

# **Restoring Tallahassee's Memory of Ernest Ponder and Richard Hawkins**

*Two Teenagers Lynched After Masked Men Take Them  
from Historic Leon County Jail*



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**Summer 2015 (working document)**

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## INTRODUCTION

They were just teenagers when a group of four masked white men lynched them. Richard Hawkins, 16 years old, and Ernest Ponder, between 14 and 18 years old, each had approximately 15 to 20 bullet holes in their bodies when officials found them a few miles east of Tallahassee, Florida on July 20, 1937. The two boys had been taken from the Leon County Jail a few hours earlier, where police held them for allegedly breaking and entering a store. They had also been accused of stabbing a white city police officer, though evidence linking them to either crime is conspicuously absent from the surviving records. A city police officer had assisted the group of men in gaining access to the teenagers. He claimed to have been held against his will at gunpoint.

After the lynching, a swirl of advocacy efforts, political maneuvering, and official investigations ensued. The efforts included an NAACP advocacy strategy, which publicized this lynching as part of a long campaign to enact a federal anti-lynching bill. The governor called for an official investigation, leading to a coroner's inquest, an FBI ballistics investigation, and efforts by the county sheriff and state's attorney to determine the identity of the lynchers. Ultimately, no one was convicted and the county only made minor policy changes to prevent future lynchings.

Part I of this paper provides a comprehensive accounting of the lynching of Ernest Ponder and Richard Hawkins. Part II offers an overview of the advocacy efforts and investigations that followed.

### **I. TWO TEENAGERS KILLED FOR A CRIME THEY MAY NOT HAVE COMMITTED.**

On July 20, 1937, four men kidnapped Ernest Ponder and Richard Hawkins from the Leon County Jail where police held them on suspicion of robbery. This section of the paper discusses the details of their kidnapping, the role played by a police officer in the kidnapping, and the discovery of the two bodies, riddled with bullets. Law enforcement authorities then handled the bodies of the teenagers with the utmost speed. Within an hour of the coroner's inquest at the scene where the two victims were found, their bodies were removed, returned to the jail, subjected to a very cursory medical examination, and reburied by deputy sheriffs without ceremony. Shortly after this speedy burial, the bodies were exhumed to extract bullets required for further law enforcement investigations and then quickly reburied at an unknown location. This section raises questions about the law enforcement process whereby Ernest Ponder and Richard Hawkins were identified and arrested as suspects in a robbery attempt and an assault on a police officer.

#### ***A. Taken from Jail and Lynched***

At approximately 3 o'clock in the morning on July 20, 1937, Officer Harry Fairbanks sat at the Tallahassee Police Headquarters with his back to the entrance, reading a newspaper.<sup>1</sup> He had his service weapon holstered at his side.<sup>2</sup> Minutes earlier, an unidentified man had come in to tell Officer Fairbanks of a disturbance at a barbeque stand on Woodville Road, several miles away from the headquarters, drawing the attention of most of the county officers on duty that night.<sup>3</sup> Later, the Tallahassee Chief of Police admitted to the City Manager that he did not know

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<sup>1</sup> Letter from Sherriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 2)*.

<sup>2</sup> *Id.*

<sup>3</sup> *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

whether the disturbance was staged to distract the police force.<sup>4</sup> Either way, Fairbanks sat in an empty building and few officers were in the surrounding area of the city.<sup>5</sup> He claimed that while reading the paper he suddenly felt the muzzle of a gun pressed against his side.<sup>6</sup>

When he looked, four men stood there, all with weapons.<sup>7</sup> They disarmed Officer Fairbanks.<sup>8</sup> Two of the men were short; the other two were tall and large.<sup>9</sup> Two wore overcoats and the other two wore raincoats.<sup>10</sup> Each had a mask covering his face – some accounts describe them as hoods,<sup>11</sup> others as flour sacks<sup>12</sup> with eyeholes cut out.<sup>13</sup> All of the men were white.<sup>14</sup>

The men directed Officer Fairbanks to get the key to the jail so that they could go inside to take Ernest Ponder and Richard Hawkins, the two black teenagers,<sup>15</sup> out of the Leon County Jail.<sup>16</sup> Only police officers knew that the city kept keys to the county jail at the city police

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4 *Id.*

5 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1, 8; *see also Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

6 Letter from Sheriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 2)*.

7 Letter from State Attorney Second Judicial Circuit of Florida, Orien C. Parker, Jr. to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 1)*.

8 *Id.*

9 *Id.*

10 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1.

11 Letter from Sheriff Frank Stoutamire, to Governor Cone, at 2.

12 Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, at 1.

13 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1.

14 *Two Negroes Are Taken From Jail and Shot Dead: Florida Governor Says, 'This Was Not a Lynching, It Was Murder,' and Promises Full Investigation and Prosecution of Four Unidentified Killers*, ASSOCIATED PRESS, Jul. 20, 1937 (on file with author).

15 U.S. CENSUS 1935, Richard Hawkins, Line 39, S5 Roll 18. Accurate census records for Ernest Ponder could not be located. A local historian stated that changing one's name was common at that time, so he may have gone by a different name before the crime. In addition, there was a prominent plantation in the area owned by two brothers with the surname Ponder. Individuals who worked on the plantation were often not recorded in the census files. Interview with Julianne Hare, Historian (Jul. 27, 2015); *but see, Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1 (recounting the incident and identifying Ponder as 18 years old).

16 Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, at 1.

headquarters during the night.<sup>17</sup> Fairbanks admitted that he neither resisted nor called for help.<sup>18</sup>

One of the men stated that he wanted “no damn foolishness.”<sup>19</sup> Fairbanks testified that when they told him that, “I got up and gave [the keys] to them.”<sup>20</sup>

Officer Fairbanks then followed the men out of police headquarters to their waiting car.<sup>21</sup> He sat between two of the men in the backseat as the car drove between four and seven blocks away.<sup>22</sup> Later, when questioned about the men, the car, and other details, Fairbanks had only a “meager description.”<sup>23</sup> He blamed his poor memory on the fact that he was “so confused and excited” that he was “unable to remember details.”<sup>24</sup> He could not remember if the car bore a Florida license plate or one from another state.<sup>25</sup> He could not remember anything inside the car.<sup>26</sup> He only remembered the type of car, a Model A Ford Coach, and that it had good upholstery.<sup>27</sup>

Once at the jail, Officer Fairbanks opened the front door and went straight for the gun-case where police stored the keys to the other areas of the jail.<sup>28</sup> Other than one jailer,

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17 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

18 The only resistance recorded is that he asked the men if they knew what they were doing. Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1*; *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8.

19 *Tallahassee Fears ‘Reprisals’: Florida Reign of Terror Grows*, THE PITTSBURGH COURIER, Jul. 31, 1937, 1; *see also Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

20 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8.

21 Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1*; Letter from Sheriff Frank Stoutamire, to Governor Cone, *at 2* (noting the color of the car).

22 Letter from Sheriff Frank Stoutamire, to Governor Cone, *at 2* (stating the jail was four blocks away); *but see, Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8 (stating the jail was about seven blocks away).

23 Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1*.

24 *Officer Cannot Identify Florida Lynchers of Two*, DELTA STAR, Jul. 20, 1937.

25 Letter from Sheriff Frank Stoutamire, to Governor Cone, *at 2*.

26 *Id.*

27 *Id.*

28 Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1*.

Officer Maige, who was asleep in another part of the jail and not watching the door, the County Jail was essentially unguarded.<sup>29</sup> Fairbanks proceeded to open approximately thirteen different doors using six different keys, thereby allowing the masked men to gain access to Ernest Ponder and Richard Hawkins.<sup>30</sup> The key system was intentionally intricate. Earlier that year, the federal government finished construction on the building, which had been built in such a way to prevent mobs from storming the jail.<sup>31</sup> Lynchings were prevalent all across the south, so additional security, paid for by federal funds, had been added to the newly constructed county jail to prevent such crimes.<sup>32</sup>

Ponder and Hawkins were being held in different parts of the facility—one in the “women’s exercise and feed cage” and one in the “isolation cell block.”<sup>33</sup> Officer Fairbanks without hesitation directed the men to the teenagers and released them. The masked men did not know the boys’ location, and may not have known what they looked like, because they told Fairbanks to point the boys out.<sup>34</sup> He later stated that he “knew about where they were” because the previous day he had travelled to the county jail and asked the jailer to show him where they

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<sup>29</sup> Another officer, Harry Morrison, a fingerprint officer was also asleep in another part of the jail. *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1, 8.

<sup>30</sup> See *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1 (relaying testimony given at the coroner’s inquest by Sheriff Stoutamire and Jailer Maige, which state there were eight doors operated by six keys); but see, Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1* (noting that there were “something like thirteen different doors”).

<sup>31</sup> *Florida Mob Lynches Two*, THE AFRO-AMERICAN, Jul. 1937.

<sup>32</sup> *Id.*

<sup>33</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, *at 2*; see also, Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1* (stating that Fairbanks took the men to “two different parts of the jail”).

<sup>34</sup> *Two Negroes Slain by Mob in Florida*, ANNISTON STAR, Jul. 20, 1937.

were being kept.<sup>35</sup> The records provide no explanation for this inquiry.<sup>36</sup> Fairbanks was the “city fingerprint officer, but he did not make fingerprints of them.”<sup>37</sup>

Officer Fairbanks unlocked the cells for the waiting masked men, who then took the two teenagers to the car. A news article states that Fairbanks told the coroner’s jury that he heard them drive off in two different cars, but this statement was not repeated in reports later provided to Governor Cone by State’s Attorney Parker and Sheriff Stoutamire.<sup>38</sup> At least one of the men stayed behind momentarily to tie up Officer Fairbanks and put a gag in his mouth so that he could not immediately yell out to the sleeping Jailer Maige.<sup>39</sup> They left Fairbanks in the “runway or lobby between the white and colored cell blocks.”<sup>40</sup> Later that day, his gun “was found in the yard, wrapped in cloth.”<sup>41</sup> Reports released the afternoon after the lynching stated that Officer Fairbanks had been “ordered to his home by a doctor,” because he had suffered from a bruised arm and shock.<sup>42</sup>

The entire kidnapping of Ponder and Hawkins must have happened incredibly quietly. One news article stated it was “one of the quietest lynchings on record.”<sup>43</sup> Archives from the city, county, and state indicate that the jail held eighteen other people that night.<sup>44</sup> And yet, four men,

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35 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1, 8; *see also* Letter from Sheriff Frank Stoutamire, to Governor Cone, at 3; *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8.

36 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

37 *Id.*

38 *Officer Cannot Identify Florida Lynchers of Two*, DELTA STAR, Jul. 20, 1937.

39 Letter from State Attorney Second Judicial Circuit of Florida, Orien C. Parker, Jr. to Governor Fred P. Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 1)*.

40 Letter from Sheriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 3)*.

41 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1.

42 *Id.*

43 *Florida Lynch Mob Gets Two*, THE NEW YORK AMSTERDAM NEWS, Jul. 24, 1937, 1.

44 Number calculated by reviewing the Jail Docket and noting all prisoners whose stays at Leon County Jail overlapped with July 20, 1937. *See* FORM 8, COUNTY OF LEON, JAIL DOCKET: FEEDING COUNTY PRISONERS (on file



assisted by a police officer, opened approximately thirteen jail doors and two jail cells, kidnap two teenage boys, and tie up a police officer, all without any of the imprisoned being able to hear anything at all.<sup>45</sup> Officer Fairbanks reported that Hawkins and Ponder did not protest as they were taken.<sup>46</sup> Only one person stated that he heard some commotion, but he could not identify the sound.<sup>47</sup>

The Jail Docket simply stated that both Richard Hawkins and Ernest Ponder were “[t]aken from jail & lynched.”

### ***B. Riddled with Bullets***

The four men then drove Richard Hawkins and Ernest Ponder three and a half miles east of Tallahassee along Highway No. 1.<sup>48</sup> The road was a heavily travelled one.<sup>49</sup> This area was also a known Ku Klux Klan outpost.<sup>50</sup>

The men pulled off onto a small side road. What happened next can only be surmised from some of the physical evidence. It appears that the men “turned loose” one of the boys.<sup>51</sup> He only got 15 feet away.<sup>52</sup> The masked men quickly gunned him down while the other teenager looked on.<sup>53</sup> Then, the men shot the other teenager. County Judge W. May Walker described the scene: “[j]udging from the positioning of the bodies, it appeared that somebody may have held

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with author and State Archives); FORM 8, COUNTY OF LEON, JAIL DOCKET: FEEDING CITY PRISONERS (on file with author and State Archives).

<sup>45</sup> *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

<sup>46</sup> *Firearms Examined in Probe*, THE EVENING INDEPENDENT, Jul. 21, 1937, 1-2.

<sup>47</sup> *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

<sup>48</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4.

<sup>49</sup> *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

<sup>50</sup> Interview with Julianne Hare, Historian (Jul. 27, 2015).

<sup>51</sup> *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1.

<sup>52</sup> *Id.* at 8.

<sup>53</sup> *Id.*

one man and made him watch while they shot the other. Then they turned on the other one.”<sup>54</sup> Each boy had been shot between fifteen and twenty times.<sup>55</sup> Newspapers repeatedly noted that their bodies were “riddled with bullets.”<sup>56</sup> The boys’ bodies “were found lying about 20 feet apart.”<sup>57</sup>

After killing the two teenagers, the men lingered at the scene. They scrawled warning placards to leave by the bodies. The signs, which were written in green paint on pieces of cardboard read: “His last crime,” “This is the beginning, who is next?” “This is your warning,” “Negros remember you may be next,” and “Warning this is what will happen to all Negroes who harm white people.”<sup>58</sup> The perpetrators spelled all of the words correctly, except one missing “e” in “negroes” and they wrote the letter “s” backwards on several of the placards.<sup>59</sup>

Some versions of the story passed down through oral histories state that the boys were then hung up on a tree to display their bodies.<sup>60</sup> An officer provided an interview years later in which he stated, “according to Harry[Fairbanks]’s story ...they took them out there to an oak tree, it’s still standing a big oak tree out there on Jacksonville Highway across the street from the Palmer’s Animal Hospital out there, and strung them up on a limb on that oak tree.”<sup>61</sup> Other stories make no mention of any hanging.

### ***C. Two Bodies Found, Buried, and Exhumed***

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54 *Id.*

55 *Id.* at 1.

56 *Id.*

57 *Id.*

58 *Id.*

59 *Id.* at 1, 8.

60 Unpublished Interview with Theo Couch, Retired Police Officer (Early 1970s).

61 *Id.*

Despite the fact that the masked men fired between 30 and 40 shots, local community members did not report the lynching for three to four hours. Later, after the bodies were found, residents admitted to hearing shots around 4 a.m.<sup>62</sup>

In the meantime, Officer Fairbanks had loosened the gag around his mouth and called out to the sleeping county jailer, Officer Maige. The two men then called Leon County Sheriff Frank Stoutamire and Tallahassee Chief of Police Gid Powledge to report the kidnapping.<sup>63</sup> As soon as Sheriff Stoutamire arrived at the jailhouse, the officers started combing the area for signs of the teenagers and their kidnappers.<sup>64</sup> They did not find the bodies until Mr. J. R. Wheeler called at 7:15 a.m. to report that “a negro had come to his house and told of finding two negro boys shot to death” a short distance east of where he lived.<sup>65</sup>

The Sheriff, Police Chief, and State’s Attorney went out to the scene. There, “these two negroes were found...about three miles east from Tallahassee on the edge of the right of way of State Road No. 1, on a little side road leading north from said highway, dead, and apparently had been dead for several hours.”<sup>66</sup> Their bodies were in a small clump of bushes.<sup>67</sup>

Sheriff Stoutamire left the scene to summons a coroner’s jury and request Leon County Judge W. May Walker to hold an inquest.<sup>68</sup> During his absence, Chief of Police Powledge, Officer Fairbank’s supervisor, was left with the bodies.<sup>69</sup> After the coroner’s jury viewed the

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<sup>62</sup> *Negroes Lynched by Florida Mob after Knife Affair: Irate Citizens Take Law Into Own Hands and Kill Young Assailants*, RENO EVENING GAZETTE, Jul. 20, 1937, at 1.

<sup>63</sup> Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, at 1.

<sup>64</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4.

<sup>65</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4; Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, at 1.

<sup>66</sup> Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, at 1.

<sup>67</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4.

<sup>68</sup> See, FORM 3, COUNTY OF LEON, WITNESS SUBPOENAS IN COUNTY JUDGE’S COURT, Jul. 1937, L66, Vol. 8, 90 (indicating that a inquest convened on July 20, 1937 at which 16 witnesses were called); see also, Letter from Sheriff Frank Stoutamire, to Governor Cone, at 2.

<sup>69</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4.

bodies, the police swiftly took them back to the county jail for Dr. George H. Gwynn, Jr. to examine.<sup>70</sup> Medical examiners did not commonly perform autopsies or examinations of victims at the jail.<sup>71</sup> If the doctor examined them in view of the other prisoners, such an act could have been intimidating to anyone who may have heard or seen the kidnapping. Under these circumstances, it is unsurprising that none of the eighteen prisoners in the jail that night heard anything.<sup>72</sup>

Within an hour, the bodies were returned to the jail, cursory medical examinations were performed, and the sheriff's deputies buried the two teenagers in "a private negro cemetery" without ceremony.<sup>73</sup> None of the records mention whether the police found family members to notify them that their sons had been lynched, and provide them with an opportunity to bury them with respect. It is possible that notification of the family occurred within this very quick hour of flurried work, though it is unlikely.

The police buried the bodies with such haste that they did not remove all of the evidence. In fact, the doctor failed to take any of the bullets out of the bodies of Ponder and Hawkins. Later that same day, Sheriff Stoutamire met with State's Attorney Parker and Circuit Judge J.B. Johnson.<sup>74</sup> It was agreed in that meeting that the sheriff's department should exhume the bodies to retrieve the evidence, which police had failed to do in the first instance.<sup>75</sup> After the "bodies

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<sup>70</sup> *Id.*

<sup>71</sup> Interview with Anonymous, Retired Police Officer (Jul. 28, 2015).

<sup>72</sup> *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

<sup>73</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4 (noting that they were buried in a private negro cemetery); see also *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8 (stating there was no ceremony); *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8 (revealing that Sheriff's deputies did the burial).

<sup>74</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 5.

<sup>75</sup> *Id.*

were dug up,” Dr. Gwynn removed three bullets from each boy.<sup>76</sup> The sheriff’s department again promptly re-buried Hawkins and Ponder. Again, the families may or may not have been told. The police later stated that they buried the bodies quickly and secretively in order to prevent a potential mob from retaking the bodies and further mutilating or destroying them.<sup>77</sup> Some African American newspapers opined that the real reason for this very quick burial was to bury evidence that could trace the lynchings to the police.

The location of Ponder and Hawkins’ graves is still unknown. In early 1937, the City passed an ordinance banning any more burials of people of color in the Old City Cemetery.<sup>78</sup> As a result, a group of private African American citizens came together to create a cemetery that all members of the community could use to be buried with dignity.<sup>79</sup> It is possible that the two boys are buried there, though there are no remaining records from the cemetery and no headstones exist for the boys at that location.<sup>80</sup>

#### ***D. A Robbery Attempt, an Officer Assaulted, and the Arrest of Ponder and Hawkins***

The circumstances leading to the teenagers’ initial imprisonment is cloaked in unknowns. Officials provided very little detail about the preceding crime and even less information about how police identified Hawkins and Ponder as the individuals who committed it.

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<sup>76</sup> *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1; *see also* Letter from Sheriff Frank Stoutamire, to Governor Cone, at 5.

<sup>77</sup> Letter from Sheriff Frank Stoutamire, to Governor Cone, at 4.

<sup>78</sup> City of Tallahassee, GREENWOOD CEMETERY, <http://www.talgov.com/pm/pm-gwhistory.aspx#neglect> (last visited Aug. 13, 2015).

<sup>79</sup> *Id.*

<sup>80</sup> The author went to the Greenwood Cemetery and did a survey of all of the headstones in the 1937 section. None for Ponder and Hawkins were seen, though several of the headstones were illegible. *See also* Interview with Althemese Barnes, Founder of John G. Riley Museum and Preservationist (Jul. 27, 2015).

Late at night on July 18, 1937, two black men attempted to rob an empty store on South Adams Street in Tallahassee – a street known to be dangerous.<sup>81</sup> While the men were in the store, an Officer V.F. Kelly surprised them, interrupting the robbery.<sup>82</sup> Officer Kelly was alone without backup. As he attempted to remove the men, after placing them under arrest, one of them stabbed him in his mouth.<sup>83</sup> One newspaper reported that he had been stabbed seven times.<sup>84</sup> His wife later described the stabbing, with slight differences and more detail than newspaper accounts:

My husband went in on them robbing a place and they jumped on him, both of them jumped on him with knives. And then he walked to the Police station after that, bad as he was hurt. They cut him in his mouth, stabbed him in his mouth and then just turned the knife. His lips was just hanging down. And he walked to the Police station after that, and the only way they found where it happened was tracking him by his blood. The blood come out of his shoes.<sup>85</sup>

As Officer Kelly made his way back to city police headquarters, the two men fled.<sup>86</sup> Some time later, police officers arrested Ernest Ponder and Richard Hawkins for the robbery and the stabbing.<sup>87</sup> Interestingly, different officers brought in the two – one with the initial “C” and the other “S.”<sup>88</sup> In addition, the two teenagers may have been brought into the Leon County Jail at different times. The handwritten REGISTER OF PRISONERS notes that Ernest Ponder was admitted at 12:30 a.m. on July 19, 1937.<sup>89</sup> However, Richard Hawkins’ name was squeezed in between two other names; those two prisoners came in at 9:30 a.m. and 10:00 a.m. on July 18,

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81 *Mob Lynches Two in Stabbing: Florida Negroes Removed from Jail and Bodies Left on Highway*, THE CHARLESTON DAILY MAIL, Jul. 20, 1937 (reported by Associated Press).

82 Letter from Sheriff Frank Stoutamire, to Governor Cone, at 2.

83 Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975); see also Letter from Sherriff Frank Stoutamire, to Governor Cone, at 2 (noting the circumstances of the robbery).

84 *Mob Lynches Two in Stabbing: Florida Negroes Removed from Jail and Bodies Left on Highway*, THE CHARLESTON DAILY MAIL, Jul. 20, 1937 (reported by Associated Press).

85 Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975).

86 *Two Negroes Slain by Mob in Florida*, ANNISTON STAR, Jul. 20, 1937.

87 Letter from Sheriff Frank Stoutamire, to Governor Cone, at 2.

88 See FORM 2, COUNTY OF LEON, WARRANTS AND CAPIAS IN COUNTY JUDGE’S COURT, Jul. 1937, Criminal Dockets, L66, Vol. 9, 216 (on file with Author and State Archives).

89 REGISTER OF PRISONERS CONFINED IN THE COUNTY JAIL OF LEON COUNTY, FLORIDA (on file with State Archives, page starting with prisoners held on July 14, 1937).

1937.<sup>90</sup> Both were committed under the authority of the County Judge.<sup>91</sup> County Court records also indicate that they were arrested in different locations. The warrant register notes “mileage to place of arrest.”<sup>92</sup> Ponder was six miles from the place of arrest, while Hawkins was just two miles away.<sup>93</sup>

The remaining record, including Sheriff Stoutamire’s report, State Attorney Parker’s report, and all of the newspapers, does not indicate how the officers identified these two boys as the robbers.<sup>94</sup> Officer Kelly was at the hospital, he did not have a partner with him to make the identification, and there are no other indications about how the two teenagers were pegged.<sup>95</sup> In addition, Officer Kelly’s wife’s recounting of the incident makes clear that he could not even identify where the crime had occurred, let alone verbally identify the perpetrators.<sup>96</sup>

An NAACP article noted, “[t]here are numerous rumors surrounding the lynching, one of which is that the victims had nothing to do with the robbery and did not stab a policeman.”<sup>97</sup> More than a month after the lynching, the NAACP wrote that “the whole story had not been told in the Florida lynching. There are persistent rumors that neither of the lynched boys was involved in the stabbing of a policeman.”<sup>98</sup>

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90 *Id.*

91 *Id.*

92 See FORM 2, COUNTY OF LEON, WARRANTS AND CAPIAS IN COUNTY JUDGE’S COURT, Jul. 1937, Criminal Dockets, L66, Vol. 9, 216 (on file with Author and State Archives).

93 See *id.*

94 See, e.g., Letter from Sheriff Frank Stoutamire, to Governor Cone, *at 1*; Letter from State Attorney Orien C. Parker, Jr. to Governor Cone, *at 1*; *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1, 8.

95 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 1 (indicating that Officer Kelly was in the hospital).

96 Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975).

97 NAACP, *One Every 10 Days*, CRISIS, Sept. 1937.

98 National NAACP, Florida Paper Declares Lynching Probe Ended, Aug. 27, 1937, in NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353.

The next day Ponder and Hawkins were questioned for hours about the incident. Each allegedly confessed to the robbery, but blamed the other for the stabbing.<sup>99</sup> Sheriff Stoutamire reported to the Governor that Court Reporter John H. Patterson, Jr. recorded the confession.<sup>100</sup> This document is no longer in the county clerk's possession. False confessions or statements to police were also common place at that time because many people feared for their lives and thought confessing, even for crimes they never committed, could spare them their life.

The police charged the two with breaking and entering. Sheriff Stoutamire reported that, "assault with intent to commit murder in connection with the stabbing of Police Officer V.F. Kelly had not been filed against the negroes, but the charge was being considered while prosecuting officers continued their investigation of the stabbing and awaiting the outcome of doctor's efforts in [sic] behalf of the injured policeman."<sup>101</sup> While he stayed in the hospital for a few weeks, Officer Kelly survived and a few months later returned to work directing traffic at a high school.<sup>102</sup>

## **II. OFFICERS ARE IMPLICATED AND ADVOCATES DEMAND ACTION**

This section examines the response to the lynchings of Ernest Ponder and Richard Hawkins by elected officials, the African American community, and the NAACP. It describes the way in which the two deaths supported an argument for enactment of federal anti-lynching legislation in light of ineffective state law enforcement efforts against racial violence. Deluged

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<sup>99</sup> Letter from Sheriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 1)*.

<sup>100</sup> *Id.*

<sup>101</sup> Letter from Sherriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 1)*.

<sup>102</sup> *Patrolman Kelly Returns to Part Time Duty Here, DAILY DEMOCRAT, Sept. 15, 1937, at 8.*



by letters from Florida church groups, the NAACP and justice advocates from Florida and other states, Governor Fred P. Cone ordered a full investigation of the two deaths. The results of the state investigation can be summarized briefly: no arrests, no indictments, no convictions. On August 4, 1937, the six-man coroner's jury found that the two teenagers came to their deaths "by gun-shot wound inflicted by person or persons unknown."

The Governor's response framed the killings not as lynchings, which arguably would merit federal intervention. Instead, he characterized the deaths as murders, a label that delegated responsibility for investigation and any subsequent prosecutions to state and local law enforcement authorities. Challenging the Governor's characterization of the killings, the NAACP immediately incorporated the Ponder and Hawkins lynchings into the ongoing campaign to enact federal anti-lynching legislation.

Finally, this section also examines the impact of the lynching case on the Sheriff's power and social standing, citing evidence that he continued to enjoy strong support from prominent figures in the community.

#### ***A. Law Enforcement is Falling into the Hands of Crooks***

After the lynching, rumors spread that the police had been involved. One paper wrote, "[c]itizens, in meetings being held throughout the colored districts, believe police are responsible for the lynchings."<sup>103</sup> Others confirmed "[i]t is believed in some quarters here that some one close to the police force may know something about the lynching."<sup>104</sup> In fact, the Secretary of the Tallahassee NAACP, a respected, very wealthy, and prominent black figure in the city, wrote to Walter White, the Executive Secretary of the National NAACP three days after the lynching,

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<sup>103</sup> *Tallahassee Fears 'Reprisals': Florida Reign of Terror Grows*, THE PITTSBURGH COURIER, Jul. 31, 1937, 1, 4.

<sup>104</sup> *Florida Lynch Mob Gets Two*, THE NEW YORK AMSTERDAM NEWS, Jul. 24, 1937, 1.

stating, “it is already clear that the police department lynched them which goes to show that law enforcement is falling into the hands of crooks instead of crooks falling into hand of the law.”<sup>105</sup>

A NAACP communication went out questioning the entire story: “The association... is frankly skeptical of the story that the two boys who were lynched stabbed a policeman who was merely trying to question them about a robbery. It is a well-known fact that very few, if any, 18-year-old Negro youths in a state like Florida would stab a policeman who was merely trying to ask them some questions.”<sup>106</sup>

A few facts led many to this belief. First, a police officer had been stabbed. The police force was a very tight knit community then. Fewer than twenty officers served on the force and they protected each other fiercely.<sup>107</sup> So, just the fact that someone hurt an officer provided motive for other officers to pursue revenge. An interview of a former police officer conducted many years later for an oral history project, adds to the rumor that police were involved. After describing the story of the lynching as he understood it, the officer stated “course I knew every man that in it.”<sup>108</sup> The “it” he alluded to is unclear, though one reading is that he knew the men involved.<sup>109</sup>

Second, only police knew that the city police headquarters held the keys used to enter the county jail. Police Chief Gid Powledge testified at the coroner’s inquest that only policemen and sheriff’s officers knew about this arrangement.<sup>110</sup> Not even the City Manager or the Mayor knew

105 Letter from Prof. John G. Riley, Secretary of the Tallahassee NAACP, to Walter White, Executive Secretary of the National NAACP in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 24, 1937); see also, JOHN G. RILEY MUSEUM/ CENTER, <http://rileymuseum.org/site/> (last visited Aug. 13, 2015).

106 NATIONAL NAACP, FLORIDA GOVERNOR URGED TO PUNISH LYNCHERS, Jul. 32, 1937, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353*.

107 Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975); Unpublished Interview with Theo Couch, Retired Police Officer (Early 1970s).

108 Unpublished Interview with Theo Couch, Retired Police Officer (Early 1970s).

109 Efforts to determine if he is still alive are ongoing.

110 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

that the keys kept at the city police headquarters.<sup>111</sup> The four masked men did not attempt to overtake the county jailer knowing that the two boys were held there; instead they went straight to the city police headquarters where the police kept the spare set of keys. Officer Maige even testified at the Coroner's Inquest that the lynchers "knew their way around," and were familiar with the interior of the jail.<sup>112</sup>

In addition, some believed the government should have guarded the jail since it held two black teenagers arrested for stabbing a white police officer. The risk that someone would attempt to kill these two boys was high. In fact, demonstrations may have been ongoing. In an interview of Officer Kelly's wife taken many years later, she stated that "[t]he only demonstration I can remember was when my husband was injured by those two negroes. Boy, there was one then."<sup>113</sup> The interviewer prodded, "[t]hey wanted them hung?" She responded, "[t]hey got the[m] too... They lynched them. I was a nervous wreck ... It was terrible demonstration then. All night Saturday night, and all day Sunday."<sup>114</sup>

Not only were these demonstrations direct evidence of the possibility the teenagers would be lynched, but Florida also had a deep history and recent past of lynchings. In fact, it had the highest per capita rate of lynchings of any state in 1937.<sup>115</sup> Mobs had lynched black men and

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111 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

112 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

113 Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975).

114 The significance of the days she refers to here, Saturday and Sunday, is unclear. Her husband would have been stabbed in the middle of the night, on Sunday, July 18<sup>th</sup>. On, Monday, July 19<sup>th</sup>, Hawkins and Ponder "confessed." It is possible, that since this interview was taken decades after the event, she may have intended to communicate that there were protests proceeding the lynchings on Monday. Unpublished Interview with Vershe Kelly, Tallahassee Resident and Wife of Officer Kelly (Spring 1975).

115 ROBERT ZANGRANDO, *THE NAAP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980 at 6.

women including some who were accused of less severe crimes.<sup>116</sup> Yet, the only additional security put in place that evening in Tallahassee was to tell Jailer Maige, who was asleep at the time, that he should not let anyone in unless they identified themselves first.<sup>117</sup> Officer Maige was inexperienced; he had only been on the force for a year at that point.<sup>118</sup> Sheriff Stoutamire stated that he did not believe there was any need to transfer the teenagers to another jail for safekeeping.<sup>119</sup> A Circuit Court Judge later validated the Sheriff's belief, saying they had not committed a "lynch crime."<sup>120</sup> This lax security appeared at best careless, and at worst an indication that the police force and sheriff's department participated in the lynching of Ponder and Hawkins.

Finally, the bullets used at the scene were of the same caliber used by police officers. Sheriff Stoutamire testified that his officers used .32 caliber weapons and Chief Powledge testified that city officers used .38 caliber pistols.<sup>121</sup> Sheriff Stoutamire's carried a .32 caliber revolver.<sup>122</sup> Police recovered both .38 and .32 caliber bullets from the scene.<sup>123</sup>

A story passed down through the community presents another sinister form of involvement by the police. Community members heard that the men neither held up Officer Fairbanks nor kidnapped the teenagers from the jail. Instead, the police actively released the two

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116 See, e.g., Jessie P. Guzman & W. Hardin Hughes, *Negro Year Book: A Review of Events Effecting Negro Life*, Tuskegee Institute, 1947 (A man owed a debt of \$10.00 on a funeral bill of his deceased wife and was beaten to death by three men for being unable to pay it).

117 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

118 See Amaura Harris, *Maige, Former Top Cop, Dies*, TALLAHASSEE DEMOCRAT (Local Obituaries) (on file with author) (Maige later went to serve as Chief of Police from 1968 to 1979).

119 *Two Negro Youths are Lynched Near Here by Masked Men; Jail Keys Taken from Officer*, DAILY DEMOCRAT, Jul. 20, 1937, at 8.

120 See Letter from Circuit Court Judge John B. Johnson, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 24, 1937 at 1-2)*.

121 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

122 *Id.*

123 *Id.*

boys in the middle of the night and told them to walk home. When Ponder and Hawkins got about a block away from the jail, members of the Ku Klux Klan, having been tipped off about the teenagers' release by the police, intercepted the boys. At that point, they took them in the car and drove them to the scene of the lynching. Community members know this version of events to this day, even though it is not memorialized in the written record.<sup>124</sup>

***B. Sherriff and State's Attorney Investigate***

As suspicion swirled about the police's involvement in the lynching, advocates pressured Governor Cone to demand a full investigation, especially given the powerful racial violence occurring all over the state. Newspapers ran articles noting that the "recent double lynching of two youths here climaxed a virtual state-wide campaign of race hatred and terror which has brought the number of our group murdered to eight."<sup>125</sup> The NAACP published an article entitled "One Every 10 Days" which noted that someone had been lynched in the south an average of once every 10 days from the end of July to the middle of August.<sup>126</sup> Newspapers situated this lynching within the context of the "disappearances of black men and women, as well as killings ruled justifiable homicides all within the year," in Florida.<sup>127</sup> The Friday following the lynching, the state executed a 17-year-old black boy, Robert Hinds, for allegedly raping a white woman.<sup>128</sup> After one attempted lynching of Hinds, the Governor called in the National Guard to protect his

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<sup>124</sup> See Interview with Curtis Taylor, Vice President Urban League Tallahassee (Jul. 28, 2015); Interview with Darius Young, Assistant Professor of History ((Jul. 27, 2015); Interview with Julianne Hare, Historian (Jul. 27, 2015) (on file with author).

<sup>125</sup> *Trace Mob's Bullets to Police Guns: Find More Deaths in Florida*, THE CHICAGO DEFENDER, Aug. 21, 1937, 1.

<sup>126</sup> NAACP, *One Every 10 Days*, CRISIS, Sept. 1937.

<sup>127</sup> *Tallahassee Fears 'Reprisals': Florida Reign of Terror Grows*, THE PITTSBURGH COURIER, Jul. 31, 1937, 1.

<sup>128</sup> *Florida Mob Lynches Two*, THE AFRO-AMERICAN, Jul. 1937.

trial.<sup>129</sup> The trial lasted only one day and he was executed less than three weeks later.<sup>130</sup> He was the youngest person ever to be executed in the state and the first to suffer the pains of the electrical chair.<sup>131</sup> Black Floridians were facing violence in many forms, lynching being just one. While this was the first lynching in the state during 1937, an African-American paper reported, “[t]his year’s Lynch League also includes Mississippi, 2; Alabama and Georgia, 1 each.”

The lynching garnered national news coverage and intense advocacy. For weeks after the lynching, Governor Cone received letters from advocates across the country demanding a full investigation.<sup>132</sup> Several churches and church officials wrote to the Governor, including the Headquarters of the Diocese of Florida, a Minister of the Presbyterian Church, the Women’s Missionary Society of the Methodist Episcopal Church, and the Riverside Presbyterian Church in Jacksonville, Florida.<sup>133</sup>

With tensions high, Governor Cone, on the same day of the lynching, ordered a full investigation of the deaths of Ernest Ponder and Richard Hawkins. To quell the suspicion that police participated, the State’s Attorney required each officer to provide an alibi for that night, and the serial number and caliber of their service weapon.<sup>134</sup> In addition, the state sent the bullets,

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<sup>129</sup> WALTER T. HOWARD, *LYNCHINGS: EXTRALEGAL VIOLENCE IN FLORIDA DURING THE 1930S*, iUniverse (2005).  
<sup>130</sup> *Id.* at 97.

<sup>131</sup> *Tallahassee Fears ‘Reprisals’: Florida Reign of Terror Grows*, THE PITTSBURGH COURIER, Jul. 31, 1937, 1.

<sup>132</sup> *See generally*, GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 28, 1937).

<sup>133</sup> Letter from Chairman of Florida Council Association of Southern Women for the Prevention of Lynching via the Diocese of Florida, to Governor Fred P. Cone, *in GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 28, 1937)*; Letter from LeRoy Cooley to Governor Fred P. Cone, *in GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 22, 1937)*; Letter from Methodist Episcopal Church to Governor Fred P. Cone, *in GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56*; Letter from Albert Kissling to Governor Fred P. Cone, *in GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 23, 1937)*;

<sup>134</sup> *Lynching Scene Warning Cards will be Tested: Officers Find No Clue to Identity of Band of Masked Men*, DAILY DEMOCRAT, Jul. 22, 1937, at 1.

recovered from the scene and Ponder and Hawkins' exhumed bodies, to the FBI.<sup>135</sup> The FBI ran ballistics tests of these bullets against test bullets from each officer's service weapon.<sup>136</sup>

State's Attorney Parker stated that he checked on the police weapons "so that if policemen are implicated we can establish it and if they are not implicated the evidence will clearly exonerate."<sup>137</sup> However, the State's Attorney did not send personal weapons for analysis and the alibis were not investigated. An FBI report about these bullets could do little more than show that no officer used his official service weapon in the execution of the crime. It could never show that police did not participate or kill the boys using their personal weapons. The FBI also tested the placards for fingerprints, texture of the paint and ink, as well as the character of the cardboard on which the men wrote the messages.<sup>138</sup>

City officials stated that they would not perform an independent investigation into police involvement because the coroner's jury investigation "had brought testimony from police officers showing they had no part in killing Hawkins and Ponder."<sup>139</sup> City Manager H. P. Ford added that Police Chief Powledge had "furnished him with a report on the whereabouts of policemen during the early hours of yesterday."<sup>140</sup> The testimony and report showed that the officers testified that they had no part in the lynchings. However, neither the testimony nor the report proved that they provided truthful testimony or alibis.

### ***C. Proof of the Complete Impotence of States***

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135 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

136 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1; *Lynching Scene Warning Cards will be Tested: Officers Find No Clue to Identity of Band of Masked Men*, DAILY DEMOCRAT, Jul. 22, 1937, 1.

137 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

138 *Lynching Scene Warning Cards will be Tested: Officers Find No Clue to Identity of Band of Masked Men*, DAILY DEMOCRAT, Jul. 22, 1937, at 1.

139 *Id.*

140 *Check Bullets Found in Body*, DAYTON BEACH MORNING JOURNAL, Jul. 22, 1937.

While Governor Cone did order an investigation into the killing of Ponder and Hawkins, in making his statement, he distanced the teenagers' tragic deaths from "lynching" stating, "[t]his was not a lynching. It was murder."<sup>141</sup> This proclamation carried heavy implications, given the political climate. At the very same time that an investigation of these young men's deaths swirled around Tallahassee, the United States Congress was considering a federal anti-lynching bill – the Gavagan Bill, which was spearheaded by the NAACP.

The NAACP quickly refuted the murder designation, sending the Governor a telegraph the day after the lynching, noting "New York Times today quotes you saying lynching of two negroes in Tallahassee yesterday by masked men who took them from [the] city jail four blocks away from state capitol was not a lynching but murder[.] This double killing [is] clearly a lynching since [the] group of men took over functions of government and meted out punishment without due process of law."<sup>142</sup>

The lynching of Ponder and Hawkins occurred during the climax of a decades-long effort by the NAACP to pass a federal anti-lynching bill.<sup>143</sup> The NAACP had secured House passage of the law with a 277 to 119 vote, on April 15, 1937 after six hours of debate.<sup>144</sup> But the battle for Senate approval was raging when the masked-men lynched Ponder and Hawkins. The NAACP cited the teenagers' story as an example of how states could not handle lynchings on their own, and publicized the case to apply political pressure on some of the most difficult forces of opposition to the enactment of federal anti-lynching legislation.

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141 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 8.

142 Telegram from Roy Wilkins, Assistant Secretary of the National NAACP, to Governor Fred P. Cone, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 21, 1937).

143 *See generally*, ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980.

144 *Anti-Lynching Bill is Passed by House After Bitter Talks*, N.Y. TIMES, Apr. 15, 1937; *see also* ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 19.



Starting the very day of the lynching, communications bounced back and forth between the local NAACP branches, the National Headquarters, and elected officials. The NAACP directed much of the communication to the Governor. The St. Petersburg, Florida branch “sent [a] strong message to Governor urging immediate action to apprehend and punish parties guilty of [the] lynching reported to have been perpetrated in Tallahassee Florida today involving two negro youths.”<sup>145</sup> The branches asked for national support: “Sure National Officer will use all influence possible to have guilty parties punished.”<sup>146</sup>

Roy Wilkins, the Assistant Secretary for the national NAACP responded by sending a telegram to the Governor,<sup>147</sup> urging him to “use all forces at your command to speed apprehension, trial and conviction of lynchers.”<sup>148</sup> The telegram directly linked the Governor’s actions to the anti-lynching measure, stating that “perfunctory action will constitute additional proof states are unable or unwilling to punish these crimes and federal government therefore must act.”<sup>149</sup> While these efforts aimed at Governor Cone may have encouraged him to investigate the crime, they did not change his opinion about the anti-lynching bill. Governor Cone publicly spoke out against the bill through a letter read on the Senate floor before a vote on the measure.<sup>150</sup>

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145 Telegram from NW Griffin, President of the St. Petersburg Branch of the NAACP, to Walter White, Executive Secretary of the National NAACP, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 21, 1937).

146 *Id.*

147 Telegram from Roy Wilkins, Assistant Secretary of the National NAACP, to NW Griffin, President of the St. Petersburg Branch of the NAACP, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 21, 1937).

148 Telegram from Roy Wilkins, Assistant Secretary of the National NAACP, to Governor Fred P. Cone, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 21, 1937).

149 *Id.*

150 *See* Telegram from WM P Cornell Chairman Florida Council Association of Southern Women for the Prevention of Lynching to Governor Fred P. Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56* (Oct. 8, 1937).

The NAACP used facts of Ponder and Hawkins deaths to highlight the significance of the proposed federal legislation. The fact that the two boys were taken from the jail, and that this event occurred in the capitol city promoted the NAACP's message that local government officials could not provide security or handle lynchings on their own. The NAACP issued a statement that the fact that the boys "were taken from the jail in a city the size of Tallahassee four blocks from the state capitol has served to drive home the argument that local officer and government officials cannot be depended on to prevent lynchings or punish lynchers."<sup>151</sup> News articles picked up on this theme, emphasizing that the lynching occurred "in the shadow of the State Capitol."<sup>152</sup>

The NAACP also spotlighted this lynching in their federal lobbying efforts. The day after the lynching the national office encouraged Florida branches to telegraph senators "advising them that the Tallahassee Lynching proves that local officials will not make any attempt to punish these crimes and, therefore, a federal anti-lynching law is necessary."<sup>153</sup> Strategists at the NAACP predicted that, "this telegram, of course, will not make them vote for a federal anti-lynching bill, but it may have effect of toning down their argument on the Senate floor that the states can take care of this crime and that federal interference is not necessary."<sup>154</sup>

This argument against federal interference was common. A local newspaper ran an editorial the day of the lynching, which did not "condone" the lynching while stating that it was

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151 NATIONAL NAACP, FLORIDA GOVERNOR URGED TO PUNISH LYNCHERS, Jul. 32, 1937, *in NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353*.

152 *Florida Mob Lynches Two*, THE AFRO-AMERICAN, Jul. 1937.

153 Telegram from Roy Wilkins, Assistant Secretary of the National NAACP, to NW Griffin, President of the St. Petersburg Branch of the NAACP, *in NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 21, 1937).

154 *Id.*

“qui[te] orderly.”<sup>155</sup> It went on to explain the reasons for lynchings including “the aftermath of reconstruction when extra-legal steps were absolutely necessary...[and] [i]t is not easy...to break old habits.”<sup>156</sup> It then presented two trends that “intensify the lynching spirit.”<sup>157</sup> First, “the intrusion into southern law courts of outside legal counsel hired by fanatics” and second, the “ill advised bill pending in congress.”<sup>158</sup> The article claimed that the federal anti-lynching law could “mak[e] lynch law necessary again.”<sup>159</sup>

John G. Riley, the Tallahassee NAACP Secretary, also linked the legislation to the history of the South, but in a different way. In a letter to Walter White, he wrote that some believed “lynching is being revived on account of outside interference and the pending anti-lynching bill.”<sup>160</sup> But, “we do not forget that influence and force from the outside broke up slavery.”<sup>161</sup>

Overall, public sentiment was on the side of passing the law. A Gallup Poll taken at the beginning of 1937, recorded 70% of the country approved of the federal law, which increased incrementally by the end of the year to 72%.<sup>162</sup> The only portion of the country to decrease its approval for the law was the south – going from 65% approval in January, to 57% approval in

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155 *An Unfortunate Incident in City's Record*, DAILY DEMOCRAT, Jul. 20, 1937, at 4.

156 *Id.*

157 *Id.*

158 *Id.*

159 *Id.*

160 Letter from Prof. John G. Riley, Secretary of the Tallahassee NAACP, to Walter White, Executive Secretary of the National NAACP in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 24, 1937)

161 *Id.*

162 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 148.

November.<sup>163</sup> Between 1934 and 1940, 130 federal anti-lynching bills were introduced in Congress.<sup>164</sup>

The timing was critical. In a note two days after the lynching occurred, Roy Wilkins stated “this office is very anxious to secure all possible information on the lynching in Tallahassee as soon as possible since this is now a crucial time for the passage of federal anti-lynching law.”<sup>165</sup> He went on, “[o]ur latest advice from Washington is that some action will be taken on the anti-lynching bill in the next week or ten days, if we can force it to the attention of the Senate ahead of ...speedy adjournment.”<sup>166</sup> Senator Wagner of New York promised to call up the bill during the current session, and expected it to pass.<sup>167</sup> Walter White, the Executive Secretary of the NAACP, who Roy Wilkins noted made “[a]ll the main moves” to secure passage of this bill,<sup>168</sup> spent nearly all of July and the beginning of August 1937 in Washington attempting to get the Senate bill passed.<sup>169</sup> A few days later Walter White confirmed that the bill could be called up at any time.<sup>170</sup> Indeed, the next day Senators attempted to move the bill forward. On July 27, a Democrat from New York, Royal Copeland, attempted to bring the bill up

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163 *Id.*

164 *Id. at* 165.

165 Letter from Roy Wilkins, Assistant Secretary of the National NAACP, to NW Griffin, President of the St. Petersburg Branch of the NAACP, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 22, 1937).

166 *Id.*

167 NATIONAL NAACP, FLORIDA GOVERNOR URGED TO PUNISH LYNCHERS, Jul. 32, 1937, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353*

168 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 140.

169 *Id. at* 144-45.

170 Letter from Walter White, Executive Secretary of the National NAACP, to Prof. John G. Riley, Secretary of the Tallahassee NAACP, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (July 26, 1937).

for a vote by affixing it to other measures, such as wage-and-hour laws, and legislation about railroads.<sup>171</sup> These maneuvers ultimately failed.<sup>172</sup>

Later in the summer of 1937, the NAACP got news that the investigation into Ponder and Hawkins' killers had stalled. The national office of the NAACP noted again, that "this is more proof, if any were needed, that only a federal anti-lynching law has any chance of checking mob violence in this country."<sup>173</sup>

Shortly thereafter, when another man was lynched in Florida, also after being taken from police custody, an exasperated Roy Wilkins, wrote to Governor Cone again:<sup>174</sup>

It is needless to point out that of the eight lynchings which have taken place since January 1, three have occurred in Florida and so far, nothing has been done to apprehend or punish the lynchers. It seems needless, also, to point out that it is precisely the conduct of the State of Florida that has contributed so largely to the building of an overwhelming sentiment in favor of the enactment of federal anti-lynching law.<sup>175</sup>

Walter White wrote directly to the Governor, "failure to punish lynchers and culpable peace officers in this third lynching of 1937 in Florida will be final proof of complete impotence of states to prevent lynchings or punish lynchers."<sup>176</sup>

The 1937 legislative session came to end without a Senate vote on the legislation.

Congress never passed federal anti-lynching legislation.<sup>177</sup> While the campaign for federal anti-lynching legislation ultimately failed, Walter White, the lead NAACP advocate for the law

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171 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 145.

172 *Id.*

173 National NAACP, Florida Paper Declares Lynching Probe Ended, Aug. 27, 1937, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353*.

174 The man lynched in October 1937 was J.C. Evans. He was killed in Santa Rosa County.

175 Letter from Roy Wilkins Assistant Secretary of the NAACP to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Oct. 5, 1937)*.

176 Telegram from Walter White Executive Secretary of the NAACP to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Oct. 8, 1937)*.

177 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 11.

“consistently argued that the NAACP’s investigations, exposés, and campaigns for a federal antilynching law awakened public concern, created political dialogue on the topic of violence and induced the South to reconsider its most blatant forms of racist aggression.”<sup>178</sup> Scholars note that, the “brilliance of [the NAACP] is that they raised awareness. They moved the conversation from asking for some political change to exposing America’s dirty secrets.”<sup>179</sup>

#### ***D. No Arrests – No Indictments – No Convictions***

While the battle for federal anti-lynching legislation raged in Washington, an investigation into the lynching of Ernest Ponder and Richard Hawkins continued. A coroner’s jury had been convened on July 20, 1937, the day of the lynching, to view the bodies and hear testimony from Officer Fairbanks, Sheriff Stoutamire, and the police officers.<sup>180</sup> In all, 16 witnesses were called.<sup>181</sup> Four bullets picked up from the scene were shown at the inquest on the first day.<sup>182</sup> The State’s Attorney checked the caliber and serial number of officers’ pistols during the initial convening of the coroner’s jury.<sup>183</sup> The judge dismissed the jury at the end of the day until police could collect more evidence.

On August 4, 1937, the inquest reconvened.<sup>184</sup> During the two weeks the jury had been adjourned, no new leads had been found, but the FBI had come back with its results from the ballistics tests and analysis of the placards. During the session, the State’s Attorney read a telegram from FBI Director J. Edgar Hoover stating, “killing of Ernest Ponder and Richard

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178 *Id.*

179 Interview with Darius Young, Assistant Professor of History ((Jul. 27, 2015) (on file with author).

180 *Coroner’s Jury to Meet Today: Lynch Evidence Before Investigators Here*, DAILY DEMOCRAT, Aug. 3, 1937, at 8.

181 *See* FORM 3, COUNTY OF LEON, WITNESS SUBPOENAS IN COUNTY JUDGE’S COURT, 90 (Jul. 1937).

182 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

183 *Id.*

184 *Coroner’s Jury to Meet Today: Lynch Evidence Before Investigators Here*, DAILY DEMOCRAT, Aug. 3, 1937, at 8.

Hawkins examination complete and nothing found to indicate evidence bullets from any of guns from which test specimens submitted letter follows.”<sup>185</sup> From this, the State’s Attorney concluded that the lab could not match the police service guns to the bullets found at the lynching. The FBI apparently created a report with their findings. The State’s Attorney promised that “[w]hen we get any evidence we will present it to the jury. The report from the department of justice will be given to the jury.”<sup>186</sup> However, the report was never presented to the jury.<sup>187</sup> Instead, the State’s Attorney just read this simple telegram from FBI Director Hoover. Sheriff Stoutamire refused to make public the full FBI report, claiming it was confidential.<sup>188</sup> Local NAACP branch members asked the National office to try to obtain a copy of the report or investigate, because they thought this justification appeared suspicious.<sup>189</sup> But the report was never released. To this day, the FBI does not have or will not release a copy of the report.<sup>190</sup>

The only lead developed in the case was that one police officer, Officer Barney Gatlin, reported at the initial coroner’s inquest, that he saw “a group of Georgia men in town last night who were curious about Kelly’s condition and made, what he formed, suspicious remarks.”<sup>191</sup>

Neither State’s Attorney Parker nor Sheriff Stoutamire relayed this information to Governor Cone in their reports.

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185 *Mayor Protests Newspaper’s Erroneous Editorial About Tallahassee Lynching Case*, DAILY DEMOCRAT, Aug. 5, 1937, at 8.

186 *Lynching Scene Warning Cards will be Tested: Officers Find No Clue to Identity of Band of Masked Men*, DAILY DEMOCRAT, Jul. 22, 1937, at 1.

187 *Mayor Protests Newspaper’s Erroneous Editorial About Tallahassee Lynching Case*, DAILY DEMOCRAT, Aug. 5, 1937, at 1.

188 *Mayor Protests Newspaper’s Erroneous Editorial About Tallahassee Lynching Case*, DAILY DEMOCRAT, Aug. 5, 1937, at 1.

189 Letter to Walter White, Executive Secretary of the National NAACP from R.H. Johnson, Temporary Chair of the Tallahassee NAACP, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353* (Aug. 9, 1937).

190 The Civil Rights and Restorative Justice Clinic made a request for this report and all other files pertaining to this case. The FBI denied this request.

191 *Officer Cannot Identify Florida Lynchers of Two*, DELTA STAR, Jul. 20, 1937.

The coroner's jury, composed of six white men, returned a verdict, which failed to identify any of the individual culprits.<sup>192</sup> The jury found that the two teenagers came to their deaths "by gun-shot wounds inflicted by person or persons unknown."<sup>193</sup> Juries across the South commonly returned this verdict for lynch victims.<sup>194</sup>

Without sufficient evidence, the jury had little choice but to return the finding they did. However, doing so meant that the men who lynched two teenagers would walk free. When the jury came back with its ruling, State's Attorney Parker said that "about ends this thing."<sup>195</sup> The day after the jury released the verdict, Sheriff Stoutamire declared "I'll be glad when newspapers stop talking about this thing."<sup>196</sup>

The NAACP's publication, CRISIS, reported that there were "No arrests – no indictments – no convictions," which was of no surprise to local community members.<sup>197</sup> Few believed that anything would come of this investigation. The CRISIS reported in September of 1937, a few months after the lynching, that, "[d]espite the fact that Governor Fred P. Cone ordered a complete investigation, nothing has been done."<sup>198</sup> A ST. PETERSBURG TIMES editorial stated that: "An investigation into the lynching of two Negroes in Tallahassee got nowhere, just as everyone, familiar with Florida justice, expected."<sup>199</sup> After this article came out, the National

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192 *Officers Send Lynch Bullets to be Checked*, DAILY DEMOCRAT, Jul. 21, 1937, at 1.

193 Letter from State Attorney Second Judicial Circuit of Florida, Orien C. Parker, Jr. to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 2)*.

194 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 8.

195 *Florida Governor Directs State Attorney to 'Get the Lynchers,'* THE PITTSBURGH COURIER, Aug. 14, 1937, 1, 4.

196 *Mayor Protests Newspaper's Erroneous Editorial About Tallahassee Lynching Case*, DAILY DEMOCRAT, Aug. 5, 1937, at 8.

197 *Jul. 20*, THE CRISIS, Jan. 1938, at 13.

198 NAACP, *One Every 10 Days*, CRISIS, Sept. 1937.

199 *Florida Governor Directs State Attorney to 'Get the Lynchers,'* THE PITTSBURGH COURIER, Aug. 12, 1937, at 1.



NAACP concurred: “We did not believe that Florida was going to do anything about this double lynching...the record of the states is too long and too black and the whitewashings have gone on for so many decades that it would be a modern miracle if any southern state actually ran down lynchers and brought them to trial.”<sup>200</sup>

### *E. Locking the Stable After the Horse is Gone*

At the time, government officials took only minimal action to “remedy” what had happened. Following the lynching, Sheriff Stoutamire asked the City Police Department to return the key to the County Jail.<sup>201</sup> The Board of County Commissioners and the City Commission met and decided that the City of Tallahassee would pay the salary of a deputy sheriff to serve as a night jailer at the county jail.<sup>202</sup> County records indicate that this night jailer started on July 20, 1937 at a cost of \$2.00 per night.<sup>203</sup>

This *post hoc* move, while minimal, was necessary. It proved sufficient to gain approval from the federal government, which had paid for the construction of the building.<sup>204</sup> After making this change in policy, Sherriff Stoutamire, “said a federal jail inspector had this week approved the new Jail as a safe place for detention of United States prisoners.”<sup>205</sup>

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200 National NAACP, Florida Paper Declares Lynching Probe Ended, Aug. 27, 1937, in *NAACP ADMINISTRATIVE FILE – LYNCHING – TALLAHASSEE, FLA. 1926-1937, I-C-353*.

201 Letter from Sherriff of Leon County, Frank Stoutamire, to Governor Fred P. Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Aug. 4, 1937 at 6)*.

202 Letter from Sherriff Frank Stoutamire, to Governor Cone, at 6.

203 FORM 11, COUNTY OF LEON, ADDITIONAL GUARD HIRE AT JAIL, 126, 137 (Jul. 1937); see also FORM 12, COUNTY OF LEON, TO COUNTY COMMISSIONERS, 31 (Jul. 1937); FORM 12, COUNTY OF LEON, TO COUNTY COMMISSIONERS, 32 (Aug. 1937).

204 *Florida Mob Lynches Two*, THE AFRO-AMERICAN, Jul. 1937.

205 *Sherriff Will Keep All Keys to Leon Jail*, DAILY DEMOCRAT, 1 (Jul. 25, 1937).

An article summarized community sentiment about this being the only remedy, stating that the “action of Tallahassee officials reminded people of [the] adage about ‘Locking Stable After Horse Is Gone.’”<sup>206</sup>

In a letter to the City Police Department, the Sheriff stated, “I am responsible for all prisoners in the jail, and these developments have proven it is not wise and safe to permit any division of this responsibility.”<sup>207</sup> It was this failed responsibility to Ponder and Hawkins that brought him under attack. The Governor faced pressure from community members to oust the very powerful Sheriff Stoutamire.<sup>208</sup>

Holding Sheriff Stoutamire accountable proved difficult, given the power he yielded in the political community. One officer later recounted that “in law enforcement, Frank Stoutamire was the head man, and he was Sheriff at the time and his word was the law... Mr. Stoutamire and his family, they had, ... more political pull than any one person here, controlled more votes, ... he did have more influence than anyone else, and he was unchallenged in his field.”<sup>209</sup> The officer hedged his comments, stating that he was not in complete control of absolutely everything, “still he had to consult with a few other people too.”<sup>210</sup> Sheriff Stoutamire was known as intelligent, and hardworking – “he policed 365 days a year.”<sup>211</sup> To this day, even after his death, he is understood as an institution – every person interviewed for this project knew of him and his political influence. One woman, born after the 1937 lynching, noted that even during her lifetime “[t]here were four or five of those family names that you just knew... controlled law

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<sup>206</sup> *Lynch Jury Fails to Return Verdict*, THE PITTSBURGH COURIER (Aug. 7, 1937).

<sup>207</sup> *Sherriff Will Keep All Keys to Leon Jail*, DAILY DEMOCRAT, 1 (Jul. 25, 1937).

<sup>208</sup> See Letter from Circuit Court Judge John B. Johnson, to Governor Fred P. Cone, in *GOVERNOR CONE'S CORRESPONDENCE FILES S.368, BOX 56* (Jul. 24, 1937).

<sup>209</sup> Unpublished Interview with Theo Couch, Retired Police Officer (Early 1970s).

<sup>210</sup> *Id.*

<sup>211</sup> *Id.*

enforcement and they just did whatever they wanted to do.”<sup>212</sup> The Stoutamires were one of those families.

She remembered her mother’s stories about Mr. Stoutamire, “my mom used to tell us when they would be walking from our home into town and he would... pull over and say ‘hey are you all of those...niggers?’ And they’d say yea. And he’d say “hey, come on niggers, let me take you to school. And he would drop them off.”<sup>213</sup> He was well known, well connected, and powerful.

After hearing that the Governor might ask him to resign, several prominent figures wrote to Governor Cone on the Sheriff’s behalf to request that he not be relieved of duty. Circuit Court Judge, John B. Johnson wrote a two page letter to provide “a little unbiased friendly counsel,” in which the judge “earnestly ask[ed] that [the Governor] refrain from entering an order of suspension against Sheriff Stoutamire.”<sup>214</sup> The judge noted, “I have been officially associated with Mr. Stoutamire for more than ten years. I can assure you that he is one of the best, most efficient and straightest sheriffs in the State of Florida... Mr. Stoutamire is a gentlemen and courteous to all.”<sup>215</sup> The Mayor-Commissioner of Tallahassee, L.A. Wesson, also wrote on Sheriff Stoutamire’s behalf. The Mayor stated that the lynching had cause the Sheriff “considerable embarrassment.”<sup>216</sup> The lynching was “of a special regret to the City Commission because Mr. Stoutamire has always given splendid co-operation to law enforcement officers.”<sup>217</sup>

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212 Interview with Althemese Barnes, Founder of John G. Riley Museum and Preservationist (Jul. 27, 2015).

213 *Id.*

214 Letter from Circuit Court Judge, John B. Johnson to Governor Fred. P Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 24, 1937)* (emphasis in the original).

215 *Id.*

216 Letter from Mayor-Commissioner, L.A. Wesson, to Governor Fred P. Cone, in *GOVERNOR CONE’S CORRESPONDENCE FILES S.368, BOX 56 (Jul. 26, 1937)*.

217 *Id.*

Sheriff Stoutamire was never reprimanded or suspended. In fact, he served as Sheriff for thirty consecutive years, until he was named as City Police Chief for another 15 years from 1953 to 1968.<sup>218</sup> When he retired in 1968, Officer Maige, the night jailer asleep the night of the lynching, took up his post.<sup>219</sup>

#### **CONCLUSION: TO DOCUMENT THE HISTORY IS ALSO A HEALING PROCESS**

The lynching of Ernest Ponder and Richard Hawkins was one of four recorded lynchings in Tallahassee's history. Their deaths represent two of the eight people lynched in the United States during 1937.<sup>220</sup> Their deaths added two names to the list of 257 black men and women lynched in Florida between 1882 and 1968.<sup>221</sup>

As one scholar wrote, "lynchings per se have gone out of style, [but] it has left layers of raw scar tissue on the body politic; these may never be healed in our lifetime."<sup>222</sup> The Civil Rights and Restorative Justice hopes to participate in that healing process. As one longtime Tallahassee advocate shared, "to document the history is also a healing process."<sup>223</sup> Documenting the lynching of these two boys will hopefully "inspire others to take a look at the past for lessons, for emotional healing, for education, and for inspiration to those coming along after we are gone."<sup>224</sup>

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218 *Tallahassee Police Chief Ends Career*, THE ST. PETERSBURG TIMES, 2-B (Aug. 10, 1968).

219 *Id.*

220 ROBERT ZANGRANDO, *THE NAACP CRUSADE AGAINST LYNCHING, 1909-1950*, Temple University Press, 1980, 7 (providing statistics from the Tuskegee Institute).

221 *Id.* at 5 (providing statistics from the Tuskegee Institute).

222 *Id.* at 216.

223 Interview with Althemese Barnes, Founder of John G. Riley Museum and Preservationist (Jul. 27, 2015).

224 *Id.*