the "abolition of the chain gang" and spoke of her belief that "the task of caring for and utilizing the ability of prisoners is a state responsibility."⁴ A few years later, in July 1928, Johnson delivered the same message to the public. Speaking after four incidents in which camp officials in different counties had appeared in court for abuse charges, Johnson remarked that state control was necessary "as the

³ "The Needs of our Prisons and Prisoners," DSS-SBC, Commissioner's Office, Subject Files, Box 2, Folder: NC Conference for Social Services, Speeches Given at Conventions, 1919-1920, NCDAH.

⁴ "Says Chaingang System Must Be Abolished Here," *Raleigh News and Observer*, 25 June 1925, p. 13. Johnson remarked that there were eighty county chain gangs operating at the time, amounting to eighty separate penal systems.

ultimate and effective solution to the problems” related to supervision of county chain gangs. Johnson stressed the need for the SBC to have a leading role in governing this new state penal system.⁵

The NCGRA had advocated state administration of North Carolina’s road building plan from its inception at the turn of the twentieth century. Indeed, aside from pressing for each county to organize its own good roads group to promote construction of local roads, the NCGRA worked on drafting and lobbying for legislation that situated responsibility for all aspects of road construction within the state government. The organization also worked on a national scale to solicit federal road funds to supplement the state’s efforts. In 1923 and 1925, the NCGRA succeeded in getting state endorsement for a limited amount of funding for road projects. The group also influenced the judicial system to send nonviolent felons with terms as long as ten years to the roads to bolster the forces of county convicts and provide a more stable work force. These efforts were stepping-stones to the NCGRA’s larger goal of having the state assume full responsibility for planning, funding, and building all roads within North Carolina.⁶

The notion that state as opposed to local control of public institutions was preferable did not have wide appeal in North Carolina. The tendency among rural folk, who comprised the overwhelming majority of the state’s population, was to distrust interference from anyone who sought to impose change in their lives, from health

⁵ “Wants State to Control Convicts,” *Raleigh News and Observer*, 12 July 1928, p. 17.

⁶ Jeffrey Crow, *Discovering North Carolina: A Tarheel Reader* (Chapel Hill: University of North Carolina Press, 1991), 155-159.

reformers to moral reformers.⁷ Within the state, counties guarded their rights as jealously as did the South in dealing with the federal government. *Raleigh News and Observer* columnist Nell Battle Lewis remarked, “The doctrine of States’ Rights and its outgrowth, County Rights, is in fullest and most cumbersome bloom in North Carolina.”⁸

Political representatives of this conservative rural constituency did not wait long before criticizing the state’s handling of its new responsibilities. In August 1931, only one month after the transition went into effect, a former member of the state’s House of Representatives from Hoke County remarked that the state was spending more money than the counties had spent, only to do a substandard job of taking care of local roads. He also noted that the prisoners in his county complained that they were not “faring so well” under the new penal system.⁹ Too little time had passed for there to have been significant improvements or deficiencies in either the prison camps or the roads, indicating that the complaints represented politically conservative rhetoric with no basis.

Localism and conservatism aside, rural county residents had many reasons to support Gardner’s initiatives to consolidate the penal system and join it with the highway department. People on farms relied most heavily on the county road system built by local chain gangs, which the state did not subsidize. They paid gasoline tax dollars to build

⁷ William A. Link’s work analyzes rural southern resistance to perceived outside interference in *The Paradox of Southern Progressivism, 1880-1930*.

⁸ From an undated and unidentified newspaper clipping with Lewis’ byline, entitled, “Welfare Board Recommends Five Changes in Local Prison System.” Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAH.

⁹ “State Road Control Held Not so Good,” *Raleigh News and Observer*, 14 August 1931, p. 7.

state roads (with penitentiary convicts and free labor) that connected major population centers, from which they received little if any direct benefit. The economic downturn of the 1920s had strained county budgets to the point that they no longer had the funds to do the desired work on local roads. When the state acquired complete control of these operations, counties no longer bore the financial burden of maintaining chain gangs and supporting the bureaucracy that sustained the system. Nor did they have to raise funds to build and repair local roads. Nevertheless, economic relief for the counties translated into hardship for some, since the new hiring policies eliminated the numerous county road commissioners and chain gang hirelings. In a speech announcing the changes that would take place with state takeover of the roads, Gardner remarked that the transition “involved the abolition of more than 175 county and township road boards and the elimination of some 600 local road officials.”¹⁰

The 1931 consolidation the penal system and coordinate control of all prisoners at the state level followed a yearlong investigation orchestrated by Howard W. Odum into the county and state level operations. Given Odum’s conclusions, state management of all penal affairs appeared to be the most economical for the state and the most humane for the convicts.¹¹ The final decision marked the beginning of a long period of readjustment as the state absorbed the thousands of county convicts. Initially, the transition to state

¹⁰ *Public Papers of Oliver Max Gardner: Governor of North Carolina, 1929-1933*, edited by Leroy Corbitt (Raleigh: Council of State, 1937), 671.

¹¹ Howard W. Odum, “Memorandum of Discussion, Meeting of Prison Board and Commission, Raleigh, Monday, September 15, 1930,” DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: Governor Gardner’s Commission to Study Prison Conditions in North Carolina, March 1930, NCDAH.

control was most apparent in the structural improvements that took place in the existing and newly constructed camps. Convicts had frequently complained about the intolerable conditions of the county camps, including the cramped cages and the vermin-infested bedding. Officials began to ameliorate these problems by replacing the wheeled steel cages that had come to symbolize the inhumanity of the camps with permanent structures known as stockades, built from concrete or brick and usually surrounded by a high fence.

The new stockades relieved the overcrowding of the cages, provided greater protection from adverse weather conditions, and were easier to maintain. The buildings included windows for ventilation, and many had hot and cold indoor plumbing.¹² Where possible, the structures were connected to city sewer lines. By the late 1930s and early 1940s, state officials noted that only twenty-three cages remained in use.¹³ Convicts' consistent protest against abuses on the county chain gangs also influenced decisions regarding new policies that governed their treatment. Counties had formerly created loose guidelines for disciplining men on the chain gang. In 1917, the SBC asked that each county board of commissioners draft rules for chain gang superintendents to follow. Some of these documents listed offenses for which camp superintendents might flog

¹² "Costs May Delay Housing of Convicts on Highways," *Raleigh News and Observer*, 6 August 1931, p. 1. This earlier meeting proposed using wood for constructing some camps, but by the end of the month, officials had determined only fireproof structures could be used in the new camps since prisoners were chained and locked inside, unable to escape a fire. "To Build Five Convict Camps," *Raleigh News and Observer*, 20 August 1931, p. 1.

¹³ A 1932 letter listed only 14 cages in use at that time. It is unclear why there is a discrepancy between the two sources. Unsigned letter to Lee M. Brooks, Dept. of Sociology, Chapel Hill, NC, 8 December 1932, DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: NC's Plan of Prison Management, NCDAH.

convicts, including the recommended number of lashes. Consider this example from Wake County:

- (A) For the willful use of profane, vulgar, or indecent language, five strokes with a leather strap.
- (B) Cursing at or of Guards, or insulting same or others over them ten strokes with a leather strap.
- (C) Refusing to work when able to do so in the opinion of the county health officer, ten strokes with a leather strap.
- (D) Refusing to obey orders of the Supervisor or other officer in charge, ten strokes with a leather strap.¹⁴

Flogging was the punishment superintendents turned to most often, but they paid little attention to adhering to the approved number of “strokes.” Instead, they usually administered however many lashes they desired, often motivated by anger. Most counties never established rules governing punishment, but everyone was aware that convicts regularly endured floggings. Even under the most extreme circumstances where a flogging ended in the prisoner’s death, any punishment for the person responsible was mitigated by the fact that, “the use of such punishment has always been customary.”¹⁵

After some debate between the governor and the SBC, the new penal laws officially eliminated flogging in all camps and emphasized using incentives instead of punishment to gain cooperation from convicts. Rules now required camp officials to assign all prisoners to a grade of A, B, or C, according to their level of cooperation.

¹⁴ “Rule No. 29 for the Government of the Officers, Guards, and Employees at Convict Camps in the County of Wake,” 4 December 1917, DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Prisons 1912-1949, Folder: Prison Complaints, Rules and Regulations, NCDAH..

¹⁵ “Other Flogging Cases Recalled,” *Raleigh News and Observer*, 18 April 1923, p. 9.

Good time, or days deducted from sentences for good behavior, increased with each grade level, as did privileges, which might include extra tobacco or more time available for letter writing. Conversely, reduction in grade became a new option for punishment. When officials lowered a man's grade, he lost all accumulated good time as well as his former privileges. The new regulations also dealt with convicts' concerns regarding the lack of medical care by requiring greater accountability from physicians who attended to the prisoners' needs, along with demanding better record keeping and routine care for the men. The SBC had previously asked that county physicians examine all prisoners upon entry into the camps and keep the records on file for reference in case questions arose as to the fitness for men to work on the roads. Doctors working with the county chain gangs had seldom followed this procedure, nor did they ably tend to the needs of injured or sick convicts, circumstances that frequently led to questionable deaths in the camps.¹⁶

The state established centralized hiring practices for camp personnel through the Raleigh administrative office to replace county commissioners' practice of selecting employees based on cronyism and despotism. Officials implemented a required training program for all superintendents and guards, and raised the pay scale slightly in order to attract a "higher class" of men to fill the positions. They also created a Division of Inspectors for the penal system with detailed guidelines on what to look for and how to handle problems they encountered. A memorandum distributed to all division inspectors

¹⁶ "Revised Rules and Regulations Governing Employees of Prison Camps," 19 April 1932, DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, NCDAH.

admonished the men to be so thorough in their work that, “should an inspector from the Welfare or Health Department” come in after them, the agents “could not give other than a favorable report.”¹⁷ The new and renovated facilities gave the camps a more humane appearance, and the attempt at professionalization of the officials in charge of the convicts indicated some concern about eliminating mistreatment of the men. All of these initiatives dealt directly with concerns convicts had emphasized over the years. Still, none of the changes could obviate the persistence of abusive attitudes that had been endemic in the county chain gangs and represented the main complaint from convicts.¹⁸

Passage of the new rules required the joint approval of the Governor and the SBC, a significant change in procedure that placed prison authorities in a legally subordinate position to the welfare agency for the first time.¹⁹ The plan of shared governance reflected the culmination of the SBC’s prolonged quest for a stronger voice in the state’s penal matters. From this enhanced position of authority in collaboration with the executive, future SBC commissioners reaped the benefit of Kate Burr Johnson’s campaign for incorporating input from her agency in making decisions regarding the prison population. During her decade-long tenure as commissioner, Johnson decried county officials’ reliance on untrained camp personnel and the general lack of

¹⁷ “Instructions to Division Inspectors,” 3 December 1931. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, NCDAH.

¹⁸ “Revised Rules and Regulations Governing Employees of Prison Camps,” 19 April 1932, DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, NCDAH.

¹⁹ Chapter 145, Public Laws of 1931, Sec. 28.

accountability for what took place on the chain gangs. She frequently expressed frustration at her agency's inability to do more than investigate and make recommendations, efforts that sometimes appeared to be a futile waste of limited time and resources.²⁰ Although Johnson resigned from the SBC in 1930 to take a position in New Jersey, her legacy was evident in the inclusion of the agency in devising and approving new penal regulations. Hopes were high within the SBC, with Annie K. Bost replacing Johnson at the helm, that the frequent shooting deaths and episodes of abuse that had plagued the county chain gangs were a thing of the past.²¹

Gardner's plan for consolidation of the penal system did not proceed quickly or smoothly. Joining together the entire body of convict labor, misdemeanants, and felons, with the agency responsible for public works was tantamount to tacit approval of the chain gangs that counties had been operating in the service of Good Roads since the turn of the twentieth century. Even with the involvement of the SBC, the new system remained a vehicle for state expansion and growth, as well as exploitation, rather than

²⁰ "Mrs. Johnson off for New Jersey," *Raleigh News and Observer*, 29 March 1930, and "Staff Regrets Losing 'Its Chief,' Mrs. Johnson to Head up Pioneer Venture in Penology," February 1930, *Public Welfare Progress*, both articles in North Carolina Collection Clipping File, University of North Carolina, Louis Round Wilson Library, Chapel Hill, NC.

²¹ Bost had not been a part of the SBC, but was active in a number of women's organizations involved in reform, and was serving as secretary of the Raleigh Women's Club at the time of her appointment. She served as SBC Commissioner until her resignation in 1944. "Mrs. Bost will Assume Welfare Job when Mrs. Johnson Leaves," 27 February 1930; "Mrs. Bost is Worthy Successor to Mrs. Johnson as State Public Welfare Commissioner," 12 October 1930; "Profile of Annie Kiser Bost, North Carolina Commissioner of Public Welfare, 10 December 1944; all articles from *Greensboro Daily News*, clippings located in North Carolina Vertical File Collection, Jackson Library, University of North Carolina at Greensboro, NC.

one of reformation and rehabilitation for the prisoners.²² The sheer unwieldiness of the newly formed State Department of Highways and Public Works lent itself more to confusion of administration and neglect of obligations than to accountability and transparency. With responsibility for many more men serving time for a wider range of crimes in a statewide network of almost twice as many camps, the likelihood of convict unrest increased. Despite the transition to mandatory training and increased pay, guards faced greater difficulty maintaining order since the permanent camps typically held between fifty and seventy-five prisoners, two or three times the number of men than had the typical county chain gang. Also, the state's retention of at least some of the personnel who had drawn public criticism for mistreating convicts under the county chain gang system confirmed that penal authorities had not fully broken from the customs of the past.²³

Regardless of how the new system looked on paper or how many safeguards officials put in place, prisoners sometimes endured horrific conditions in the state-run camps. Many prisoners still wore chains and officials still referred to the labor system as the chain gang, indicating that their mindset toward the camps remained linked to that

²² In an article about the state system, Nell Battle Lewis quoted Sanford Bates, director of the Federal Division of Prisons, who remarked to a group at the University of North Carolina that "in combining its penal systems and its highway systems North Carolina might be sacrificing its prisoners to the roads." Quote taken from "Carolina Prison Probe Bares 'Regime of Horror,'" *Richmond Times-Dispatch*, 14 April 1935. Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAH.

²³ "Statement of Prison Camp Costs for Food and Provisions per Day per Man.," 30 June 1932. Guard Frank Rehm, who was twice found guilty of abusing convicts during the 1920s remained in charge of the Lenoir County Prison Camp even after state took over. "Convict Camp Employees, 27 August 1931." Both documents located in DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: State Highways and Public Works Commission, 1931-1932, NCDAH.

oppressive system. Superintendents and guards retained and acted on attitudes that had informed chain gang personnel. The lash remained in use in spite of its official elimination, and camp officials punished prisoners by chaining them in dark cells for hours or even days. Dark cells were confined and poorly ventilated spaces that became sweatboxes during the summer months and freezers in the winter. On several occasions county convicts died after spending time there.²⁴ Armed guards still shot prisoners attempting to escape and, if situations arose in the new state camps that resulted in court cases, judges and juries continued to side with white camp personnel against the testimony of predominantly black accusers.

The new regulations did not alter the attitudes of most superintendents and guards, nor did they ensure improvement in the general sanitary condition of the camps. Although SBC inspectors could only make at most two annual visits to each of the more than eighty state convict camps, they filed detailed reports concerning what they found.²⁵ They assessed upkeep of the grounds around the camp, conditions in the sleeping quarters, the general appearance of the prisoners, the location of the privy in relation to other elements of the camp, and the cleanliness of the kitchen. Most of these reports criticized the neglect, filth, and general lack of order in the camps. An August 1932 report on the Pender County prison camp began with the statement, “The general

²⁴ The Willie Bellamy case discussed in Chapter IV is an example of how the dark cell resulted in a prisoner’s death. Another example from 1935 was that of a convict identified only as L. Bogan, a black man, who died while chained to the door of the cell. “Waynick Learns Convict Died During Punishment,” *Raleigh News and Observer*, 12 March 1935, p. 4.

²⁵ R. Eugene Brown to Nell Battle Lewis, 31 March 1935, DSS-SBC, Commissioner’s Office, Subject Files, Box 7, Folder: Crime, General, 1935, NCDAH.

sanitation of the camp was the worst that has been observed.” The inspector described the kitchen’s “meat cutting table” as “filthy with a crust of meat scraps.” He noted that guards were allowing chickens to roost inside all of the buildings, including the kitchen and food storage shed. When the inspector confronted the guards and superintendent about what he had found, they informed him “everything had happened on the day of this inspection.” Prior to that, they claimed to have kept the facility “in a highly sanitary manner.”²⁶

SBC files hold fewer convict letters from this period than from the years of the county chain gangs, but the content and tone are strikingly similar to that earlier correspondence. In October 1933, an anonymous convict in the Yadkin County camp wrote a letter of complaint to Lawrence A. Oxley, head of the Bureau of Negro Welfare within the SBC. The prisoner claimed that camp guards were targeting the black convicts, beating them, refusing to feed them, and chaining them in dark cells. The convict worried that no one knew about the camp because of its secluded location in a densely wooded area, and he repeatedly implored Oxley to visit the camp. At the bottom of the page, he wrote what appeared to be an afterthought, stating that guards were bragging to white men outside the camp that “the state office men told them to kill all

²⁶ “Field Report on Sewage Disposal, Privy, or Other Special Investigation,” 3 June 1932, DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: Investigations, 1929-1944, NCDAH.

these Negroes.”²⁷

As had been the case in the past, the SBC responded frequently to convict complaints. Convict input was especially important in the years following the creation of the unified penal system, since the increased number of prisoners and camps prevented SBC workers from making personal contact with most of the men. The files for these years do not include the interviews or letters from convicts that prompted investigations, but they do contain a number of reports filed in response to the men’s complaints. Bearing the title “Investigation of Complaint Regarding . . .,” the documents identify the camp’s location and the substance of the complaint. Occasionally investigators provided the name of the convict associated with the complaint or named the men they talked to during their investigations. Either of these actions exposed prisoners to risk, since guards would likely punish them for causing trouble. A report from November 1932 regarding a complaint of mistreatment by two black prisoners at the Caledonia camp in Wake County identified both men at the top of the report. The report then gave their full statements concerning having been beaten with a stick and with fists by several guards.²⁸ A June 1933 report on the same camp identified the complainant, a convict who stated he was not speaking about his own mistreatment but reporting on what others in the camp had

²⁷ Anonymous and undated, to Lawrence A. Oxley from Yadkinville, NC. DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: State Highways and Public Works Commission, 1931-1933, NCDAH. Though many of the letters were from black prisoners over the years, this is the only one in the files addressed to Oxley.

²⁸ “Investigation of Complaint Made about Mistreatment of Prisoners at #4 Camp, Caledonia,” 9 November 1932, DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: Investigations, 1929-1944, NCDAH.

experienced. He claimed that guards constantly berated and cursed the men, and that he had witnessed guards beating prisoners for complaining of being sick or not working hard enough. He told the investigator that the guards regularly placed men in the dark cell for “trivial offenses.” The convict noted that on the day following his first report to SBC Commissioner Bost, the superintendent transferred all the prisoners he had identified as victims of abuse to another camp. He assumed the move was to prohibit investigators from interviewing the men.²⁹

The SBC responded not only to the prisoners, but also to their family members. An October 1931 letter to the Governor’s Executive Counsel in Raleigh noted that the investigator had undertaken the inquiry in question on behalf of a Polk County prisoner whose parents had corresponded with Governor Gardner. The incident involved a fight among prisoners held in overcrowded conditions, in response to which guards had ordered prisoners to discipline those they deemed guilty of starting the fracas. The inspector concluded his report by emphasizing that discipline was the duty of the guards, not prisoners; camp officials had erred in commanding the men to punish their fellow inmates. He also commented that the guards needed to separate prisoners by race, after discovering that the Polk County guards had allowed the men to mingle indiscriminately.³⁰

²⁹ “Complaint made by Edgar Cope,” 22 June 1933. The report noted that Cope was a 29 yr. old white man. DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: Investigations, 1929-1944, NCDAH.

³⁰ L.G. Whitley to Tyre C. Taylor, 26 October 1931, DSS-SBC, Commissioner’s Office, Subject Files, Box 8, Folder: Investigations, 1929-1944, NCDAH.

One important legacy of the merger of the county and state penal systems was better record-keeping regarding convict management. From an institutional perspective, the new state organization began to document more accurately infractions and punishments in the camps, something the SBC had never been able to elicit consistently from county chain gang superintendents. Available records pertain only to the use of solitary confinement to punish prisoners, but they provide information from which to determine the frequency and types of prisoner resistance and the amount of cooperation among the men in their protest actions. Many prisoners served time in solitary confinement for unruliness, including cursing, fighting, showing disrespect, and refusing to obey orders. Some destroyed their clothes, their shoes, and their blankets, all of which was against the rules, although the records do not provide the specific motives behind these actions. Guards frequently punished men for swapping clothes, since in a graded system the clothes convicts wore signified whether they were A, B, or C grade. Sometimes guards punished men for changing cells, for stealing food or talking after lights out, and for fighting or cursing among themselves.³¹

Aside from individual infractions of the rules, groups of men acted in concert to resist the authority of camp officials, undertaking numerous attempts to halt routine operations or effect escapes. In December 1932, eight men at Camp Polk in Wake County spent from five to fifteen days in solitary for “damaging state property [by] cutting a hole in the wall.” In April 1933, eight men in the Mocksville camp in Davie

³¹ “Record of Solitary Confinement,” DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, NCDAH.

County spent nine days in solitary for refusing to work. In May 1933, four men in an unidentified Wake County camp went to solitary for “conspiracy to blow up [the] camp.” Small groups of three or four men frequently refused to work or returned to camp early by “faking” the need for a doctor. While the SBC noted such actions, authorities did not deem them significant enough to warrant the agency’s immediate involvement.³²

Until 1935, the SBC considered solitary confinement—the “dark cell”—as one of several accepted forms of punishment. This all changed after prisoners exposed the atrocities committed in these cells to the media. The precipitating incident began when officials in a Mecklenburg County prison camp placed Woodrow Wilson Shropshire and Robert Barnes, both young black men, in the dark cell for disobeying orders and cursing a guard. As per state regulations, camp officials had sought and received express permission to administer this punishment from L.G. Whitley, Assistant Superintendent of the Penal System and former SBC investigator.³³ Shropshire and Barnes were only nineteen years old and first time offenders serving relatively short terms, the one serving four months for being drunk and disorderly and the other serving twelve months for larceny, respectively. Their punishment ensued from their insistence on warming themselves by the fire one January morning before continuing to work as ordered, and allegedly cursing the guards who insisted they obey. When the two men exited solitary

³² “Record of Solitary Confinement,” DSS-SBC, Commissioner’s Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, NCDAH.

³³ “Chains Succeed Lashes in Punishing Prisoners,” 6 March 1935, *Raleigh News and Observer*, p. 1; and “Prisoner Sticks to Cruelty Story,” *Raleigh News and Observer*, 12 July 1935, p. 2.

confinement between ten and twelve days later, they were unable to walk; their swollen feet were frozen and they were beginning to exhibit telltale signs of gangrene. With this incident, another episode of seemingly obvious prisoner neglect and abuse captured the attention of the state for months to come.³⁴

According to the 1931 standards of practice approved by the SBC and the governor, guards could chain prisoners' wrists to the bars of the dark cell so long as the arms did not extend above waist level during punishment. Guards chained them for eight to ten hours a day without letting them down to relieve themselves. In the case of Shropshire and Barnes, the camp to which they were originally sentenced did not have a dark cell, so the superintendent transferred them to another camp for their punishment. Once there, the guard chained their wrists to the bars and shackled their feet to the cement floor. In temperatures that remained below freezing for the duration of their almost two week stay in the cell, the men's hands became so swollen that the guards had to bend the bars outward to free them from their chained position.³⁵ Guards only allowed a coal fire in the cell stove in the morning and evening. The fire burnt itself out in three hours time, leaving the two men to endure frigid temperatures for at least eighteen hours a day. For their meals, the convicts received only a half of a "hollowed out" biscuit and a half cup of water twice daily. Guards took Shropshire and Barnes down at night and

³⁴ "Torture Cell Inquiry Launched by Assembly; Officials are Suspended," *Raleigh News and Observer*, 8 March 1935, p. 1.

³⁵ "More Torture Charges against Prison Bosses," *Raleigh News and Observer*, 13 July 1935, p. 2.

provided worn out mattresses for them to sleep on, but they chained them back-to-back to a shackle in the floor so they had limited mobility.³⁶

The 1931 penal regulations required that physicians examine prisoners prior to their punishment, daily during the period of their confinement, and upon their release, to ensure that the men did not suffer permanent injury.³⁷ The doctor for the Mecklenburg camp, C.S. McLaughlin, did not examine Shropshire and Barnes prior to their punishment. He visited the men once during their time in the dark cell, when they began to complain of their feet hurting and swelling. McLaughlin next saw the men upon their release on February 4, at which time the superintendent transferred the prisoners back to their original camp. The doctor underestimated the gravity of their condition so that another eighteen days passed before he sent them on February 22 to the Mecklenburg County hospital for treatment. The first inkling that there might be a serious problem appeared in the newspaper two weeks later, in an article that quoted the doctor as saying that the two convicts would be fine, their condition was medically treatable, and they would be released soon. The next day, Charlotte doctors transferred Shropshire and Barnes to the hospital at Central Prison where they underwent surgical amputation of their gangrenous feet.³⁸

³⁶ "Examination of John Reid," 9 March 1935, DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: Mecklenburg County Prison Camp, 1932-1935, NCDAH.

³⁷ Untitled document, 10 August 1931. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: State Highways and Public Works Commission, 1931-1932, NCDAH.

³⁸ "Chains Succeed Lashes in Punishing Prisoners," *Raleigh News and Observer*, 6 March 1934, p. 1.

The focus of the initial article about Shropshire and Barnes was their medical condition, but it went on to discuss what had occurred following the men's release from the dark cell. The reporter relied heavily on information provided by J.B. Roach, identified as head of the State Penal Division. Roach remarked that he had looked into the situation after hearing the prisoners' charges of inhumane treatment. He had concluded that camp personnel had done nothing wrong and that the prisoners seemed to be suffering from a condition known as "trench foot." Nevertheless, he admitted that the men's feet were "rotten with sores," and it was difficult to "get within 40 feet of them" because of the odor. The article noted, "chaining rebellious prisoners to bars has been the vogue in punishment . . . since the lash has been abolished."³⁹

Upon their admittance to the Mecklenburg hospital from the camp, Shropshire and Barnes became the topic of conversation both in hospital corridors and on the streets of Charlotte. The *Washington Post* reported that the smell from the men's deteriorating feet was so offensive that people "gossiped" about them in Charlotte to the point that the situation came to the attention of a reporter for the *Charlotte Observer*. The newspaperman interviewed the two men as they lay in their hospital beds, still under McLaughlin's care and yet to undergo amputations. The reporter decided to write up their story for his paper. The sensationalized headline "Torture Cell" now appeared in large bold type on the front page of the state's major newspapers, drawing attention to the article beneath that described the horrific circumstances Shropshire and Barnes

³⁹ "Chains Succeed Lashes in Punishing Prisoners," *Raleigh News and Observer*, 6 March 1934, p. 1.

endured.⁴⁰ Beginning with this article, the media occasionally cast the two convicts as quasi-heroic figures because of their suffering and loss. In this scenario, the two men broke the law and should have served their time, but they certainly did not deserve what happened to them in the state prison camp.⁴¹

The SBC immediately began an independent investigation into operations of the camp and attempted to determine exactly what had happened during the confinement of Shropshire and Barnes. Their major source of information was the trustee who had helped guards chain and unchain the prisoners and who had provided the little degree of care they received while inside the cell. Under questioning from SBC investigator Curtis W. Ezell and the head of Mecklenburg County's welfare board, the trustee revealed that the camp superintendent had already approached him and asked if the SBC had talked with him. When the trustee told him no one from the SBC had spoken with him, the superintendent advised him to tell investigators that he had maintained a constant fire in the stove, provided the men with warm blankets, and had allowed them to remain free from the chains at intervals during the daytime. The trustee instead confirmed the deplorable conditions the men endured. When investigators asked if Shropshire and Barnes ever asked for help, for heat, for food and water, or for the opportunity to relieve themselves, the trustee said they had done all of those things, but he could do nothing to

⁴⁰ "Negroes Tell of Tortures as Prisoners," *Washington Post*, 17 March 1935, p. 1. This was the first in a series of three articles the *Post* published after having sent an investigative reporter to the area to interview witnesses as well as Shropshire and Barnes. The articles appeared on the front page of the paper.

⁴¹ "Men in Chains," Myra Page, *The Nation*, 13 November 1935, p. 562.

help them because only camp officials had the keys to the cell. After receiving Ezell's report, SBC Commissioner Bost determined to forward the findings to the remaining groups investigating the case⁴²

The Chairman of the State Highway and Public Works Commission, Capus M. Waynick, realized the gravity of what had occurred in the camp and took charge of the situation quickly. On March 7, 1935, the day after surgeons amputated the convicts' feet, Waynick suspended the five men involved in punishing Shropshire and Barnes. Those affected were Dr. C. S. McLaughlin, for failure to provide adequate care and prevent injury to the prisoners; both camp superintendents, H.C. Little and T.S. Brown for "failing to guard the health" of the prisoners; and two guards, for their participation in the incident in question as well as for their general incompetence. He then added the month-long suspension of a third guard, pending further investigation. The following week, the three guards confessed to "secret" nighttime beatings of black convicts under the direction of camp Superintendent Little.⁴³

When similar abuse cases in county chain gangs drew notice in the past and their personnel came under fire from the media and the SBC, state officials were not legally culpable and could remain aloof. They reminded the reading public that they had no authority to interfere with the operation of the autonomous county camps. State

⁴² See, "Re: Case of Robert Barnes and W.W. Shropshire," March 7-9, 1935; and "Examination of John Reid," 9 March 1935, DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: Mecklenburg County Prison Camp, 1932-1935, NCDAH.

⁴³ See, "Torture Cell Punishment Abolished by Prison," unidentified, undated clipping. Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAH; and "Guards Confess Secret Beating," *Raleigh News and Observer*, 19 March 1935, p. 1.

legislators might have admonished the counties, the governor might have voiced his displeasure or sought an explanation, and the SBC might have pursued investigations that resulted in toothless recommendations, but the counties could and usually did ignore them all. Now, under the unified system, state officials could not point fingers or hide from the controversy, and camp personnel could no longer confidently rely on local supporters to exonerate them. In 1935, the state had to take a position, provide leadership, and decide which side it would back—that of Shropshire and Barnes or camp officials. In the end, Governor J.C.B. Ehringhaus determined to array the power of the state behind the convicts, “inasmuch as the incidents have gained nationwide publicity, and the attitude of the State itself and its citizens toward these matters is involved.” Ehringhaus believed that “the State was on trial” and as governor he supported a “full, complete, and broad investigation.”⁴⁴

In response to the convicts’ allegations of abuse and neglect, the state prosecutor requested that a grand jury convene to determine whether evidence supported indictments against the five men his office believed were directly implicated in punishing Shropshire and Barnes. The prosecutor chose only to prosecute one of the superintendents, H.C. Little, who was in charge of the camp where the dark cell was located. He sought charges against a third guard, however. As the case gained momentum through local and national media coverage that included critical remarks from the SBC and government officials, the Mecklenburg grand jury indicted all five men. The jury brought felony

⁴⁴ “Begin Court Investigation of Cruelty to Prisoners,” 9 April 1935, p. 1; and “State to Assist in Prosecution,” 24 April 1935, p. 2; both articles from *Raleigh News and Observer*.

charges against them for “torturing, assault [with intent to kill], and maiming” the prisoners, and added misdemeanor charges of “neglect of duty.” The judge placed each of the men under a one thousand-dollar bond, which they immediately paid so they could remain free for the duration of the investigation and trial.⁴⁵

While the grand jury deliberated, the Committee for Penal Investigations, consisting of members from both the state House and Senate, started an inquiry into the Mecklenburg camp as well as others in the surrounding area. Led by Representative R.E. Sentelle of coastal Brunswick County, committee members interviewed hundreds of prisoners and concluded that what had happened in the case of Shropshire and Barnes was representative of widespread but less egregious violations of procedure.⁴⁶ In addition to an array of somewhat “typical” cases of flogging or abuse, a number of convicts testified that at least one man had died after guards placed him in the dark cell and some claimed to have witnessed or participated in the secret burial in 1930 of at least six convicts who had died from their punishment. According to the prisoners, superintendents buried the bodies in shallow graves in a densely wooded area of Watauga County and then reported that the men had escaped. Sentelle and the remaining

⁴⁵ “Camp Employees Indicted by Jury,” *Raleigh News and Observer*, 21 April 1935, p. 2, and “Postpone Trial Prison Employees,” *Raleigh News and Observer*, 20 May 1935, p. 2. The sequence of events preceding the trial is confusing. The available sources indicate both the convening of a preliminary hearing and a grand jury, when usually only one or the other of these procedures takes place before determining whether evidence substantiates a trial.

⁴⁶ “Committee Widens Scope of Torture Probe,” *Raleigh News and Observer*, 9 March 1935, p. 1. Richard Ennis Sentelle was the Democratic Representative for Brunswick County, NC, from 1933-1935. *North Carolina Manual, Volume 1937*, compiled by H.M. London, (Raleigh: Capital Printing Company, 1937), 240-241.

commission members publicly declared their belief that Shropshire and Barnes were victims of horrendous abuse. Committee members inspected the dark cell that had held the men, after which one remarked, “I thought it was bad, but I didn’t dream it was this bad.” The discussion then turned to whether to revert to the lash, which seemed more humane than did chaining men in dark cells.⁴⁷

The willingness of Sentelle and the others to act upon prisoners’ allegations, some of which dealt with events that were supposed to have occurred years earlier, marked a noticeable change from the skepticism that had prevailed in previous investigations regarding the county chain gangs. When questioned about the credibility of information convicts provided, one of the senators investigating the matter remarked, “I think the prisoners’ testimony is worth just as much as that of a doctor who couldn’t tell gangrene” when he saw it. Sentelle supported this position, noting that even though some of the prisoners might have been exaggerating or even lying, he believed “there was as much lying done on one side as the other.” Sentelle took one of the witnesses and several from his committee and traveled four hundred miles to the area along the Tennessee border where witnesses stated the secret burials had taken place. After spending a day digging in likely locations, the group was unable to locate the gravesites. Sentelle was not ready

⁴⁷ “Torture Victims Buried Secretly, Witness Says; May Lead Way to Graves,” *Raleigh News and Observer*, 14 March 1935, p. 1. *Wall Street Journal* reporter Douglas Blackmon’s work on Alabama convict labor opens with a discussion of the barely hidden graves of dozens of convicts who had worked in the mines. See Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*.

to give up, however, stating that the committee had “plenty of corroborative evidence to believe” that the graves existed.⁴⁸

The Committee for Penal Investigation submitted its report to state legislators the second week in April, only a month after the Shropshire and Barnes case made news. Sentelle and other members advocated closer scrutiny of the camps and elimination of the dark cells. They also assailed the character and qualifications of the men placed in charge of the prison camps, about which the chairman of the state Senate declared, “We want to get rid of this political gang around the prison camps . . . and put humane men in charge.”⁴⁹ The initial policies for hiring guards and superintendents had failed to accomplish their stated goals of divorcing the penal system from politics.

In July 1935, the two-week trial of the five indicted camp officials took place in special session of Superior Court in Mecklenburg County. Compared to the initial stories about Shropshire and Barnes that broke in March 1935 and stayed on the front page above the fold for over a week, the trial coverage was modest and matter of fact, relegated to the inside pages. The sensationalism that had marked the initial coverage of the incident had waned, interest was no longer as strong as it had been, and for many, the outcome was a foregone conclusion. The state was going through the motions and the trial was underway, but few believed that the two black men who were “the guards’

⁴⁸ “Committee Widens Scope of Prison Torture Probe,” 9 March 1935, p. 1; “Torture Victims Buried Secretly, Witness Says; May Lead Way to Graves,” 14 March 1935, p. 1; and “Guards Confess Secret Beating,” 19 March 1935, p. 1; all from *Raleigh News and Observer*. National coverage extended to the *Atlanta Daily World*, *Washington Post*, and *New York Times*.

⁴⁹ “Will Recommend Better Guards,” *Raleigh News and Observer*, 10 April 1935, p. 2.

accusers,” as one article identified them, would prevail in their pursuit of justice against state officials.⁵⁰

The state relied primarily on the testimony of the two convicts to make its case, allowing each to relive their experience in the dark cell from the witness stand with their now footless legs propped on a wooden bucket. The defense even objected to Shropshire and Barnes exposing their wounds during testimony, complaining that it was the prosecution’s “planned strategy” to sway the jury, but the judge refused to have them cover their legs.⁵¹ Prosecutors also brought in a meteorologist to verify the low temperatures and a doctor to assess the medical condition that resulted in amputation of the convicts’ feet. On cross-examination, defense attorneys began shifting blame for what had taken place from the guards to the convicts. They attempted to show that in their attempt to bind their feet for warmth, Shropshire and Barnes were responsible for their injuries. They were reframing the image of the men from heroic survivors of state abuse to ignorant facilitators of their own hardships, providing sufficient doubt for the jurymen who already were likely to be reluctant to convict the defendants.⁵²

As the prosecution ended its case, the judge determined that the evidence against two of the guards was insufficient to merit the charges against them. He dismissed the charges and set them free, and reduced the charges against the remaining three defendants

⁵⁰ “Convicts’ Stumps Pointed at Jury,” *Raleigh News and Observer*, 11 July 1935, p. 3.

⁵¹ *Ibid.*

⁵² “Convicts’ Stumps Pointed at Jury,” 11 July 1935, p. 3; and “More Torture charges Against Prison Bosses,” 13 July 1935, p. 2, both from *Raleigh News and Observer*.

to simple assault. One guard, the supervisor, and the physician remained on trial to answer for the treatment of Shropshire and Barnes.⁵³ Defense attorneys called each of the three men to testify to their role in punishing and handling the convicts, and all swore that they had done nothing wrong. The superintendent reminded the court that L.G. Whitley had condoned his actions in placing the men in the cell and handcuffing them to the bars. The guard contended that he had maintained a steady fire and supplied the convicts with sufficient blankets to withstand the cold. They also testified that they did not leave the men chained for as many hours as Shropshire and Barnes had stated, but instead, claimed that they held them in that position for only four or five hours daily and only for four of five of the total days of confinement. Finally, the physician assured the court that he had visited the men several times and noted only minor swelling.⁵⁴

After the defense rested, the judge determined that the evidence against the guard and one of the two superintendents was insufficient to support the charges of assault. He dismissed that charge, leaving all three men facing only a charge of neglect of duty, a misdemeanor. The case went to the jury on Saturday afternoon at two o'clock. At the end of the day they were deadlocked, with at least four members inclined to find the men guilty "of something." They began deliberations again the following morning and by afternoon had agreed among themselves to acquit all three men of any wrongdoing. In

⁵³ "Torture Charges Dropped at Trial," 16 July 1935, *Raleigh News and Observer*, 16 July 1935, p. 1.

⁵⁴ "Torture Charges Dropped at Trial," *Raleigh News and Observer*, 16 July 1935, p. 1; "Convict Boss Scores State's Disciplinary Rules," *Raleigh News and Observer*, 17 July 1935, p. 3; and "Blame Convicts for Losing Feet," *Raleigh News and Observer*, 18 July 1935, p. 7.

the face of compelling evidence against them and unable to explain how they had not realized the condition of Shropshire and Barnes, all three men walked out of the courtroom completely exonerated.⁵⁵

The outcome of the case was in keeping with past attempts to prosecute chain gang officials for their treatment of prisoners. Editors and writers of opinion pieces for newspapers had greater leeway than did reporters to deal with the underlying messages and greater import of the case, and they frequently did so in the pages of the *Raleigh News and Observer*. Josephus Daniels was still owner and a contributing editor of the paper, even as he was serving as Ambassador to Mexico under FDR. However, in 1933 his son Jonathan had assumed daily editorial duties. Jonathan Daniels did not share his father's deep-seated racism and this difference was apparent in the editorial pages.⁵⁶

Jonathan Daniels openly criticized the lawyers' tactics in defense of state prison camp employees. He warned of the severe moral consequences for those who defended themselves, and the state, by "blaming the victim."⁵⁷ Daniels acknowledged that the Shropshire and Barnes case had "cast a dark shadow" over North Carolina's progressive reputation, since other states saw the episode as indicative of entrenched problems. He

⁵⁵ "Jury Deadlocked in Torture Case," *Raleigh News and Observer*, 21 July 1935, p. 1.

⁵⁶ Charles Eagles, *Jonathan Daniels and Race Relations: The Evolution of a Southern Liberal* (Knoxville: University of Tennessee Press, 1982), p. xi. Also see Eagles' interview with Jonathan Worth Daniels, March 9-11, 1977. Interview A-0313, Southern Oral History Program Collection (#4007) in the Southern Oral History Program Collection, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. Transcript available online at <http://docsouth.unc.edu/sohp/A-0313/menu.html> (accessed 11 January 2011).

⁵⁷ "What's the Word for It," editorial by Jonathan Daniels, *Raleigh News and Observer*, 22 July 1935, p. 4.

spoke critically of the state prosecutor's lackluster efforts on behalf of the two convicts, agreeing with the assessment of a *Charlotte Observer* article that stated that the attorney "either had not prepared himself properly . . . or he hadn't any relish for it." Though the attorney was known as an enthusiastic prosecutor who had even "rolled in the floor" to win conviction of a "Negro on trial for murder," he had sat quietly instead of rebutting defense testimony. Several times, the judge inserted himself into the proceedings by questioning defense witnesses himself.⁵⁸ Despite Governor Ehringhaus' strong statements in support of prosecuting officials and rendering justice for Shropshire and Barnes as well as the state, the men in charge of the case were apparently uncommitted to the effort.

Also in the Raleigh paper, Nell Battle Lewis used her weekly Sunday column to comment on the trial. Lewis had been in charge of public relations for the SBC under Kate Burr Johnson and was a well-known journalist. Even before the jury arrived at its verdict, Lewis understood that the accused would go free. She explained that there was little possibility that the two black convicts could receive justice against white men in a white man's justice system. Lewis accused the state of hypocrisy and expressed doubt that prosecutors had done their best to convict the accused. When the not guilty verdict came in, both Jonathan Daniels and Lewis expressed disgust at what they saw as an obvious miscarriage of justice. With a derisive and sarcastic tone, Lewis concluded,

⁵⁸ "Whitewash for Brutality?" *Raleigh News and Observer*, 13 April 1935. p. 4.

“What the result of this trial actually says to them—and to an admiring world—is: ‘Just a couple o’ niggers—so we should worry!’”⁵⁹

National media picked up the story of Shropshire and Barnes and used the incident as a foil to criticize North Carolina for failure to fulfill its own progressive ideals. Pictures of the two young men that highlighted the loss of their feet appeared in newspapers and magazines, since the images conveyed the severity and finality of their loss more powerfully than did words alone. *The Atlanta Daily World*, a black newspaper, weighed in with its critical interpretation of the Mecklenburg events.⁶⁰ By the end of the trial, when jurors acquitted all of the men because attorneys for Shropshire and Barnes had failed to prove that deliberate abuse occurred, the *Nation*, *New York Times*, and *Washington Post* had also published articles criticizing the state for its failure to protect convicts. Myra Page, writing in *The Nation*, carried readers back to earlier scandals regarding the state’s county chain gangs when she noted that in each past instance no real effort was made to remedy the problems and camps continued to operate as usual. Page commented that people quickly forgot about the scandals; hence, no one made any substantive changes to the county system. Forgetting was much easier when those pointing their fingers at white county or state officials were predominantly black, or at

⁵⁹ Nell Battle Lewis Sunday column, *Incidentally*, “What is Torture in North Carolina?”, 21 July 1935, Sect. O, p. 5; and “Sickening” 28 July 1935, Sect. O, p. 5, both from the *Raleigh News and Observer*.

⁶⁰ “Legislators Start Hunt for Secret Convicts’ Graves,” 17 March 1935, p. 1; and “North Carolina Chain Gangs are Given Cleaning-Up,” 24 March 1935, p. 1, both from *Atlanta Daily World*.

least of a class that merited little concern. With the 1935 Shropshire and Barnes case, the same unconcerned attitude prevailed once more.⁶¹

In light of the verdict, penal officials immediately began drafting revisions to existing standards for punishment of convicts. L.G. Whitley, the prison official who had authorized confinement in the dark cell for Shropshire and Barnes, distributed a memo to all camp superintendents that established the new procedures. Realizing that previous regulations had failed to provide sufficient information regarding duration of punishment and care of prisoners during isolation, Whitley carefully laid out the specific rules guards and superintendents needed to follow in the future. The new regulations required guards to release convicts from their chains every two hours and stipulated that the physician make regular visits to prisoners under punishment to affirm their physical well-being.⁶²

Capus Waynick, above Whitley in the chain of command, also instituted a change in rules. He ordered that camps abolish the practice of chaining men to bars for hours in a standing position because its use required men attuned to its risks and concerned for prisoners' welfare in order to prevent injury. He explained that the men in charge of punishment at the Mecklenburg camps had violated existing regulations and acted "carelessly" in their treatment of Shropshire and Barnes. Finally, based on the common assumption that pay for camp personnel was insufficient to attract the most qualified

⁶¹ "Men in Chains," by Myra Page, *The Nation*, 13 November 1935, p. 561-563. Page was a well-known communist journalist who published articles in a number of publications during the 1930s. See Mary Frederickson, "Myra Page: Daughter of the South, Worker for Change," *Southern Changes* 5, no. 1 (1983): 10-15.

⁶² "Revised Rules and Regulations Governing Employees of Prison Camps," 19 April 1932, DSS-SBC, Commissioner's Office, Subject Files, Box 8, Folder: Mecklenburg Camp, 1932-1935, NCDAH.

men, Waynick introduced an increased pay scale.⁶³ The belief had prevailed first within the SBC and now within the state penal system that acquiring capable personnel was a matter of paying sufficiently high wages to attract the “right kind” of men. The focus on paying the guards highlights the state’s recognition that the fate of convicts rested in the hands of hired men who brought their own prejudices and beliefs with them. Regardless of how high the wages or what regulations stipulated, guards and superintendents would continue to mistreat convicts unless the state successfully prosecuted such cases. Penal officials had no control over the state judicial system, however, and could only hope to find a solution within the scope of their authority.

The justice system had failed Shropshire and Barnes, but the question concerning the two men’s future remained unresolved. Only two days after the case made the news in early March 1935, state officials made it clear that the two men would be “discharged upon completion of their sentences without a means of livelihood,” unless the state made provisions for them to make a living. Likely in response to this assertion, Barnes’ mother and stepfather hired two attorneys in order to “get to the bottom of the case” and “protect [their son’s] rights.” The attorneys admitted, “Nothing [could] be done to enable [Barnes] to walk again, but something [could] be done to insure his living.”⁶⁴ Shropshire’s sentence expired during the trial, but officials intended to send Barnes to

⁶³ “Torture Cell Punishment is Abolished by Prison,” undated, unidentified clipping. From the context, it appeared shortly after the conclusion of the Shropshire and Barnes case, July 1935. Nell Battle Lewis Papers, Box: Social Welfare, 1922-1938, Folder: Prison System, North Carolina, NCDAAH.

⁶⁴ “Waynick Tries ‘Solitary’ Cage,” *Raleigh News and Observer*, 10 March 1935, p. 2.

Central Prison to serve the remainder of his time, which lasted until December. The legislature considered providing the men with a lifelong \$30 per month pension, but decided against it. Instead, legislators authorized the State Department of Highways and Public Works to provide jobs for the men as long as they “desired it and remained of good conduct.” Shropshire refused the position, evidently on advice from his own attorney. The overarching concern among those discussing the two men’s fate was that they should not become “wards of the state.”⁶⁵

While the State Department of Highways and Public Works had fired all of the men involved in the punishment of Shropshire and Barnes, their entire case and the men’s acquittal made clear that the revised regulations instituted with the consolidation of the penal system had failed in their purpose. Kate Burr Johnson had believed that state control of prisoners would not only eliminate convict abuse but also ensure enforcement of humane regulations. She had used her tenure as SBC Commissioner to press for these changes, but she must have realized that legal changes were only the first step in what would be a lengthy process of reform. Annie K. Bost, Johnson’s replacement at the SBC, faced the future knowing that a solution to problems in the chain gangs was not as simple or straightforward as drafting regulations, or even an increased pay scale. The state had to begin enforcing the rules, monitoring the camps more closely for infractions, and paying closer attention to what prisoners said and did. Prosecution of those who

⁶⁵ “Maimed Convict Spurns State’s Offer of Job,” 24 July 1935, p. 5; and “Mutilated Negro Ordered Examined,” 30 July 1935, p. 14, both in *Raleigh News and Observer*.

committed crimes against the convicts proved impossible, leaving penal authorities searching for ways to ensure prevention of future problems.

News of the controversy over the case of Shropshire and Barnes reached into prison camps throughout the state and encouraged prisoners to seize the opportunity public scrutiny afforded. Eighty prisoners in one of the two Mecklenburg camps involved in the case went on strike the week the amputations made news. The convicts refused to eat or work, actions that the interim superintendent attributed to the men's "alleged assumption that the State's reaction to the recent torture scandal made them safe from punishment if they refused to work." Another report emerged from Polk Camp in Wake County, where all of the men had adopted an "independent" attitude and a "spirit of surliness" that had "surged over the camp." Again, the camp superintendent linked their troublesome attitude to "[p]ublicity concerning the treatment of the two Mecklenburg Negroes."⁶⁶

Although not publicly attributed to the Mecklenburg case, in April 1935 another drama unfolded in the Woodville prison camp. Convicts there went on strike and staged an event that was likely another example of prisoners taking advantage of the window of opportunity offered by the heightened attention to the camps. Unlike the fleeting nature of the two incidents in March, however, the Woodville case became another source of controversy for the state and its convict labor system. The strike might have passed with little notice, as had the others, but for both its temporal proximity to the Mecklenburg

⁶⁶ "Waynick Learns Convict Dies During Punishment," *Raleigh News and Observer*, 12 March 1935, p. 10.

case and the decisions camp officials made in handling the prisoners involved. Their decisions caused repercussions that, like the Shropshire and Barnes case, led to four separate investigations, as politicians, penal authorities, and the SBC sought to determine whether corporal punishment still had a place in North Carolina's penal system.

Evidence of strikes in the convict camps is limited primarily because few occurred, given the risks involved, and camp officials could usually end the dispute without undue outside attention. A 1915 strike in one of Forsyth County's chain gangs did merit brief local press coverage, but the strike was short-lived. The strike involved fifteen convicts in the county camp who refused to work, "arousing to a degree mutiny in the camp." The convicts displayed a "hostile attitude" that led authorities to question what might be done to "subdue rebellious prisoners."⁶⁷ Similarly, in 1923 convicts in the High Point camp in Guilford County went on strike to protest the lack of food. When representatives for the county welfare board investigated the men's complaints, they discovered that the cook, a fellow convict, was stealing a significant quantity of food and proportionately cutting the men's daily rations. County commissioners subsequently relieved the guilty cook of his duties and sent him out to work on the roads with the chain gang, choosing someone else to prepare the men's meals.⁶⁸

⁶⁷ "Fifteen County Convicts Resume Hostile Attitude," *Twin City Daily Sentinel*, Winston-Salem, NC, 1915 (exact date unknown). Good Roads Clipping File, North Carolina Collection, Louis Round Wilson Library, University of North Carolina Library, Chapel Hill, NC.

⁶⁸ "Forced to Strike for Lack of Food," *Raleigh News and Observer*, 14 June 1923, p.8.

The timing of the High Point food strike was important, for only ten days earlier the local welfare board had submitted a critical report on conditions in one of Guilford County's camps. That inspection was an outgrowth of the Barnett and Cranford cases discussed in Chapter III. Prisoners there may have taken advantage of the heightened attention the report caused, and the ease with which the incident ended could have reflected officials' desire to end the matter quickly and without controversy.⁶⁹ Not all strikes ended peacefully, however. The 1930 death of prisoner Willie Bellamy, discussed in Chapter IV, occurred because the camp supervisor singled him out as the leader of a strike that only lasted a few hours. The strike ended quickly, but the camp superintendent punished Bellamy in the dark cell under circumstances that led to his death.⁷⁰ The jury for the superintendent's October 1930 trial found him guilty of assault with a deadly weapon, but he won a second trial on appeal. That trial in September 1931 resulted in a not guilty verdict and Watkins went free.⁷¹

The 1935 strike that occurred at the all-black Woodville camp in Perquimans County, situated in the far northeastern corner of the state, was unlike these earlier events for a number of reasons, including its aftermath. Since this strike occurred within the consolidated system, it fell under state jurisdiction. The action not only achieved some

⁶⁹ "Forced to Strike for Lack of Food," *Raleigh News and Observer*, 14 June 1923, p.8.

⁷⁰ "Report of Investigation of Death of Prisoner Willie Bellamy (Col), Wake County," 5 August 1930. DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder, Wake County Camp #5, 1930-1931, p. 1. NCDAH. Also, North Carolina Death Certificate for Willie Bellamy, available online at http://search.ancestry.com/iexec?htx=View&r=an&dbid=1121&iid=S123_1050-2054&fn=Willie&ln=Bellamy&st=r&ssrc=&pid=1443956 (accessed 1 June 2010).

⁷¹ "Free Watkins in Camp Death Case," *Raleigh News and Observer*, 25 September 1931, p. 1.

degree of success, it also drew an exceptional amount of local media coverage for such a short-lived event. The strike resulted in multiple investigations and it reawakened the controversial debate over flogging prisoners. The event forced officials once more to make hard decisions regarding the efficacy and feasibility of continuing the use of corporal punishment in the prison camps.

The trouble at the Woodville convict labor camp began in the middle of the afternoon of April 3, when prisoner James Howell stopped working and, according to later testimony, declared loudly enough for all to hear that “he was not going to work anymore, he didn’t have to work, and Capt. Jesse Johnson [the guard and camp foreman] could not make him.”⁷² Two other men soon joined Howell in refusing to work, stating they were sick. Johnson, the guard, later claimed that Howell “sassed” him, for which he ordered him to stand next to the other men as the convicts continued working the remainder of the day. When the chain gang returned to camp, Johnson reported the incident to camp Superintendent J.M. Tolar, who ordered Howell and the two sick prisoners to report to the camp doctor. All three prisoners refused to obey Tolar, and instead, filed into their quarters with the other men to await dinner. Again one of the guards ordered Howell and the others to go to the doctor, but once more they refused,

⁷² Most of the information for this account is taken from a report of the Perquimans strike by W.C. Ezell, investigator for the SBC. “Report of Investigation of Riot, Shooting, and Whipping of Prisoners in Perquimans County State Prison Camp, April 3 & 4, 1935.” Report dated April 12, 1935. DSS-SBC, Commissioner’s Office, Subject Files, Box 7, Folder: Complaints—State Prison Camps, NCDAH. Hereinafter referred to as Ezell Report.

cursing and saying, “they had wanted [a doctor] in the afternoon, and if they couldn’t get him then, they didn’t want him at all.”⁷³

When the cook blew the supper whistle, twenty men sharing the same quarters with Howell refused to come out to eat. Tolar did not attempt to force the men out, choosing instead to try to persuade them to cooperate and avoid trouble. Seven men gave in and exited the quarters, but the remaining thirteen insisted they were striking and refused to yield. Unable to resolve the dispute that night, Tolar locked the men away. By the following morning, the number of strikers had more than doubled as they had gained sympathizers among their fellow prisoners. Now a group of twenty-seven men refused to join the other prisoners for breakfast and began to settle in for the duration of the strike. Tolar questioned the non-striking prisoners while they ate breakfast, reportedly telling them, “if any in the dining room had complaints to make, they might feel free to make them.” No one said anything.⁷⁴

The Woodville camp contained one hundred and eighty convicts, making it significantly larger than most others in the state. Only twenty-seven convicts participated in the strike, leaving a sufficient number of men to carry on the work without the prisoners involved in the dispute. Lacking that leverage over camp officials, convicts had less of a chance to prevail. The superintendent might have chosen to wait the convicts out, since at the time the strike began the men were already weakened from having

⁷³ Ezell Report.

⁷⁴ Ibid.

refused to eat dinner the night before and breakfast that morning. The convicts had no guns and possessed no other means to attack anyone who remained outside the building. Nevertheless, the camp superintendent determined to take control of the situation and bring an end to the strike as soon as possible, perhaps to show the remaining convicts the futility of such an action.⁷⁵

Realizing that he was at an impasse with the striking convicts, Tolar sent for a gas revolver and some tear gas cartridges from Sheriff Charles M. Carmine of the nearby Elizabeth City Police Department. While Tolar waited, he tried once more to talk the striking men out of the building, but the prisoners refused to listen. According to camp officials, the strikers yelled at him and became “defiant and profane in their language.” Some of the convicts told Tolar that “they already had life terms, no one could add more time,” and that he “could not make them come out...no one could make them.” The prisoners did agree to allow the camp’s road supervisor to enter and talk with some of the men he knew, but he reportedly found them all committed to holding out against Tolar and his armed guards.⁷⁶

As the situation escalated, the tear gas arrived and Tolar decided to end the standoff by driving out the strikers with the gas. To everyone’s surprise, the gas was ineffective—so much so that the striking prisoners ridiculed Tolar for the feeble

⁷⁵ Ezell Report.

⁷⁶ Ibid.

attempt.⁷⁷ There was nothing for Tolar to do but send to Elizabeth City for another tear gas gun and more gas, which Sheriff Carmine delivered personally. By the time the Sheriff arrived, the strikers had reportedly become “positively defiant and riotous.” They had broken legs from the heating stoves and from the beds to use for self-defense and to attack any guard who came close enough. They had also somehow managed to acquire a small cache of bricks, which they used as missiles whenever anyone came too close to the building.⁷⁸

To ensure the effectiveness of the new batch of gas, Tolar ordered his guards to go inside the stockade and close the windows. The guards attempted to obey, but they found that the prisoners were so threatening they could not gain access to the building. Unable to seal up the stockade, Tolar then declared the area within three to four feet of the windows the “dead zone.” He ordered the guards to shoot anyone seen near the windows trying to get fresh air once gas started filling the building, but to be sure to “shoot low and not at close range.” Tolar also warned the prisoners to stay clear of the windows or risk being shot. Emboldened by the failure of the tear gas dud and their unity of purpose, the prisoners mocked and chided the guards, telling them they “didn’t have the nerve to shoot.” Tolar then shot eight shells of tear gas into the building and waited for it to take effect.⁷⁹

⁷⁷ Ezell Report.

⁷⁸ Ibid.

⁷⁹ Ibid.

None of the prisoners inside the stockade laughed this time. The dense fog of gas forced the strikers to enter the dead zone as they sought out the open windows, gasping for air. Seeing the convicts coming to the windows, guards complied with Tolar's orders, shooting and wounding two convicts who tried to escape the noxious fumes by running out the door. The agitated prisoners managed to drag the wounded men back inside and threatened to attack anyone who attempted to come in and remove them, but they eventually relented and allowed guards to carry them out to the doctor. Twenty-five convicts remained inside the stockade, stubbornly refusing to give up their fight, despite the debilitating effects of the tear gas.

Around three o'clock that afternoon, the district prison supervisor, P.E. Mallison, arrived from Rocky Mount with more tear gas. It is not clear whether Tolar summoned him or whether he received word of events through other channels. Mallison did not just come to the camp out of curiosity, like so many others; he came with the intention of taking charge. The distance between Rocky Mount and Woodville was approximately two hundred miles and would have certainly required at least five to six hours driving time, departing for the camp before nine o'clock that morning. New to the scene and determined to end the confrontation, Mallison threatened to use the gas to drive the convicts out of the building if they chose to continue their resistance. The convicts knew they could not tolerate another bombardment of tear gas. Defeated, they filed out of the stockade, walking in pairs, hands raised above their heads in surrender. Mallison assumed control and ordered guards to handcuff the men and detain them for

questioning.⁸⁰ Twenty-four hours after prisoner James Howell told Capt. Johnson he would not work, the first phase of the ordeal was over.

Reporters for Elizabeth City's newspapers, the *Daily Advance* and the *Independent*, had arrived at the camp just after the shotgun wounding of the two prisoners who had tried to escape the tear gas. They were no doubt aware of the events through the participation of Elizabeth City's sheriff in providing the two batches of tear gas Tolar used on the prisoners. Word of the strike spread quickly, and soon L.G. Whitley, already embroiled in the Shropshire and Barnes case, was phoning to speak with Tolar. Prison camp officials and law enforcement officers from surrounding counties, curious to find out what was happening, trickled into the Perquimans site to offer assistance and observe the situation first-hand.⁸¹

Within hours of the strike's conclusion, prison supervisor Mallison, the highest-ranking prison official on site, held an informal hearing to investigate the cause of the strike, assess guilt, and determine punishment. Mallison conducted individual interviews with the strikers in the presence of newspaper reporters, camp officials, and officials who had come in from camps in neighboring Pitt and Martin counties. Prisoners stated they had gone on strike because of mistreatment by foreman Jesse Johnson in Tolar's absence. As witnesses observed the questioning, each striker confirmed, "they just couldn't please Capt. Johnson" and "couldn't do nothing to suit him." One prisoner revealed that there

⁸⁰ Ezell report.

⁸¹ Ibid.

was a plot among the men to steal Johnson's gun and escape. Some also complained that they "hadn't enough to eat."⁸²

In response to the prisoners' complaints, Tolar said he knew of no cause for the "rebellion." He asserted that charges of mistreatment against Johnson were unfounded, although he admitted to Mallison and the others that he chose his "hardest cases" for Johnson's gang because "he knew how to handle them."⁸³ Since James Howell, the convict who had instigated the strike, and several of the other convicts involved were long-termers recently arrived at the Woodville Camp from Raleigh's Central Prison, Tolar concluded that the strike stemmed from nothing more than their aversion to hard work. The superintendent saw the strike as an expression of the prisoners' desire to get out of the camp and back to the prison.

After he finished interviewing the prisoners, Mallison instructed Tolar to "get the leaders and whip them if he thought it necessary to enforce discipline." Tolar responded by selecting the thirteen men he deemed most responsible for the strike, likely those who initially refused to exit their quarters for dinner. He instructed the guards to remove the offenders to the dining area, where they ordered the convicts to strip to their underwear and lie face down on mattresses placed on the floor for the occasion. Tolar chose Pitt County's prison camp superintendent to administer the whippings because, as he later told investigators, "he had less biases" than the men who worked in the Woodville

⁸² Ezell Report.

⁸³ Ibid.

camp.⁸⁴ Delegating a supposed outsider to punish the striking men was Tolar's way of protecting himself from future reproach. Tolar later admitted allowing Johnson, the target of the strike, and another guard from the Woodville camp to participate in the whipping. Each prisoner received from ten to twenty-five lashes with a two-inch leather strap. Although witnesses, including those who had come from other camps, confirmed that the flogging drew blood out of all thirteen prisoners, Tolar informed reporters that the whippings were not brutal and, as required by regulations, the camp doctor had been in attendance.⁸⁵

Had there only been the matter of the brief strike, the Woodville episode might have ended there. However, despite Tolar's caution in selecting men to administer punishment, the floggings became a magnet for criticism and drew a rapid response from across the state, a reaction enhanced by press coverage of the punishment in conjunction with what was taking place in Mecklenburg County. Tolar's attempt to deal with his "rebellious prisoners" by flogging sparked a round of equivocation from those in authority over the state's prison camps. The resulting discourse exposed longstanding fence straddling that had characterized official attempts to regulate or banish flogging on both the county chain gangs and in the state penitentiary for many years prior to consolidation of the penal system.

⁸⁴ Ezell Report.

⁸⁵ "Waynick Drawing New Prison Code," *Raleigh News and Observer*, 7 April 1935.

For the previous two decades, whenever flogging became newsworthy, the judicial system, legislature, county officials, and penal reformers addressed questions such as whether to flog prisoners, and if so, then when and how to administer the punishment and who should be in charge of it. At several points over the years, the public understood that the legislature and even several governors had banned flogging. At the outset of establishing new regulations for the combined penal system, the SBC and Governor Gardner had eliminated the practice of flogging convicts. The belief that flogging was against the law in the prison camps came to the fore during the Shropshire and Barnes case, and was one rationale officials provided for using the dark cell. Only after a questionable incident became known, as in the case of the Woodville strike, did it become clear that those who had periodically attempted to eliminate flogging and declared it illegal either had no control or had failed to enforce the purported ban.⁸⁶

With the unification of the penal system into a department within the state government, the debate over acceptable forms of punishment emerged once more. SBC files do not contain records that documented the number of floggings or the offenses that warranted the lash, but media coverage shows that throughout the 1930s prison officials were still using this method to punish prisoners. In 1931, the same year the state created

⁸⁶ The use of the lash was banned from the inception of the penitentiary in 1868, but that had no effect on how counties administered punishment. The SBC along with certain legislators worked to ban flogging in 1917, 1923, and 1925, usually in response to publicized episodes of brutal beatings and subsequent investigations. In between these years, penal reformers bemoaned the practice but were unable to prevent it. See, "Fight Against Flogging Rule," 23 February 1923, p. 3; "Other Flogging Cases Recalled," 18 April 1923, which references the 1917 ban; and "State's Prison System Revised; Whip Abandoned, 18 May 1923, p. 1. All articles in *Raleigh News and Observer*. In most instances, the public and some authorities conflated rules implemented or changed in the prison system with those applicable to the county chain gangs. This circumstance led to even greater confusion about the use of flogging.

a unified penal system that included all county convicts, officials in one of Wake County's prison camps administered a number of floggings that quickly renewed the debate over use of the lash.⁸⁷ The SBC and the governor established a temporary ban on flogging in September 1931 but did not settle on rules until April 1932. The regulations limited methods of punishment to reduction in grade, restricted diet, or solitary confinement. There was no mention of flogging.⁸⁸

As questions arose about the legality of flogging the Woodville prisoners, penal authorities began pointing fingers at one another rather than clarifying state policy. Tolar initially claimed that he had decided to flog the convicts upon authority from State Representative R.E. Sentelle, head of the House Committee on Penal Institutions. Tolar recalled that during the immediate aftermath of the strike, Sentelle had told him over the phone that "the leaders deserve a good whipping."⁸⁹ Tolar also recalled that Asst. Supt. of Prisons L.G. Whitley had sanctioned flogging in a speech delivered over a year earlier, but Whitley subsequently denied having made such statements. Whitley signed off on the Woodville floggings five days later but stipulated that Mallison had ordered the punishment without proper notification procedures.⁹⁰ Mallison, who had investigated the

⁸⁷ "Begin Probe of Convict Flogging," 21 August 1931, p. 2; "More Convict Flogging in State Highway Camps," 25 Aug 1931, p. 1; and "Will Consider Flogging Rules," 29 August 1931, p. 3; all in *Raleigh News and Observer*.

⁸⁸ "Ban Flogging as Governor Asked," *Raleigh News and Observer*, 3 September 1931, p. 2; and "Revised Rules and Regulations Governing Employees of Prison Camps," DSS-SBC, Commissioner's Office, Subject Files, Box 9, Folder: State Highway and Public Works Commission, 1931-1932, NCDAH.

⁸⁹ Ezell Report.

⁹⁰ *Ibid.*

strike, also advised Tolar to flog the instigators. Tolar had good reason to believe he had all the authority required to punish the men.

Meanwhile, the Raleigh press reminded North Carolinians that in both 1923 and 1925, a full ten years earlier, Governor Cameron Morrison had issued an executive order forbidding whipping prisoners in the state penal system. He had acted in the wake of trials concerning mistreatment of prisoners in the county chain gangs. Lacking power to implement change in the counties, Morrison determined to rid the state penal system of flogging. Chairman of the Raleigh office of the State Highway and Public Works penal division, Capus Waynick, said he “thought that corporal punishment could be used upon authority of the highway commission.”⁹¹ Waynick further stated that it was his understanding that “all prison superintendents are advised that they cannot use corporal punishment except in extreme cases and then only upon specific approval from Raleigh.”⁹²

Confusion surrounded the investigations various state bodies launched into the strike and Tolar’s response to it. Apparently, they concluded, no one was legally accountable for the policy that enabled Tolar to order the floggings. Before the Perquimans strike, a committee working to revise regulations for the state’s prison camps was poised to recommend the continued use of the lash.⁹³ After the floggings at Perquimans, the committee reassessed its position. The new guidelines the group

⁹¹ Ezell Report.

⁹² “Waynick Drawing New Prison Code,” *Raleigh News and Observer*, 7 April 1935.

⁹³ “Report on Discipline near Completion,” *Raleigh News and Observer*, 5 April 1935.

submitted the week following its investigation of the strike and the floggings stipulated that there should be “no further use of corporal punishment without definite formal instructions from Raleigh before the fact.” Any prison employee violating the regulations would be subject to removal.⁹⁴ The penal committee intended for the new regulations to limit severely the use of corporal punishment, while providing for stricter oversight and a clear chain of command.

Some of the men who went on strike in Woodville paid a painful price for their actions, but they also accomplished the outcome for which they had hoped. By the third week of April, barely two weeks after the strike, all camp guards had resigned, including Jesse Johnson, the man the convicts had targeted. The guards claimed they left their jobs because of the low wages, but Capus Waynick of the State Department of Highways and Public Works had already stated by this time that he was proposing salary increases for employees.⁹⁵ The *Elizabeth City Independent* placed the story on the front page of the paper and began the article with the statement, “The effects of revolts, strikes, and rebellions are seldom fully realized until sometime after they occur.”⁹⁶ This reporter interpreted the guards’ resignation as a victory for the convicts, and surely for the men in the Woodville camp, this was indeed true. Through their resistance, James Howell and his fellow prisoners participated in framing the political debate over chain gang labor and helped bring the power of the state to bear on the abusive treatment they endured.

⁹⁴ “Finds Convict Leasing Widespread, Despite Rule,” *Raleigh News and Observer*, 9 April 1935.

⁹⁵ “Low Wages Cause Guards to Resign,” *Raleigh News and Observer*, 22 April 1935, p. 3.

⁹⁶ “One Effect of Woodville Camp Revolt Realized,” *Elizabeth City Independent*, 26 April 1935.

From the perspective of the convicts on the state's chain gangs, the 1930s proved to resemble a replay of events and arguments that had occurred in the decades that came before. Investigations and debates over the operation of the state penal system were perpetually in the news as judicial, political, and economic leaders could not resolve questions of how to manage convict labor effectively. The Mecklenburg and Perquimans events of 1935 revealed just how flawed and uncertain the state's attempts to regulate the penal system were. Complaints, investigations, scandals, attempted escapes and deaths, incompetence, and abuse—all of these remained the hallmark of the statewide convict labor system. In August 1935, following the resolution of the Perquimans strike and the court case in Mecklenburg, a Georgia newspaper carried a story about these events. The article noted that abuses and violations of prisoners' rights "would never have been tolerated this long among a so-called enlightened people if it had not been for the fact that its victims have rarely had much influence or strong family connections."⁹⁷

Despite their apparent weakness, however, prisoners exercised profound influence over decisions regarding North Carolina's convict labor system. They responded to their conditions in ways that reflected their concerns for themselves and each other. They used the media and the SBC to assist them in their struggle for humane treatment and they risked their lives in the process. After more than two decades of individual and collective resistance to camp conditions, the state finally took steps to implement many of the ideas

⁹⁷ "Our Double Shame," 5 August 1935, *Macon Telegraph*. The story was picked up by the *Fayetteville Observer*.

for which convicts fought. Legal changes included new regulations and new camps, stricter oversight and documented medical care, and more humane disciplinary procedures for convicts. From within the camps, however, convicts continued to push for better enforcement of the reform measures they had helped accomplish.

CHAPTER VI

CONCLUSION

For three decades, convicts on the county chain gangs of North Carolina spoke out and engaged in resistance against the unjust and inhumane system that bound them. They used the courts, they wrote letters, they conveyed information to visitors, they tried to escape, and they went on strike. Their understanding of their rights and their access to outside information through newspapers inspired them to risk punishment and even death to be free of the camps and to expose the brutality that went on there. Without the advantage of political power, legal rights, money, or social connections, they relied primarily on the State Board of Charities and Public Welfare (SBC) to assist them in reaching the public with their message. Convicts pushed for SBC investigations in order to draw the attention of the media and encourage reforms through their actions. Over the years they occasionally succeeded in their short-term goals of ridding camps of specific employees, ensuring better food, or challenging methods of punishment.

With the changes to the penal system that took place in both 1931 and 1933, the county chain gangs evolved from a patchwork of scattered isolated camps into a state run institution. The continual pressure for change convicts had exerted from within the camps over the previous decades helped ensure that the state took pains to draft more humane regulations, hire more qualified personnel to operate the camps, pay closer attention to the men's medical needs, and build better facilities to house the prisoners.

County grand juries and boards of commissioners had often been on opposing sides in dealing with brutalities in the camps. When road building became the state's obligation, these groups lost their control over the lives of local offenders. All men sentenced to more than sixty days were delivered to the custody of the state penitentiary, and from there authorities distributed them either to the county farms that supplied food to sustain the prison population or to the road camps.

The merger placed the onus on the state to enforce the new regulations that penal authorities, the governor, and the State Board of Charities (SBC) approved. No longer could politicians and attorneys stand back and proclaim their inability to influence how counties operated their chain gangs. Instead, they had to accept the blame for providing too little oversight and allowing infractions of the regulations to go unnoticed. That state authorities failed to live up to their responsibilities in the years following the merger may suggest that no substantive changes took place once the counties relinquished control of the camps. The Mecklenburg County court case and the Perquimans County strike, both of which occurred in 1935, indeed indicated that conditions in the convict camps had changed little if at all in the four years since the state had assumed control.

To conclude that no substantial change occurred because conditions in the camps remained hostile to convicts' well-being would be a mistake, however. As with the Civil Rights Movement in the 1960s, real change would take time. While the racial and moral bias that had upheld attitudes toward convicts for the preceding decades did not substantially change, creating new regulations, working to improve facilities, and hiring

competent officials were all important steps towards the implementation of humane conditions for the convicts. Racial attitudes remained rigid and public concern for convicts' well-being was minimal. As had been the case in the past, only when convicts spoke out or took action to draw attention to the injustices and inhumanity of the camps did penal authorities and the public respond.

After the merger, poor economic conditions resulting from the Great Depression helped shape the way in which North Carolina used its prison labor. Under the New Deal, the federal government stepped in and mandated that men on relief rolls take over road building. The state continued to run the farms as it always had, but now had to find other means of employment for the hundreds of men whose labor was no longer needed on the roads. In 1934, the federal government began enforcing the Hawes-Cooper Act that prohibited transporting prison-manufactured goods out of the state and importing them from other states. Reallocating prison labor to fields other than road building was another process that would require time to work out, especially at a time when unemployment was intolerably high.

This study concludes in 1935, but prisoners in North Carolina's prison system continued to struggle against abuse and degradation in the years that followed. Even in the twenty-first century, prison labor remains a topic of controversy and dispute. In May 1995, Alabama reinstated its chain gangs; Florida did the same in December of the same year.¹ In 2010, an Alabama prisoner requesting Douglas Blackmon's 2009 Pulitzer

¹ Alex Lichtenstein, "Chain Gang Blues," *Dissent* 43, no 4 (Fall 1996): 7.

Prize winning *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* was denied access to the work. Penal authorities told the prisoner that Blackmon's book was "too incendiary" and referenced their authority to deny access to any material that might incite "violence based on race, religion, sex, creed, or nationality, or disobedience toward law enforcement officials or correctional staff."²

Historians are now beginning to address the way in which the mass incarceration of marginalized groups, primarily blacks and Hispanics, has become the "New Jim Crow."³ Others are investigating the privatization of the prison industry and showing how that process has evolved into a new and profitable form of convict leasing. Companies such as Corrections Corporation of America and GEO Group (formerly Wackenhut Corrections Corporation) operate outside the purview of the country's legal authorities and have a vested interest in maintaining high levels of incarceration.⁴ Corporations now use prison labor for telemarketing, machinery repair, clothing manufacture, and many other jobs. Defining the relationship between the state and the

² Campbell Robertson, "Alabama Inmate Sues to Read Southern History Book," *New York Times*, 26 September 2011.

³ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010). Along this same line of thought, see Loic Wacquant, "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto," in *Race, Crime, and Justice: A Reader*, Shaun L. Gabbidon and Helen Taylor Greene, eds. (New York: Routledge, 2005), 333-339.

⁴ "Gaming the System: How the Political Strategies of Private Companies Promote Ineffective Incarceration Policies," (Washington, D.C.: Justice Policy Institute, June 2011), available online at <http://www.justicepolicy.org/research/2614> (accessed 10 July 2011).

convict remains one of the most pressing and contested issues of our day.⁵

⁵ See Heather Thompson's prolific work on the complex world of the "carceral state": "Why Mass Incarceration Matters: Rethinking Crisis, Decline and Transformation in Postwar American History," *Journal of American History* 97, no. 3 (December, 2010): 703-734; "Rethinking Working Class Struggle through the Lens of the Carceral State: Toward a Labor History of Inmates and Guards," *Labor: Studies in the Working-Class History of the Americas* 8, no. 3 (Fall 2011): 15-45; and "Blinded by a 'Barbaric' South: Prison Horrors, Inmate Abuse and the Ironic History of Penal Reform in the Postwar United States" in Lassiter and Crespino, ed., *The Myth of Southern Exceptionalism* (New York: Oxford University Press, 2009), 74-95.

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