

Luke McElroy:

*When the Past Has Been Buried, Will Unearthing an Injustice Impede
Family Reconciliation?*



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I. Introduction

On May 20, 1862, during the second year of the Civil War, President Abraham Lincoln signed the Homestead Act into law.¹ Between 1868 and 1934, two hundred forty six million acres of western land was granted to individual Americans, virtually for free.² Under the Homestead Act of 1862, any U.S. citizen, or intended citizen who had never borne arms against the United States government could file an application and lay claim to 160 acres of surveyed Government land.³ To receive the government land, claimants had to complete a three-part process, file an application, improve the land by living on it, by building a 12-by-14 dwelling and growing crops, and lastly, after five years they could file for the deed of ownership.⁴

Following emancipation in 1865, freed African Americans fought for their rights to the lands they had worked with their hands, sweat and blood.⁵ While the government pushed back on the recently emancipated demands for “40 acres and a mule” as just compensation for the endured generations of harsh slavery, the government was simultaneously granting whites free land under the Homestead Act.⁶ The recently freed people had no experience with government dealings and they had no cash and as such, most freed people had very low chances of breaking the cycle of poverty created by slavery and further perpetuated by federal policy.⁷

1 <https://www.archives.gov/education/lessons/homestead-act>

2 <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

3 <https://www.archives.gov/education/lessons/homestead-act>

4 <https://www.archives.gov/education/lessons/homestead-act>;
<https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

5 <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

6 <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

7 <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

It is almost miraculous that, under the Homestead Act, on July 14, 1885, Luke McElroy purchased one hundred and fifty-five acres of land for a total of fourteen dollars.⁸ Today, the equivalency of fourteen dollars from the year 1885 is that of three hundred sixty-five dollars.⁹ This was no small amount of money, especially for a freed black man from the south in the year 1885. Six years later after purchasing the land, on June 30, 1891, Luke McElroy was issued a land patent—essentially a deed of title for the land he had purchased in Cherokee County, Alabama.¹⁰ As the land owner of 155 acres of land it seemed like Luke McElroy was well equipped and on his way to breaking the cycle of poverty, it is unfortunate that the unbroken cycle of racial violence ended his life short.

II. Luke McElroy's Murder

Luke McElroy, was a 155 acre-land-owning black farmer born in Cherokee County, Alabama to David McElroy and Mattie Brock.¹¹ Luke McElroy's farm was located in a rural part of Cedar Bluff, Cherokee County, Alabama known to many at the time as Farrill.¹² Luke had a wife, Rebecca McElroy with whom he had two children, Dave McElroy and Luther McElroy.¹³

⁸ Luke McElroy, Land Tract Book, (Jul 14, 1885).

⁹ <https://www.officialdata.org/1885-dollars-in-2018?amount=14>

¹⁰ Luke McElroy, land patent; Luke McElroy, Land patent details

¹¹ Luke McElroy, AL death certificate (Apr. 9, 1949)

¹² *Id.*; Telephone Interview with Joe McElroy (November 7, 2018).

¹³ Luke McElroy, census from 19?

On April 9, 1949, on a Saturday afternoon, Luke McElroy had a dispute about some timber being moved, with his neighbor, seventy-year-old Alfred Davis who was also a farmer.¹⁴ Sometime following this timber-property dispute, Alfred Davis and his two sons, Carlton Davis and James Robert Davis, went over to Luke McElroy's property, called him outside and fatally shot him when he stepped outside.¹⁵ Luke McElroy's death was labeled a homicide caused by a pistol shot.¹⁶

A. Newspaper Accounts

Just three days after Luke McElroy's murder, on Tuesday, April 12, 1949, *The Montgomery Advertiser*, a local newspaper, reported that a seventy-two-year old, white man, Alfred Davis was released under a five-thousand-dollar bond for the fatal shooting of Luke McElroy.¹⁷ Today, the equivalency of five thousand dollars from the year 1949 is that of fifty three thousand and one hundred twenty seven dollars.¹⁸ Alfred Davis had a prior weapons charge which would presumably explain the high bond price placed on Davis at the time.¹⁹ The newspaper stated Sheriff Garrett disclosed that Davis and McElroy had been involved in an argument over timber.²⁰ It also stated that Sheriff Garrett quoted Davis to have said he shot

14 Newspaper article; Luke McElroy, DOJ File, 144-1-66 (1949)

15 Luke McElroy, DOJ File, 144-1-66 (1949)

16 Luke McElroy, AL death certificate (Apr. 9, 1949)

17 *Farrell Man Charged With Killing Negro*, *The Montgomery Advertiser*, Apr. 12, 1949 at 5.

18 <https://www.officialdata.org/1949-dollars-in-2018?amount=5000>

19 Telephone conversation with Lt. Parker

20 *Farrell Man Charged With Killing Negro*, *The Montgomery Advertiser*, Apr. 12, 1949 at 5

McElroy after McElroy drew a knife.²¹ From this newspaper account it seems that Davis has purported a self-defense claim early on in his arrest by mentioning that McElroy pulled a knife on him and that is why he shot at him.

On Wednesday, April 13, 1949, *The Cherokee County Herald*, another local newspaper, reported that Sheriff Mack Garrett who conducted the arrest and investigation of Davis, a prominent farmer and merchant of the community, was arrested on a charge of second degree murder after he shot and killed Luke McElroy with a thirty-two caliber pistol.²² Davis was released on a bond of five thousand dollars.²³ The paper goes on to state that some logs from the Davis land had been moved and that this was the reason that the “difficulty” arose between Davis and McElroy.²⁴ From this newspaper account not only is it learned that Davis was charged with second degree murder but it is gathered that the logs over which Davis and McElroy had a dispute about were logs on the Davis land. This new information insinuates that Davis is accusing McElroy of theft because the logs were on the Davis land.

On Thursday, April 14, 1949, the *Atlanta Daily World*, publishes on their first page, a brief two-sentence account of Luke McElroy’s murder.²⁵ It states that Alfred Davis was being held Wednesday night for grand jury action for the slaying of Luke McElroy and again here, Sheriff Garrett is quoted saying that the argument between Davis and McElroy was over some

²¹ *Id.*

²² *Negro Killed at Farrill Saturday P.M.*, *The Cherokee County Herald*, Apr. 13, 1949.

²³ *Id.*

²⁴ *Id.*

²⁵ *Man Held On Charge of Slaying Negro*, *Atlanta Daily News*, Apr. 14, 1949 at 1.

timber on the Davis land.²⁶ From this newspaper account it is discerned that there was grand jury action against Davis.

Two weeks after Luke McElroy's murder, on April 23, 1949, *The Chicago Defender*, a newspaper for folks up north, reported that a white farmer was free on a five thousand dollar bond on a charge of second degree murder in the slaying of a black man.²⁷ This newspaper reports that Davis accused McElroy of stealing his timber and that McElroy threatened him with a knife.²⁸ Further, it reports that no weapon was found on McElroy's body and that McElroy was shot three times.²⁹ This is the first newspaper that reports that McElroy was shot three times and that there was no weapon on McElroy's body, further discrediting Davis's self-defense claim.

Finally, more than six months after Luke McElroy's murder, on October 29, 1949, the *New York Amsterdam News*, reported that the victim Luke McElroy was shot to death after he objected to the white man's "habit" of stealing wood from his property.³⁰ This is the first time that media reports that Alfred Davis was the constant thief of timber and not the other way around. This newspaper account brings to light that Luke McElroy was finally fed up and decided to object to Davis's constant theft of his timber, only to pay the highest price, with his own life, for having finally stood up to the white man.

The three main things that all the newspaper accounts report and seem to agree on, is that Davis was arrested, he was charged with second degree murder, and then he was released on a

²⁶ *Id.*

²⁷ *Accused Slayer Freed On Bond*, *The Chicago Defender*, Apr. 23, 1949 at 4.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Barts Escapes Lynch Mob In Alabama; Flees In Hearse*, *New York Amsterdam News*, Oct. 29, 1949 at 7.

five-thousand-dollar bond. The media further perpetuated the story that this murder was simply about a property dispute between a white farmer and a black man because it was never even reported that Luke McElroy was also a land-owning farmer. Despite the arrest and second-degree murder charge placed on Davis, as demonstrated by the varying newspaper accounts, Luke McElroy was made out to be a thief who allegedly armed with a knife threatened Davis, who in turn merely acted in self-defense when he shot and killed McElroy. Although, these events took place almost seventy years ago, it sounds like an all too familiar account in the justification of the murders of black men told till this very day.

B. Family Recollection

While the newspapers reported variations in the motive of Luke McElroy's murder, an interview with Joe McElroy, the nephew of Luke McElroy, provided a different light into the reasons behind the murder of his uncle Luke. Joe McElroy was about eight or nine years old when his uncle Luke McElroy was killed, and he lived with his parents and grandparents on their farm nearby also located in rural Farrill.³¹ Joe mostly knows about what occurred from his older family members.³² There was a dispute about some logs that took place that day and then the three white men, Alfred Davis and his two sons Carlton and Robert went over to Luke's farm and cornered him.³³ When Luke tried to get away from the three white men by turning and running towards his house, that's when the three Davis's shot at Luke's back, as he ran away from them.³⁴ The "word on the street" was that Carlton Davis, Alfred Davis's son was the one who killed Luke

³¹ Telephone Interview with Joe McElroy (November 7, 2018).

³² Telephone Interview with Joe McElroy (November 7, 2018).

³³ Telephone Interview with Joe McElroy (November 7, 2018).

³⁴ *Id.*

McElroy even though it may have been possible that all three shot at Luke.³⁵ This differs from all of the newspaper accounts which only report Alfred Davis as the person who was arrested and charged for the murder of Luke McElroy.

The two families, the McElroy's and the Davis's both owned and ran grist meal farms.³⁶ Joe believes there may have been some animosity from the Davis's towards Luke McElroy because Luke's farm was faring off better economically.³⁷ This was a new revelation that none of the newspaper accounts reported on with regards to the motive behind Luke McElroy's murder. However, in light of Joe McElroy's theory for why his uncle Luke was killed, I would allude to the fact that Luke McElroy, at one point in his life was the owner of 155 acres of land in this rural town. The underlying reason for Luke McElroy's murder extends well beyond a mere dispute about logs, it extends well beyond that his farm is faring off better economically, and in fact has much more to do with the underlying truth that Luke McElroy was a prosperous black farmer who was able to prosper because he owned so much land at the time in this rural community.

III. Historical and Geographical Context

During his entire life time, Luke McElroy lived in Farrill, a small rural town located in Cherokee County, Alabama with black families, who according to Joe McElroy, they had their

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

own church and if they wanted to buy groceries they had to leave Farrill to go buy them elsewhere.³⁸ Today Farrill is just now considered part of Cedar Bluff in Cherokee County.³⁹ Cedar Bluff is located in the northeast of the center of Cherokee County.⁴⁰ The population of Cedar Bluff as of 2014 consisted of 1,816 people and was 25% urban living and 75% rural living.⁴¹ As of the 2010 census, there were 1,820 people, 766 households and 521 families residing in the town.⁴² White residents made up the majority of the population with 86% of the population and only 9.9% comprised of Black residents.⁴³

Luke McElroy also lived much of his life time during the Jim Crow era which lasted from about 1870 to 1960.⁴⁴ Jim Crow was a system of racial oppression and segregation in the United States, it was government sanctioned and in which Southern lynching's took on a racialized character.⁴⁵ The "Lynching Era" was largely tolerated by state and federal officials and these

38 *Id.*; Luke McElroy, AL death certificate (Apr. 9, 1949)

39 Telephone Interview with Joe McElroy (November 7, 2018).

40 "US Gazetteer files: 2010, 2000, and 1990". United States Census Bureau. 2011-02-12.

41 <http://www.city-data.com/city/Cedar-Bluff-Alabama.html>

42 *Id.*

43 "American FactFinder". United States Census Bureau. Archived from the original on 2013-09-11. Retrieved 2015-07-10.

44 https://www.facinghistory.org/sites/default/files/Historic_Timeline_Alabama_Study_Tour_1172017915.pdf

45 *Id.*

public violent acts of murder and torture against black people maintained the culture of white supremacy in the United States.⁴⁶

In light of this backdrop, where southern lynching was a common place terror tactic used to maintain the segregation and the oppression of black folks, imagine Luke McElroy, a black farmer who owned 155 acres of land in the midst of a small rural town where the population was comprised of a majority of white people, in the southern state of Alabama. Not only was Luke McElroy a seemingly prosperous black farmer in Cedar Bluff, he had family members who were also land owners and who most likely looked out for each other in this small community.

IV. McElroy Family Response

Following Luke McElroy's murder, his wife Rebecca and their two sons, David and Luther, left their farm and went to live with Luke's brother, Prince McElroy and his wife, Cleoma on their nearby farm also located in Farrill.⁴⁷ Joe McElroy believes that Rebecca, David McElroy, and David's wife returned to live on Luke's farm and remained there.

Sometime shortly after Luke McElroy was killed, Edna Booker, Luke's niece who lived in Cleveland, Ohio at the time, heard of her uncle's murder and made a special trip to Alabama to conduct her own information gathering of what had occurred.⁴⁸ At the time Edna was a member of her local National Association for the Advancement of Colored People ("NAACP") branch in

⁴⁶ *Id.*

⁴⁷ Telephone Interview with Joe McElroy (November 7, 2018).

⁴⁸ Luke McElroy, DOJ File, 144-1-66 (1949)

Ohio.⁴⁹ After she gathered as much details of the circumstances surrounding her uncle Luke's murder she reported this to the NAACP Ohio branch Executive Secretary, Charles P. Lucas.⁵⁰

Charles P. Lucas wrote to Thurgood Marshall relaying all of the information gathered by Edna Booker.⁵¹ The information gathered by Edna Booker reveals new details not accounted for in any of the newspaper accounts. Edna Booker details that after Luke was killed, his two brothers, Harvey McElroy and Prince McElroy had then been threatened to death by Alfred Davis.⁵² That Alfred Davis had been alleged to have said "I killed Luke McElroy and I will bury him."⁵³ Edna Booker also mentions that two people David L. Wright and Samon Wright claim to have witnessed the murder.⁵⁴ Finally, Edna Booker's account of what occurred indicates that all three of the Davis men were armed with 32 caliber pistols when they went to Luke's property.⁵⁵ Her account also indicates that police officers found an unopened knife found in Luke's pocket and that Davis had previously claimed that Luke had threatened him with a knife.⁵⁶ Needless to say that Edna Booker's special trip to inquire into her uncle Luke McElroy's lynching was not lost to history and her brave actions have been documented and will remain a part of this history.

49 *Id.*

50 *Id.*

51 *Id.*

52 *Id.*

53 *Id.*

54 *Id.*

55 *Id.*

56 *Id.*

Another of Luke McElroy's family member who seems to have had a significant role in attempting to garner justice for the murder was Luther McElroy. Luther McElroy had been stationed at Fort Bragg when he was notified of Luke's murder.⁵⁷ The *New York Amsterdam News* reported, that the "probing" of Luke's murder was started when Luther McElroy learned of the identity of who had killed his brother Luke McElroy.⁵⁸ Although, there is no exact account of how Luther McElroy began the push for seeing justice to his brother's murder it is clear that he had a hand in seeing to it that something was done for the time being. This was also a significantly brave action on behalf of Luther McElroy, though he was a soldier, and nothing less could have been expected from him.

V. Local Community Response

After Luther McElroy had learned the identity of his brother's killer, there was a wave of community action that took place. The *New York Amsterdam News* reported, that "Luther was told that his Luke was well liked by the whites in Centre and that they appeared anxious to see to it that justice was done."⁵⁹ As a result, members of the community both black and white raised five hundred dollars to retain the community lawyer E.G. Pilcher for Luke McElroy's family.⁶⁰ Today, the equivalency of five hundred dollars from the year 1949 is that of five thousand three

⁵⁷ *Barts Escapes Lynch Mob In Alabama; Flees In Hearse*, *New York Amsterdam News*, Oct. 29, 1949 at 7.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

hundred twelve dollars.⁶¹ This was quite a substantial amount of money that was raised by this interracial community with the goal of assisting the McElroy family in obtaining justice for Luke McElroy's murder. With the community attorney retained for the McElroy's, two private detectives, Freddie Barts and Edward Ward from New York were subsequently obtained to further assist with the investigation.⁶²

The community response to the call of seeking justice for Luke McElroy's murder was a direct reflection of how well liked and respected Luke McElroy and his family were by both black and white members of their community. Luke McElroy's murder brought together a community of people who were not afraid to seek justice for his murder. I believe this speaks volumes to the character and type of man that Luke was in his community not just as a land owner, farmer, or merchant but as a decent human being, whose community is willing to go the extra mile for him and his family in their time of need.

VI. Legal Response

A. Local Law Enforcement

As reported by *The Montgomery Advertiser*, just three days after Luke McElroy was murdered, his killer, Alfred Davis was arrested, charged with the second-degree murder of Luke McElroy and then was released on a five-thousand-dollar bond.⁶³ Sheriff Mack Garrett reportedly was the person in charge who conducted both the arrest and the investigation of Luke McElroy's

61 <https://www.officialdata.org/1949-dollars-in-2018?amount=500>

62 *Barts Escapes Lynch Mob In Alabama; Flees In Hearse*, New York Amsterdam News, Oct. 29, 1949 at 7.

63 *Farrell Man Charged With Killing Negro*, The Montgomery Advertiser, Apr. 12, 1949 at 5.

murder.⁶⁴ In *The Montgomery Advertiser*, Sheriff Garrett is quoted as stating that Davis had said he shot McElroy after he had drawn a knife.⁶⁵ Furthermore, Sheriff Garrett is once again, quoted in the *Atlanta Daily News*, as having said that Luke McElroy was fatally shot in an argument over some timber on Davis' land.⁶⁶ These newspaper accounts only quote Sheriff Garrett with quoting what Davis had told him about having shot McElroy because he pulled a knife on him and that the timber had been on the Davis land.

All of these newspaper narratives are from the Davis point of view and there are no media accounts where Sheriff Garrett quotes what the McElroy family told him. Indeed, it's only six months after Luke McElroy's murder that the *New York Amsterdam News*, publishes an account of the murder as told from the perspective of the McElroy family. This makes me wonder whether Sheriff Garrett inquired with both families as to the details of what actually occurred or whether he only spoke to the Davis family. In turn, if Sheriff Garrett is the decision maker about arresting Garrett and the investigator, who seems to only have inquired with the Davis family about what occurred, then he would present one-sided facts based on his investigation. Otherwise, if he did inquire with the McElroy family about what occurred, there is no newspaper account of it seeming so, or perhaps it is the newspapers to blame for the portrayal of such a one-sided narrative of what occurred based on what Davis had told the Sheriff.

B. NAACP and DOJ

When Thurgood Marshall received Edna Booker's inquiry regarding the murder of her uncle Luke McElroy, Thurgood most likely knew that because this was a dispute between two

⁶⁴ *Negro Killed at Farrill Saturday P.M.*, *The Cherokee County Herald*, Apr. 13, 1949.

⁶⁵ *Farrell Man Charged With Killing Negro*, *The Montgomery Advertiser*, Apr. 12, 1949 at 5.

⁶⁶ *Man Held On Charge of Slaying Negro*, *Atlanta Daily News*, Apr. 14, 1949 at 1.

private individuals that there was no jurisdiction under the federal criminal civil rights statutes. However, being responsive to the NAACP membership and fulfilling his duty to said members, on May 3, 1949, Thurgood Marshall wrote to the Department of Justice (“DOJ”) Assistant Attorney General, Alexander Campbell to relay Edna Booker’s account of her Uncle Luke McElroy’s lynching and to inquire about further action.⁶⁷ About a month later, on June 7, 1949, Alexander Campbell responds to Thurgood Marshall’s inquiry.⁶⁸ As expected, Campbell responded that because the killing arose out of a property dispute between private individuals and there was no person acting in official capacity, either directly or indirectly then, there was no violation of the Federal Civil Rights Statutes, Section 241 or 242.⁶⁹ Therefore, Campbell advised since they had no jurisdiction to bring forth a claim, there was nothing further that could be done in the matter.⁷⁰ It seemed like obtaining justice for Luke McElroy’s murder was seeping away, but luckily for Luke McElroy his resilient family and community did not seem to give up that easily.

C. Private Investigation

More than six months after Luke McElroy’s murder, sometime in October of 1949, Freddie Barts and Edward Ward, the private investigators made the trip from New York to Farrill, Cherokee County, Alabama to perform their investigation of Luke McElroy’s murder.⁷¹

Reportedly, Barts and Ward conducted their investigative rounds in overalls “to give the

⁶⁷ Luke McElroy, DOJ File, 144-1-66 (1949)

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Barts Escapes Lynch Mob In Alabama; Flees In Hearse*, New York Amsterdam News, Oct. 29, 1949 at 7.

impression that they were day laborers.”⁷² However, After several days of investigating in Cherokee County, angered whites began to form a lynch mob and began talking about “stringing them niggers up”.⁷³ Apparently, the situation escalated to the point where Barts and Ward had to escape by getting an undertaker to drive them in a hearse over to Gadsden, the next town over where they could catch the train back to New York.⁷⁴

Despite being chased out of Cherokee County by a lynch mob the private investigator’s trip to Alabama had not been in vain.⁷⁵ Barts and Ward were able to obtain several affidavits and seemingly a report was made.⁷⁶ Following this report, Davis was reportedly indicted by a grand jury on first degree murder charges for the murder of Luke McElroy.⁷⁷ As reported by the *New York Amsterdam News*, there was a trial scheduled to begin on November 9, 1949 and Barts indicated he would return to Alabama then as well, to appear as a witness against Davis.⁷⁸

Besides this news report about a trial, the only other indication that there was ever a trial held was in my conversation with Joe McElroy.⁷⁹ Joe said there was a trial scheduled but the undertaker who was supposed to be a witness to testify that Luke McElroy had been shot in the

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Telephone Interview with Joe McElroy (November 7, 2018).

back, never showed up.⁸⁰ As such, Joe McElroy does not recall anything becoming of the trial and as far as he knows, no one ever served time for killing his uncle Luke McElroy.⁸¹ Whether there was or was not a trial held, and what occurred after the private investigator's left still remain questions for further research. In my inquiries about criminal records for Alfred Davis, so far have not been fruitful but again, this is research that will need further inquiry and possibly an on the ground researcher.

All in all, it seems that Luke McElroy's family members, together with the support of an interracial community effort, succeeded in their plight for legal justice. Great legal strides were accomplished, to the point that a trial had been scheduled which makes it an astounding accomplishment given that in April only days after Luke McElroy was murdered his killer, Alfred Davis was freed on bond. Luke McElroy's family and his communities unity are a true-life living example of the saying in the 1960's farmworker's movement led by civil rights activist, César Chávez: "el pueblo unido jamas sera vencido" meaning "the people united will never be defeated".

VII. McElroy Family Today and The Question of Restorative Justice

My telephone interview with Joe McElroy confirmed that the McElroy's have been able to maintain ownership of their land.⁸² Prince McElroy and Harvey McElroy, Luke's two brothers remained in the small rural town and purchased adjoining eighty acres of land.⁸³ Today Joe

80 *Id.*

81 *Id.*

82 *Id.*

83 *Id.*

McElroy, owns part of the land that belonged to his uncle Prince McElroy.⁸⁴ As to Luke McElroy's land, Joe McElroy said that Luke's son, David, his wife and his mother, Rebecca returned to live on Luke McElroy's farm after his murder.⁸⁵ However, as to whether Luke's land was maintained in the family until this day, is a question that needs further research.

Today, 78-year-old Joe McElroy, Luke McElroy's nephew, lives in Cedar Bluff, Cherokee County and owns McElroy's Construction Inc.⁸⁶ When asked about how the McElroy family dealt with the murder of Luke McElroy, Joe has stated that the McElroy family is a church going family who believes in the Lord and so "we put it in the hands of the Lord."⁸⁷ The younger generations of the McElroy and the Davis family have never spoken about Luke McElroy's killing.⁸⁸ In fact, Joe has completed construction work for the Davis family.⁸⁹ The Davis family built chicken houses on their farm land and they hired me to level off the ground before they built the chicken houses, said Joe McElroy.⁹⁰

Today, the McElroy family members who remained in the rural Farrill, Cherokee County, had to learn to "forget" the killing of their family member Luke McElroy, so that they would be able to continue on with their lives within this small community. Their survival as farmers and

84 *Id.*

85 *Id.*

86 *Id.*

87 *Id.*

88 *Id.*

89 *Id.*

90 *Id.*

their ability to flourish and succeed in this small community required that they communicate and live amongst the very family members whose ancestor had killed Luke McElroy.

As a remote outsider researching the killing of Luke McElroy, I can sit here and write that forgetting is a form of having submitted to the systemic racist caste system that allows for these racially motivated murders to continue. However, as a realist and someone who believes in “trying on someone else’s shoes”, I will instead, write that the McElroy family has done what it needed to do to survive and because I have not personally been in their shoes I cannot judge them. As a student of the Civil Rights and Restorative Justice Clinic, I know that a component of the work this clinic seeks to accomplish some kind of restorative justice measure for the family members who have long been silenced by these acts of racial violence in their communities. I would recommend that we seek input from the McElroy family as to whether they would like to have any restorative justice measures that the clinic can assist with facilitating, but I also believe that if their answer is no, then their wishes must be respected regardless of our own thoughts about what would bring them restorative justice.

VIII. Reflection

Luke McElroy had lived much of his life as a rural, land owning, black farmer in the Southern state of Alabama, during the Jim Crow era. After emancipation many newly freed people had nothing, and this made it even more difficult for those people to break the cycle of poverty created by slavery.⁹¹ At the time, Luke McElroy was one of those rare black folks who had seemingly broken that cycle of poverty. What is more astounding to me is that after Luke McElroy’s murder, the rural community where he lived in comprised of mostly whites, came together with black folks of the town and raised a significant amount of funds for an attorney to

⁹¹ <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty>

take on Luke McElroy's murder case. His murder brought together a community of black and white folk who wanted to pursue justice for Luke McElroy's murder.

Luke McElroy's family and community plight for legal justice was almost successful. Ultimately, it is still unknown whether a criminal trial took place or not, but what is known is that Luke McElroy's family has continued to live in Cedar Bluff and they have to some extent conducted business with the Davis family. This begs us to ask the question about restorative justice for the McElroy family. One component of this clinic includes the restorative justice aspect for families like the McElroy's who have been wronged by racial violence. It is crucial that we consider what the McElroy family wishes to do if anything about restorative justice efforts in the future. It is also equally important for us, as a restorative justice clinic to consider and grapple with the reality that justice has many forms and has different meanings to different people. If the McElroy family has buried their past in order to remain and prosper in their small rural community, we should be mindful of that. Restorative justice seeks to bring about healing and restoration for the families, but we also need to consider whether unearthing a past racially motivated lynching will instead impede future reconciliation.