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# *History and Public Policymaking*

## The Rosewood Massacre: History and the Making of Public Policy

R. THOMAS DYE

ON THE MORNING OF MAY 4, 1994, in a historic ceremony at the old capitol building in Tallahassee, Florida, Governor Lawton Chiles signed the first state legislation in the nation to compensate African Americans for past racial violence. Looking on were fifty survivors and descendants of families subjected to white violence over seventy years earlier in the small North Florida village of Rosewood. Also attending were several of the historians who had prepared the report, *A Documented History of the Incident Which Occurred at Rosewood, January, 1923*, for the state legislature—the report that paved the way for the unprecedented compensation act.<sup>1</sup>

Seldom is the work of historians so directly related to the outcome of the policy process. In the words of one of the compensation bill's principal sponsors, state Representative Miguel DeGrandy, "The historians' report

R. THOMAS DYE is a Ph.D. candidate at Florida State University. In 1993–94, he was one of five historians appointed by the state legislature to investigate the Rosewood Incident of 1923. The investigation resulted in one of the first cases of African Americans being compensated for injustices of the past. He has been previously published in *The Historian* and *Sunland Tribune: The Journal of the Tampa Bay Historical Society*. Mr. Dye expects to complete his dissertation this year. His topic is the economic, political, and social consequences of narcotic smuggling and the War on Drugs in South Florida.

1. R. Thomas Dye, Larry E. Rivers, David R. Colburn, William R. Rogers, and Maxine D. Jones, "A Documented History of the Incident Which Occurred at Rosewood, Florida in 1923: A Report Submitted to the Florida Board of Regents," December 1993, Florida State Archives, Tallahassee, Florida (hereafter FSA).

was decisive. Without it the bill would never have passed.”<sup>2</sup> The Rosewood story—both the narrative of events in that rural community seven decades ago, and the exercise in applied history that led to the passage of the compensation act—provides a case study of the policy uses of history.<sup>3</sup> When and why do legislators call upon historians to provide policy-relevant information? What happens to the work of historians when it enters the legislative process? What challenges to applied history can arise from opponents of its policy implications? What are the strengths of applied history that may enable it to survive and prevail in the policy arena? Although definitive answers to these questions are elusive, the Rosewood story offers a guide to both the promise and the pitfalls of applied policy history.

### *The Legislature Calls*

For many years, rumors had circulated in North Florida about a massacre of hundreds of blacks and the silencing of the survivors through intimidation. An early, somewhat sketchy story had been published by investigative reporter Gary Moore of the *St. Petersburg Times*,<sup>4</sup> and the story was reported by CBS’s Ed Bradley on *60 Minutes* on December 13, 1983. Although these stories were news to most Floridians, newspapers in 1923 had reported Rosewood’s racial violence in vivid terms. A banner headline in the *Miami Daily Metropolis* on January 6, 1923, had read “MANY DIE IN RACE WAR, HUNDREDS OF WHITES BATTLE NEGROES AMBUSHED IN CABIN.”<sup>5</sup> But the *60 Minutes* broadcast inspired descendants to begin a long search for redress. Television tabloid producers and reporters also took up the chase with an eye to profitable movie deals.<sup>6</sup> Eventually they captured the attention of attorney Steve Hanlon of the Community Service Team (the pro bono public services division) of Holland and Knight, Florida’s largest and most prestigious law firm.<sup>7</sup> Hanlon interviewed two elderly survivors, Lee Ruth Davis and Minnie Lee Langley, and committed himself and his firm to the imposing task of winning compensation for them against the state of Florida. He argued that the state knew

2. Miguel DeGrandy, interview by the author, tape recording, Miami, Fla., 17 August 1994.

3. See Ernest May and Richard Neustadt, *Thinking in Time* (New York: Free Press, 1986); David B. Mock, ed., *History and Public Policy* (Malabar, Fla.: Krieger, 1991); Peter Stearns, “Applied History and Social History: Toward Maturity,” *The Public Historian* 4 (Summer 1982): 5–29; Otis L. Graham, Jr., *Losing Time: The Industrial Policy Debate* (Cambridge, Mass.: Harvard University Press, 1992), esp. chap. 11; Hugh Davis Graham, “The Stunted Career of Policy History: A Critique and an Agenda,” *The Public Historian* 15 (Spring 1993): 15–37.

4. Gary Moore, “The Rosewood Massacre,” *St. Petersburg Times*, 27 July 1982.

5. *Miami Daily Metropolis*, 6 January 1923.

6. *Rosewood*, the motion picture, was released in February 1997 by Warner Brothers, produced and directed by John Singleton, starring Jon Voight. It is currently available from Warner Home Video.

7. “Top Rank Florida,” *Florida Trend*, December 1996, supplement, p. 106.

about the slaughter at the time but did nothing to protect the victims' lives and property.

With keen political insight, Hanlon chose to contact the Republican leader of the Cuban Legislative Caucus, Representative Miguel DeGrandy, and the Democratic leader of the Black Legislative Caucus, Representative Al Lawson, and ask that they become bipartisan cosponsors of a compensation bill to be introduced in the 1993 legislative session. Following meetings with families of descendants, DeGrandy, Lawson, Hanlon, and the Holland and Knight firm drew up the bill. They missed the January 1 filing date for bills to be considered in the 1993 legislative session, however. Nonetheless, the bill drew considerable media attention<sup>8</sup>; Minnie Lee Langley and Lee Ruth Davis even appeared on the popular *Maury Povich Show* on Martin Luther King Day, January 18, 1993. The publicity posed a serious political problem for Florida's House Speaker, Democrat Bolley Leroy "Bo" Johnson, who did not want the media censure that might occur if he summarily dismissed the bill from the legislative agenda for mere tardiness. The publicity also inspired additional survivors and descendants to come forward, even though these brought no convincing supporting data for their claims. Eventually, over four hundred survivors and descendants of Rosewood came together under the tutelage of the Holland and Knight firm to form the Rosewood Advisory Committee, with a charismatic descendant, Arnett Doctor, as their spokesperson. His forceful addresses to groups across the state, including the NAACP, together with his many articulate and heart-rending television appearances, placed intense pressure on the legislature, especially its majority Democratic members, to do something about Rosewood.

Speaker "Bo" Johnson came up with a solution to his political dilemma: He would commission a study by university historians with a modest \$50,000 from his Speaker's budget, to develop "a full accounting and investigation into the incident." "At the least," he said in a prepared statement, "this study is sure to teach us something about our past so we can use the knowledge like it in the future."<sup>9</sup> Lawson backed the study as a means of lending credibility to the compensation bill; he intended to reintroduce it during the 1994 legislative session. Yet he worried about the potential dangers: "That's one of the easiest ways in the world to kill something. Send someone to go off and study it and hope that the thing just fades away."<sup>10</sup> Moreover, there was always the possibility that the historians would uncover evidence undermining the claims of the Rosewood survivors and descendants, or evidence mitigating the state's responsibility for events surrounding the tragedy.

Florida's State University System is governed by a chancellor and a board of regents, and it was the chancellor's office that had the responsibility of responding to the legislature's request to put together a team of historians to

8. *Washington Post*, 30 May 1993; *Tampa Tribune*, 16 May 1993.

9. *Tampa Tribune*, 16 May 1993.

10. *Ibid.*

study Rosewood. The official request to the state's public universities from the chancellor's office called for a "historical investigation of the 1923 incident which occurred in Rosewood, Florida" that was to include "a review of all documented accounts of the incident; . . . identification of witnesses and interviews of any witnesses who may still be living; . . . a comprehensive bibliography of articles and writings about the incident; . . . as complete a description as can be provided, using extant historical materials, of the community of Rosewood, 1923; . . . [and] as complete a list as can be provided . . . of the names of persons who were residents of Rosewood in 1923." The request specifically mandated that "the study shall not discuss or address in any manner the issue of any claim bill . . . and shall not make any recommendation with respect to any claim."<sup>11</sup> After some jousting between traditionally competitive universities, the chancellor assembled a team composed of historians from the three oldest institutions in the system—the University of Florida (UF), Florida State University (FSU), and the state's traditionally African-American campus, Florida A & M University (FAMU). It consisted of William Rodgers, FSU's senior authority on the Old South; David Colburn, UF scholar on the state's racial and civil rights history; Lawrence Rivers, FAMU's scholar of the history of slavery in Florida; Maxine Jones, FSU specialist in African-American history; and history graduate student and author of this article R. Thomas Dye, whose 1992 M.A. thesis account of the Rosewood incident had also attracted national media attention.<sup>12</sup> Jones and Rivers were designated as co-principal investigators.

It is not uncommon in applied policy research for decisionmakers to place extreme time constraints on researchers. Shortly after the historical team was assembled in August, 1994, they learned that they were to submit their report by December, for review by a special master of the Florida House of Representatives prior to the late January start of the 1994 legislative session. This meant that the historical team had four months to prepare a report that normally might be expected to consume four years of academic research. But the report, with ninety-three double-spaced pages and over four hundred additional pages of appendices including verbatim transcriptions of interviews conducted by the team, was delivered to the special master on December 21, 1993.

### *Rosewood: A Historical Account*<sup>13</sup>

In 1923 Rosewood, Florida was located in western Levy County in central Florida, nine miles west of the coastal town of Cedar Key. The name

11. Request for Proposal #94-2, Florida House of Representatives, Tallahassee, 1993.

12. R. Thomas Dye, "Race, Ethnicity and the Politics of Economic Development: A Case Study of Cedar Key, Florida" (master's thesis, Florida State University, 1992).

13. This account was prepared independently by the author, but parallels in all essential details the formal report submitted to the Florida Board of Regents.

“Rosewood” was derived from the pale rose hue of the town’s first source of economic revenue, red cedar. During the 1870s these trees were cut in and around the Rosewood settlement for shipment by rail to two large pencil companies in Cedar Key, Florida. Rosewood was never incorporated under Florida municipal law, but the community had a railroad station and a post office in 1870. By 1890 most of the cedar trees had been harvested in the area, the Cedar Key pencil mills had closed, and most white families had moved out of the community.<sup>14</sup> Census records show that the Rosewood settlement, which had a white majority in 1870, had a black majority by 1900.<sup>15</sup> However, black-owned and -operated businesses, such as M. Goins and Brothers Naval Stores Company, prospered by distilling turpentine and rosin from the abundant pine trees in the area. The enterprise included company housing for labor in a section of Rosewood which became known as “Goins’ Quarters.” By 1915, Rosewood had an African-American population of 355, but in 1916 the Goins family terminated most of its operations in Rosewood and moved to Gainesville to escape several lawsuits from competing white firms over land rights. Four years later, in 1920, the black population had declined slightly from its 1915 figure, but a number of small, black-owned business enterprises continued to operate, including a general store (a second store in town was owned and operated by a white family) and a sugar mill.<sup>16</sup>

Rosewood’s community life was shattered on the morning of January 1, 1923, when Fannie Taylor, a white woman and resident of nearby Sumner, claimed she was attacked by a black man in her home. Whether or not she had been raped has never been determined, but most of the white residents in Levy County—including her husband, James Taylor—came to believe that she had been sexually assaulted. Whites believed that a black escaped convict, Jesse Hunter, was responsible. However, the black community of Rosewood would maintain that Mrs. Taylor’s assailant was her white boyfriend who came to see her that morning after her husband had left for work.

Aided by local men from nearby towns of Cedar Key, Chiefland, Otter Creek, and Sumner, Levy County Sheriff Elias Walker assembled a posse.

14. The background information on Rosewood is based on the State of Florida, Plat of Land District East, Township 14. S., Range 14., 1850, FSA; *Minutes of the Board of Levy County Commissioners*, Book A (Nov. 1850) and Book A (Sept. 1861), Bronson, Fla.; State of Florida, *First Annual Report of the Railroad Commission*, March 1, 1898; *Florida State Gazetteer and Business Directory*, vol. 1 (New York: The South Publishing Co., 1882), 386; Alford G. Bradbury and E. Story Hallock, “A Chronology of Florida Post Offices,” Handbook No. 2, FSA: Florida Federation of Stamp Clubs, 1962); Deed Record Books, Book C., p. 503, Levy County courthouse, Bronson, Florida (hereafter cited as Deed Books). For background on Cedar Key and the pencil industry see R. Thomas Dye, “Race, Ethnicity and the Politics of Economic Development,” and Dudley Sady Johnson, “The Railroads of Florida 1865-1900” (Ph.D. dissertation, Florida State University, 1971), 30–49.

15. The Seventh, Eighth, and Twelfth Census of the United States Population, Levy County, Florida, Precinct 9.

16. Department of Agriculture, *Census of the State of Florida*, 1885, 1915 (FSA); Deed Record Books, 1911-1916. *Stock and Sons v. Goins Brother Naval Stores* (1907) and several other law suits against the Goins can be found in Box G, Levy County courthouse, Bronson, Florida.

Bloodhounds were procured from a nearby prison work camp, and they traced a scent from the Taylors' house to the home of Aaron Carrier on the outskirts of Rosewood. Carrier was not at home, but he was immediately implicated and thought to have assisted Hunter's escape. When Carrier was later located at his mother's home, the posse prepared to issue a summary punishment. Before the men could lynch Carrier, Sheriff Walker intervened and took Carrier into protective custody. Walker realized that the situation in Levy County was rapidly becoming unmanageable; local vigilantes were organizing, and armed whites were heading for Rosewood. Walker spirited Carrier to the Alachua County jail, forty miles away. But later that afternoon the mob targeted another black man, forty-five-year-old Sam Carter. Carter was returning home in his wagon, and the mob assumed he had transported Jesse Hunter to some unknown location. Carter was abducted, tortured, and then killed as the mob attempted to obtain information as to Hunter's whereabouts. Carter's mutilated body was strung up on display within the town of Rosewood as a warning to the black community.<sup>17</sup> Former Rosewood resident Ms. Lee Ruth Davis testified, "They hung him on a tree and shot him all to pieces."<sup>18</sup> A coroner's report the next day attributed Carter's death to "being shot by an unknown party." No further criminal investigation was conducted regarding Carter's death.<sup>19</sup>

On Wednesday, January 3, a rumor circulated among the white crowd gathering in nearby Sumner that blacks in Rosewood were protecting Hunter, and that a black man, Sylvester Carrier, had made racist statements and threats. Aaron Carrier's first cousin, Sylvester, had a reputation in Levy County as an independent black man and was considered arrogant and disrespectful by local whites, yet he was also feared and recognized as a man not to be challenged. Friction between local whites and the Carrier family had occurred on previous occasions. Thirteen years earlier, Sylvester and his father, Haywood Carrier, were arrested for "changing animal marks," a charge associated with rustling hogs and cattle. Both men were sentenced to a term in Florida's brutal state convict lease system.<sup>20</sup> Within the black community, Sylvester was well respected for his refusal to adhere to the codes of Jim Crowism. He was active in Rosewood's AME church and devoted to his wife and family. Known to be an excellent marksman, he made his living as a fur trapper and gave music lessons.

17. Dye, et al., *A Documented History*, 27–29. Most of the nation's newspapers, from the *New York Times* to the *Gainesville Daily Sun*, carried the events that occurred that week in Rosewood. The historical report was assembled from these reports, oral interviews with eleven black survivors of Rosewood, three white residents of the surrounding area and records from the NAACP and the Levy County courthouse. Ernest Parham, interview by Professor David Colburn, tape recording, Orlando, Florida, 5 November 1993. Ernest Parham was seventeen years old in 1923, and he was an eyewitness to the torture and murder of Sam Carter.

18. Lee Ruth Davis, sworn deposition, Holland and Knight Law Firm, Jacksonville, Florida, 5 May 1992. The author would like to thank the Holland and Knight Law Firm for providing the depositions of Minnie Lee Langley and Lee Ruth Davis.

19. Verdict of Coroner's Jury, 1923 Box C, Levy County courthouse, Bronson, Florida.

20. State of Florida, Prison Record Book No. 3 (FSA).

On Thursday evening, twenty to thirty armed vigilantes resolved to go to Rosewood and settle the matter. There is no evidence that any law enforcement officials were among this group. As the whites approached the Carriers' large, two-story frame house, they shot the family's dog, C. P. "Poly" Wilkerson, a quarters boss at the mill, kicked in the front door. Sylvester Carrier was armed and ready, standing under the stairwell, taking cover in a wood bin. He shot Wilkerson and another mill supervisor, Henry Andrews, as they broke into his mother's home, killing both men instantly.

Surrounding the house, whites riddled it with rifle and shotgun fire. As adults and children huddled in the upstairs bedrooms under a mattress for protection, a shotgun blast killed Sarah Carrier. The whites outside would later insist that they were facing an army of well-armed blacks, but it was unlikely that they were dealing with more than three men, and Sylvester may well have been the lone gunman. The shooting continued for over an hour. Four white men were wounded, including Henry Odem from Otter Creek, who was critically wounded in the head. The shoot-out ended when the posse had expended all of its ammunition. Leaving their two dead companions on the front porch of the Carrier home, they returned to Sumner to rearm and regroup, but not before torching one of the town's churches and several empty houses.<sup>21</sup>

The idea that blacks in Rosewood had taken up arms spread fear and anger among whites throughout North Florida. Over 200 armed whites descended on Rosewood on horseback and in wagons and Model Ts to seek retribution for the deaths of Andrews and Wilkerson. A Klan rally held on New Year's Eve in Gainesville, ninety miles away, provided a ready-made legion of eager participants.<sup>22</sup>

Events in Rosewood were carried in the state's major newspapers.<sup>23</sup> As white vigilantes entered Levy County, they engaged in random acts of violence against local blacks. One long-time Cedar Key resident claimed that for two weeks after the shoot-out it was "open season on niggers around here." Mingo Williams, a black turpentine worker, had the misfortune of walking along the road leading to Rosewood a few miles south of Bronson when a carload of angry vigilantes shot and killed him for no apparent reason.<sup>24</sup>

On the morning of January 5, Governor Cary Hardee telegraphed Sheriff Walker and offered to send the National Guard to Levy County, but Walker declined the offer and assured the governor that he "feared no further disorder." Walker may have felt secure with additional law-enforcement

21. Minnie Lee Langley, interview, tape recording, Tallahassee, Florida, 9 October 1993; *Jacksonville Journal*, 5 January 1923; Lee Ruth Davis, deposition, Holland and Knight Law Firm, Jacksonville, Florida, 5 May 1992; *Florida Times-Union*, 6 January 1923; *New York Times*, 5 January 1923; "Not Justifiable" (editorial), *Gainesville Sun*, 8 January 1923.

22. *Florida Times-Union*, 3 January 1923.

23. *St. Petersburg Independent*, 5 January 1923; *Florida Times-Union*, 8 January 1923; *Miami Herald*, 8 January 1923; *Miami Daily Metropolis*, 6 January 1923.

24. *Jacksonville Times-Union*, 6 January 1923.

officers provided by Sheriff P. G. Ramsey and his deputies from neighboring Alachua County. After receiving Walker's message, Hardee left the governor's mansion for an afternoon of hunting on one of Tallahassee's plantations, leaving his secretary, L. B. Edwards, to monitor the situation. The governor was not available when reports reached Tallahassee of more burnings and deaths in Rosewood.

Before dawn on Friday morning, elements of the mob descended on Rosewood. Wilson Hall, who was nine years old at the time, remembered his mother urgently trying to hide her family. "When they started coming you can see lights from automobiles for miles, but when my mother looked out the window upstairs she saw the cars coming, then she went and got all the kids up and said, 'Y'all, let's go, they are coming!'... We all headed for the swamp, but before we got started, she started counting her kids and found out one was missing."<sup>25</sup> A family friend ran back to the house and rescued Hall's sister. Hall's family made their way through the swamps to the town of Gulf Hammock. Meanwhile, arsonists tossed kerosene on the remaining buildings and set Rosewood aflame.

As homes burned, most of the town's people filed into the swamps, but a few residents remained behind. Lexie Gordon was too old and infirm to run. Flames and smoke forced her out the back door of her burning home. She stumbled outside, seeking refuge in a stand of heavy brush, but she was struck down by shotgun fire to the face.

On Sunday a crowd of 200 to 300 returned to Rosewood, burned the remaining structures, and went looking for black residents. An elderly black man, James Carrier, the uncle of Sylvester Carrier, was murdered by roaming vigilantes a short distance from Rosewood. He was accused of taking part in the big shoot-out, but it was unlikely that James Carrier, old and partially paralyzed from a stroke, could have participated in the defense of the Carrier home.

Although the homes of all black residents in Rosewood were destroyed, the homes of two white families remained untouched, and one of these families protected black residents and their children from further violence. John Wright and his wife, who lived in Rosewood and operated a general store, offered a refuge for a number of black children in his home, and for weeks after the riot he acted as a liaison to blacks hiding in the swamps, providing them with food. Miss Lee Ruth Davis was seven years old when she witnessed the terror of having her home burned to the ground. She managed to elude a white pursuer before making her way to the safety of the Wright store. "I was laying that deep in water, that is where we sat all day long... We got down on our bellies and crawled. We tried to keep people from seeing us through the bushes.... We were trying to get back to Mr. Wright house. After we got all the way to his house, Mr. and Mrs. Wright

25. Wilson Hall, interview with Maxine Jones, transcript, Tallahassee, Florida, 25 September 1993.

were all the way out in the bushes hollering and calling us, and when we answered, they were so glad.”<sup>26</sup>

Black residents were also assisted by two white train conductors. Brothers John and William Bryce, who had come to know the residents of Rosewood over the years, brought the train to Rosewood to evacuate the women and children, including those who were staying at the Wright house. As the train left Rosewood, it moved slowly up the tracks, blowing its horn as a signal to women and children hiding in the woods. The Bryces refused to stop for men, fearing that white gangs in the area might attack the train. The survivors of the riot who escaped on the train were taken in by Gainesville’s black community until family members could be located.<sup>27</sup>

The actual number of dead and wounded at Rosewood is difficult to determine. Local accounts by Cedar Key’s residents are varied. The death of six blacks can be documented, including James Carrier, Sarah Carrier, Sylvester Carrier, Lexie Gordon, James Hall, Mingo Williams, and Sam Carter. Two white men were confirmed dead, Poly Wilkerson and Henry Andrews. There is a possibility that Henry Odem died within a few weeks from his wound. Three other whites were wounded, as well as an undetermined number of blacks.

No arrests were ever made in the Rosewood murders. Three weeks after the riot, Governor Hardee dispatched State Attorney George A. Decottes to collect evidence “on crimes committed against the people of Alachua and Levy counties.”<sup>28</sup> An all-white grand jury convened in the Levy County Courthouse in Bronson during the second week of February. R. C. Philpott, a prominent farmer from Judson, was selected as foreman. Former state legislator and judge of Florida’s Eighth Judicial Circuit, Augustus V. Long, instructed the jurors to “make every effort to fix the blame where it belonged and to see that the guilty parties were brought before justice.” The press reported that Decottes had difficulty locating certain key witnesses, and the jury recessed for two days while Decottes travelled to Gainesville looking for more evidence. The grand jury listened to the testimony of twenty-five witnesses, including eight blacks, before rendering a decision. On February 15, foreman Philpott reported to Judge Long that there was insufficient evidence to make any indictments in the case. Judge Long dismissed the grand jury. His only action was to issue a statement “deploring the action of

26. Lee Ruth Davis, sworn deposition, Holland and Knight Law Firm, Jacksonville, Florida, 5 May 1992.

27. Minnie Lee Langley, interview, tape recording, Tallahassee, Florida, 24 September 1993; Ernest Parham, interview by David Colburn, tape recording, Orlando, Florida, 10 November 1993; Fred Kirkland, interview, notes, Chiefland, Florida, 2 December 1993; Wilson Hall, interview by Maxine Jones, tape recording, Tallahassee, Florida, 24 September 1993. For a summary of the week’s events see *Norfolk (Virginia) Journal and Guide*, 20 January and 23 January 1923; *Gainesville Daily Sun*, 8 January 1923; *Jacksonville Times-Union*, 8 January 1923; *Tampa Morning-Tribune*, 8 January 1923; *Baltimore Afro-American*, 8 January 1923; *Oklahoma City Black Dispatch*, 9 January 1923; *Chicago Defender*, 13 January 1923.

28. *Gainesville Daily Sun*, 14, 15, 16 February, 1923; *Florida Times-Union*, 16 February 1923.

the mob.” The blacks who evacuated Rosewood never returned. Those who owned land forfeited their property to unpaid taxes within a few years.<sup>29</sup>

### *Challenging Applied History*

To consider the bill seeking compensation for the families of Rosewood survivors, the Florida House of Representatives appointed a special master, Richard Hixson, to hold hearings “in the matter of Relief for Arnett T. Goins, Minnie Lee Langley et al. Claimants v. the State of Florida.” A Phi Beta Kappa graduate of the University of Virginia Law School, Hixson had a reputation as a nonpartisan legal scholar. He had served as chief of staff to the Florida House Judiciary Committee since 1983 and was considered politically nonpartisan.

The Attorney General’s Office is a separately elected statewide office in Florida, and Assistant Attorney General Jim Peters approached his task cautiously:

The State does not by its opposition to this claim condone the acts of violence which occurred in Rosewood, Florida, in 1923. Nor does the State minimize the personal and family tragedies of individuals—whether identified as claimants to this bill or excluded from that status—who suffered as a result of that violence. Rather, Florida’s purpose is to enumerate issues and compelling legal and equitable reasons why the Legislature should make no determination of liability against the State.<sup>30</sup>

Peters knew that the key to the state’s defense was to discredit the “Documented History of the Incident” submitted by the historians. He marshaled his considerable legal skills in an effort to convince the special master that the historical report “presents a seriously flawed evidentiary basis to attribute fault to the state or justify compensation from the state treasury.”<sup>31</sup> His attack on the work of the historians constituted a serious challenge to applied, public history—its methods of research and standards of evidence.

Peter argued that the historical report, with minor exceptions, was “wholly comprised of unsworn and predominantly hearsay evidence,” in clear violation of accepted legal standards of evidence. The historians failed to take “sworn depositions” from the person they interviewed. To make matters worse, they recorded “hearsay” statements about events by people who were not present but who reported what others had told them. Many of the interviewees were children at the time of the incident, and others were potentially biased because of their claimant status. “Hearsay evidence must, with few exceptions, be rejected as competent proof of liability for events

29. Deed Record Books, Levy County courthouse, Bronson, Florida.

30. State of Florida, Attorney General’s Memorandum in the matter of relief of Arnett T. Goins, *Minnie Lee Langley et al. v. State of Florida*, 1994 (FSA).

31. *Ibid.*

that occurred a generation ago. Unsworn interviews of claimants must be deemed similarly unimpressive.”<sup>32</sup>

Moreover, the historians violated “traditional standards of fairness and justice” during the interviews because no opposing state counsel was present, and there was no opportunity for cross-examination. Many of the questions asked by the historians were “leading” in nature. Historians occasionally held discussions with people “off the record.”<sup>33</sup>

The historians also relied on contemporaneous newspaper reports, and these, Peters argued, are “self-evidently unreliable.” The historians themselves acknowledged in their report that newspaper accounts differed. Reporters’ names were lacking, and there was no way to obtain direct interviews with them, let alone their sworn depositions. The report included a photo of a burning wooden cabin taken from a contemporaneous newspaper account of events at Rosewood. Members of the Rosewood families had previously given testimony depicting the homes in Rosewood to be large and well kept. But under questioning at the special master’s hearing, eighty-four-year-old former Rosewood resident Eva Jenkins expressed doubt that the newspaper photograph of the small cabin was taken in Rosewood. Indeed, several elderly claimants who appeared at the hearing gave confusing testimony under cross-examination by the state’s attorney. Their memory of events seventy-one years earlier was dimmed by the passage of time.<sup>34</sup>

Perhaps the most damaging charge against the historical report was that it failed to include statements or interviews by accused whites or their friends or relatives. In testimony at the hearings, the historians explained that whites in the area, particularly those who were involved in the incident or who had relatives who were involved, were extremely reluctant to be interviewed. Indeed, some were hostile to the inquiring historians.

Finally, the state’s attorney directed his criticism toward a concluding statement in the report that seemed especially relevant to the issue of the state’s liability:

We believe that Sheriff Walker failed to control local events and to request proper assistance from Governor Hardee when events moved beyond his control. While Hardee condemned the violence and ordered a special prosecutor to conduct a grand jury investigation, he did so (more than a month had passed) only after black residents were forced to leave Rosewood and their property was destroyed.<sup>35</sup>

Such generalized conclusions, Peters argued, cannot sustain a claim of legal liability because there is no allegation, let alone proof, of “deliberate indifference” or “racially discriminatory intent.”<sup>36</sup>

32. *Ibid.*

33. *Ibid.*

34. *Ibid.*

35. Dye et al., *A Documented History*, 88.

36. State of Florida, Attorney General’s Memorandum, 1994 (FSA).

In his report to the Florida House of Representatives, Special Master Richard Hixson agreed that the historians' report was insufficient to support a *judicial* claim to compensation. But he observed that there is no legal restriction that prevents the legislature from enacting a compensation bill if it believes that "there is a moral obligation on the part of the State of Florida which should be addressed." And in assessing that moral obligation, the special master was willing to accept the evidence presented by the historians. "While this evidence may not be sufficient to sustain a cause of action at law, it does compel the conclusion that a moral obligation exists on the part of the State of Florida to remedy this matter." Indeed, the master's report to the legislature included an account of the tragedy drawn largely from the report of the historians.<sup>37</sup>

### *In the Legislative Arena*

The report was critical to the success of the compensation bill, but it did not silence opposition in the legislature. Indeed, at several points in the bill's legislative journey, prospects for its passage appeared bleak. When DeGrandy and Lawson began to lobby for the bill at the beginning of the 1994 session, many lawmakers declined to meet with the sponsors on the grounds that the bill was too politically charged to risk supporting. Florida legislators and even members of Congress were getting hundreds of calls about Rosewood, and the majority of them were negative. DeGrandy and Lawson received hate mail, including letters from the Florida KKK. Democrat Hurley Rudd said, "It's not a preponderance of calls and letters against it, but a super-preponderance opposing it!"<sup>38</sup> A survey of letters to the editor in Florida papers came in 10 to 1 against the bill.

Most House and Senate Republicans were also against the bill. However, key support came from the House Republican Leader, Sandra Mortham. Mortham pledged her support for the bill and more importantly, agreed that the Republican Party would not take a position on the issue. (In 1994, Mortham was elected Florida's secretary of state, the first woman to hold the office, thereby indicating that the political consequences of voting for Rosewood were minimal.)

In a series of compromises to secure passage of the bill, Lawson was forced to reduce the monetary compensation awards and to drop the second and third generations of Rosewood families as recipients. The bill provided that the nine elderly individuals who actually resided in Rosewood at the time of the town's destruction would received \$150,000 each. Direct de-

37. Richard Hixson, Florida House of Representatives, "Special Master's Report: Report of the Special Master to the Florida House of Representatives Regarding the Claim of Arnett Goins, *Minnie Lee Langley et al. v. State of Florida*," The Capitol, Tallahassee, Florida, FSA, 1994.

38. *Tallahassee Democrat*, 2 April 1994; *Washington Post*, 17 April 1994.

scendants who could demonstrate that their parents or grandparents owned real property in Rosewood were eligible to receive a share of \$500,000 in varying amounts, as later determined by Florida's attorney general. Lawson had an uncomfortable meeting with the Rosewood families to explain that the awards contained in the bill had been cut. Lawson stated that "they were upset, but I told them my main concern was just the survivors."<sup>39</sup>

The next problem was getting the bill approved by the appropriations committee and assembling the necessary votes for passage on the floor of the House. But as the session neared its end, the votes were not there. One week before the close of session, Lawson called eleven members of the Legislative Black Caucus to a lunch with Governor Lawton Chiles. Lawson bluntly threatened Chiles with deserting him on his health-care package unless he got some help on Rosewood. "You've got the wrong fellow," bristled Chiles, "I came out for Rosewood before anybody asked me. I don't like somebody coming and putting a gun in my ear." Lawson shot back, "I don't like the tone of your voice, Governor." The lunch nearly came to an abrupt end when Representative Cynthia Chestnut suggested that the black lawmakers walk out. But Lt. Governor Buddy MacKay intervened as peacemaker. "It was like watching a slow-motion accident," recalled MacKay. MacKay suggested that they say grace again and told the group, "We're all friends here." "I'm beginning to wonder," replied Lawson. When the dust finally settled, Lawson asked the governor to make some phone calls on Rosewood. As the governor and the lawmakers poked at their cold roast beef, MacKay agreed that the executive branch would do whatever it could do.<sup>40</sup> The meeting had the desired result. With political leverage applied by the governor, Lawson garnered the necessary votes on the appropriations committee.

The Rosewood bill reached the floor of the House three days prior to the close of session, barely enough time for a House and Senate vote. Dewitt Trammel was the powerful head of the House Judiciary Committee. DeGrandy and Lawson had a series of frank discussions with Trammel attempting to win his support, but to no avail. Trammel was opposed on legal grounds, citing the admission of the Rosewood families' own legal team that the case would never have standing or merit in a court of law. When the bill reached the floor, Trammel had enlisted the support of North Florida Democrats to amend the bill by dropping the compensation payments in lieu of erecting a memorial and providing for educational scholarships for the descendants of the Rosewood families. Trammel carried enough political weight to achieve the passage of an amended bill. As Lawson described it, "It would tear the heart out of the bill."<sup>41</sup>

As a Republican, DeGrandy had no qualms about speaking frankly to the Democratic leadership. DeGrandy told Trammel, "If you do that [amend

39. Al Lawson, interview, tape recording, Tallahassee, Florida, 6 October 1994.

40. *Tallahassee Democrat*, 5 May 1994.

41. Al Lawson, interview by author, tape recording, Tallahassee, Fla., August 1994.

the bill], I'll withdraw the bill on a point of personal privilege." DeGrandy pledged to walk out on the steps of the capitol and give a press conference blaming the loss of the Rosewood legislation squarely on the Democratic leadership.<sup>42</sup>

On the day the vote was taken, Trammel conveniently missed the vote, citing a family illness. Without Trammel, organized opposition from the North Florida Democrats began to collapse. Only Democratic Senator Charles Williams representing Levy County, the district that included the former town, publicly spoke out against the bill. "How long do we have to pay for the sins of our forefathers?" Williams asked.<sup>43</sup>

When the bill reached the House floor, amendments to the bill were voted down by wide margins. With the Rosewood families looking down from the gallery, the final Rosewood compensation bill passed the Florida House by a vote of 71–40. On April 8, 1994, the Florida Senate voted 24–16 to send the bill to Governor Lawton Chiles for his signature. On May 4, 1994, in a ceremony held at Florida's historic capitol with the Rosewood families present, Governor Chiles stated, "For more than seven decades a shadow of shame fell across the state of Florida. The long silence has been broken and the shadow has been lifted."<sup>44</sup>

### *History and Policymaking*

The historians who investigated the Rosewood massacre were largely unprepared to enter the political and legal thicket of the Florida legislative process. The legislative call for a historical investigation came about as a political tactic, agreed to by supporters of a restitution bill (hoping to add credibility to the claims), opponents of the bill (hoping that a study would defuse the issue), and a speaker (who sought to avoid media censure by dismissing the bill altogether). Shifting responsibility to a team of professional historians opened the door to an unprecedented exercise in applied history.

Yet applied history is not without its challenges, especially when it enters the lawyer-dominated arena of legislative politics. Historians frequently rely on what courts refer to as "unsworn" testimony as well as "hearsay" evidence. Interviews are conducted by historians in the absence of cross-examination. Historians ask questions that would be quashed in a courtroom as "leading." Historians rely on newspaper accounts written by reporters long dead and unable to provide sworn depositions. And historians have no subpoena powers to compel testimony from reluctant interviewees.

Yet the story of the Rosewood compensation bill suggests that applied history has important policymaking uses. Although historians themselves

42. DeGrandy interview, 17 August 1994.

43. *Tallahassee Democrat*, 9 April 1994.

44. *Tallahassee Democrat*, 5 May 1994.

may not agree on what is wholly objective history, or even about whether the production of such a history is possible, serious historical investigation can create a “moral obligation” that moves policymakers.<sup>45</sup> According to Representative DeGrandy, “The academic report was the credibility shot in the arm we needed. I can tell you as a trial attorney that when you have [an] independent report by scholars it’s very powerful stuff. Before our opposition said, ‘Well that’s what you say and how do you know.’ Before a judge in a court of law, the Rosewood families would have lacked sufficient evidence to prove their case.” Serious historical investigation shaped into a powerful narrative, however, can so clarify policy choices and public opinion as to influence public policy decisively. The outcome of the Rosewood compensation issue demonstrates once again the power of a story.<sup>46</sup>

45. The author recognizes that the issue of objectivity vs. relativity is subject to considerable debate within the historical profession. See Peter Novick, *That Noble Dream: The “Objectivity Question” and the American Historical Profession* (New York: Cambridge University Press, 1988); Ray Allen Billington, comp., *Allan Nevins on History* (New York: Charles Scribner’s Sons, 1975); Martin Doberman, *The Uncompleted Past* (New York: Random House, 1969); H. Stuart Hughes, *History as Art as Science: Twin Vista on the Past New York* (New York, Harper and Row, 1964); Louis Gotchalk, *Understanding History: A Primer of Historical Method* (2d ed.) (New York: Alfred A. Knopf, 1969); Henry Steele Commager, *The Study of History* (Columbus, Ohio: Charles E. Merrill Books, Inc., 1966); Friedrich Nietzsche, *The Use and Abuse of History*, trans. Adrian Collins (New York: The Liberal Arts Press, 1941).

46. DeGrandy interview, 17 August 1994.