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FORCED LABOR IN THE FLORIDA FORESTS 1880-1950

by Jerrell H. Shofner

With nearly twenty million acres of virgin long-leaf pine and considerable stands of cypress, Florida was the scene of a rapidly developing lumber and naval stores industry by the late nineteenth century. Northerners and Europeans joined local entrepreneurs in buying up vast acreages of timber for the extraction of naval stores and lumber. Both activities were highly competitive, requiring the most rigorous cost controls. Since labor constituted a major portion of operating costs, turpentine farmers and sawmill operators naturally sought workers at the lowest possible wage level. The social, economic, and political conditions of Florida at the time facilitated their efforts in securing inexpensive labor.

Although Florida freedmen had evinced a determination to make a place for themselves following the Civil War, obstacles had ultimately proven too great. When the national government withdrew its support after 1877, Negroes rapidly lost what gains they had made during Reconstruction. By the end of the 1880s, it appeared to most observers that the United States government would not again interfere in the affairs of southern states even when there was strong provocation. Accordingly, during the next decade and a half a system of Jim Crow laws rigidly reinforced the customary segregation of the races. Similarly, laws were enacted giving legal sanction to employment arrangements that had developed by custom after slavery ended.

Two institutions—convict leasing and debt peonage, often overlapping, sometimes practically merging, but always operating at the expense of laborers—developed in the wake of emancipation. The leasing of state convicts to private firms evolved during the Republican administrations of the 1870s as a means of keeping prison costs down, but the practice ultimately provided hundreds of low-cost workers for turpentine camps and a yardstick that constantly retarded the wages of free

laborers. State convicts were let to the highest bidder every two years. Sometimes the leaseholder put all of them to work in his own turpentine operation or phosphate mine; at times he might sublet some of them to other employers. In either case it was a pernicious practice, subject to many abuses, and there was soon a strong movement to end it. Much less visible was the concomitant leasing of county convicts, a system that invited collusion between local officials and private employers, some of whom took every advantage of the opportunities offered. Several widely publicized excesses involving county convicts added impetus to the abolition movement in the early twentieth century.

Peonage—the holding of a person to forced labor for payment of a debt, and a violation of United States statutes—was the outgrowth of the disruptions of labor caused by emancipation. At first it was confined to farming; tenants rented land and borrowed provisions to make a crop, while landowners took a lien on the growing crop. The practice soon spread to other forms of employment. It also came to include white tenants and workers as well as black ones, but the majority of those involved were Negroes, and the racial caste system of post-Civil War Florida society was a major force in shaping and perpetuating the peonage system. Because Negroes had been slaves of whites in antebellum Florida, the latter still regarded the former as their natural labor supply to be used as they saw fit. They also believed that blacks would not work without compulsion. Consequently, white employers and local officials treated blacks much as they had before 1865. Vagrancy laws empowered local officials to arrest Negroes for many reasons, and sometimes the farmer or mill operator who needed laborers simply took care of the task informally without going to the local officials. If an employee owed his employer money and left without paying, the latter frequently went after him and brought him back, using whatever force was



For almost three quarters of a century after the end of Reconstruction, the convict-lease and debt-peonage systems provided cheap labor for some forest industry firms in Florida. In the photo above, taken ca. 1938, a convict plants seedlings on a state-owned property as part of a reforestation project.

Florida Division of Forestry

necessary to protect his investment. Sometimes the new employer might pay off the old debt, keep the worker, and charge him with the amount to be worked off in his new job. These and related practices were common in Florida farms and forests at the turn of the century. To give the informal system greater legality, an 1891 law provided that anyone who accepted “money or other thing of value” on a promise to perform labor and then failed to do so was guilty of fraud.¹ This effectively legalized peonage in direct

violation of the United States statutes, since the worker was forced either to stay with the employer until his debt was liquidated or face criminal action that made him liable to the convict lease, often being let to the same man from whom he had tried to escape.

In the early 1900s Florida employers, complaining of a serious shortage of workers, sought several solutions to their problems. Some were convinced that indolence and vagrancy among Negro working-age men were the causes. Lumber and turpentine men and boards of trade throughout the state called upon local officials to enforce the vagrancy laws and help alleviate the scarcity of workers. The Georgia-Florida Sawmill Association resolved to “make the vagrancy laws of Georgia and Florida more effective” and “put in motion

¹*Laws of Florida, 1891*, ch. 4032, pp. 57-58.

the hangers-on at the lumber camps.”² A cooperative Florida legislature extended its vagrancy law in 1907 to include as vagrants “persons who neglect their calling or employment . . . and all able bodied males over 18 without means of support and who remain in idleness,” in addition to the already lengthy list of possible offenders.³

Others sought to attract some of the immigrants who were arriving from Europe by the hundreds of thousands. Cautioning against this policy because “no white people from any country . . . will . . . submit quietly to such treatment as the common negro,” the *Southern Lumberman* argued that it would be much better “to remedy the evils complained of in regard to the negro than to import others we do not know.”⁴ This advice was ignored by many turpentine and lumber company operators who contracted with New York labor recruiters to furnish them immigrant workers. Soon some of the worst excesses of their labor policies were being paraded before the nation.

In his *Shadow of Slavery*, Pete Daniel has shown how the federal peonage statute was first brought to bear on the turpentine camps when Fred Cubberly, an energetic young United States commissioner for the Northern District of Florida, accidentally witnessed the system at its worst at Otter Creek, Florida, in 1901. Having heard that forced labor was common practice in the turpentine belt, he was nevertheless astounded to see a white man literally dragging a Negro, George Huggins, from his dwelling while the latter’s wife stood by screaming for him to stop. It turned out that Huggins had previously worked for the white man, J. O. Helveston, and had left his employment because of poor conditions. Since he still owed Helveston \$40, the latter had followed him to his new place of employment and, without a warrant or any formal process, was forcing Huggins to return and work out the debt. That such a thing could happen without the slightest reference to legal process offended Cubberly, who made a legal search and found an 1867 United States statute prohibiting the holding of anyone to labor for debt. His Justice Department superiors encouraged him to bring them a test case. Samuel M. Clyatt of Tifton, Georgia, was soon under indictment for going to Florida and taking back to his Georgia turpentine farm two Negroes who had left his employ while still indebted to him.⁵

²*Southern Lumberman*, September 10, 1906, p. 10; *Tampa Tribune*, July 30 and September 26, 1906.

³*Laws of Florida*, 1907, ch. 5720, p. 234.

⁴*Southern Lumberman*, Christmas Edition, 1904, p. 29.

⁵Fred Cubberly to Alexander Irvine, January 31 and April 8, 1907; Alexander Irvine to Theodore Roosevelt, December 1, 1908, all in Fred C. Cubberly Papers, P. K. Yonge Library of Florida History, Gainesville; Pete Daniel, *Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana: University of Illinois Press, 1972), p. 9.





Legal forms of forced labor thrived in Florida's turpentine camps early in the twentieth century, although conditions varied throughout the state. The Forest Service photos at left demonstrate the cup-and-gutter system of obtaining gum from second-growth longleaf pine.

TURPENTINE WORK

Even under the most favorable circumstances, turpentine work was difficult, dirty, physically exhausting, and often dangerous. Pines, normally longleaf, were prepared for turpentine in the winter months when the sap was down. Workers first placed cups and gutters about ten inches above the base of the trees at the bottom of V-shaped cuts, which were deep enough to reach the resin ducts and about twelve to sixteen inches wide. Then, beginning in early March and continuing for eight to nine months, the workers visited each tree once a week. Using a "hack," they cut fresh strips about two-thirds of an inch wide on the face of the tree to stimulate the flow of gum or resin. This process was called "chipping." About every third or fourth week the gum was removed from the cups, using a "dip iron" to place it in a large bucket. This heavy vessel was carried from tree to tree until it was filled. It was then carried to a waiting cart and poured into barrels. The filled barrels were taken to a turpentine still for processing into spirits of turpentine and rosin.

Repeated chipping throughout a season left a "face" about two feet high on the trees. As the face widened, the gum had farther to flow into the cup. Since it hardened rapidly, the workers were required to scrape the residue from the face into the cup, adding to the difficulty of the task. A tree was good for about three years of turpentine by this method, and the task of scraping the gum from the face was an increasingly difficult one.

Working with the sticky gum and carrying the heavy buckets made the job a difficult one when each worker was expected to care for several thousand trees. Their burden was sometimes increased by having to struggle through heavy undergrowth, often with mud and water underfoot. Added to this was the problem of supervision. Camp bosses tended to be hard men, driven by their superiors to meet certain work standards. They often resorted to whipping to keep the workers moving at an exhausting pace. It is little wonder that turpentine workers were hard to find and even harder to keep in the forests during the long season.



Using a wooden maul and a broadaxe, workers make the initial incision before hanging a gum-collecting receptacle. More cuts will be made above to allow bleeding of the tree's sap.

Florida Division of Forestry

In this case Clyatt had warrants for their arrests for gambling, but the local sheriff allowed Clyatt to take the men for his own purposes rather than prosecute and send them to the convict camp. At Tallahassee in 1902, Clyatt was found guilty of peonage and sentenced to four years in the federal penitentiary. His case reached the Supreme Court on appeal in late 1904. In the meantime, according to Cubberly, naval stores men throughout the Southeast had raised \$90,000 to help Clyatt fight the case, fearing that if he lost, the employment system in the forests would be outlawed as peonage.⁶ In early 1905 the high court overturned Clyatt's conviction using a narrow definition of peonage. Unfortunately, the two men Clyatt brought back from Florida were never seen again after boarding the train. One may surmise what happened to them, but they were never put back to work in Clyatt's turpentine camp. The court reasoned that the mere arresting and transporting of the men with intent to place them in forced labor for debt was insufficient to prove peonage. To be found guilty, Clyatt would have had to put them back to work for payment of their debts.⁷ Proof of peonage was to be difficult under this narrow interpretation, but the statute had at least been upheld, and Justice Department officials had a tool with which to work when they began receiving numerous complaints of peonage in late 1905 and 1906.

The widespread existence of peonage in Florida's turpentine and lumbering industries was brought to public attention by Mary Grace Quackenbos, a New York attorney who worked with the immigrants of that city. Told of many instances of men being beaten, detained by force, chased by bloodhounds, arrested and returned to forced labor by local authorities, and compelled to buy from overpriced company commissaries, she went south primarily to gather evidence against the corrupt New York labor agents who had recruited

several thousand newly arrived immigrants and delivered them to their southern employers on a fee basis. On the basis of her evidence, confirmed by secret service agents, the Department of Justice prosecuted and convicted five managerial employees of the Jackson Lumber Company of Pensacola. All received prison sentences or fines.⁸ A subsequent case in Jacksonville against F. J. O'Hara, in which the evidence was overwhelming, ended when the jury took only seventeen minutes to acquit him. A series of cases at Pensacola, Jacksonville, and Tampa over the next two years resulted in several convictions but even more acquittals. Probably of more importance, however, was the fact that Florida's political, economic, and civic leaders joined the turpentiners and lumbermen to fight the national government's prosecutions, rather than fight the evils of peonage. Congressman Frank Clark of Polk County led the drive to discredit Mrs. Quackenbos, the attorney general, the Justice Department, and the national government, all the while denying that peonage existed in the state.⁹

After white immigrants ceased coming to the Florida labor camps, the government gradually withdrew from the field and left matters to Floridians. Cubberly pursued several cases involving black peons, but he got little support from his superiors.¹⁰

In the meantime, the state's leadership had practically defied the national government by passing an even more repressive contract labor law in 1907. It

⁶Daniel, *Shadow of Slavery*, p. 9.

⁷Fred Cubberly to Alexander Irvine, January 31 and March 17, 1907, Cubberly Papers; Daniel, *Shadow of Slavery*, pp. 14-15.

⁸*Tampa Tribune*, November 13 and 24 and December 15, 1906; Charles W. Russell to Attorney General, File 50-162, Records of Department of Justice, Record Group 60 (hereinafter cited as RG 60), National Archives, Washington, D. C.

⁹*Tampa Tribune*, December 7 and 25, 1906, January 7 and December 21, 1908; Mary Grace Quackenbos to Attorney General, September 13, 1906; Charles W. Russell to Attorney General, January 27 and February 14, 1907; John M. Cheney to Attorney General, February 23, 1907, all in File 50-162, RG 60.

¹⁰F. C. Cubberly to Attorney General, February 23, 1910, File 50-162, RG 60.

continued the presumption of fraud in cases where laborers accepted advances and then failed to perform the labor promised, but it added a rule of evidence that left the laborers practically defenseless against any accusations by whites. The rule was that failure to perform "shall be deemed prima facie evidence of intent to defraud," thus reversing the burden of proof so that workers would have to prove their innocence rather than the prosecution having to prove guilt.¹¹ Despite the few convictions obtained by the Justice Department, the entire encounter left Floridians more convinced than ever that their labor system as well as their "way of life" was secure against outside interference.

Opposition to the convict leasing system had increased considerably during the controversy over peonage. Graphic descriptions of brutality, suffering, and death in the turpentine camps in Orange and Hillsborough counties—and especially the manslaughter conviction of a camp guard in Orange County who had beaten young George Campbell, refused him medical treatment, and allowed him to die a horrible death from gangrene—caused many newspaper editors and civic leaders to join the Florida Humane Society in its campaign to end the leasing of convicts. Additionally, the Florida Good Roads Association and many taxpayers began calling for the convicts to be used by the counties on road-building and maintenance projects. As the acrimony over peonage died down, criticism of the convict lease accelerated and moved into the state legislature during the next several years.¹²

At the outbreak of World War I, European immigrants caused Florida employers a different kind of problem. Railroads and heavy industrial firms in the northern states had been depending upon immigrants to supply their continuing demand for new workers, but the European war stopped the flow of immigrants to America. Apparently the Pennsylvania and New York Central railroads were the first firms to turn southward and begin recruiting Negroes to replace the immigrants. Beginning with the Pennsylvania Railroad's recruitment of about 500 blacks from Jacksonville in June 1916, northern firms stimulated a migration of southern blacks resulting in the exodus of more than a half million people during the war years.¹³

Having long regarded blacks as their own labor supply, members of the Turpentine Operators Association and the Georgia-Florida Sawmill Association, boards of trade, and civic and political leaders induced municipalities and counties to require large license fees of labor recruiters from northern states. Local officials also used their considerable powers to harass the labor agents and threaten blacks who considered leaving.¹⁴

Seeing opportunity in this new situation, R. R. Robinson, a longtime black leader of Jacksonville, called on the governor, white employers, and interested blacks to form local committees to alleviate the reasons for the black migration. Robinson said that blacks wanted decent working conditions, wages that kept up with increasing prices, and freedom from abuse by law enforcement officials. Improved conditions, not repressive laws, were the way to keep blacks at home where they preferred to stay if they could only find economic and physical security. Governor Sidney J. Catts and numerous officials of employing firms attended meetings with Robinson and other blacks and seemed willing to cooperate along the lines he suggested. As a result of Robinson's efforts, nearly all counties and several major cities established such committees in the following months.¹⁵

The massive migration was causing difficulties in the northern cities to which blacks were moving as well as in the southern communities from whence they came. And because it was in the interest of the war effort to promote harmonious relations, the United States Department of Labor conceived an idea similar to Robinson's. It created the Division of Negro Economics for the purpose of sending field agents into those states willing to receive them to help alleviate difficulties and promote better racial relations. The man chosen for the position in Florida was W. A. Armwood, a prominent black carpenter and druggist of Tampa. His duties were to travel around the state speaking to black and white groups about the need for racial harmony, hard work, and increased production for the war effort.¹⁶

Things seemed to be working well until the fall of 1918 when a series of circumstances brought the coop-

¹⁴Scott, *Negro Migration*, p. 37; *New York Age*, August 24, 1916; *Florida Times-Union*, July 29, August 4, and December 15, 1916.

¹⁵R. R. Robinson, "Don't You Want to Check Colored Laborers Leaving the South for the North?" Chief Clerk's Files, Records of the Department of Labor, Record Group 174 (hereinafter cited as RG 174), National Archives; *Florida Times-Union*, September 15, 1917; (Jacksonville) *Florida Metropolis*, September 12, 1918.

¹⁶*Florida Times-Union*, June 28, 29, and 30, 1917, August 29 and September 14, 1918; *Florida Metropolis*, June 27 and 29, 1917; *Chicago Defender*, November 9, 1918; George E. Haynes, *The Negro at Work During the World War and During Reconstruction* (Washington, 1921), pp. 12-14, 65.

¹¹*Laws of Florida*, 1907, ch. 5678, p. 182.

¹²*Tampa Tribune*, March 14, April 8, June 18 and 21, 1907, August 20 and October 23, 1908, June 22, 1910; (Jacksonville) *Florida Times-Union*, April 20, 1913; Orange County, Commissioners Minute Book 5, p. 458, microfilm copy, University of Central Florida Library, Orlando; Noel Gordon Carper, "The Convict-Lease System in Florida, 1866-1923" (Ph.D. dissertation, Florida State University, 1964), pp. 237-38, 248, 266, 285, *passim*.

¹³*Indianapolis Freeman*, November 4, 1916; Emmett J. Scott, *Negro Migration During the War* (1920; reprint ed., New York: Arno Press, 1969), pp. 62-63.



Workmen at a still in Valdosta, Georgia, unload barrels of crude gum, weigh the contents, and pour the resin into storage vats for eventual distillation to obtain turpentine and rosin.

FHS Collection

eration to an end. Although their criticism was quite modest in comparison with actual conditions of blacks in the South, the *Chicago Defender*, the *Indianapolis Freeman*, the *New York Age*, and other black newspapers editorialized about the denial of human rights in the region and continually recommended that Negroes leave there for the freer North. This irritated southern employers who considered the newspapers "radical." Moreover, the "Red Scare," labor strikes, race riots, and an uncertain economic future were adding to the doubts of Florida's white leaders as the war ended. Soon a controversy was swirling over W. A. Armwood's role in Florida. The idea of a black government agent in the state had already brought back memories of Reconstruction. Then, the fact that southern blacks were reading the "radical" northern Negro press led to rumors that Armwood was smuggling newspapers into the state (in fact they were being received through the mails on regular subscriptions and had been for years).

The Georgia-Florida Sawmill Association was finally convinced that Armwood was the enemy when he refused its request to include in his addresses to black audiences an admonition against joining unions. Armwood politely explained that as a government official he was obliged to remain neutral on such subjects, but lumbermen and turpentiners believed that Armwood was secretly inspiring labor organizations in their camps and was a threat to be dealt with. M. J. Scanlon of Brooks-Scanlon, a Minnesota-based lumber company with huge Florida interests, went to Washington and called on Secretary of Labor William B. Wilson to fire Armwood. A long interchange ensued in which the Labor Department attempted to explain the modest and wholly harmonious goals of the Division of Negro Economics, while Florida employers became more certain that Armwood had to go. Governor Sidney Catts, who had favored the joint committees for racial harmony in 1917 when they were locally inspired, was finally asked his opinion about continuing the division's activity. He not too diplomatically insisted that its continued presence in Florida would probably cause violence. The government withdrew its field operations from Florida immediately and shortly afterward dis-

solved the Division of Negro Economics and turned its functions over to the states.¹⁷

While this dispute was evolving into a contest over state rights, from which the national government quickly withdrew, the Florida legislature was dealing with other aspects of its labor policy. The state had finally built a new prison while the attack on state convict leasing accelerated. The 1919 legislature ended that much-criticized policy but said nothing about the leasing of convicts by counties, a practice much more closely linked to debt peonage through collusion of county officials and large employers. At the same time the legislature enacted a **new contract labor law**. The old 1907 statute had been repealed in 1913 after a similar Alabama law was ruled unconstitutional by the United States Supreme Court. Although nothing had changed in the legal situation since 1913, the 1919 law was stimulated by the continued lobbying of employers of Negro labor and the ire aroused over Armwood and the Division of Negro Economics. It again provided that **anyone who accepted anything of value on a promise to perform labor and then failed to do so was guilty of a misdemeanor and subject to a fine of up to \$500. Failure to perform was prima facie evidence of fraudulent intent.**¹⁸

Apparently satisfied that it had survived the disruptions of the war years with its labor system relatively intact, the Georgia-Florida Sawmill Association met at Tampa in late 1920 and reduced its wage scale, explaining that this was the only alternative to closing the sawmills during the business recession.¹⁹

In 1921 Fred Cubberly found evidence that peonage in all its vicious forms had continued throughout the war years at the Putnam Lumber Company's Shamrock turpentine camp. The camp boss was "Captain"

¹⁷George E. Haynes to M. J. Scanlon, March 7, 1919; Haynes to Governor Catts, March 22, 1919; Haynes to William B. Wilson, March 22, 1919; Catts to William B. Wilson, April 7 and 22, 1919; L. F. Post to Catts, April 16, 1919; and Report of Negro Economics in Florida, all in Records of Division of Negro Economics, Department of Labor, RG 174; *Florida Metropolis*, March 19, 1919; *Tampa Tribune*, April 22, 1919; *Florida Times-Union*, April 29 and June 21, 1919.

¹⁸*Laws of Florida*, 1919, ch. 7917, p. 286.

¹⁹*Florida Times-Union*, November 5, 1920.

Austin Brown, who operated the camp according to his own set of laws and had the assistance of the judge of Dixie County. Rosa Whitlock described what she had seen there while a resident of the camp. Men were beaten regularly for various infractions. In the camp they were not allowed to discuss their punishment or they would be beaten again. Brown enforced his rules by keeping workers inside a fenced enclosure guarded at the gates. He had several black informers who kept him apprised of all that happened. Whitlock knew people who had lived in the camp for fifteen years, having never seen anyone, including relatives, from outside. No visitors were allowed. She alleged that Brown's operation differed from the chain gang only in that he paid the workers once a month, but even that was small consolation. He operated a gambling house at which all blacks were encouraged, under threats of violence if necessary, to gamble. Brown interpreted the rules of the games and usually won. Typical of all the camps in Florida, this one had a commissary at which all workers were obliged to buy. Prices were exorbitant in comparison with those charged at outside retail stores.²⁰

There were several ways to get into Brown's employ and as many more to keep people there once entrapped. In early 1921, Ben Doyle and James Thames, both Negroes, had a fight near the Putnam Lumber camp commissary. Asked if he preferred to go to jail or take his punishment, Doyle refused to be whipped. He was whipped anyway and then told that the matter was ended. After working at Shamrock for several more months, he left Brown's employ in January 1922 and went to work at a lumber camp in Lake County. Brown then swore out a warrant for assault and battery because of the earlier fight and had Doyle brought back to Cross City for trial. Judge W. H. Mathis cooperated and Doyle was assessed \$139.16 fines and costs. In this case he was fortunate in that his new employer paid the charges, but this meant that he started off in his new employment deep in debt and still effectively in peonage. In other instances, John Washington, Lawyer Lewis, and Brown McCullars were each charged with "violating a labor contract." Each had accepted advances from Brown and then allegedly failed to perform as promised. Each received sentences of fines or imprisonment. Unable to pay the fines, they were returned to Brown's camp to work out their original debts with the fines added.²¹

U. S. Commissioner Fred Cubberly prosecuted Brown in 1923, but the trials were eclipsed by a sensational exposure that finally ended the county convict lease. Young Martin Tabert, a member of a prosperous,



A worker sharpens a hack, the tool used for chipping streaks on the face to obtain gum from a tree's resin ducts.

U.S. Forest Service photo, FHS Collection

white farming family of South Dakota, set out to see the country in 1921. Arrested for vagrancy by a corrupt Leon County sheriff at Tallahassee, he was sent to the Putnam Lumber Company camp in Madison County. When his family finally located him some weeks later, they found that he had just died, allegedly from malaria. They later learned, however, that he had been literally beaten to death by T. W. Higginbotham, the notorious boss of the camp. Spurred by a resolution of the South Dakota legislature and a series of sensational articles in the *New York World*, the Florida legislature conducted an investigation that revealed conditions—not limited to the single camp but existing throughout the turpentine belt—which were revolting to the most hardened person. It further showed that Sheriff J. R. Jones had a private arrangement with the Putnam firm to deliver a specified number of convicts to them, for which he was paid a fee. There seemed little doubt that this system of "manufacturing convicts" for personal gain by enterprising law officers was fairly common in the state. In high dudgeon the 1923 legislature forbade the leasing of county convicts to private employers, and Higginbotham was subsequently sentenced to twenty years in prison for manslaughter.²²

The shocking revelations and the emphatic legislation changed nothing. Even Higginbotham had his

²⁰Rosa Whitlock testimony, Report of John Bonyne, June 10, 1921, in Cubberly Papers.

²¹*State of Florida v. John Washington*, April 4, 1923; *State of Florida v. Lawyer Lewis*, September 11, 1921; *State of Florida v. Brown McCullars*, April 15, 1921, County Judge's Court, all manuscripts in Cubberly Papers.

²²N. Gordon Carper, "Martin Tabert, Martyr of an Era," *Florida Historical Quarterly* 52 (October 1973): 115-31.

conviction overturned by the Florida Supreme Court. While out on bond awaiting retrial, he was transferred by the Putnam firm to its Shamrock camp, where Austin Brown had but recently been in charge. There, Higginbotham killed another man. He was later acquitted in the Tabert case, and charges were dropped in the latter one.²³

Within months of the legislature's action, a case in **Calhoun County** showed that turpentine operators and county officials were still colluding to keep workers against their will. Charles and Alfred Land and M. B. Davis, two of whom were **county commissioners, operated turpentine stills with forced labor. They used the usual advances to get the men in debt and kept them indebted by high prices at the monopoly commissary and artful bookkeeping when necessary.** Those who complained were charged with some petty crime, such as theft of tools, taken before the county judge, and sentenced either to work on the county road or be fined. In most cases they took the fine, which was paid by the Lands and Davis, with the worker returning to their camps even further indebted than before. Not only were their rules enforced by **whipping—common to most camps**—but these men had a small, much-fearing, wooden sweatbox in which recalcitrants were sometimes punished. But the operators ran afoul of the peonage laws when several of their workers made a break for freedom and were caught and brutally whipped. The wife of one of the escapees was even captured and held as a hostage until her husband returned. These three operators, several of their employees, and other county officials were tried in 1926, and five of them were convicted.²⁴

As the turpentine and lumber industries moved further south in the Florida peninsula, so did the employment practices on which they relied. Richard Talbert and Arthur Hawthorne were among a number of blacks recruited from Pensacola to work in a new turpentine camp at Holopaw in Osceola County. Talbert wrote his wife after several weeks there that his employers **"treat these colored people like they was dogs,"** and he asked if Hawthorne had reached Pensacola after his escape from the camp. About the time she received the letter, Sallie Talbert was visited by a third man who had gotten away from the camp but reported that Hawthorne had been killed by pursuing camp

guards. Both Fred Cubberly and Pensacola attorney L. L. Fabasinski were outraged at the episode and called on the Justice Department in 1925 for action. That agency declined because it was unable to gather any evidence upon which to base a conviction. Local authorities were not interested in the murder.²⁵

In 1932 Arthur E. Holder investigated the St. Andrews Bay Lumber Company mill at Sherman, Florida. His report to the Conciliation Service of the Labor Department was grim in every respect, although he reluctantly concluded that no federal laws were being violated by the company. With mills at Sherman and Hicoria, the firm was large enough to dictate wage policy in the area just north of Lake Okeechobee. The Barfield Company at Polk City, the Roux Crate Company at Lake Garfield, and the Everglades Cypress Company at Indiantown were all obliged to pay the same as the St. Andrews Bay firm. If a worker quit one camp or was discharged, he was blacklisted by a system that was **"exactly operated."** After promising that they would remain anonymous, Holder obtained testimony from two black leaders that he described as a **"heartrending"** story of **"horrors, deprivations, and tragedies."** Asked if foreigners were employed in the mills, one replied, **"No sah! Them foreigners, those white folks soon gets mad, Bosses have orders to never hire 'em in these mills."**²⁶

Visiting the mill at Sherman in company of a witness hired for his personal safety, Holder described it as a

mill where huge pine trunks were cut into beams, logs, posts, planks, scantlings, almost in the twinkling of an eye. The skill, judgment, and agility of the sawyers, saw carrier riders, graders, and laborers was amazing; danger was everywhere. None but the strongest, the most daring, and the most alert could go that pace every day for 11 and 12 hours.

Of all the hard nerve wracking grinds I have been in and part of, none has ever equalled this. . . . Then the reflection—all this for \$1.50 or \$2.00 for a day of 12 hours, with no comfort, no bath, no recreation at the end.

Nothing for diversion but drop to sleep and hustle around at day break to again dodge flying logs as they are hurled thru the various operations.

Surely slavery days never were more hopeless than a short unhappy life in a modern mad house of a Florida Saw Mill.

He concluded that **"business men attribute these conditions to unbridled competition,"** but it was **"the poor repressed workers carrying all the burden, all the hazards, all the misery."**²⁷

²³Dixie County Court Records, Criminal Bench Docket, p. 17, and Criminal Case Files, 1925, County Courthouse, Cross City, Florida.

²⁴*Florida Times-Union*, May 19, 22, and 24, 1926; (Tallahassee) *Smith's Weekly*, May 29, 1925; *New York Age*, June 6, 1925; clipping file on Davis and Land case, Series C-386, National Association for the Advancement of Colored People (NAACP) Papers, Library of Congress, Washington, D. C.; George E. Hoffman to Attorney General, November 29, 1924, Mail and File Division, Department of Justice, RG 60; 12 F. 2d 254, 257 (1926).

²⁵Fred Cubberly to Attorney General, May 30, 1925; L. L. Fabasinski to Attorney General, July 6, 1925, both in Mail and File Division, Department of Justice, RG 60.

²⁶Arthur E. Holder to H. L. Kerwin, April 9, 1932, File 170, 7150, St. Andrews Bay Lumber Company, Sherman, Florida, Records of Federal Mediation and Conciliation Service, Record Group 280, National Archives.

²⁷*Ibid.*



Aerial views made from towers show a turpentine still and open pine woods near Oleno, Florida, and (inset) workers' quarters at another location.

U.S. Forest Service photo, FHS Collection

Florida Division of Forestry

Holder reported that Florida lumber companies had found it advantageous to locate as near their standing timber as possible; one reason was that they “prefer localities far removed from urban influences and advantages.” No trade unions had ever been known to exist in Florida lumber camps, no hospitals were maintained by the companies, and the state had no workmen’s compensation law. “It is the proud but heartless boast of Lumber Barons,” Holder wrote, “that they will never permit the Florida Legislature to enact any such ‘paternal annoyances.’”²⁸

During the 1930s the Osceola Log Company was another firm that worked its way down the peninsula, ultimately to Fort Lauderdale. When it was cutting cypress logs at Osteen, near the St. Johns River in Volusia County, its workers were recruited by promises of \$4 per day paid regularly. Once in the camp, employees found that room and board were deducted from this sum in addition to the costs of supplies purchased from the company commissary at typically inflated prices. Accounts were kept only by the bookkeeper, who told the workers what their net balances were. One escapee had seen men draw eight cents in net wages for two weeks of work. The gates were locked at night and on Sundays. The foremen acted as guards and carried weapons. Denied permission to leave when offered a better job, Fred Black and a companion slipped out of the camp in the early morning

hours, waded several miles of swamp, walked eighteen miles, and finally caught a ride into Daytona Beach. This episode occurred in 1934, and the camp remained active at Osteen until 1938 when the company moved further south.²⁹

The mistreatment of both convicts and peons in turpentine camps belonging to Senator T. J. Knabb had been revealed during the 1923 legislative investigations into the Martin Tabert case. Thirteen years later, in 1936, the national press carried exposures of similar conditions at MacClenny in Baker County where his brother, William Knabb, had a large turpentine distillery employing several hundred black workers. Only a few miles from Jacksonville, the camp was as repressive as any reported in the state since the turn of the century. There were no fences, but there were guard posts on every road leading out of town. People were held against their will, paid from fifty cents to a dollar a day (with a very few receiving \$1.25), and forced to buy at a commissary where charges were about twice the retail level in the surrounding area. Spies informed the boss of any possible discontent, and beatings were used frequently to maintain control. When two Negroes attempted to leave, their prospective employer, W. G. Boyd, sent his brother to transport them and their belongings to his

²⁸*Ibid.*; see also file on St. Andrews Bay Lumber Company, Series C-387, NAACP Papers.

²⁹Fred Black affidavit, April 19, 1950, Box 171-9, Workers’ Defense League (WDL) Collection, Walter P. Reuther Library, Wayne State University, Detroit.

camp at Coleman, Florida. Knabb and some of his foremen assaulted Boyd and forced the two Negroes to unload the truck and remain at MacClenny. Boyd then filed peonage charges that resulted in indictments of William Knabb, his son, and three supervisory employees. At a widely publicized trial in Jacksonville in 1937, they were all found innocent by a jury even though the chief defense witness was proved at the trial to have committed perjury.³⁰

When the Justice Department received reports that the Putnam Lumber Company was still keeping its workers behind fences and guarded gates at Shamrock in 1937, it declined to investigate, stating that apparently no federal laws were being violated.³¹ Such reluctance on the part of the department to take vigorous action in peonage cases involving Negroes had long been a matter of concern to labor and civil rights leaders, but gathering evidence that would meet the narrow definition of peonage laid down by the courts was a difficult undertaking.

No case better demonstrated that than one arising from Wewahitchka in rural western Florida in 1940. James Johnson, a Negro, accused Charles Gaskins, a white turpentine farmer, of an aggravated case of peonage. He testified that he had worked for Gaskins from 1935 to 1937 and had left debt free according to the latter's own statement. Then in 1938 Gaskins approached Johnson in Panama City and said he was still indebted for \$35. After his vigorous protests failed, Johnson went back to work for Gaskins, again leaving in July of that year when the white man said they were "square." Johnson worked for nearly two years in Panama City; then, in July 1940, the persistent turpentine farmer approached him again, saying he had re-examined his books and found Johnson still owed him \$22. The two fought before several witnesses, Gaskins forced the black man into his car, and they set out for Wewahitchka. On the way Johnson managed to escape. Gaskins was convicted of peonage charges. When he appealed his case, the Turpentine Farmers Association, headquartered in Valdosta, Georgia, sent its chief counsel to assist in the defense. Employers in the forest industries watched the case closely. In 1943 the U. S. District Court in Pensacola, relying on the 1905 interpretation of peonage established in the *Clyatt* case,

overturned the conviction because Johnson had escaped before reaching the turpentine camp and therefore had not actually been returned to peonage.³²

Several developments during World War II foreshadowed the end of peonage. Manpower shortages, decreasing demand for naval stores products, and the depletion of good timber stands caused the closing of many turpentine and lumber camps. In 1944 in *Pollock v. Williams*, moreover, the United States Supreme Court finally declared Florida's 1919 labor law unconstitutional. The Justice Department had finally gotten around to the issue in the Brevard County case of Emanuel Pollock, a black laborer, who had accepted a \$5 advance and ended up in debt peonage.³³

But while its scope was somewhat reduced, peonage was still uninterrupted by either the war or the high court decision. The Workers' Defense League, a New York-based, labor-oriented, human rights organization, was continually confronted with the institution in Florida and some other areas of the nation. Having decided in the mid-1940s to make a concentrated investigation and exposure of peonage with a view to prosecutions and possible improvement of national legislation, it decided to concentrate on Florida "because of its record." The League asserted in 1949 that "more forms of forced labor are more widely practiced in Florida than in any other state. Its legislature by successive enactments has most consistently attempted to evade or ignore United States Supreme Court decisions." The League was especially concerned that "in the northern turpentine and lumber camps the outright slavery of the compounds and the coercive fear of enforced debt are practiced."³⁴ With a grant from the American Civil Liberties Union, the League sent the Reverend C. Leroy Hacker, a black minister and college professor from Daytona Beach, to investigate the turpentine and lumber camps. He found cases in which workers were kept in compounds and guards "keep the outsiders out and the insiders in." At others, workers were physically free to move about but were "controlled by their indebtedness to the company store."³⁵

With some confidence that the federal government would follow up on cases that were so promising of successful prosecution, the Workers' Defense League

³⁰*Tampa Tribune*, November 29, 1936; Report of Frank McCallister re peonage at MacClenny, Florida, Box 128-26, WDL Collection; Brian McMahan to William Green, December 4, 1936; McMahan to J. Edgar Hoover, November 7, 1936; A. Philip Randolph to Homer Cummings, March 5, 1937; Herbert S. Phillips to Attorney General, June 2, 1937; McMahan to Thurgood Marshall, March 3, 1939, all in Division of Communications and Records, RG-60; *Florida Times-Union*, May 29, 1937.

³¹W. L. Fisher to Attorney General, February 8, 1937, and W. B. Watson, Jr., to George E. Hoffman, February 12, 1937, both in Division of Communications and Records, RG 60.

³²George E. Hoffman to Attorney General, October 9, 1942, File 50-802, RG 60; *U. S. v. Charles A. Gaskins*, Criminal Case 761, U. S. District Court, Pensacola, Record Group 21, Federal Records Center, East Point, Georgia; 320 U. S. 527-431 (1943).

³³322 U. S. 14, 25-27 (1944).

³⁴"Peonage and other forms of Forced Labor in the United States: Preliminary Report," April 1949, Box 97-15, WDL Collection.

³⁵C. Leroy Hacker, "Forced Labor in the Turpentine and Lumber Areas of Florida," February 25, 1949, Box 1238-29, WDL Collection.



Changing technology altered work methods and employment levels, bringing an end to forced labor around mid-century. In the photo above, two employees of the Florida Pulp & Paper Company use a tractor-drawn mechanical tree planter to set out 10,000 pine seedlings per day on company property near Pensacola.

FHS Collection

turned its findings over to the Department of Justice. After an FBI investigation, the department reported in 1950 that there was no evidence of involuntary servitude, concluding “there is no further action which the Department can take.”³⁶ Taking a position similar to that of Governor Napoleon Bonaparte Broward in 1908, Florida Attorney General Richard W. Ervin declared it “hard to conceive that peonage is in fact in existence in Florida,” but he was sure that “should there be an isolated offender,” local authorities were both able and willing to investigate and take appropriate action. Of course, local authorities had always been willing to do that.³⁷ The difficulty was that what they conceived as appropriate action was the primary cause of the problem.

The Reverend Hacker pointed out that a major difficulty was the impossibility of informing the southern public of the existence of forced labor. “The average white person in the South,” he wrote, “is ignorant of the facts. There is no way anywhere in the South whereby colored people can let the people in any Southern community know of the peonage in which many of their fellow citizens live and work. The press is closed to them.”³⁸ Roger Baldwin of the American Civil Liberties Union saw the problem in a larger context: “The basic evil is economic, imbedded in the plantation system of sharecropping, the drive for cheap labor in a region without the protection of unions in

industries like farming which are not themselves organized to set standards or resist unfair competition.” With both pessimism and prophecy, Baldwin argued in 1949 that the problem was far too comprehensive to be solved by a private agency. Solution required the cooperation of federal agencies with large funds, which in turn would require congressional action. And that could not be expected given the “complexion of Congress” at the time.³⁹

Both Hacker and Baldwin were right. The problem was kept from a largely uninterested southern public. It went to the roots of society, growing out of antebellum slavery, frustrated Confederate patriotism that caused the national government to be viewed as an outsider and an enemy to be resisted, and the abject poverty of the region in the decades after 1865. Publicity, congressional action, and well-financed federal agencies were required to a degree that perhaps Baldwin did not anticipate. Even the civil rights movement beginning in the 1950s brought only partial solutions.

Forced labor in the turpentine and lumber camps finally ended after mid-century because changing technology altered work methods and employment levels. Neither turpentine nor lumber operators employ many Floridians in the forests today. Where they do, labor conditions have improved somewhat and workers can at least leave without being pursued. The independent loggers who cut timber and haul it to the pulpwood mills are still hard pressed to earn a living, but they are in the forests at least partially by their own choice. □

³⁶James McInerney to Rowland Watts, January 31, 1950, Box 97-17, WDL Collection.

³⁷Richard W. Ervin to John B. Daffin, March 20, 1950, Box 128-31, WDL Collection.

³⁸Hacker, “Forced Labor.”

³⁹Roger N. Baldwin Memorandum, May 20, 1949, Box 171-3, WDL Collection.