Slavery by the Name of Turpentine:

The Lynching of Odis Price

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I. Introduction

The story of Odis Price, a twenty-one year old Black turpentine worker, who was lynched in Perry, Florida on August 9, 1938, exemplifies the violence and racial abuse that were an inherent part of the peonage labor system which was in operation in Florida at that time. The peonage system can also be seen as a key factor in the lynching of Price[1] —a crime that resulted in part from the tensions between black laborers and the surrounding white community in rural Florida.[2] Price's lynching led to advocacy by the NAACP and the American Communist Party to press federal and state authorities to take legal action against the peonage system.

This paper describes the peonage system, which gave white employers the rights to exercise total control over the African American workers in their Florida turpentine camps, essentially restoring slavery long after the adoption of the Thirteenth Amendment. It examines the economic challenges to labor control that were posed by the Great Migration of the 1920s and 1930s, when African Americans left the South for greater freedom and better employment opportunities in the North. It also discusses the manipulation of the Florida Fraud Contract statute by the turpentine camp employers and their use of state convict leasing to support and sustain the supply of cheap labor. Finally, the paper evaluates the success and failures of advocacy efforts to challenge the peonage system through litigation based on federal civil rights laws.

II. The Lynching of Odis Price

1 Different spelling of the name has appeared in several articles - "Odis" or "Otis".
2 WALTER T. HOWARD, LYNCHINGS: EXTRALEGAL VIOLENCE IN FLORIDA DURING THE 1930s 116-20 (ASSOCIATED UNIVERSITY PRESS 1995).

Odis Price, a twenty-one-year-old African American male living on the J.O. Huxford turpentine camp in Perry, Florida, was on his way to fetch water from a common-well on August 9, 1938.[3] Unbeknownst to Price, a white woman named Mae Verdie Outler[4] was bathing in a bathhouse that was within close proximity of the common-well.[5] Outler saw Price through either a window or a door crack, then screamed, and later alleged that Price had tried to rape her.[6]

Price fled from the scene and ran home to his eighteen-year-old wife, Mrs. Rether Howard.[7] Price's wife told him to take the little money they had and leave the vicinity, but Price claimed he had done nothing wrong and therefore did not flee.[8]

Sheriff S.L. Wilson heard about the alleged rape and came to pick up Price and take him into custody.[9] When the Sheriff arrived, he learned that Price was hiding in the woods to avoid a group of white men. Wilson made Price's wife coax Price out of the thicket and reveal himself.[10] Wilson took Price into custody—although it was not clear whether he was formally under arrest at that point—and took Price towards the Perry County Jail.[11] On the way to jail, Wilson claimed he was overtaken by a motorized mob of an unknown number of people and was forced to stop his vehicle.[12] The mob kidnapped Price from the vehicle, shot him to death, and left him dead on the side of the road.[13]

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3 Margaret Bailey, *Drippings from Other Pens: Turpentine and Terror*, THE CHICAGO DEFENDER, Nov. 15, 1938.
4 Bailey, *supra* note 14; *see also* "United States Public Records, 1970-2009," database, FamilySearch (https://familysearch.org.ark:/61903/1:1:QJ86-BL2T) : accessed 23 June 2015 Mae V Outler, Residence, Perry, Florida, United States; a third party aggregator of publicly available information.
5 *Id.*
6 HOWARD, *supra* note 13, at 116-20.
7 *Id.*
8 *Id.*
9 Letter from Wilson to Cone, Oct. 6, 1938.
10 HOWARD, *supra* note 17, at 116-20.
11 *Id.*
12 *Id.*
13 *Certificate of Death: Odis Price.* 09 Aug 1938. State of Florida, Dept. of Health, Div. of Vital Statistics, copy in the possession of editor.

Local authorities investigated the crime. The day after Price's murder, a coroner's jury was convened to examine the body.[14] The jury concluded that Price had "come to his death by gunshot wounds inflicted by parties unknown."[15] Somehow this news was kept out of the newspapers for over a month.[16] Eventually, American Communists made the lynching known to the public.[17] The International Labor Defense (ILD) and the American Civil Liberties Union (ACLU) brought Price's lynching to the attention of Governor Fred P. Cone.[18] News about the lynching appeared in black newspapers, and the *Chicago Defender* and the *Norfolk Journal and Guide* reported that an unidentified man[19] from Macon, Georgia, who had seen Price's body and knew about circumstances preceding the murder, wrote a letter to the national office of the NAACP, informing them about the lynching on September 24.[20]

Margaret Bailey also sent a telegram to the governor's office demanding a full investigation.[21] The state attorney declined to discuss any aspect of his office's investigation on the matter.[22] Taylor County officials referred the Price lynching to the grand jury already in session.[23] After a three-day investigation, the Taylor County grand jury recessed on October 1 and returned a no bill after concluding Price was killed by unidentified persons.[24] Sheriff Wilson could not tell the press if Price had been accused of insulting, attacking, or actually trying to rape the white woman. The American Communists were the first to raise the issue of a cover-up.[25]

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14 *Id.*
15 *Id.*
16 *Id.*
17 *Id.*
18 Letter from Hovers to Cone, Apr. 2, 1939, Cone Records, lynching file.
19 I was able to identify the man as David L. Hunter; *See* Letter from Morrow to Hunter, Aug. 15, 1938 to NAACP, Cone Records, lynching file.
20 Letter from Morrow to Hunter, Aug. 15, 1938 to NAACP, Cone Records, lynching file.
21 Letter from Bailey to Cone, Oct. 10, 1938.
22 HOWARD, *supra* note 21, at 116-20.
23 *Id.*
24 *Id.*
25 *Id.*

Although many prayed something would be done to keep this case open until the lynchers were identified and punished, the governor's office honored tradition and let the matter die locally.[26]

III, Labor Mobility, White Control and the Peonage System

The Great Migration and the effect of World War I caused white control over black agricultural labor to loosen during the first half of the twentieth century. In the 1920s, African Americans aimed to find more prosperous, political, social, and cultural lives. However, for different economic reasons, the Depression continued to affect African Americans in various ways: the lack of profitable crops caused blacks to leave plantations, the New Deal agricultural policies, and farm mechanization. The effect of diminished opportunities for any work aside from seasonal labor detached many black farmers from land, so they chose to seek work elsewhere.[27]

The effect of World War II paved the way to more national economic opportunities for black workers. Booming wartime industry and the American labor market gave African Americans many opportunities for more lucrative and independent work. African American men and woman could now earn higher wages in various locations, which improved their mobility.[28] They could work fewer hours for more money, but, this flexibility became a huge concern for whites. One white planter stated, "The problem was that the Negroes are getting from five to ten times as much money as they used to for farm work here and it has ruined them."[29] Other comments like this suggest that African Americans were asserting their newfound autonomy, thereby challenging white planter's dictatorship and motivating whites to resist these unwelcome

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26 *Id.*
27 RISA L. GOLUBOFF, THE LOST PROMISE OF CIVIL RIGHTS 53 (Harvard Univ. Press rev. ed. 2007).
28 *Id.*
29 "Plans Attitudes Winter Growers," BAE DPS PF 1940-45, box 8.Better citation for this footnote?

changes.[30] Unwilling to pay higher wages and accept such changes, white planters and landowners searched for new sources of free and cheap labor adopting methods such as using prisoners of war and encouraging all persons—school children, adults, and the elderly—to perform farm labor.[31]

White planters resisted African American independence, attempting instead to force African Americans to work.[32] One white planter stated, "Negroes have got to be bossed and you can't boss them when they make that kind of money and when they can get another job anywhere they want it."[33] The Workers Defense League reported, "Intimidation and often violence are used to keep sharecroppers and day laborers in virtual slavery despite a Supreme Court ruling of long standing that is contrary to the Thirteenth Amendment to exact forced labor because of actual or alleged debt."[34] The Workers Defense League saw such peonage existing in many parts deep in the south.[35] Despite the Thirteenth Amendment and the abolition of slavery, southern whites were still able to recapture and maintain political and economic power over the African Americans they had once enslaved.[36]

Peonage was defined as, "the holding of a person to forced labor for payment of a debt." Peonage was the historical outgrowth of labor disruption that was caused by the emancipation of African Americans. Although the peonage system could include white laborers, the majority of laborers were African American. The racial caste system of post-Civil War Florida was a major force that shaped the peonage system. Because African Americans had once been enslaved by whites in Florida, white employers considered African Americans as their primary resource of

30 GOLUBOFF *supra* note 1 at 55.
31 *Id.* at 55.
32 *Id.*
33 "Plans Attitudes Winter Growers," BAE DPS PF 1940-45, box 8.
34 GOLUBOFF *supra* note 4, at 55.
35 *Id.* at 56.
36 *Id.*

labor supply to be used as the employers saw fit. The white employers also felt that African Americans would not work without being compelled to do so. This led to cruel and abusive treatment of African American workers by white employers and state officials, who tended to follow the same labor practices as those in effect before 1865.[37]

IV. The Florida Turpentine Camps

In the early 1900s, Florida employers complained about the shortage of labor in various industries. Many were convinced that indolence and vagrancy among African American working-age men caused the shortage.[38] One area where employers complained about this shortage was in turpentine camps—where African Americans became the primary labor force working to skin the bark on pine trees in to obtain the resin (also known as the "gum") from the tree. The resin was used to make several marketable products such as pitch, paint thinner, and pharmaceuticals.[39]

The employers sought various solutions to their problems.[40] Turpentine employers throughout the state called upon local officials to enforce vagrancy laws and help alleviate the scarcity of workers.[41] The Georgia-Florida Sawmill Association resolved "to make the vagrancy law of Georgia and Florida more effective" and "put in motion the hangers-on at the lumber camps."[42] The 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 eighteen

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37 Jerrell H. Shofner, *Forced Labor in the Florida Forests 1880-1950*, JOURNAL OF FOREST HISTORY, Jan. 1891, at 14.
38 *Id.* at 15.
39 Robert N. Lauriault, *From Can't too Can't: The North Florida Turpentine Camp 1900-1950*, FLORIDA HISTORICAL QUARTERLY 67, Jan. 1989, at 310.
40 Shofner, *supra* note 11, at 15.
41 *Id.*
42 *Id.*

without means of support and who remain in idleness."[43] Other employers sought to attract the hundreds of immigrants who were arriving from Europe.[44] Many employers used immigrants despite the policy in place stating, "no white people from any country…will. . . submit quietly to such treatment as the common Negro."[45]

A. Federal Peonage Law and the *Clyatt* Case

In *Slavery by Another Name*, Douglas A. Blackmon explained how the federal peonage statute was first brought to change turpentine camps when a U.S. commissioner named Fred Cubberly, living in the Florida town of Bronson, witnessed turpentine farmer J. O. Elvington seize an African American man and his wife at gunpoint in 1901, claiming the two could not leave Elvington's camp deep in the malarial swamps until the couple's forty dollar debt was paid.[46] Through this event, Cubberly confirmed the rumors he had heard about the forced labor camps across northern Florida.[47] After witnessing Elivington's seizure of the two African American laborers, Cubberly encountered three man hunters at a train station led by Samuel M. Clyatt, a turpentine farm employer from Georgia searching for several men who had run away from his camp.[48] Clyatt and his companions, including a deputy sheriff from his home county seized and forced two workers, Will Gordon and Mose Ridley, back to Georgia.[49]

Cubberly started investigating similar complaints and making reports to the U.S. attorney in Pensacola, Florida. In the summer of 1901, the federal prosecutor there named John Eagan

43 *Id.*
44 *Id.*
45 *Id.*
46 DOUGLAS A. BLACKMON, SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK PEOPLE IN AMERICA FROM THE CIVIL WAR TOO WORLD WAR II 173-74 (DOUBLEDAY, 1st ed. 2008).
47 Parsons too Attorney General, June 18, 1906, File 50-87, Peonage Files, RG60, NA.
48 BLACKMON, *supra* note 46, at 174.
49 *Id.*

gave Cubberly's letters of complaints to the newly appointed Attorney General Knox alleging that, "it is a common practice among parties engaged in the Turpentine business in the Northern District of Florida, to hold laborers. . . in a state of involuntary servitude." Eagan confirmed some of the allegations brought to him by Cubberly and ordered an indictment to be sought.

The system of coercion brought to Eagan's attention by Cubberly was authorized under an 1891 state law making it a crime for a worker to leave his employer after wages had been advanced. Eagan stated, "The laborers in this line of business are as a general rule colored men and are imposed on and treated outrageously by their employers. A warrant is issued by a Justice of the Peace and placed in the hands of a constable or sheriff who proceeds to forcibly deliver labor to the possession of the employers who made the complaint, and the employer holds him in service until his claim, including all costs charges of the proceedings, are worked out."[50]

In November 1901, a Tallahassee federal grand jury indicted Clyatt for peonage. Despite the unexplained disappearance of Gordon and Riley who were never seen after being seized and returned to Georgia, Clyatt stood trial five months later. Clyatt was found guilty and sentenced four years in the federal penitentiary.

Realizing that the conviction could destroy the labor supply of the turpentine industry—a critical element of the southern economy—a group of turpentine employers united in support of Clyatt's defense. They hired U.S. Senator Augustus Octavius Bacon and U.S. Congressman William G. Brantley as attorneys, both from Georgia. In their appeal of the conviction, Bacon and Brantley stated to the higher courts that the holding of the slaves in the United States was technically not a crime. Brantley stated, "Congress has never passed a law providing punishment for slavery or for involuntary servitude." The attorneys claimed that the peonage statute amounted to "unconstitutional federal interference into matters of state jurisdiction" and that it

50 *Id.*

was improper to apply it to Clyatt because no formal system of peonage existed in the south. As Clyatt's case languished in the Circuit Court of Appeals throughout 1902, new allegations of slavery in the turpentine camps continued to surface.[51]

B. Violence and the Control of African American Workers

Throughout the 1930s, although slavery was abolished, white employers still used every means available in the south —political, economic, legal, or violent to control black workers that the Thirteenth Amendment had forced them to free from slavery.[52] Vagrancy laws gave local officials the power to arrest African Americans for many reasons and white employers often took power into their own hands and arrested African Americans without going to local officials.[53] White landowners created agricultural systems designed to keep the black farm workers in debt.[54] If a laborer owed his employer money and left without paying, the employer would go after the laborer, bring him back, and use whatever force was necessary to keep the employer's investment working.[55] When systems crafted with the intent to control African Americans failed, whites mobs would then take matters into their own hands and terrorize African Americans with lynchings, outright servitude, and other forms of racially motivated violence.[56]

Throughout the 1930s, many African Americans in the south became victims of different forms of debt-peonage.[57] Turpentine camps were a prime example of debt-peonage prevalent in the south at that time.[58] The turpentine industry in Northern Florida exhibited reprehensible labor practices, unlawful debt peonage, and violent discipline throughout the 1930s.[59]

51 *Id.*
52 GOLUBOFF, *supra* note 8, at 54.
53 *Id.*
54 *Id.*
55 Shofner, *supra* note 40, at 15.
56 GOLUBOFF, *supra* note 52, at 54.
57 *Id.*
58 Lauriault, *supra* note 39, at 310.
59 GOLUBOFF, *supra* note 56, at 54.

With approximately twenty million acres of virgin longleaf pine trees, Florida had become the scene of a rapidly developing naval industry by the late nineteenth century.[60] Northerners, Europeans, and local entrepreneurs all purchased numerous acres of timber for the extraction of naval stores. The reason that this industry was often referred to as "naval stores" is because a majority of pitch was used to fill the holes in wooden boats and to coat rigging which would help the rigging last longer on ocean-going vessels. The naval industry was very competitive and required demanding cost controls. Since labor made up a huge portion of operating costs, turpentine employers sought workers at the lowest possible wage level. Thus, the social, economic, and political conditions of Florida caused employers to seek out, obtain, and secure laborers to work for low wages.[61]

Turpentine camps were typically remote and not well regulated by the state government.[62] Turpentine farms were located in isolated areas away from any chance of comfort or contact with the outside world.[63] Workers would scar longleaf pine trees, which would cause the resin to run down the tree.[64] The scars were so deep and aligned that the marks resembled cat whiskers, and so the trees were nicknamed "cat whiskers". Workers would attach a "Herty cup" specifically designed for turpentine purposes to collect the resin running down the tree. This resin would then be distilled in a large still to create pitch. Eventually when the trees stopped producing significant amount of resin, the workers cut down the trees for its bark, and gradually moved south to find fresh new pine trees.[65]

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60 Shofner, *supra* note 55, at 14.
61 *Id.*
62 BLACKMON, *supra* note 48, at 174.
63 *Id.*
64 *A Sticky Situation: The Turpentine Industry in North Florida* http://www.flpublicarchaeology.org, http://www.flpublicarchaeology.org/blog/ncrc/2012/05/18/a-sticky-situation-the-turpentine-industry-in-north-florida/ (last visited May 18, 2012).
65 *Id.*

Working on a turpentine camp was hard and dangerous work—collecting the gum was very labor intensive and working in the still was hot and dirty. The workers, who in some cases were leased convicts, lived in camps situated close to the area where they were currently working. The housing was considered temporary and was usually poorly constructed.[66] At times, workers were imprisoned in stockades or cells chained together at night or under the supervision of armed guards on horses.[67] When workers were paid, they would usually receive their pay in the form of a company script or coins, and their pay could only be used at the turpentine commissary, where they could also purchase items on credit.[68] Workers were forced to buy their own food and clothes from the camp commissary and were charged high interest rates.[69] Many workers found themselves in debt to the company store, and of course, could not leave their employment until they settled their debt.[70]

C. The Convict Leasing System and Debt Peonage

Jim Crow laws reinforced the customary segregation of African Americans and several laws were enacted that gave legal sanction to employment arrangements that developed in the south.[71] Two systems—the convict leasing system and debt peonage overlapped and practically merged in order to provide hundreds of low wage laborers for turpentine camps. State convicts were let to the highest bidder every two years.

Leaseholders would put all the convicts to work on their turpentine plantations and would even sublet the convicts to other employers. The convict leasing system was an example of a malicious practice subject to harsh treatment.[72] It was not until 1923 that the convict leasing

66 *Id.*
67 BLACKMON, *supra* note 62, at 174.
68 *A Sticky Situation: The Turpentine Industry in North Florida*, *supra* note 64.
69 BLACKMON, *supra* note 67, at 174.
70 *A Sticky Situation: The Turpentine Industry in North Florida*, *supra* note 68.
71 Shofner, *supra* note 60, at 14.
72 *Id.*

system in turpentine plantations was terminated—due in large part to the death of Martin Tabert.[73]

Martin Tabert, a twenty-two-year-old white man from a middle-class farm family in Munich, North Dakota was convicted of vagrancy, then sold to numerous turpentine camps, and beaten to death on a turpentine camp in Florida. In the winter of 1921, Tabert journeyed throughout the United States—traveling by train, sleeping in railroad camps with tramps, and working to support himself while he crossed the west, Midwest, and the south. Running short of money in December, Tabert and other traveling men hoped on a freight train without purchasing tickets. Unknown to Tabert, a sheriff in Leon County had a rich trade from spying on the freight rails that crossed into his territory, seizing men from trains and charging them with vagrancy or riding trains without tickets. Tabert was arrested, fined $25 for vagrancy, imprisoned and then sold for three-months work on a turpentine camp owned by the Putnam Lumbar Company, which was headquartered in Wisconsin, but Tabert was moved to a Putnam-owned turpentine camp in Florida.

Tabert's family offered more than enough to pay the Tabert's fine, but, Tabert had already been shipped into the Putnam's forced labor system. When Tabert was accused of slacking off during work, the camp's foreman, Walter Higginbotham forced Tabert to lay on the ground in front of the whole camp who watched Tabert get whipped more than thirty times with a seven-and-a-half-pound leather strap.[74] When Tabert's beating concluded, a witness stated he was "twitching on the ground." Higginbotham stood on Tabert's neck and continued to hit him more than forty more times with the whip. When Tabert finally stood, Higginbotham beat him until he finally collapsed on the ground. Tabert died the following night.

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73 BLACKMON, *supra* note 69, at 174.
74 *Id.*

When a Putnam Lumber executive informed Tabert's family that he had died, the family made numerous legal inquires and was supported by a Pulitzer Prize-winning journalist investigation by the *New York World*. Higginbotham was tried and convicted of second-degree murder, but a Florida court later overturned his conviction. Higginbotham was never retried or punished. Tabert's killing and its cover-up outraged the public especially because it showed the South's turpentine peonage system could be extended to a white man. The following year, in 1922, the Florida legislature voted to ban the use of the whip on any prisoners in the state of Florida.[75]

D. Life in a Florida Turpentine Camp

During an investigation in Blountstown, Florida in July 2015, Mr. Henry Bess and Mr. Willie James Gatlin, two former turpentine camp workers, separately offered a deeper understanding of what life as a turpentine worker was like.[76] Bess worked on a turpentine camp in Florida in the 1950s in Odessay, Florida. Bess worked sun-up to sun-down, earning about $15 per week. Although he hated this type of work, he did it because it was all that was available to him. Bess stated, "If you lived on the camp, there's a one hundred percent chance you worked on the camp, and everyone working on the camp had a family-type relationship and looked out for each other." According to Bess, approximately twenty to thirty houses were poorly built on a turpentine camp at the time. Turpentine camp conditions had improved by the 1950s, so that Bess was not legally obligated to continue working at the camp because he did not have a

75 *Id.*

76 Interview in Blountstown, Fl. on July. 28, 2015 with Henry Bess, former turpentine worker during investigation by Civil Rights and Restorative Justice Clinic, Northeastern University School of Law; Interview with Willie James Gatlin, former turpentine worker, by Civil Rights and Restorative Justice Clinic at Northeastern University School of Law, July. 28, 2015.

contract with the employer. Later on, Bess terminated his turpentine work after he met his wife, Hazel, and left the camp to start a life and family with her.[77]

Gatlin worked on a turpentine camp in Franklin County, Florida in the 1930s.[78] According to Gatlin, the ground he worked on was so hot, that workers looked and searched for grass to walk on "like it was heaven." Gatlin earned about forty cents per day and received his pay in the form of a company scrip where it would be marked every time he used the scrip credit. Gatlin performed this work to help support his family and, although he would have rather been doing other types of work, turpentine labor was all that was available to him. According to Gatlin, "if you didn't work, then you didn't eat."[79]

IV. A Legal Challenge to the Florida Fraud Contract Statute

Throughout the 1930s, employees of the Department of Justice who learned of the peonage conditions in Florida from articles in the *Chicago Defender* and other newspapers set out to determine if conditions in turpentine camps could be dealt with.[80] Anyone could find evidence of peonage because African Americans being held in forced employment for debts was very common in the 1930s. However, the difficulty was in pursuing action against it.[81]

Moreover, workers felt bound and compelled to work for their employers because the Fraud Contract law, enacted by the Florida legislature in 1919, provided that any worker who owed money and left employment could be prosecuted under the state law.[82] The Fraud Contract law stated:

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77 *Id.*
78 Gatlin, *supra* note 76.
79 *Id.*
80 Orlando K. Armstrong, *Slavery Alive in South: Force Men too Labor or Face Jail,* THE CHICAGO DEFENDER, Mar. 7, 1931, at A1.
81 *Id.*
82 Florida, *Acts*, 1919, c. 7917.

> "**Section 7303**: Any person in this state who shall, with intent to injure and defraud, under and by reason of a contract or promise to perform labor or service, procure or obtain money or other things of value as a credit, or as advances, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months.
>
> **Section 7304**: "In all prosecutions for a violation of the foregoing section this failure or refusal, without just cause, to perform such labor or service or to pay for the money or other thing of value shall be prima facie evidence of the intent to injure and defraud."

This law effectively legalized peonage in direct violation of the United States statutes because 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 employer.

What was missing from this criminal statute opposed to other criminal statutes is the element of intent.[83] This law was framed to protect white employers from African Americans who would escape or simply walk away from their turpentine labor contracts.[84] As long as this law was on the books, conviction for peonage was practically impossible. Eventually however, the United States Supreme Court ruled the Fraud Contract law unconstitutional twenty-five years later from the time the law was passed in the case, *Pollock v. Williams* in 1944.[85] Although many attempts were made to rule this law unconstitutional, various legal obstacles arose to prolong the unconstitutional effects of the Fraud Contract law. Some obstacles to enforcing the prohibitions against the Fraud Contract law included:

(1) The requirements for a plaintiff to build a case against the employer, since seldom would an African American worker take the risk of making a complaint against his or her white employer;

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83 *Id.*
84 Armstrong, *supra* note 80, at A1.
85 Pollock v. Williams, 322 U.S. 4, 5 (1944).

(2) Any investigation had to uncover and present facts that would hold together to get a grand jury indictment; and would have to convince all twelve white men sitting on the jury that the African American man's word was against the white employer was true.[86]

V. Conclusion

Looking back at the situation that preceded the mob lynching of Odis Price, one might ask why he did not flee the scene immediately when a white woman accused him of rape. Although Price may have been brave, there is a great difference between being brave and being smart. Surely, Price was not naive to his economic status and the color of his skin, but it's also possible that Price felt physically and mentally bound to remain in the camp because of the Fraud Contract law that was still in place in the 1930's. Price may have been frightened to leave because he understood that anyone who attempted to breach a turpentine labor contract could be prosecuted under Fraud Contract law. Moreover, if Price had left the turpentine camp in Perry, Florida, there is a good possibility that the debt he accrued would simply be passed along to his wife Rether Howard. Although it would have probably have been in Price's best interest to leave the camp, there is a strong possibility that the contract law prevented him from fleeing. Hence, Price was a slave to the turpentine camp until he settled his debt--or in this instance, until he was lynched. Thus, under the Fraud Contract Law, Price was damned if he ran and was damned if he did not.

86 *Id.*