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FLORIDA HOUSE OF REPRESENTATIVES

IN THE MATTER FOR RELIEF OF:

Relief of ARNETT T. GOINS,
MINNIE L. LANGLEY, et al.,

Claimants,

v.

HB 591

STATE OF FLORIDA,

Respondent.

STATE OF FLORIDA'S CORRECTED PREHEARING MEMORANDUM

I.

INTRODUCTION

House Bill 591 is an Act seeking seven million dollars compensation for survivors and relatives of survivors of the violence which occurred in Rosewood, Florida, seventy-one years ago. It claims as its basis an obligation of the State of Florida, pursuant to the United States Constitution and the Florida Constitution, and alleges, "as a direct and approximate result of the gross negligence of the State of Florida in failing to act to prevent the Rosewood massacre and destruction of property each of the victims of the Rosewood massacre has suffered...."

State of Florida, pursuant to the request of the Special Master, respectfully submits prehearing memorandum of issues required for a fair determination of the wrongs attributed to the State of Florida by this claims bill. The State does not, by this memorandum or by its opposition to the seven million dollar 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. Simply stated, here there is no State complicity. The Legislature is, of course, free to waive these defenses if it concludes the State of Florida's public policy, honor, or justice so requires.

Fundamental to any determination of the merits of the claim of liability--under legal, equitable, or moral theories--is the indisputable fact that government--whether federal, state, county, city--did not in 1923 afford to citizens the panoply of public safety services which exist today. Laws of Florida in 1923 disclose a minimal state government to attend to the public safety needs of the remote population of Rosewood, Florida, in 1923 as the tragic events evolved in Rosewood between January 1, and January 7, 1923.

Today's live television and radio news coverage, by which distant government officials are immediately apprised of significant events, did not then exist in Florida or elsewhere. State officials distant from events were required to rely on reports from local governments (whose officials were presumed to be acting in good faith in the absence of complaints to the contrary) for official reports and, to a lesser extent, on newspapers to ascertain relevant facts. Contemporary perceptions

in 1994 of accountability, responsibility, and notice do not accurately overlay the law enforcement and information resources which existed 71 years ago.

The "Documented History of the Incident Which Occurred at Rosewood, Florida in January 1923" ("the Report"), is an attempt to reconstruct the Rosewood events. Because of the passage of time, the Report is based on newspaper articles, unsworn narratives of few remaining eyewitnesses, and too many second and third generation hearsay narratives of claimants.

The Report explores what it regards as some of the myths of Rosewood yet provides objective evidence of the death and destruction. It also evidences the conflicting narratives that were presented to the Report's investigative team. The Report is otherwise subject to the criticism of investigative reporter Gary Moore, a reporter who wrote of the Rosewood violence for the St. Petersburg Times in 1983, and who has continued research into the Rosewood controversy.. Moore's criticism is stated in the "Review of the Rosewood Project". Mr. Moore's own research reaches occasionally different conclusions. Both the Report and Mr. Moore's criticism leave certain fact conflicts unresolved. Resolution of those conflicts is essential to an objective evaluation of liability or fault of the State.

Hence, the "Record" as it is thus far--the "Report," the "Appendices of the Documented History", and the "Review of the Rosewood project"--embodies an effort to determine for historical purposes what occurred in Rosewood. However, for the reasons stated below, this record presents a seriously flawed

evidentiary basis to attribute fault to "the State" or to justify compensation drawn from the State's treasury. This lack of a concise evidentiary record and a host of defenses which arise therefrom must be weighed as the Legislature determines a fair resolution of HB 591.

II.

THRESHOLD DEFENSES

Separate and apart from the hearsay and evidentiary issues which permeate the Report are legal and equitable defenses to allegations of blame and liability against the State. These defenses must be confronted and resolved before any "evidence"--news reports, sworn and unsworn narratives, official records--are applied to the merits of the claim. Some of these defenses require no or little evidentiary inquiry. Others require presentation of proof--sworn testimony and legally competent documentation--before the threshold defenses can be responsibly determined. These threshold defenses are enumerated below.

A. The claims, arising from events in January 1923 are barred by Section 11.065(1), Florida Statutes. This law provides that "no claims against the State shall be presented to the Legislature more than four (4) years after the cause for relief accrued. Any claim presented after this time of limitation should be void and unenforceable."¹

This limitation has existed as a matter of State law since, at least, 1951. It has heretofore precluded the presentation of dated claims for sound public policy reasons

¹But see AGO 55- 82.

which should be apparent to all. State resources are too scarce and human memory too frail for the Legislature to allow or encourage stale claims against the State treasury.

B. The claims are barred by the equitable defense of laches. The "gross violations of law and human decency" and violations (of unspecified provisions) of the state and federal constitution alleged in this claims bill are lodged against unnamed officials. Most, if not all, are deceased. The demise of those officials, and of their contemporary agents or even their families who might speak on their behalf, fatally prejudices the State's ability to muster testimony and documents to rebut claimants' allegations of government complicity in the violence.

In Lansdale v. Smith, 106 U.S. 391 (1882), the United States Supreme Court cited its earlier precedent and held "it has been a recognized doctrine of courts in equity, from the very beginning of their jurisdiction, to withhold relief from those who have delayed for an unreasonable length of time in asserting their claims. Laches of the complainant in asserting his claim is a bar in equity." Where the complainant and those who he represents have "slept too long upon their rights" the peace of society and the security of property demand that the presumption of right, arising from a great lapse of time without assertion of an adverse claim, should not be disturbed. Lansdale v. Smith, 106 U.S. at 391 (1882).

Florida courts have similarly held. In Cone Brothers Construction v. Moore, 193 So. 288 (Fla. 1940), the Florida Supreme Court determined:

Laches is primarily a question of fact to be determined from the circumstances surrounding and conditions in each case. (Citations omitted) As a defense it is always available where the facts in the particular case would justify the Chancellor in arriving at the conclusion that the complainant has so slept on his rights as to work an injustice upon the party against whom relief is being sought.

The Florida Supreme Court in Thrasher v. Ocala Mfg. Ice and Packing Company, 15 So.2d 32 (Fla. 1943), applied the bar of laches with the reasoning that this bar will apply "where there is an unexplained delay in prosecuting the claim until death has closed the lips of the interested parties."

In Cone v. Benjamin, 27 So.2d 90 (Fla. 1946), the Supreme Court reaffirmed the vitality of the bar of laches. "...To render the defense of laches effective, the delay must be such as practically to preclude the court from arriving at a safe conclusion as to the truth of the matters in controversy, and thus make the doing of equity either doubtful or impossible or such a change in conditions must have occurred which would render it inequitable to enforce the rights asserted."

Here Claimants attribute "gross negligence" and other unspecified constitutional and moral wrongs to unspecified State officials for alleged failures to protect residents in the remote Rosewood area. Officials are not named in the claims bill, but those readily identified as holders of county² and state office in 1923 have not survived to see these allegations presented in this public forum. These are officials whose "lips have been

²The Sheriff is a county officer. Article VIII Section 1(d) Florida Constitution.

closed" by death. It is unfair to now assert claims assaulting the character of these deceased officials. These accused have no opportunity to confront their accusers and present their versions of the facts or to outline the limits on governmental resources in 1923.

C. Claimants did not initiate legal remedies available to them under the Federal 1871 Ku Klux Klan Act. According to House Report #96-548, the Ku Klux Klan Act--now codified at 42 U.S.C. §1983--was enacted "to provide a measure of federal control over state and territorial officials who were reluctant to enforce state laws against persons who violated the rights of newly freed slaves and union sympathizers. The act created a right of action in federal court against local government officials who deprived citizens of their constitutional rights by failing to enforce the law or by unfair and unequal treatment."

This act provided claimants a neutral federal forum in which to air these complaints. Claimants' failures to avail themselves of the remedy should now bar their stale claim.³

D. For public policy reasons, this selective compensation should be denied. Claimants are but a small group of an unfortunately larger group of similarly situated persons

³Evidence of "a measure of federal control" in Florida in the 1900s is typified by the activities of United States Attorney Fred Cubberly who initiated or caused to be initiated a number of federal cases to combat violations of the 13th Amendment by white employers. For example, See Clyatt v. United States, 197 U.S. 207 (1905); and U.S. v. Boyd; U.S. v. Porter; U.S. v. Fields; U.S. v. Thomas; U.S. v. Graham; U.S. v. Lewis; U.S. v. Harlan; U.S. v. Elvington. (These Court documents will be filed upon their receipt from the Federal Court Archives.)

who have suffered death, personal injury, or loss of property as a result of racial/ethnic tension and violence in Florida's history. It is neither fair nor feasible to single out and compensate some victims of crime to the exclusion of other victims.

The Report evidences race related violence in Ocoee, Florida; Perry, Florida; and 47 lynchings between 1918 and 1927.

Selective claims relief for Rosewood victims presents precedent that would invite, encourage or require other piecemeal claims by other minority groups--black, native American, Jewish, Japanese, Vietnamese--who may feel similarly aggrieved by other racial violence in Florida's history.

III.

REQUISITE ELEMENTS OF THE LEGAL CLAIMS

As a matter of law the alleged constitutional violations must pass muster under case law construing the United States and Florida Constitutions and gross negligence claims.

HB 591's reference to the "obligation" of "the State of Florida" pursuant to "the United States Constitution and the Florida Constitution" lacks other reference. The State's search of case law of the United States and of the Florida Constitutions discloses no text or passage or history of jurisprudence to support the claim.

A. Federal case law is clear. Proof of racially discriminatory intent or purpose by the government or its agents is required to show a violation of the Fourteenth Amendment. Washington v. Davis, 426 U.S. 229, 96 S.Ct. 2040, 48 L.Ed.2d 597

(1976); Wright v. Rockefeller, 376 U.S. 52, 84 S.Ct. 603, 11 L.Ed. 2d 512 (1964); Atkins v. Texas, 325 U.S. 398, 65 S.Ct. 1276, 89 L.Ed. 1692 (1945); Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 50 L.Ed.2d 450, 97 S.Ct. 555 (1977); City of Mobile v. Bolden, 446 U.S. 55, 64 L.Ed.2d 47, 100 S.Ct. 1490 (1980). "This burden of proof is simply one aspect of the basic principle that only if there is a purposeful discrimination can there be a violation of the equal protection clause of the fourteenth amendment." Bolden, 446 U.S. at 67. If there is no proof of intent to discriminate by the State, there is no violation.

B. In other contexts the United States Supreme Court has required conduct that "shocks the conscience" before finding an actionable wrong under the United States Constitution. See, e.g., Estelle v. Gamble, 429 U.S. 97, 50 L.Ed.2d 251, 97 S.Ct. 285 (1976), which distinguished medical malpractice from a constitutional violation and held that only those acts or omissions which were sufficiently harmful to evidence "deliberate indifference" could afford the basis for a constitutional violation enforceable under the civil rights act.

C. Generalized "duty to protect" claims presented under the ambit of the United States Constitution are not recognized. In DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 103 L.Ed.2d 249, 109 S.Ct. 998 (1989), the Court held that nothing in the language of the Fourteenth Amendment requires a State to protect life, liberty, and property of citizens against invasion by private actors. This is because

the Fourteenth Amendment was phrased as a limitation on the State's power to act, not as a guarantee of minimal levels of safety and security. The purpose of the fifth and fourteenth amendments are "to protect the people from the State, not to ensure that the State protected them from each other".

DeShaney is otherwise notable for its broad pronouncement that "as a general matter...we conclude that a State's failure to protect an individual against private violence simply does not constitute a violation of the due process clause." 489 U.S. at 196. See also, Youngberg v. Romeo, 457 U.S. 307, 317 102 S.Ct. 2452, 2459, 73 L.Ed.2d 28 (1982) ("As a general matter a state is under no constitutional duty to provide substantive services for those within its border"), and Harris v. McRae, 448 U.S. 297, 100 S.Ct. 2671, 65 L.Ed.2d 784 ("although the liberty protected by due process affords protection against unwarranted government interference ... it does not confer an entitlement to such governmental aid as may be necessary to realize all the advantages of freedom".)

In a situation analogous to the allegations in HB 591, suits for damages were filed and consolidated in Monarch Insurance Company of Ohio v. District of Columbia, 353 F.Supp. 1249 (D.C. Col. 1973), affirmed, 497 F.2d 684 (D.C. Cir. 1974), cert. denied, 419 U.S. 1021 (1974). These suits arose from civil disturbances which followed the assassination of Dr. Martin Luther King in 1968. The Complaint, in counts alleging violations of the Civil Rights Act, 42 U.S.C. §1983, the Fifth and Fourteenth Amendments, and common-law duty to protect,

alleged that the government was negligent in its preparation and implementation of plans to suppress riot or civil disturbances and that the government's delay in sending police and troops and its failure to assign forces was actionable.

Citing earlier precedent of Turner v. United States, 248 U.S. 354 (1919), which arose from alleged failures of the government to protect the Creek Indian Nation from mob violence, the Supreme Court held that an individual citizen has no substantive right to recover damages resulting from failure of a government or its officers to keep the peace. Monarch, 353 F.Supp. at 1260. The plaintiffs' claim was rejected under even the notion of a "social contract" between the State and its citizens to preserve social order and the property of citizens against mob violence.

D. "Gross negligence" was defined by the Florida Supreme Court in Clements v. Deeb, 88 So. 505 (Fla. 1956), to mean "that course of conduct which a reasonable and prudent person would know would probably and most likely result in injury to person or property."

E. HB 591 presents no cognizable claim under the Florida Constitution. Article I, Section 2, enumerates basic rights of Florida citizens but has never been construed to authorize a claim like that alleged in HB 591. Article I, Section 7, however, prescribes the military power shall be subordinate to the civil, a provision in existence in 1923 which would have some significance in the alleged reluctance of the Governor to muster the State's military power. No case law

construing the Florida Constitution sustains or suggests liability against the State in a context like the Rosewood incident.

Claimants' allegations of legal wrong must be evaluated under these standards.

IV.

INSUFFICIENCY OF PROOF OF LIABILITY

Materials now comprising "the record" of this claim are the documents identified at page 3 above. With minor exceptions--the sworn statements of Lee Ruth Davis, Arnett Turner Goins, and Minnie Lee Langley--this record is wholly comprised of unsworn and predominantly hearsay assertions by persons who were not present in Rosewood in 1923, or were infants, or who otherwise are at least potentially biased because of their claimant status.

The myriad newspaper accounts of the incident are, as recognized in the Report, frequently self contradictory. See also comments of Gary Moore in Appendix at pages 403 to 406, and footnotes 26, 27, 28, and 29. "Contemporaneous newspaper reports about Rosewood events were self-evidently unreliable *** In Florida and nationally, 1920's journalism seemed to form a soup of melodrama". In fact, there existed no code of ethics for professional journalists until 1926.

Seventy year old newspaper accounts, lacking even reporters' names, and personal interviews--sworn or unsworn--must be afforded little weight for purposes of liability determination in the absence of consistent corroboration from other documented independent sources.

Absent from the Report's bibliography are interviews of government officials, or even their coworkers or relatives, against whom these allegations are lodged. Included among that number of now unavailable witnesses are Governor Carey Hardee; his assistant, Professor L.B. Edwards; Levy County Sheriff Robert Walker; Alachua County Sheriff P.G. Ramsey; and Seventh Judicial Circuit State Attorney George DeCottes. There are no statements from relatives of Frances Taylor.

Similarly absent are references to official records of the 1923 office of the Governor; the 1923 offices of the Alachua and Levy County Sheriff's office; the State militia; the State Attorney DeCottes; and all references to communications between these and other state and county government officials who would have reason to be involved in the official assessment of this situation and the need to provide back up to the Levy and Alachua County Sheriffs.

This void in the record and the Report's dependency on hearsay and rumor is due to the unjustified lapse of 70 years in presentation of this claim.

Hearsay evidence must, with few exceptions, be rejected as competent proof of liability for events that occurred a generation ago. Unsworn interviews of claimants must be deemed similarly unpersuasive.

Even Claimants' few sworn statements in the record are suspect when evaluated under traditional standards of fairness and justice. State Counsel was not present. There was no cross examination. Many of the questions were "leading" to the

conclusion the inquirer, Claimants' counsel, was seeking. There are many "off the record" discussions and even "on the record interruptions" by other persons in the room, including particularly the "cinema producer", Michael McCarty, who, according to Gary Moore, purchased cinema rights from some of the claimants.⁴

V.

SIGNIFICANT FACT ISSUES

Many material fact issues not addressed in the Report are the subjects of comment, criticism, rebuttal, and surrebuttal by journalists and historians in the Appendix and in the Review of the Rosewood Project. Other material and potentially dispositive unresolved fact issues derive from the nature and purpose of this proceeding--a determination of liability and fault against the State. What may suffice for an acceptable account of history should not suffice as a record to prove liability.

Respondent urges the Special Master and the Legislature to give appropriate deference to this latter higher standard of evidence and proof.

Additional fact issues which must be resolved generally fall into the categories of liability determination and damages determination. Some bifurcation of these determinations is possible as indicated in Respondent's letter dated February 15, 1994, to the Special Master. Fair resolution of both categories

⁴See Report of Gary Moore, Appendix, Page 419, 420.

of issues requires presentation of witnesses under oath and corroborative documented evidence.

A. As to the liability determination, material unresolved fact issues include:

(1) As to each claimant, what is the justification for the seventy year delay in presenting this claim? Claimants' assertions should be made into legal capacity (as evidenced for example by prior encounters with the court system), and attempts to timely bring these matters to the attention of government authorities at the county, state, federal, or other level. The State's discovery requests served on claimants on February 13, 1994 and February 15, 1994, yet to be answered, make specific inquiry on these matters.

(2) What efforts were made by the Documented History investigative team to obtain sworn statements and interviews, or other narratives, from the accused officials and individuals with personal knowledge (the office of Governor Carey Hardee; Levy County Sheriff Robert Walker; Alachua County Sheriff P.G. Ramsey; on site reporters; Levy County grand jury and State Attorney DeCottes) or from such persons' relatives, spokesmen, and agents?

(3) What efforts were made to locate and accumulate relevant documents from or on behalf of the persons and state and county offices identified in number (2) above?

(4) What justification exists for claimants' failures to specify the State officials against whom their claims are lodged?

(5) Under what circumstances did Governor Hardee, or other Governor in this era, direct the military power to oversee the civil power, to protect citizens?

(6) What National Guard resources were reasonably available to Governor Hardee to contain the civil disobedience in Rosewood?

(7) Did Governor Hardee reasonably rely on the reports from the Levy and Alachua Sheriffs that the violence was under control?

(8) Are the May 4, 1992, sworn statement of claimant Lee Ruth Davis that soldiers protected her at the Rosewood train station and that "Gainesville really looked out for us, the government had everything for us" and Lillie Washington's September 24, 1993, admission that "the United States Protector" sat on her family's back porch and would not leave until "the last car has come out from down there" not credible evidence that the County officials had back up from other authorities?

(9) What was the role of Governor Hardee, or persons acting in his instance, in providing the train to evacuate residents from Rosewood?

(10) What was the extent of State Attorney DeCottes' efforts to locate victim witnesses in Gainesville as reported in the media on February 15, 1923 or February 16, 1923?

(11) Is there proof that C.P. "Polly" Wilkerson was not peacefully acting as a lawfully deputized sheriff at the time of his death?

(12) Did Alachua County Sheriff Ramsey and his deputies make reasonable inquiry in Levy County on January 4, 1923, which led them (erroneously) to believe that the situation was under control?

(13) On legal, equitable or moral grounds, what distinguishes the violence and civil disobedience in Rosewood, Florida, in January, 1923 from the 40 earlier lynchings in Florida; from the race related violence in Ocoee, Florida in 1920; from the race related violence in Perry, Florida in 1922; from the 47 lynchings attributed to the period 1918 to 1927 in Florida; and from the forced movement of Florida's native American population? What would justify claims compensation for documented victims of crime in Rosewood and their relatives but not for the other victims?

B. Specific matters for proof as to damages claims, for each claimant, assuming arguendo there is any basis for a finding of liability.

The State's discovery requests served on February 13, 1994 and February 15, 1994, yet to be answered, make specific inquiry on these matters.

This enumeration of unresolved material issues is not all inclusive but is generally indicative of items of proof that should be made if compromise of the claims process is to be avoided.

CONCLUSION

The Report concluded:

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.

The failure of the elected white officials to take forceful actions to protect the safety and property of local black residents was part of a pattern in the State and throughout the region. In Ocoee in November, 1920, and Perry in December, 1922, local and state officials failed to intervene to protect black citizens and in each incident several innocent blacks were killed and their property destroyed. The same was true in other southern states where rape and black resistance was not tolerated by white residents and were seen as a legitimate excuse to abandon the law in favor of brute force. Pleas from citizens and their spokesman fell on deaf ears and Florida's white leadership responded to the civil and racial unrest only when it threatened to jeopardize the State's economic advancement.

These conclusions, while damning of an attitude attributable to an entire era, is not the type of conclusion which would sustain a claim under the legal and equity standards presented above. There was no duty of the type alleged. There is no proof of racially discriminatory intent. There is no evidence or conclusion of deliberate indifference. There is no conduct which "a reasonable and prudent person would know would probably, and most likely, result in injury." Clements, supra. There is no proof nor conclusion that the identified officials, Governor Hardee, County Sheriff Walker, County Sheriff Ramsey, and State Attorney DeCottes, acted in other than good faith, or that among them there was reason to disbelieve reports from the others. In fact, the record suggests the contrary.

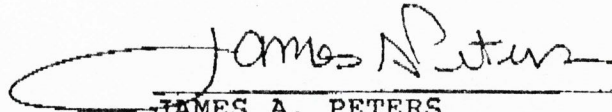
The death and violence at Rosewood in 1923 is a sorry page in Florida's history. Regrettably, the seven documented deaths that occurred there are but a fraction of other race related deaths which occurred not only in Florida but throughout the United States. Nothing factual distinguishes the violence at Rosewood from the other documented violence.

If those claims are to be considered for compensation on grounds of human decency, in isolation of claims compensation for other victims of crime, several generations after the acts in question--and a decade after national television coverage--all traditional principles of law, equity, and fairness to the general public require the analysis and examination outlined above.

Compromise of these principles for HB 591 will establish precedent to the detriment of the State treasury and may encourage myriad other claims against "the State" arising from "a pattern" under circumstances which are likely fresher and better documented than those in HB 591.

Compensation sought under HB 591 should be denied, but with an expression of regret from the State of Florida to those who were in Rosewood in January, 1923, and to those who have suffered from that tragedy.

Respectfully submitted,

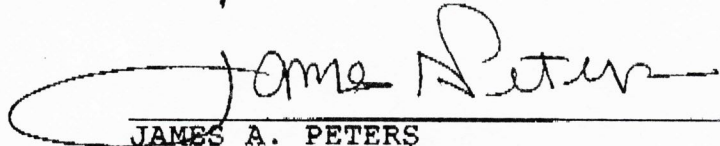


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing STATE OF FLORIDA'S PREHEARING MEMORANDUM has been forwarded to Stephen Hanlon, Esquire, and Martha Barnett, Esquire, Post Office Drawer 810, Tallahassee, Florida 32302-0810 this 24 day of February, 1994.



JAMES A. PETERS

INTRODUCTION

Rosewood is indicated on a Florida map by a small dot on State Road 24, between Cedar Key and Otter Creek in Levy County. Rosewood, once a thriving small town, is now little more than two signs and a trailer park.

In 1922, the town of Rosewood was a flourishing, middle class and predominantly black community. Many of the 150 to 200 residents worked at the mill in Sumner, just three miles away. Rosewood residents were industrious landowners who had developed a town complete with a general store, a railroad station, three churches, a lodge, a baseball diamond for the local team, and about 40 homes. All that came to an end in early 1923 in a massacre as brutal and senseless as any in the history of this country.

The exact details of the destruction of Rosewood have become blurred by time. It is known that in January 1923, something triggered a white posse to raid Rosewood and vent its misplaced anger and prejudice on the town's inhabitants. The fury of that posse gorged upon itself, and soon the individual members of the mob were performing unspeakable outrages on the citizens of Rosewood. People came from miles away to join in the violence. The residents of Rosewood lost their homes, their churches, and their community, and many lost their lives.

Unbelievably, the State of Florida did nothing to protect or reimburse the victims of Rosewood who lost their homes, families and their lives. Adding insult to injury, the land Rosewood

families had owned was appropriated by whites, some of whom had probably participated in the ruination of the town.

For over sixty-five years, the survivors of the carnage have lived in fear and in shame. Fear that if their identities were known they would be murdered to preserve the awful secret of Rosewood. And shame that they were forced to run and hide in fear of their lives. This shame was so great and pervasive that the survivors did not even tell their children about what happened in the town called Rosewood.

Rosewood never flourished in the hands of the whites who took over the town, as if forever haunted by the many dead who were buried in an unmarked mass grave, never to be mentioned again.

THE DECIMATION OF ROSEWOOD

Although the circumstances which precipitated Rosewood's destruction remain in controversy, the end result is evident. On the morning of January 1, 1923 in the nearby, predominantly white mill-town of Sumner, a woman named Fannie Taylor was heard screaming by her neighbors that a black man had broken into her home, beaten her, and fled out the back door.

The official news accounts were inconsistent and unreliable. For example, some reports allege that the attacker stole Mrs. Taylor's purse and money. Some stated that the assailant was an escaped convict named Jesse Hunter. Jesse Hunter was never found. One paper indicated that three black men were involved. (See C1-C2,). However, most papers reported only one assailant. Later,

some in the white community added that Taylor had been raped, although news accounts at the time include no mention of rape.

Many of the black survivors of Rosewood say that the "intruder" was actually Taylor's white lover, and that the story about being attacked by a black man was a fabrication. (See A5-A6). Regardless, what followed was an unmitigated frenzy of hatred and brutality.

A white posse rapidly assembled in Sumner. Bloodhounds followed a scent that led down a trail to a house in Rosewood, ending nearby among some wagon tracks. Soon the assumption was made that the owner of the house had helped the attacker escape. The house was owned by Aaron Carrier, an upstanding black citizen of Rosewood.

Because Aaron Carrier refused to answer the posse's questions, he was tied to the back of a car and dragged three miles to Sumner. Carrier miraculously survived and was spirited away for safekeeping. Some say the Sumner mill owner's son helped Carrier. Some say a "sheriff" came to his rescue. If it indeed was a "sheriff," it was one of the last times that he ever helped the people of Rosewood.

The posse had grown into a mob when it came upon Sam Carter. Members of the rabble tied a rope around Carter's neck and pulled him up a tree, and then tortured and interrogated for two days. After two days of such physical and mental abuse, Carter brought the mob to the spot where he had allegedly taken the mysterious wanted man. However, the hounds could not pick up a trail, and in

a spate of fury, the mob killed Carter. Not content to let him rest in peace, the mob cut off his fingers, ears, and nose and stole his personal possessions.

Some people say the removal of body parts began before Sam Carter was dead. Moreover, even years later some of the mob members would show off their "souvenirs" and brag about their acts. For example, as a boy Randolph Hodges, a prominent politician from Levy County, had seen a man display Sam Carter's watch during one such act of braggadocio.

As the manhunt grew, so did the horde's fury. People with a thirst for blood came from all around to take part in the manhunt. (See, C4-C6). In Otter Creek, mill foreman Henry Andrews gave his workers time off to keep an eye out for the wanted man. He told his employees, "If you happen to see him, kill him." Henry Andrews then went to Rosewood to join the mob, and it cost him his life. (See, A12).

On January 4, the mob sought out Sylvester Carrier, a relative of Aaron. Sylvester was at home and his house was full of people celebrating the holidays. Although it was a family gathering, Sylvester was prepared for the mob's impending attack. He had purchased ammunition from the local store in an effort to defend his family from the bloodthirsty mob. With the mob behind them, Henry Andrews, from Otter Creek, and Poly Wilkerson, apparently a local law enforcement officer, burst through the door. They were immediately shot dead by Sylvester. A gunfight ensued, and the Carrier house was riddled with gunfire. Although some of the

Carriers died and the house was ravaged in the battle, by morning the Carrier house had not been overrun, and the mob was forced to retreat to gather more ammunition.

The surrounding communities rapidly sent more ammunition to the avengers in Rosewood, and the posse set out with renewed eagerness. Thus resupplied, the group turned on the whole town. House by house, men set fire to buildings and shot at anyone trying to escape from their burning houses. (See, H at 11). The mobs combed the wilderness hunting down blacks to kill, and committed numerous atrocities to them. (See, A16). Black people walking down streets in towns twenty miles away were gunned down. The sanitized news accounts of the day reported seven people dead. The people who were there place the number at over 100.

As Rosewood burned and people hid from the hunting parties in the surrounding wilderness, someone got word to the local railroad to send a train to Rosewood to carry the women and children to safety. Some say it was W.H. Pillsbury, the owner of Sumner's mill. Others say it was John Wright, the white owner of the general store in Rosewood. (Tab H at 13). Whoever it was, the message got through.

Many ears would have been deaf to that plea. However, the owners of the railroad were not average people. John and William Bryce were wealthy white northerners who had moved to Florida to run a railroad. As a child, William Bryce had a very close black friend who was killed for the crime of being black. (See A18). Moreover, the Bryces engaged in an active fur trade with the

hunters and trappers in Rosewood. Needless to say, the Bryces were very sympathetic to the plight of the residents of Rosewood.

A train was sent in the middle of the night. The women and children who had hidden in the Wright's house snuck out and joined those in the wilderness. The train rolled slowly through the wilderness and picked up the women and children in the woods, eventually taking them to Gainesville. The process was made very difficult as the mob combed the woods for any black person to use for target practice. Fortunately, many people made it to the train.

NOTABLE PLAYERS

1. JOHN WRIGHT

John Wright is the most notable white man who took affirmative action in assisting the besieged black citizens of Rosewood. Wright was a resident of Rosewood and he owned the town's general store. He was respected and liked by both the black and the white communities in the Rosewood-Sumner area. As the mob started to form, Wright issued warnings and ammunition to the black citizens of Rosewood so they could defend themselves. He opened his home to the women and children of Rosewood and hid them from the mob. The other women and children of the town either went into the wilderness to hide, or were killed. Because the mob did not discover Wright's courageous actions, they left his home standing. It was the only building to survive the Rosewood massacre.

2. SARAH CARRIER

Sarah Carrier was a black woman who lived in Rosewood and worked for Fanny Taylor in Sumner. From all indications, "Aunt Sarah," as she was called, was the matriarchal figure of a large family in Rosewood, which owned three houses and had many members. Aunt Sarah may have been a witness to some of the events leading to the Rosewood massacre.

People in the white community say Aunt Sarah did not go to work on January 1, 1923. (See, A5-A6). Those in the black community say she did in fact go to work, and, furthermore, saw a white man run out the back door of the Taylor house and down the path to Rosewood. (See, A5-A6). However, no one can verify if Aunt Sarah went to work that day or not.

3. MINNIE LEE LANGLEY

Minnie Lee Langley, now 88 years old and living in Jacksonville, Florida was one of the children who found refuge in the wilderness. She had been visiting her grandmother, Sarah Carrier, and staying at Sylvester Carrier's house. When the posse attacked the house, Sarah was shot in the head, and Minnie Lee ran for cover. Minnie Lee survived by hiding between Sylvester's legs as he defended his home. She watched her uncle shoot man after man as they tried to enter. The mob retreated, but all those in the house knew it would return. Minnie Lee went with her relatives, mostly children, into the woods to hide. Although they were in nightclothes, they ran, crawled, and hid in the cold January night to avoid the wandering mob combing the woods. When the rescue

train finally came, Minnie Lee had to traverse a human obstacle course of armed men to safety. (See, G at 26-32).

4. LEE RUTH DAVIS

Lee Ruth Davis also escaped from Rosewood in January, 1923. She is now 77 years old and lives in Miami, Florida. She survived by hiding in John Wright's house. From there she and her siblings made their way to another relative's house. When the mob advanced to that part of the town, they hurried back to the Wrights' home. It was at the Wrights' property line that she boarded the train to safety. (See, F at 27-32).

5. W.H. PILLSBURY

W.H. Pillsbury owned Sumner's mill and was interested in keeping order, whatever the cost. During the carnage, Pillsbury was in contact with the governor of Florida, who wanted to know whether troops would be necessary to quell the violence. Pillsbury told the governor that the situation was calming down. His motivation was most likely to keep the army out of Sumner; he was afraid a military presence would lead to further disruption.

Reports of Pillsbury's personal efforts to help black individuals are also controversial. Some say Pillsbury protected his black mill workers in their barracks, safe from the mob. However, some sources report that when the mob wanted a black man named James Carrier, whom Pillsbury was protecting, Pillsbury

handed him over on the condition that the mob would leave his mill alone. (See, D2, E3).

6. PUBLIC OFFICIALS

At the same time that Pillsbury was protecting his mill by denying the danger of the situation, the sheriff of Levy County was quoted in many papers as saying that more trouble was "imminent." The sheriff of Alachua County brought a posse to Rosewood to help for a day and then returned to Gainesville. (See, D1). The governor announced that he hoped the Alachua posse would keep order and did not choose to use the National Guard. (See, C6). Many reports say the sheriff of Levy County, seemingly contradicting himself, reported to the governor that things had calmed down. (See, E2). The sheriff of Rosewood left town when the mob told him to leave, the governor of Florida went hunting, and Rosewood burned. (C4-6).

7. JAMES CARRIER

In the Rosewood story, James Carrier was a tragic figure. He had been a strong man, a proud member of the Carrier family. Then he had a stroke which left half of his body paralyzed. We do not know for sure if James sought refuge from Pillsbury only to be turned over to the mob as a human peace offering, or if, as some report, he was discovered by the mob weeping over the graves of his recently slain relatives. Whatever the case, it is reported that

members of the mob forced him to dig his own grave with his one good arm and then shot him dead.

OUTCOME

The survivors of Rosewood were children at the time of the massacre. The intentional acts of the mob stamped pain, trauma, and emotional distress in their minds. They are still tortured with the lingering image of a parent or grandparent being lynched or shot; of the family home burning to the ground; of crawling through the woods in the dead of night and hiding from an armed and crazy mob; of being hated and attacked for nothing more than their color. These survivors have lived most of their lives coping with the fear, the anger, and the pain of the ordeal.

Not only were these children robbed of their innocence and happiness, they were robbed of their inheritance. The blacks of Rosewood owned their own homes. They saved and built. But when the mob came, their whole lives disappeared. If they did not return to claim their land after the violence, no one can blame them. The state had not protected them. Two sheriffs had not protected them. The surrounding community was obviously hostile to their presence. It is unreasonable to assume that they could have reclaimed their land. The survivors were forced to rebuild their lives without a nickel of assistance from the state. The remaining survivors of Rosewood deserve compensation for their land, their homes, and the lives that they lost in the burning of Rosewood.

The wrongs that the Rosewood survivors endured are extensive: intentional infliction of emotional distress, assault, battery, false imprisonment, trespass, loss of family and community, and numerous civil rights violations and other tort claims. The list of criminal offenses committed and never prosecuted, from minor acts to heinous barbarism, is even longer: child abuse, assaulting a minor, arson, murder, mayhem, assault, battery, robbery, burglary, kidnapping, and numerous other criminal offenses and outrages since made criminal.

The State of Florida clearly failed in its duty to protect the residents of Rosewood. From the lack of protection provided by the sheriff and lack of National Guard presence, to the denial of equal protection and due process rights by a mob acting under color of state authority as a posse, to the lack of prosecution for crimes committed and return of their property, the residents of Rosewood were ignored by the State. The Governor should have acted immediately and vigorously. The Rosewood residents should have been protected by the State. The mob should have been arrested and prosecuted. The land should have been returned to its rightful owners. Yet nothing was done. The State must provide restitution for the harm which it, and it alone, could have prevented.

To this date, no one has done anything to try to compensate the Rosewood survivors for their suffering. It is time to lay this sad episode to rest and reimburse the aggrieved survivors. Besides compensating the aggrieved, the State should also remember the courageous individuals who put themselves at great risk by helping

the residents of Rosewood. People like the Wrights and Bryces, who knew that they might be sought out by the same mob, stood up and did what they knew to be right. The State should recognize and erect an appropriate memorial to these Rosewood heroes as examples of courage and of the embodiment of ideals that make this country great.

We as a society have gradually come to acknowledge the mistakes of our past. We must also acknowledge the need to rectify those mistakes as an integral part of moving on to a better future. We should celebrate the acts of good people like John Wright, while at the same time acknowledging that the State denied the residents and survivors of Rosewood the protection of the law to which they were entitled. The governor knew, or should have known, what was occurring. As an acknowledgement of past errors and a signal of a better future, the State must reimburse the survivors of this massacre and make sure that they, their fallen relatives and neighbors, as well as the courageous acts of those white residents who aided the victims in their time of need are appropriately memorialized.

mia-83379

72F

FLORIDA HOUSE OF REPRESENTATIVES

IN THE MATTER FOR RELIEF OF:

Relief of ARNETT T. GOINS,
MINNIE L. LANGLEY, et al.,

Claimants,

v.

HB 591

STATE OF FLORIDA,

Respondent.

_____ /

STATE OF FLORIDA'S WITNESS AND EXHIBIT LIST

State of Florida respectfully submits its Witness and Exhibit List for the hearing scheduled to commence on February 25, 1994:

WITNESSES

1. Members of the investigative team which prepared the "Documented History of the Incident Which Occurred, at Rosewood, Florida."

2. Dr. Harry McClaren.

3. Dr. Carl Schmertmann.

4. Witnesses listed by Claimants.

5. Claimants (by statements or recorded interviews).

DOCUMENTARY EVIDENCE

1. The Report - A Documented History of the Incident Which Occurred at Rosewood, Florida.

0/23

2. Appendices to the Documented History of the Incident Which Occurred at Rosewood, Florida, with attachments.

3. Review of the Rosewood Project, with attachments.

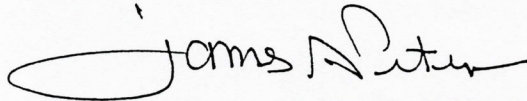
4. Report of Dr. Carl Schmertmann.

5. Exhibits listed by Claimants.

6. Florida Road Condition Map - 1923

The State of Florida respectfully reserves the right to amend this listing after fair notice to Claimants.

Respectfully submitted,



JAMES A. PETERS
Assistant Attorney General
Florida Bar No. 0230944

Counsel for the Respondent
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(904) 488-4872 (Fax)

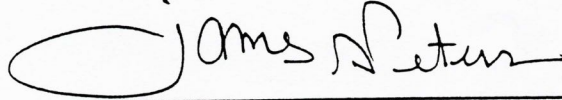
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing STATE OF FLORIDA'S WITNESS AND EXHIBIT LIST has been forwarded to Stephen Hanlon, Esquire, and Martha Barnett, Esquire, Post Office Drawer 810, Tallahassee, Florida 32302-0810 this 23 day of February, 1994.



JAMES A. PETERS

Respectfully submitted,

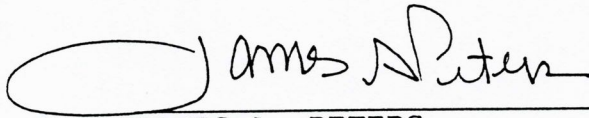


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of
the foregoing STATE OF FLORIDA'S SUPPLEMENTAL WITNESS AND
EXHIBIT LIST has been forwarded to Stephen Hanlon, Esquire,
Post Office Drawer 810, Tallahassee, Florida 32302-0810 this
3 day of March, 1994. *by fax i. mail*



JAMES A. PETERS

<jimp>Rosewood.SuppExh

- Respondent's Ex#4 -





From the Desk of...

MICHAEL ERICKSON
Research Specialist

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

Respondent Exh # 5

Adjedent General's report
for 1923 showing no
militia activity (1923)



From the Desk of...

MICHAEL ERICKSON
Research Specialist

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

Respondent Exh # 6

Property Tax Records

GOVERNOR GETS NEWS

TALLAHASSEE, Jan. 5.—A telegram was received at the governor's mansion late today from the sheriff of Levy county to the effect that the racial disturbances around Rosewood had quieted to the extent that it was believed local authorities had the situation under control.

The message was in response to one dispatched by the governor early this morning. The chief executive was moved to inquiry by press reports which told of an alarming condition in the sparsely settled community.

Throughout the day the governor remained in the dark insofar as the official view of the situation was concerned. While keen interest was manifested at his offices in the press bulletins, the governor gave no indication of any step he may have had in mind on the face of the unofficial reports.

UNKNOWN SOURCE

Troops Not Needed.

Tallahassee, Jan. 5.—(By the Associated Press.)—A telegram was received at the governor's mansion late today from the sheriff of Levy county to the effect that the racial disturbances around Rosewood had quieted to the extent that it was believed local authorities had the situation under control.

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The governor absented himself from his office this afternoon for a few hours in nearby fields at hunting. His secretary, Prof. L. B. Edwards, however, was prepared upon the chief executive's return late in the afternoon to give him the press version of the day's developments.

The message from the Levy county sheriff did not go into details. It is understood it only apprised the governor, briefly, that it was thought local authorities could now cope with matters.

UNKNOWN SOURCE

Alachua Sheriff Ready
Gainesville Jan. 5.—Sheriff Ramsey of this Alachua county, Chief Deputy Dunning and several automobile loads of deputies and armed citizens were preparing at 1 o'clock this morning to leave immediately for Rosewood, forty miles southwest of here, in Levy county, where a clash between the races early last night is reported to have resulted in the deaths of three white men, three negroes, and the injury of numerous whites and blacks.

The trouble is believed to have resulted from the criminal assault of a young white woman at Sumner early Monday. One negro was lynched a few miles from Sumner Monday night when he admitted to a mob that he had transported in a wagon for several miles a negro suspected of the crime. Two negro suspects are in jail at Bronson, the county seat of Levy county, while possees still are continuing their search for two others, one of whom, an escaped convict, is believed by Sheriff Walker to have been the actual assailant.

Sumner, a sawmill town, is on the Seaboard Air Line railway about forty miles southwest of this city. Rosewood is three miles from Sumner and about ten miles from Cedar Key.

GUN BATTLE AS WHITES RUSH —NEGRO BARRICADE ROSEWOOD

Rosewood, Fla., Jan. 5.—(By United Associated Press.)—Hundreds of citizens were early today preparing to renew their efforts to smash a barricade behind which 25 or more heavily armed negroes are making a stand here in a small hut. Two white men are known to be dead, three wounded, and a score or more blacks are believed slain in the fighting which took place early last night.

Deputized posse and citizens said to be numbering in the thousands were pouring into this village early this morning. Automobile after automobile heavily laden with armed men have arrived, some coming from a distance of about 75 miles.

All night long citizens surrounding the hut kept up a heavy fire, and at intervals volleys of lead were fired from behind the barricade. At the first break of dawn the whites were preparing to rush the house from all sides. Authorities believe that unless the negroes surrender "they will be smoked out."

At an early hour the number of negro dead could not be estimated, but the hut is said to be riddled with bullets from its flooring to the roof.

Casualty List.

The white dead are: Henry Andrews, superintendent of the Cummer Lumber company's saw mill.

Henry Wilkerson, of Sumner.

The wounded:

A man named Odum, said to be from Jacksonville, employed at a box factory at Otter Creek.

Nephew Rudstill, of Rosewood.

Warner Kirkland, of Rosewood.

The bodies of Andrews and Wilkerson lay all night where they fell. No one was able to rescue them, so hot was the fire from behind the barricade. Andrews leaves wife and three children, and Wilkerson a wife and five children.

The hut was in total darkness

Throughout the night, but efforts of the citizens to creep up on the barricade met with a heavy fire. The negroes seemed well supplied with ammunition, most of it being buckshot.

Town's Under Guard.

Sheriff's and their deputies from neighboring counties arrived here during the early morning, while in the meantime negro villages in surrounding towns have been placed under heavy guard. In each place practically a martial law has been declared, the blacks being warned to remain within their homes. At Sumner and Bronson armed men are patrolling the streets.

No racial outbreaks other than at this place have been reported.

Since Monday this section of Florida has been stirred as the result of an alleged criminal attack upon a young white woman at Sumner. Three negroes are alleged to have taken part in the attack. Monday night one negro was shot to death when he is said to have admitted to a mob that he had transported one of the wanted negroes in a wagon.

Early last night a report reached Sumner that the negroes wanted were at this place. A party of citizens came here from Sumner to investigate. In one place it is said they found about 25 negroes heavily armed.

Andrews and Wilkerson started to enter the house, and citizens said they were shot to death without warning. The three other whites were wounded in the first skirmish.

Governor Makes Inquiry.

Tallahassee, Fla., Jan. 5.—Governor Hardee of Florida, when informed by the Associated Press

(Continued on Page 3.)

RACE RIOT IN LEVY COUNTY

RESULTS IN SEVERAL DEATHS

1000 P. M. 1908
Daily Democrat
Geo. E. Lewis
APR 16 23

THIRTY TA

(ASSOCIATED PRESS DISPATCH)

Summer, Jan. 5.—A party of white men approached a negro house at Rosewood, two miles from here, in which it was believed a negro was hiding who is implicated in an alleged attack on a white woman of the place recently, and were met by a heavy and continuous volley of shot.

General fighting began and continued all day through the night. It is known that a score of negroes were barricaded in the house, and were determined to prevent the arrest of their comrade. The intermittent firing throughout the night could be distinctly heard here. It ceased at dawn and has not been resumed.

The known casualties this morning were two white men dead, and three wounded. The negro casualties could not be determined, but it is regarded as certain that they suffered heavily from the hail of bullets which penetrated the walls of the structure.

The bodies of Henry Andrews and the body of Williamson were recovered this morning. Volunteers entered the yard under the guns of the negroes and removed the dead and wounded without being fired upon. They were brought here. The wounded are, Ephus Studstill and Warner Kirkland both of Rosewood, and a man named Odom, believed to be a resident of Jacksonville.

Parties of armed men continued to pass through here early this morning, enroute to the scene.

Governor Hardie was without official information up to a late hour this afternoon on the race disorders at Rosewood, last night, and reported as still in progress. In the absence of official information on the situation there the governor did not care to indicate any steps he might take.

His only knowledge of the trouble was given in press advices received

and believed many other casualties as the result of racial trouble last night and early this morning at Rosewood, three miles from here. With the exception three buildings the entire village was burned by the mob at day-break according to reports. The fighting began when a party of citizens from Summer went to Rosewood seeking a negro who was alleged to have attacked a white woman Monday, and were fired on by 20 negroes barricaded in a house.

MOB FIRES ON NEGROES WHILE FLEEING FROM BURNING HOUSES

(Mer Creek, Jan. 5.—The Summer citizens with two members of their party slain in the first volley established a cordon round the house and opened fire. During the night when the attackers ran out of ammunition and several had left to replenish the supply the negroes leaving the bodies of two women and one man in the house escaped. The blood stains indicated that several had been wounded. Immediately after the mob began firing the buildings in the village. While the village was in flames it was said that members of the mob fired upon negroes who were fleeing from their homes. About twenty families, many of them negroes, resided at Rosewood.

PRESIDENT WONT RECEIVE ANTI PROHIS

New York, Jan. 5.—Members of the Molly Pitcher Club, some of them prominent society and club women, indulged in a period of hissing at a club luncheon that President Harding had declined to meet a delegation

Local music-lovers have taken keen interest in the fact that the celebrated King of Atlanta, will play heratorium of Woman's College tonight, January 5th. They have been to Havana, Cuba, on a mile tour.

In recent years the Club has come to be recognized as one of America's leading vocal groups. Such phrases as "the sweetest singers," "The college's greatest entertainers," "winds of originality" and "solid chorus of praise for critics."

While ensemble singing thirty musicians their it by no means forms the of the program. In the are quartet novelties. session, several original



Negroes Elude Pursuers

(By Associated Press)

ROSEWOOD, Jan. 11.—Rosewood and the vicinity were quiet today following the deaths Thursday night of two white men and four negroes in a clash between the races and an intensive search by possses all day yesterday for Jesse Hunter, escaped negro convict, efforts to apprehend whom precipitated the trouble.

A posse of white men was approaching the home of Sylvester Carrier, negro, who was believed to know the whereabouts of Hunter, sought in connection with an attack on a young white woman, when they were fired on by the negroes within the house. Two of the white men were killed instantly.

The whites then halted bullets on the house, killing Carrier and his mother. Two other negroes subsequently were killed, one on a road about 20 miles distant from the site of the disturbance.

The possses who were searching for Hunter and the negroes who escaped from Carrier's house when the white men's ammunition became exhausted, had disbanded today and no further trouble was expected. Rosewood's negro population who fled early yesterday after their section of the town virtually had been destroyed by fire, still were in hiding in the woods today.

POSSE STILL HUNTING NEGRO WANTED FOR ALLEGED ATTACK

Rosewood, Fla., Jan. 6.—With a large posse pressing on what is believed to be the trail of Jesse Hunter, negro wanted for an attack on a young white woman, the racial situation here and in this vicinity was reported quiet during the night and early today. Sheriff Ellas Walker of this, Levy county, in reporting to Governor Hardee, at Tallahassee last night said he feared no further disorder.

No definite word has been received early today from the posse trailing Hunter, but it was not believed by citizens here that he had been captured.

Preparations were being made today at Sumner, the home of the alleged assaulted woman, to bury the bodies of the two white men, C. P. Wukerson, a merchant, and Henry Amick, mill superintendent.

On Thursday night in the clash between negroes barricaded in the house of Sylvester Carrier and a posse of white men who attempted to search the house for Hunter.

The four white men wounded during the fighting are reported resting well. No other whites are believed to have been wounded, according to a check made by county authorities.

Sheriff Walker and his deputies were planning today to recheck the list of negro dead. Four are known to be dead and several others are reported shot.

Rosewood Quiet.

Rosewood, Fla., Jan. 6.—Rosewood and the vicinity were quiet today following the deaths Thursday night of two white men and four negroes in a clash between the races and an intensive search

FLORIDA TIMES-UNION
JACKSONVILLE, FL
JAN. 9, 1923

ROSEWOOD QUIET FOLLOWING THE RACIAL OUTBREAKS

Rosewood, Jan. 8.—Rosewood is quiet today following the racial disturbances of the past few days, in which seven persons were killed as the result of a search by officers and citizens' posses for Jesse Hunter, negro, wanted for an alleged attack on a young white woman at gunpoint last Monday. Officers are still without a clue as to the whereabouts of Hunter.

Officers are inclined to believe that the burning of twelve houses, all that was left of the negro quarter of Rosewood Sunday afternoon marks the end of the racial clashes, they assert.

The negroes whose houses were fired are still taking refuge in nearby woods out of fear. The houses were burned by a number of white men while a crowd looked on, but no one could be found who would say that he saw the houses burned, according to county officers.

The burning Saturday afternoon came as a sequel to the previous destruction of a large part of the negro section and the clashes between white men and negroes, in which the fatalities occurred.

Two white men were killed in the conflicts and five negroes fell victims, two of the negroes being shot to death in a rain of bullets on a dwelling in which the blacks barricaded themselves, the other three being slain at different times.

Authorities have in custody several negroes in connection with the clashes, the officers stating that these prisoners who have been spirited away for safe keeping, were among those who barricaded themselves in the house and were fired on.

Officers today express the hope of controlling the situation without further outbreaks. The section, however, is still much aroused over the disturbances.

GAINESVILLE SUN
MONDAY, FEB. 12, 1923

ROSEWOOD LYNCHING PROBE WILL BEGIN AT BRONSON TODAY

Special Grand Jury to Conven
At Levy County Seat For
Investigation of Rioting

State investigation of the rioting
at Rosewood, which resulted in the
death of eight persons, including two
white men, will begin this morning
at Bronson, county seat of Levy
county, a special grand jury, called
by V. L. Long of the ar
rest, will convene
at Bronson.

It is reported, according to articles
of the service, that the district. Mr.
Dawson was ordered to this district
by Governor Harts at the request of
Judge Long to assist in the investi-
gation of the lynching January 11
last. The body of the Wilson, a de-
fendant, was found in the Rosewood
district. The district recalled
that the Wilson was killed in
the Rosewood district. The district
advised that he was transported, by
transporting the suspected men for
several miles in a wagon, was shot
and killed several days later. A
negro attempting to enter a negro
home at Rosewood, three miles away,
was fired upon and two whites killed
on the spot. Three others were wound-
ed at that time. Two negroes were
killed in the house which was said to
have contained eighteen blacks. Three
other negroes were killed by infuri-
ated whites and the entire negro set-
tlement at Rosewood burned to the
ground.

SPECIAL JURY IN RACE CLASH TO HEAR WITNESSES TODAY

Bronson, Feb. 12.—(By the Associated Press)—The special grand jury, empaneled here today and charged by Judge A. V. Long of the Eighth judicial circuit to investigate the race clash at Rosewood, near here last month, will begin examining witnesses tomorrow morning. The examination, which was to have started today, was postponed because George Decottes, prosecuting attorney, will not arrive until tomorrow.

Seven persons, including two white men, were killed in the trouble at Rosewood, which started when a posse of white men, in search of a negro accused of having attacked a white girl, was fired on by a crowd of negroes in a house. Two members of the posse were killed instantly and three others wounded.

The whites then rained bullets on the house, killing two negroes. Sixteen others escaped. Three other negroes were killed subsequently and the entire negro section of Rosewood burned several days after the clash. A day or so before the actual clash a negro, suspected of having transported the negro wanted for the attack away from the scene, was slain.

Judge Long, in his charge, told the grand jurors to make every effort to fix the blame where it belonged and to see that the "guilty parties are brought to justice."

The mob violence, he declared, not only had brought disgrace upon Levy county, but had brought disgrace to and reflection on the whole state of Florida.

The interest shown in the investigation was evidenced by the fact the courtroom was packed to hear the charge. The grand jury is composed of farmers and merchants. Judge Long said he expected the investigation would require about a week.

GAINESVILLE SUN
FEB. 13, 1923

ROSEWOOD PROBE MAY CONTINUE THRU WEEK AT LEVY COUNTY SEAT

George Decelles, Prosecuting
Attorney, to Arrive at
Broomson Today

WILL BEGIN EXAMINING
WITNESSES DURING DAY

Judge Long Charges Grand Jury
to "Fix Blame Where It
Belongs"

Broomson, Fla., Feb. 12.—(By Associated Press)—The special grand jury, empanelled here today and charged by Judge A. V. Long, of the eighth judicial circuit, to investigate the race clash at Rosewood, near here, last month will begin examining witnesses tomorrow morning. The examination, which was to have started today, was postponed because George Decelles, prosecuting attorney, will not arrive until tomorrow. Eight persons, including two white men, were killed in the trouble at Rosewood, which started when a posse of white men in search of a negro accused of having attacked a white girl, was fired on by a crowd of negroes in a lode. Two members of the posse were killed instantly and three others wounded.

Judge Long, in his charge, told the grand jurors to make every effort to fix the blame where it belonged and if possible the guilty persons are brought to justice.

The mob violence, he declared, not only had brought disgrace upon Levy county, but had brought disgrace to and reflection on the whole state of Florida.

The grand jury is composed of farmers and merchants. Judge Long said he expected the investigation would require about a week.

The special grand jury which convened at Broomson county seat of Levy county Monday morning from an investigation of the rioting at Rosewood early last month which resulted in the death of eight persons—two white men and six negroes—will continue its probe today with examination of witnesses and a review of details which led up to the trouble.

George Decelles, of Sanford, ...

THE UNION, JACKSONVILLE
WED. FEB. 14, 1923

THIRTEEN HAVE TESTIFIED IN THE RIOT PROBE

Grand Jury Investigating the Killing of Two White Men and Six Negroes at Rosewood, Levy County, in January, Will Hear 25 Additional Witnesses Today—Few Negroes Have Returned Since the Riots.

Bronson, Feb. 12.—(By the Associated Press).—Thirteen witnesses testified today before the special grand jury empaneled by Judge A. V. Long to investigate the Rosewood race clash the early part of January, in which two white men and six negroes were killed.

George A. DeCottez, state attorney of the seventh judicial circuit, who was sent here by Gov. Hardee to assist in the investigation, declined tonight to say whether any evidence had been obtained on which indictments could be based. He said he could not discuss the progress being made, other than to say the trouble was being investigated thoroughly.

Twenty-five witnesses have been summoned to appear before the grand jury tomorrow. Eight negroes also will be called to tell the body what they know of the trouble. Mr. DeCottez stated.

Following the burning of the negro section of Rosewood after the clash, all the negroes fled to the woods. According to information received by Mr. DeCottez, virtually all of them have remained away, although he said he had been informed that a few had returned.

Mr. DeCottez could not say how long the investigation will last.

UNKNOWN SOURCE
FEB. 14, 1923

SPECIAL GRAND JURY PROBING ROSEWOOD RIOTS, IN RECESS

Bronson, Feb. 14.—(By the Associated Press)—Following the examination this morning of several witnesses in the investigation into the race clash at Rosewood early in January, the special grand jury recessed shortly before noon and Georgia A. De Cottea, prosecuting attorney, went to Gainesville in search of additional witnesses.

It is not known whether the grand jury will resume its sitting tomorrow. Mr. De Cottea said the grand jurors would be called to meet when processes have been served on additional witnesses.

Mr. De Cottea's investigation in Gainesville, it was believed here, probably will result in additional information being made available concerning the clash, in which two white men and six negroes were killed and the entire negro section of Rosewood burned.

ROSEWOOD JURY HALTS TO ALLOW DECOTTES TO SEARCH FOR WITNESSES

Body Will Be Called to Meet
Again When Additional Wit-
nesses Are Found

Bronson, Feb. 14—(By Associated Press)—Following the examination this morning of several witnesses in the investigation into the race clash at Rosewood early in January, the special grand jury recessed shortly before noon and George Decottes, prosecuting attorney, went to Gainesville in search of additional witnesses. It is not known whether the grand jury will resume its sitting tomorrow. Mr. Decottes said the body would be called to meet when processes have been served on additional witnesses. Mr. Decottes' investigation in Gainesville, it was believed here, probably will result in additional information being made available concerning the clash, in which two white men and six negroes were killed and the entire negro section of Rosewood burned.

NO INDICTMENTS OF MOB MEMBERS BY THE GRAND JURY

After Investigating Rosewood Riot, in Which Two Whites and Six Negroes Were Killed, Special Levy County Grand Jury Could Only "Deplore Action of the Mob"—Without Comment Judge Long Discharged the Jurors.

Bronson, Feb. 15.—(By the Associated Press)—The special grand jury, which has been investigating the race clash at Rosewood early in January, reported to Judge A. V. Long, in circuit court late today, that it had been unable to find evidence that was sufficient to base an indictment on.

The report, however, deplored action of the mob. Judge Long received the report without comment and discharged the body, which has been in session since Monday. Two white men and six negroes were killed in the clash.

The grand jury's report said that a thorough investigation had been made into the racial clash, but it was impossible to obtain sufficient evidence on which to find indictments.

Georges Decottes, prosecuting attorney, was praised for his efforts to ascertain the names of those responsible for the trouble.

About twenty-five witnesses were before the investigating body during its sitting.

The grand jury stated in its report that the incident was regretted, not only by that body, but by the best citizens of Levy county.

The clash between the negroes and whites occurred the night of January 1, when a crowd of white men went to a house in search of a negro wanted for an attack on a white girl at Sumner. Two of the white men were shot and killed by the negroes in the house. The whites rained bullets on the structure, killing two negroes. The other negroes were killed during the next several days.

GAINESVILLE SUN
FEB. 16, 1923

ROSEWOOD RACE RIOTS PROBE IS ENDED; NO INDICTMENTS ARE MADE

Testimony Brought Up Declared
Not Strong Enough to
Warrant Action

Investigation of the Rosewood riot was closed here this afternoon when the grand jury reported that sufficient evidence had not been found upon which to return an indictment. George Decottes, prosecuting attorney, returned to Bronson this afternoon after failing to obtain witnesses wanted in Gainesville and vicinity. Testimony received from witnesses called before the grand jury had not been strong enough to warrant the return of any indictments, he said.

Eight persons—two whites and six negroes—were killed in the Rosewood trouble, which started when a posse, attempting to enter a house in search of a negro wanted for an alleged attack upon a young white woman, was fired upon. Two white men were instantly killed and three others wounded. Six negroes were killed in the rioting which followed and the entire negro settlement at Rosewood burned to the ground.

FLORIDA HOUSE OF REPRESENTATIVES

IN THE MATTER FOR RELIEF OF:

Relief of ARNETT T. GOINS,
MINNIE L. LANGLEY, et al.,

Claimants,

v.

HB 591

STATE OF FLORIDA,

Respondent.

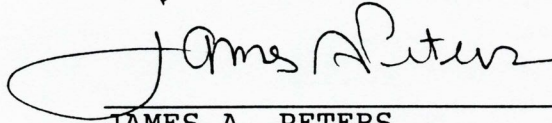
STATE OF FLORIDA'S DESIGNATION OF
STATEMENTS AND INTERVIEWS FOR
HEARING RECORD

State of Florida respectfully designates the following statements and interviews of claimants for inclusion in the record of the hearing. The Statements of Lee Ruth Davis and Minnie Lee Langley were taken under oath by claimants' counsel. The Interview of Lilly Washington was taken by a member of the University's team. Items #2 and #3 are otherwise admissible pursuant to §90.803 18(a) and (b), Fla. Stat. as admissions. Copies of the designated portions are enclosed.

1. Sworn statement of Lee Ruth Davis, page 1, 2, 22, 33, 36, 48, 69, 70, (Exhibit A).
2. Sworn statement of Minnie Lee Langley, page 1, 2, 47, 48, (Exhibit B).
3. Interview of Lilly Washington by Larry E. Rivers page 388, 389, 390 (Exhibit C)

4. Interview of Arnett T. Doctor by William W. Rogers, Maxine Jones, and Larry E. Rivers, page 188 (Exhibit D).

Respectfully submitted,

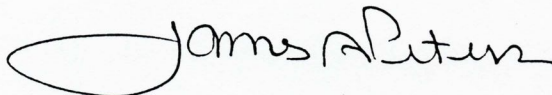


JAMES A. PETERS
Assistant Attorney General
Florida Bar No. 0230944

Counsel for the Respondent
PL-01 The Capitol
Tallahassee, FL 32399-1050
(904) 488-1573
(904) 488-4872 (Fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing STATE OF FLORIDA'S DESIGNATION OF STATEMENTS AND INTERVIEWS FOR HEARING RECORD have been forwarded to Stephen Hanlon, Esquire, and Martha Barnett, Esquire, Post Office Drawer 810, Tallahassee, Florida 32302-0810 this 7 day of March, 1994.



JAMES A. PETERS

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S W O R N S T A T E M E N T

IN RE: LEE RUTH DAVIS

_____ /

2238 NORTHWEST 59TH STREET
MIAMI, FLORIDA
MONDAY/2:35 P.M.
MAY 4, 1992

S W O R N S T A T E M E N T

OF

LEE RUTH DAVIS

- - -

EXHIBIT
A

1 APPEARANCES:

2
3 LAW OFFICES OF HOLLAND & KNIGHT
4 BY: STEPHEN F. HANLON, ESQUIRE
5 AND LORA J. SMELTZLY, ESQUIRE
6 400 NORTH ASHLEY
7 P.O. BOX 1288
8 TAMPA, FLORIDA 33601

9 ALSO PRESENT: ARMANDO GARCIA
10 MICHAEL O'MCCARTHY
11 JANIE BLACK
12
13

14 I N D E X15
16 WITNESSDIRECT

17 LEE RUTH DAVIS
18 (BY MR. HANLON)

3
19
20
21
22
23
24
25

1 SO THEY TRACKED THE WAGON ALL THE WAY
2 DOWN TO THE HAMMOCK.

3 Q. ALL THE WAY?

4 A. "GULF HAMMOCK."

5 Q. WHAT DO YOU CALL THAT?

6 A. "HAMMOCK." WHERE YOU DO THAT AND DO
7 EVERYTHING ELSE. YOU KNOW, PEOPLE GO DOWN THERE
8 TO HUNT, GULF HAMMOCK.

9 Q. GULF HAMMOCK?

10 MR. MCCATHY: H-A-M-M-O-C-K.

11 THE WITNESS: THEY GO HUNTING DOWN
12 THERE. NOW, THEY GO HUNTING DOWN THERE EVERY YEAR.
13 WHEN THEY GOT DOWN TO THE HAMMOCK THEY GOT TO THE
14 STREET WHERE THE RIVER WATER IS. THAT IS WHY THEY
15 COULDN'T GO NO FURTHER.

16 SO THEY KNOW THAT HE MUST HAVE GOTTEN
17 INTO WATER AND WENT ON A BOAT OR WHATEVER.

18 THEN THEY BROUGHT THE TRAILER OUT OF
19 HAMMOCK. ALL THE WAY THEY WALK TO SAM CARTER,
20 AND SAM CARTER WAS SITTING THERE EATING LUNCH.

21 MY DADDY TOLD ME, AND THEY DIDN'T DO
22 ANYTHING BUT TOOK SAM CARTER FROM HIS TABLE AND
23 BROUGHT HIM. THEY COULD HAVE LAID TIMBER UP THERE.
24 THAT WAS A MILL OUT OF ROSEWOOD. THAT WAS BETWEEN
25 SUMNER AND ROSEWOOD.

1 Q. HOW WAS IT THAT EVERYBODY KNEW TO GO TO
2 MR. AND MRS. WRIGHT'S HOUSE?

3 A. BECAUSE BOB WALKER -- I DON'T KNOW --
4 THE GOVERNMENT OF BOB WALKER. BUT HE HAD NOTIFIED
5 MR. WRIGHT TO GET EVERYBODY WITH EVERYBODY, WOMENS
6 AND CHILDRENS, AND HAVE THEM MEET AND GET AT HIS
7 HOUSE. THE GOVERNMENT WAS GOING TO PUT A TRAIN IN
8 THERE THE NEXT MORNING TO TAKE US OUT.

9 Q. WHO WAS BOB WALKER?

10 A. THAT IS THE HIGH SHERIFF IN BRONSON.
11 I KNOW YOU CAN GO TO THE COURTHOUSE. YOU WILL FIND
12 HIS NAME THERE.

13 Q. WHICH COURTHOUSE?

14 A. THE ONE IN BRONSON FLORIDA. THAT WAS IT.
15 THAT MORNING WHEN THE TRAIN CAME AROUND
16 THAT MORNING AROUND 4 O'CLOCK MR. WRIGHT'S HOUSE WAS
17 ABOUT A MILE FROM THE STATION. HE HAD A BOARDWALK
18 FROM THE HOUSE TO THE STATION.

19 THERE WERE SOLDIERS, MARINES. I KNOW
20 THEY WERE MARINES BECAUSE THEY HAD ON GREEN. THEY
21 WERE STANDING ON THIS SIDE OF THE BOARDWALK FOR THAT
22 MILE TO THE TRACKS SHOULDER TO SHOULDER WITH RIFLES
23 THERE.

24 Q. SO THAT THE WOMEN AND CHILDREN CAN GET
25 THROUGH TO THE TRAIN?

1 WHITE. THEY TOOK ABOUT SEVEN OF US. YOU ARE GOING
2 TO SURVIVE WITH US WITH THE CHILDREN UNTIL THEY CAN
3 FIND THE PARENTS OF THE CHILDREN.

4 AND THE TOWN PEOPLE GIVE THEM SOMEWHERE,
5 TOO, BECAUSE GAINESVILLE REALLY LOOKED OUT FOR US.

6 THE GOVERNMENT HAD EVERYTHING FOR US.

7 SO WE STAYED IN GAINESVILLE, I GUESS,
8 FOR THREE WEEKS.

9 MY AUNT FOUND WHERE MY FATHER'S SISTER
10 WAS IN OAKS, FLORIDA. THEN THEY TOOK US AND TOOK US
11 TO OAKS, FLORIDA, TO MY FATHER'S SISTER.

12 THERE IS WHERE WE STAYED IN OAKS,
13 FLORIDA, UNTIL WE FIND PAPA, WHERE PAPA WAS.

14 Q. HOW DID YOU FIND HIM?

15 A. SOMEBODY FIND HIM. I DON'T KNOW HOW THEY
16 DID IT, BUT THEY FOUND HIM.

17 Q. DID THEY COME TO OAKS?

18 A. YES. YES. HE CAME AND GOT US. HE CAME
19 AND GOT US AND TOOK US BACK TO PLATKA, FLORIDA,
20 P-L-A-T-K-A.

21 Q. DID YOU GROW UP THEN IN PLATKA?

22 A. YES. WE, YOU KNOW, QUITE A WHILE, UNTIL
23 WE GOT IN THE TEENS.

24 Q. THEN WHERE DID YOU MOVE TO?

25 A. THEN WE WENT TO MIAMI, SOUTH MIAMI.

1 WERE WOUNDED; IS THAT RIGHT?

2 A. NO. THE ONLY BLACK PEOPLE THAT WERE
3 KILLED WERE RUNNING THROUGH THE WOODS AND GETTING
4 CUT. THEN THERE WAS NOBODY SHOT. THERE WAS NO BLACK
5 PEOPLE.

6 Q. WHY WERE THEY THROWING PEOPLE ON THE
7 TRUCK? I MISSED THAT.

8 A. THERE WAS THE PAPA AND SYLVESTER SHOOT IT
9 OUT WITH THEM. THEY DIDN'T KNOW THAT THE SHOT WAS
10 COMING FROM. THEY THOUGHT IT WAS IN THE HOUSE, AND
11 PAPA THOUGHT IT WAS OUTSIDE.

12 THAT IS HOW POLY GOT KILLED. HE WAS THE
13 FIRST ONE THAT GOT KILLED.

14 Q. POLY WHO?

15 A. POLY THE SHERIFF. HE WAS THE FIRST ONE
16 WHO GOT KILLED. HE KNOCKED ON THE DOOR AND KNOCKED
17 ON THE DOOR, AND AUNT SARAH SHOT HIM, AND HE SHOT
18 HER. SHE SHOT HIM, AND HE SHOT HER. SHE RAN INTO
19 THE TRUCK AND RAN BECAUSE A LOT OF THEM HAD RUN.

20 WHEN THEY COME BACK THAT DAY -- SEE,
21 EVERYTHING WAS SET, YOU KNOW. THAT PLACE YOU THOUGHT
22 IT WAS A FALL. YOU COULD NOT SEE FROM THE SMOKE.
23 THERE WAS GUN POWDER EVERYWHERE.

24 THE CHURCH WAS THERE BEFORE THEY BURNT IT
25 DOWN THAT NIGHT.

1 A. POLY?
2 Q. YES.
3 A. I WON'T KNOW.
4 Q. HENRY ANDREWS. DOES THAT NAME RING
5 A BELL?
6 A. HENRY?
7 Q. YES.
8 A. NO, THAT DOESN'T RING A BELL.
9 Q. A SOMETHING-SUPERINTENDENT?
10 A. THAT WAS SOMETHING AROUND THE MILL
11 UP THERE.
12 Q. AND SYLVESTER CARRIER. YES, SYLVESTER.
13 Q. BERTHA CARRIER, MOTHER OF SYLVESTER
14 CARRIER?
15 A. SARAH CARRIER.
16 Q. THAT IS REALLY SARAH?
17 A. YES, THAT IS SARAH CARRIER.
18 Q. WILLIAMS, A NEGRO AGE 48, SOMEBODY
19 WILLIAMS. MILLER. I CAN'T READ IT.
20 MR. MCCARTHY: DO YOU WANT ME TO TRY?
21 MR. HANLON: SEE IF YOU CAN PICK UP THAT
22 WILLIAMS' NAME. S-I-N-I-K-O-G?
23 MR. MCCARTHY: AN UNIDENTIFIED NEGRO
24 WOMAN. THERE WAS A NEGRO WILLIAMS, AGE 48. HUDSON
25 AND STUDSTILL GOT SHOT IN THE ARM. ODUM GOT SHOT

1 THROUGH THE NECK.

2 HE CLAIMS THAT SYLVESTER WAS KILLED.

3 MR. HANLON: I APPRECIATE IT.

4 THANK YOU.

5 THE WITNESS: ODUM? I DON'T KNOW.

6 MR. HANLON: LET'S GO OFF THE RECORD
7 FOR A MINUTE.

8 [DISCUSSION OFF THE RECORD.]

9 MR. HANLON: BACK ON THE RECORD.

10 BY MR. HANLON:

11 Q. HOW OLD ARE YOU NOW?

12 A. 76.

13 Q. 76?

14 A. 77 NOW.

15 Q. HOW IS YOUR HEALTH?

16 A. GOOD. EVERYBODY, I DON'T KNOW HOW I AM
17 DOING OF WHAT YOU ARE DOING.

18 Q. WHAT ARE YOU DOING SUNDAY?

19 A. CHURCH ALL DAY SUNDAY.

20 Q. TELL ME HOW SUNDAY MORNING GOES.

21 A. SUNDAYS, I GUESS, I AM UP MAYBE AROUND
22 5 O'CLOCK AND GET MYSELF BREAKFAST. I GET TO CHURCH
23 AROUND 7:00, A QUARTER TO 7:00, AND I GET BACK HOME
24 ABOUT 3 O'CLOCK.

25 MOST OF THE TIME I GET A BREAKFAST, AND

the mill we could keep em straight. But we knew if we let em out of there the farmers would get em. Every nigger had jumped up and run out of there whether it was a coon dog or what. So that rolled on for three days. In three days they sent word that the one we wanted would be in a certain building, an old school building right beside the depot. Said that they had im and that if we thought we could to come get im. That be just about like throwing gasoline on fire, . . . to tell a bunch of white people that. . . . So it turned my blood red and all of the others. A bunch of us gathered up and went up there [to Rosewood]. I didn't have anything but a twelve-gauge gun -- a pump gun, plenty of buck shot, and most of them had the same thing. So we went up to the niggers and come back about midnight, and everything was quiet when we got back.⁹¹

On January 6, an armed posse went to the Carrier house, the home of a prominent black family in Rosewood. The Carriers' dogs were shot, and then Pauly Wilkerson, the mill's "quarters boss," kicked in the front door.⁹² The blacks inside opened fire and killed Wilkerson and another mill supervisor, Henry Andrews. The whites outside poured rifle and shotgun fire into the house, killing many of the occupants, and the shooting continued for over an hour until

91. Jason McElveen, interviewed by the Cedar Key Historical Society, tape recording, property of Cedar Key Historical Museum, n.d.. McElveen makes the point that he only had a shot gun in his defense. Rifles were considered to be a more deadly weapon.

92. Wilkerson was a Cumner and Sons Quarters Boss. The position was one which supervised and policed the company houses. There were white company houses also, but only the black houses were subjected to the orders of the quarters boss. The company's quarters boss felt that they had a right to enter company-owned houses at any time, but it is not clear whether or not the Carrier house was a company house.

the posse expended all of their ammunition. The whites were unaware that the Carrier home was being used as a refuge for Rosewood's children, and the men inside were desperate to defend the house.

The next morning a white mob of over 200 came to Rosewood and set fire to the town.⁹³ With the exception of hurricanes, the Rosewood Riot was one of the few times that events in Cedar Key made the Associated Press wire service. The story was carried in all the major national papers. Many of the newspaper accounts are inaccurate. The press down-played the number killed, and recorded many of the names incorrectly. Local accounts by Cedar Key residents are also varied, estimating the number of blacks killed at as few as 17 or over 200. One old-time Cedar Key resident claims that for two weeks after the incident it was "open season on niggers around here."⁹⁴ Jason McElveen gives his estimate of blacks killed as 26.

The next day, they went up there and buried 17 niggers out of the house. I don't know how many more they picked out the woods and the fields round about there. It was stated several times that there were ten more. But Ole Man Sumner was the yard man around there and he done the burying. They jus laid em in a row and plowed two furrows with a big field plow. Plowed two big furrows

93. Gary Moore, "Rosewood," The St. Petersburg Times; Floridian, July 25, 1982.

94. Interview by the Author with an individual who wished to remain anonymous, Cedar Key, Florida; Summer, 1992.

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SWORN STATEMENT

11

OF

12

MINNIE LEE LANGLEY

13

14

15

4:25 o'clock p.m.

June 2, 1992

16

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EXHIBIT

B

1
2 The sworn statement of MINNIE LEE LANGLEY was made to
3 Stephen F. Hanlon, Esquire, before Tina S. Radloff, a
4 Notary Public in and for the State of Florida at Large;
5 commencing at approximately 4:25 o'clock p.m., on June
6 2, 1992, at 1998 West 30th Street, Jacksonville,
7 Florida.

8
9
10 A P P E A R A N C E S

11
12 STEPHEN F. HANLON, ESQUIRE
13 HOLLAND & KNIGHT
14 P.O. DRAWER 810
Tallahassee, Florida

15 LORA SMELTZLY, ATTORNEY AT LAW
16 HOLLAND & KNIGHT
P.O. BOX 1288
Tampa, Florida 33601

17
18 ALSO PRESENT:
19 Michael O' McCarthy
20 Dorothy Smith
21 Betty S. Carley
22
23
24
25

1 A (Witness nods head affirmatively.)

2 Q Yeah?

3 A They build this house, we was waiting till
4 they get through with it.

5 Q I'm sorry, they were waiting until what?

6 A They build this house; we were waiting till
7 they get through with it so we could move in '59.

8 Q Let's take a break for a minute and I want to
9 read some stuff, we're almost through, okay.

10 A (Witness nods head affirmatively.)

11 (Short recess.)

12 BY MR. HANLON:

13 Q Are you any relation to Lee Ruth Davis?

14 A Yeah, that's my cousin.

15 Q Cousin?

16 A Uh-huh (affirmative response). Did you
17 brought them pictures?

18 MS. CARLEY: You talking about the articles?

19 THE WITNESS: Uh-huh.

20 MS. CARLEY: No, not yet. I was out of town
21 all last week.

22 THE WITNESS: Not you, baby, not you.

23 MS. CARLEY: You ask him?

24 THE WITNESS: Yeah, you remember, you told
25 him to bring that cover.

1 MR. McCARTHY: I'm sorry, I wasn't listening.

2 MS. CARLEY: Did you bring her a copy of the
3 manuscript?

4 MR. McCARTHY: No, I'm going to mail it up to
5 you on Thursday. I've been on the road and I did
6 not return to Miami so I didn't bring my file.

7 MS. CARLEY: And if you all get a copy of the
8 Ed Bradley tape will you all give him a copy of
9 that too, the transcript.

10 MR. McCARTHY: I'll mail you up on Thursday,
11 this coming Thursday.

12 (Whereupon, a discussion was held off the
13 record.)

14 THE WITNESS: All our houses, every one but
15 Wrights, but the store keeper, they burn every
16 house in that town.

17 BY MR. HANLON:

18 Q All the churches burned?

19 A Churches and everything, they left nothing.

20 Q When you were --

21 A Took all our chickens and cows and everything
22 from us.

23 Q When you were in the woods --

24 A We seen the fire burning, when sister came up
25 there to get us, that fire just leaping over the

Interviewer: Larry E. Rivers

Interviewed Mrs. Lillie Washington at the Florida A&M University Black Archives Research Center and Museum on September 24, 1993.

Brief Introduction/Rivers: Hello Mrs. Lillie Washington! My name is Larry E. Rivers and I am most appreciative to you for allowing us time to talk to you about Rosewood and what happened in Rosewood in 1923.

Question: Before we talk about Rosewood in 1923, I'd like for you to tell me a little bit about yourself, for example, when you were born, where you were born, your parents, and if you can remember, your grandparents.

Answer: I was born in Rosewood and my mother left Rosewood when I was very young. She went to a place called Wylly Florida that was two or three miles down the road. So she lived there for a time (a good while). I was around about nine years when she left there and went to a place called Lenin, Florida. That was not too far from Rosewood, and I was not in the riot. My mother got up one morning and she got to thinking about her family and she said, "The Lord has shown me where there was a riot in Rosewood - that something was happening in Rosewood." So, we were living with my brother-in-law and they had one of these telephones in there. It rings and so my brother-in-law says this telephone has been ringing all night and all day and I'm going to eavesdrop and see what's going on. So when they picked it up the white was calling from different places saying come on and help us to kill the Negroes out in Rosewood. My mother became worried and from time to time we would go out into the yard and play. It wasn't far from the road. It wasn't a highway, but it was a dirt road. We could see the white people in the trucks with their guns sticking up in the truck and cars right behind them. This went on all day and all night and we would standing out in the yard looking. As time went on my brother-

EXHIBIT

C

Question: We have heard people say there was a mass grave as though there were quite a few Blacks killed but unaccounted for. Have you heard this?

Answer: Most of them were whites. A lady came down looking for her husband and she never did find him.

Question: The first two whites to die, were Henry Andrews and Polly Wilkerson, who were sheriff and deputy and they opened the door to Sylvester Carrier's house and he killed both of them and other whites were killed on the outside. Have you heard this claim?

Answer: Sara Carrier killed the sheriff.

Question: Did she killed both the sheriff and deputy?

Answer: She killed one of them.

Question: Who killed the other, Sylvester.

Answer: I was told that Cousin Sara shot one of the officers, I don't know who shot the other one. She was in the house. They were all in the house because they didn't want them to take what they had. What happened is that the shells ran out and that's why they had to get out because they didn't have anything left to shoot with.

Question: Was this after the whites had gone and came back again? I understand they came first and the two white men were killed and then the whites gave out of bullets and they went back for reinforcements. Before the whites returned the second time to the Carrier's house did the women and children escape into the woods for the train to pick them up while Sylvester stayed in the house. When the whites were first at Sylvester's house, was his mother killed then, or was it after the whites came back a second time?

Answer: A second time.

Question: So she was not killed when they came the first time even though they were shooting into the house?

Answer: No.

Question: It was on their second trip that they gave out of bullets that she was killed along with Sylvester?

Answer: Yes

Question: What did the governor and those who could have stopped this do. Do you remember how they dealt with this? Wasn't it Governor Hardee at the time?

Answer: I don't remember his name but he came up to the house late that evening and he told us that he wasn't going to hurt us. He just come to help us. So we had a long back porch where you come in at. The house wasn't far from the roadway. He said that when he come he wasn't going hurt us but to help us. He sat out on the back porch and took out some papers that had my brother-in-law to read them. He said he was there to stop the riot. If they didn't stop they would send troops into Rosewood. So he sat out on the back porch all that evening and all that night until the next morning.

Question: This is the white man.

Answer: Yes, and he got up and he didn't come in the house and lay down or anything. He stayed out on the porch. The next morning he said I think the last car has come out from down there but I got to go back down the road to be sure because if it's not the last car then we will have to send in the troops. He got up and went out to the railroad and the last car came along and picked him up and carried him back down the road and we didn't see him anymore.

Question: Was he a law enforcement officer?

Answer: Yes.

Question: But he wasn't a part of the sheriff's department.

Answer: No, no. He was the United States Protector

Question: United States Marshall. But you don't remember his name?

Answer: Well, he told us his name but I can't remember.

Question: What do you remember about the attack on Fannie Taylor? Was it by a Black man or white man?

Answer: Well, I don't know. Some say white, some say Black.

Question: But the one thing you remember very clearly, is that Rosewood was burning and you could stand at your house and see it. Now when you were standing at your house were whites in cars passing by where you were living, going further down into Rosewood.?

Answer: They were going back and forth all day.

Question: But they didn't bother you?

Answer: No, they didn't bother us but they would look at us. The fact of the matter is they could have shot us because we were just standing in the yard looking at them and they saw us.

Question: They didn't say anything to you?

Answer: No.

Question: Were your family members afraid at that time?

Answer: No

Question: When did you all realize it was important for you all to leave the area because of what was happening in Rosewood.

Answer: We didn't leave there until my mother moved to Gainesville.

Question: So, you stayed through the whole ordeal?

Answer: Yes, we stayed and didn't leave.

Question: So you all did not leave Rosewood?

Answer: It seems as though they were not going to bother us and they didn't bother us.

Question: This is interesting. Why did the whites seem to be so adamant about the Carriers. It seems as though if they had allegedly gotten Jessie Hunter, then the killing should have stopped. They had avenged whatever happened or at least said happened to Fannie Taylor. Why would they seem like they were going after the Carriers?

Answer: Well, at that time see you don't know about it. You could not even look at a white woman. A Black man couldn't look at white woman even if they were just standing

Interviewee: Arnett T. Doctor

Interviewers: William W. Rogers, Maxine Jones, and Larry E. Rivers at the Radisson Hotel in Tallahassee, Florida on September 23, 1993.

INTRODUCTION

I'll just say out front or up front, first of all, that all of us was involved in this investigation, what we are interested in is something that is very elusive. And what is very elusive is the truth, and its hard to get at no matter how honest you are or whatever your motives are, but just getting the truth, its hard for anybody and I, in thirty-five years or more during active research have never had anything more complicated, more complexed, more emotionally charged, more important, and with such potential for making a statement about it. So, each of us, Larry and Maxine and myself and Mr. Colbert and this young man, he's a remarkable young man. You may know Tom Dye.

Question:

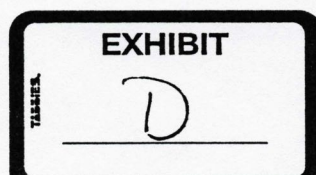
Have you and he had any contact with Tom Dye, a graduate student?

Respondent:

No, we have not.

Comments from One Interviewer:

Well, each of us as an Historian is absolutely fascinated and galvanized



doing this, unless he really snowed me, is that he has a contractual agreement and can not release anything to someone else. That's the only way I see him not doing it. But if he really did appear to be a very decent guy. Well, I give everybody the benefit of doubt,

QUESTION:

You've been very cooperative Mr. Doctor and we hope Mr. Moore will be as well.

RESPONDENT:

I understand that, again it was back to what I said before, I think he is contractually tied to someone, I think its for McCarthy.

QUESTION:

Who is McCarthy.

RESPONDENT:

O. McCarthy is the gentleman who had spoken with Ms. Langley that's here and Lewis Davis who is recently deceased, he represented himself to the Holland and Knight Law Firm, he represented himself with information that was given to him by Gary Moore to the tune that there were only two survivors, Minnie Langley and Lewis Davis and he had their story and he wanted the Holland and Knight Law Firm to really go forth, they were going to make a movie about it and everybody was