

Russell Charley:
A Lynching in a Company Town



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I. Introduction

The story of Russell Charley's life and death was never officially investigated nor tried in a court of law and was only covered by a few newspapers with varying accounts. Although Charley's death is well-remembered among his surviving family members, this tragedy was not widely circulated in the national conversations on lynching in the Jim Crow Era South. However, the story of Russell Charley appears in the very first chapter of Bryan Stevenson's best-selling book, *Just Mercy*. As Stevenson introduces Walter McMillian, whose case he will focus on throughout the book, he describes the violence and racism of Monroe County, Alabama and the impact the lynchings had on a young McMillian: "When he was twelve, the body of Russell Charley, a black man from Monroe County, was found hanging from a tree in Vredenburgh, Alabama. The lynching of Charley, who was known by Walter's family, was believed to have been prompted by an interracial romance. Walter remembered well the terror that shot through the black community in Monroe County when Charley's lifeless, bullet-ridden body was found swinging in a tree."¹

What Stevenson leaves out is that Charley's three eldest sons discovered his body in that tree and that his death was likely the result of the complex social dynamics underlying the alleged "interracial romance." Furthermore, the aftermath of Charley's death was also disturbing: the FBI declined to investigate both the death and the alleged pay-off of law enforcement to formally label the death a suicide. This lack of justice has had a lasting impact on Charley's surviving family members. The lynching of Russell Charley and its aftermath raise many issues. Chief among them is whether the exercise of private police power in a planned political and economic community, such as the "company town" of Vredenburgh, can amount to "state action"

¹ Stevenson, Bryan, *Just Mercy: A Story of Justice and Redemption*. Spiegel & Grau, 2015, 30.

so as to justify certain legal enforcement obligations. While there are competing versions of why Charley was killed, as well as how and by whom, the Charley family deserves a thorough investigation of this matter. This is necessary in order to provide an accurate version of history.²

II. Russell Charley's death

Russell Charley's death is particularly troubling because of the numerous inconsistencies in the reporting on his death, from documentation by media outlets to official records. An examination of his death certificate, the media coverage, the questions about local law enforcement involvement, the Department of Justice investigation and family interviews all raise many questions.

A. The Death Certificate

The official certificate of death from the state of Alabama states that Russell Charley, aged 46, died on May 7th, 1954 by "suicide in the woods" in Vredenburgh, Monroe County, Alabama.³ The time of injury is marked as "PM", and the injury is said to have occurred "not at work".⁴ Charley's employment is listed as "Saw Mill".⁵ The death certificate was recorded on May 15, 1954 and signed by Sheriff E.E. Nicholas on May 13, the same date as the burial in Saint Mathews Cemetery in Vredenburgh.⁶ Finally, written in the "Medical Certification" part on

² The following incorporates information that is based on interviews between the author, Beth Patel, and the descendants of Russell Charley. Please be mindful about reprinting any of the following information and analysis.

³ See *Exhibit A: Death Certificate*.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

the death certificate is “code 979X”.⁷ The Alabama Department of Vital Records indicates that “97” would most likely mean “suicide by unknown causes”.⁸

B. Media Coverage

On May 13, 1954, the headline on the front page of the *Monroe Journal*, a weekly white-owned newspaper published in Monroeville, Alabama, read: “Two Monroe Negro Men Found Dead”:

*The body of Russell Charley, 45, was discovered one mile east of Vredenbrugh near a railroad track on Saturday morning at 7:30, apparently having died from strangulation. Monroe County Sheriff E.E. Nicholas said a rubber strap cut from an automobile tire tube was found near the body. Dr. Nelson Grubbs of Mobile, state toxicologist, reported death resulted from strangulation—evidently suicide. Charley was last seen alive on Friday night around seven p.m. by his wife, Carrie. His body was found by his son.*⁹

As reported on June 26, 1954 by the *Pittsburgh Courier*, a Black-owned and operated newspaper, with the headline, “NAACP Probes ‘Bama Lynching: Several Suspects On List”:¹⁰

MOBILE, Ala. – Officials of the Mobile Branch of the NAACP launched an investigation this week into the alleged lynching of Russell Charley, 46-year-old resident of Vredenbrugh in Monroe County. The bullet-ridden body of Mr. Charley, an employee of the Vredenburgh Lumber Company, was found by his two sons in a desolate spot in the community. John L. LeFlore, executive secretary of the local branch, stated in an

⁷ *Id.*

⁸ Conversation with staff at Alabama Department of Vital Records.

⁹ “Two Monroe Negro Men Found Dead”, *Monroe Journal*, May 13, 1954.

¹⁰ Greenwald, Maurine Weiner, and Margo J. Anderson. *Pittsburgh surveyed: social science and social reform in the early twentieth century*, Pittsburgh, Pa: University of Pittsburgh Press. (1996), 282.

interview here that the NAACP had requested a complete investigation of the matter by Federal, state and county authorities. Mr. LeFlore declared that no detail would be overlooked in seeing that all of the facts in this case (sic) are made known. Mrs. Carrie Addie Lee Charley, widow of the deceased, has given the NAACP full authorization to conduct the investigation and to use whatever means necessary to obtain the truth in the mysterious slaying, Mr. LeFlore said. Although little if any information of the killing has been made available by official sources, it has been alleged that Mr. Charley was the third member of a love triangle involving a Negro woman and a white man. In announcing the investigation, Mr. LeFlore added that a large number of persons is listed as suspects, including several Negroes. Neither the sheriffs of Monroe or Wilcox County could be reached for a statement concerning the results of their efforts to apprehend the slayer or slayers.¹¹

Other articles published in June, 1954 do not state the name Russell Charley but cite the incident and the possible motive of an interracial love triangle.¹² Additionally, they state that law enforcement was aware of the lynching but was not acting to pursue the killer and that the Black community of Vredenburgh was afraid and “tightlipped”.¹³ Finally, both articles note that another Black man was involved in “laying the groundwork” for the lynching.¹⁴

C. Department of Justice Investigation

The DOJ litigation file offers two different accounts of an organized effort by several men, Black and white, to murder Russell Charley. One complainant to the FBI, Jesse P. Turpin

¹¹ “NAACP Probes ‘Bama Lynching,” *Pittsburgh Courier* (June 26, 1954).

¹² “Violence Flares in Dixie,” *Pittsburgh Courier* (June 5, 1954), “Suspect Lynching in Ala. Town,” *Chicago Defender* (June 12, 1954).

¹³ *Id.*

¹⁴ *Id.*

of Peterman, Alabama, offers a narrative “furnished to him by Mobile Informant... of unknown reliability.”¹⁵ Turpin reports that Charley’s body was found “dead sitting under a small bush... found near his body a piece of rubber inner tube which was believed to have been used in the lynching of the victim.”¹⁶

The story offered by Turpin is that Jerry Watson, a Black man, met Charley at the Vredenburgh grocery store.¹⁷ Watson told Charley that there was a white man who could sell them a gallon of whiskey for \$3. If Charley had \$1.50, they could split the cost.¹⁸ Charley then left the store with Watson, and this was the last time he was seen alive.¹⁹ Turpin also stated that Lee Thomas, “employed as a police man by the Vredenburgh Saw Mill and who... is also a police man for the City of Vredenburgh, was also involved.”²⁰ Under this theory, Charley was killed because he “liked to drink whiskey and he became indebted to the subjects who are all engaged in bootlegging” and was unable to pay his debts owed.²¹ As such, “the subject got tired of victim’s failure to pay what he owed them, and they decided to do away with him.”²² The suspects listed in a signed affidavit are: W.M. Everett (white), Jerry Watson (Black), Rev. Rintz (Black), Albert Blackmon (Black), and Lee Thomas (white).²³ Furthermore, Turpin’s source noted that “he had heard that the Sheriff’s Office in Monroe County wanted \$6,000 to keep Charley’s death listed as a suicide.”²⁴

¹⁵ DOJ Litigation File, A1 COR, #144-3-108, June 23, 1954.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

The second narrative in the DOJ file is from an unnamed informant, “Mobile Informant T-1”. T-1 heard “through various colored man [*sic*] who work in the Vredenburgh Saw Mill”, (where Charley was employed) that Charley was hung because his coworker, W.M. Everett, had been “keeping company with a colored woman in the quarters, and the victim was also having relations with this same colored woman.”²⁵ Everett had apparently warned Charley and had already attempted once to kill him.²⁶ On the night of the killing, T-1 says that, “victim’s wife had pleaded with him not to go with Watson, telling him that she knew he would be killed, but the victim went with Watson in spite of his wife’s warnings.”²⁷ T-1 also states that other Black people in Vredenburgh are afraid for their own lives.²⁸

T-1 further stated that “it is generally understood that the Sheriff’s Office is making a deal with the subjects to list Charley’s death as a suicide in return for the payment by the subjects of \$6,000 to the Sheriff’s Office.”²⁹ Lee Thomas, again as either hired by the sawmill to police Vredenburgh or as a member of the town police, was alleged to be the go-between for this transaction, but T-1 said that Thomas was out of town on this particular night.³⁰ Furthermore, T-1 could not confirm whether or not Thomas was on public payroll, but confirmed that he is, at the very least, a policeman hired by the Vredenburgh Saw Mill.³¹

The DOJ litigation file ends with a short statement that the alleged facts from the two informants were discussed with U.S. Attorney Percy C. Fountain, “who was of the opinion that

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

the facts did not constitute a violation of any Federal Civil Rights Statutes”.³² He writes that if a lynching did occur, no law enforcement officer was involved and, therefore, “it was a matter to be handled by local authorities and not a matter over which federal authorities had jurisdiction.”³³ All the named parties in the DOJ report are then listed by occupation.³⁴ Thomas’ occupation is listed as “Policeman, Vredenburg Saw Mill”.³⁵ The FBI reached the same conclusion, as is noted in their correspondence.³⁶

D. Conflicting Stories

Among the discrepancies between the various documents, one of the most troubling is the cause of death. Only the white-run newspaper, *The Monroe Journal*, attributed the cause of death to suicide. The other articles in Black-operated news sources, such as the *Chicago Defender* and the *Pittsburgh Courier*, describe the possibility of an interracial romance, the lack of action on the part of law enforcement, and the possible involvement by a Black man in the lynching of Charley. Using this information, along with the report of the DOJ, it is possible to agree with the narrative of an interracial romance rather than the bootlegging theory posited by the informant. However, the varying theories complicate efforts to get to the truth about Charley’s killing.

A 1978 study of the *Chicago Defender*, which focused on the “race-advocacy function” of the Black press, suggests that stories that sensationalize events, such as focusing upon interracial romances, ought to be viewed with some level of skepticism because of the goals of the news outlet at the time.³⁷ Sensationalism was used by the *Chicago Defender*, perhaps to sell

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Strother, T. Ella, “*The Race-Advocacy Function of the Black Press*”, *Black American Literature Forum*, Vol. 12, No. 3 (Autumn, 1978), pp. 99.

newspapers, but this also undermined “black professionals defining their own existence and determining their own destinies-the goal being integration into the top levels of society.”³⁸ In contrast, the stories that are sensationalized may portray “victims (with an) inability to be responsible to themselves and their race”, and these stories are limited in number compared with the former.³⁹ The author of this study gives a reason for sensationalizing these murders with a romance-based theme: Stories promoting a love-triangle theme carried a three-inch headline, “Three Chicago Men Murdered,” while reports of other murders carried smaller headlines. Treating crimes and accidents sensationally helped to emphasize that these were situations that could be avoided by appropriate behavior.⁴⁰

Despite the competing narratives offered by the official records, it is clear that Charley’s death was not a suicide. The informants’ statements do not give us enough information to form a definitive theory as to the motives of Charley’s murderers, especially given the biases of the media at the time and the fear generated in the Black community of Monroe county.

III. Company Towns in the South

Russell Charley’s death occurred in a “company town”, the context for legal issues of alleged state action or inaction. The following seeks to explain the context for Charley’s murder and create a fuller picture for legal remedies.

A. Vredenburgh, Alabama

Vredenburgh was built as a company town in 1910 by Peter Vredenbrugh, Jr. on hundreds of acres of virgin forest land selected for a sawmill operation. It was incorporated in

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*, 96.

1912.⁴¹ The town included houses, a commissary, a doctor's office, and two churches, one for the Black workers and their families and the other for the white community.⁴² For white workers, a few residential streets curved through forested land.⁴³ These houses were rented for a nominal sum with company-generated electricity and town well water furnished free.⁴⁴ Houses for Black workers were located to the west of the plant. The company offered workers with families a small amount of land to farm.⁴⁵ The company-issued money, called "Brozine", was used at the commissary and circulated generally throughout the area but was eventually prohibited by the wage and hour law of 1936.⁴⁶ The company then paid the laborers in silver dollars "so that the weight in their pockets would be a reminder to trade at the commissary".⁴⁷ A 1967 article in *The Montgomery Adviser* noted that, "Lee Thomas, who has lived there for the past 43 years, serves as major and business leader."⁴⁸

Several fires impacted the sawmill from 1920 until 1962, when a fire finally destroyed the sawmill.⁴⁹ This had a significant impact upon the workers and their families and led to an influx of "headhunters" who recruited Black workers from Alabama mills to work in sawmills in other states, luring them with the promise of higher wages than in Alabama, known for its low

⁴¹ "'Never Say Die' Characteristic of Monroe County Saw Mill Town", *The Montgomery Adviser*, (February 16, 1967).

⁴² Dickson, Martha. *Anchors of Faith: Early Wooden Churches of the Deep South*, New South Books, (2013).

⁴³ Vredenburgh Searcher Fall 1995, p. 8.

⁴⁴ *Id.*

⁴⁵ Vredenburgh Saw Mill Company Advertisement, *The Montgomery Times*, (May 2, 1918).

⁴⁶ Tarver, John Reed, "*The clan of toil: Piney woods labor relations in the trans-Mississippi South, 1880-1920.* (Volumes I-III)", The Louisiana State University- and Agricultural and Mechanical Col. (1991), 719.

⁴⁷ Vredenburgh Saw Mill Company Advertisement, *The Montgomery Times*, (May 2, 1918).

⁴⁸ "'Never Say Die' Characteristic of Monroe County Saw Mill Town", *The Montgomery Adviser*, (February 16, 1967).

⁴⁹ *Id.*

wages.⁵⁰ The Vredenburgh saw mill then remained idle until 1964 when a Georgia corporation, which had purchased the mill and town in 1963, opened it once again.⁵¹ The new corporation, the Vredenburgh Saw Mill Co., purchased the entire town, including 237 houses, as well as timber rights, which had increased from 200 acres in 1920 to over 104,000 acres in 1963.⁵² This marked the first time that the mill and town were not completely in the control of the Vredenburgh family.⁵³

B. Sawmill Company Towns in the South, 1917-1960

After the First World War, farming was becoming less profitable for Black men and their families, and many began seeking work in the lumber industry.⁵⁴ This type of industrial employment offered Black families more control over their entry into the labor market, greater access to cash, and more regular leisure time.⁵⁵ These factors contributed to the growth of a vibrant Black working-class leisure culture in southern sawmill towns.⁵⁶ Eventually, “employers’ resistance to federal labor laws and some white workers’ resistance to racial egalitarianism limited black workers’ gains, leading black saw mill town communities to join the Civil Rights Movement in the 1950s and 1960s.”⁵⁷

Sociologist Morton Rubin studied central Alabama in the late 1940’s and found that sawmill work reinforced rather than deterred what he perceived as Black working-peoples’

⁵⁰ Tarver, John Reed, “*The clan of toil: Piney woods labor relations in the trans-Mississippi South, 1880-1920. (Volumes I-III)*”, The Louisiana State University- and Agricultural and Mechanical Col. (1991), 719.

⁵¹ “‘Never Say Die’ Characteristic of Monroe County Saw Mill Town”, *The Montgomery Adviser*, (February 16, 1967).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Powell Jones, William. “Cutting Through Jim Crow: African American Lumber Workers in the Jim Crow South, 1919-1960”, University of North Carolina, Chapel Hill (2000), iii.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

aspirations to “Negro middle-class standards.”⁵⁸ He observed that sawmill workers tended to gamble and drink rather than to save their money, and that they were less interested in education and religion than “older members of the Negro community.” Nonetheless, “fairly steady” work and “good” pay allowed Black sawmill workers to begin sending their children to elementary school and church Sunday school on a more regular basis than domestic and agricultural workers.⁵⁹ Rubin speculated that while the Black sawmill worker still “often overdraws his wage,” higher wages made him “more independent as a consumer.”⁶⁰ Black men were able to earn “as much as an entire family used to,” which meant that “Negro women and children do not necessarily have to work in fields.”⁶¹ While industrial employment increased the amount of control that Black families had over their day-to-day economic lives, “sawmill towns and lumber camps remained solidly within the Jim Crow social and political system.”⁶² Whether they actually owned the towns or simply dominated economic and political life, southern lumber companies retained near complete control over Black workers’ choices of housing, schooling, and food and clothing supplies.⁶³

In addition to these elements of social control, the leisure time that Black families had gained was also in the hands of the company. “As long as they were unable to secure year-round employees, company owners and managers permitted and even encouraged a rowdy leisure culture that came to characterize sawmill towns and lumber camps in the first decades of the

⁵⁸ Rubin, Morton Rubin, *Plantation County*. New Haven: College and University Press (1963), 129.

⁵⁹ Rubin, Morton. “Labor,” Camden and Selma, 18 April 1947. Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, 23. Field Studies in the Modern Culture of the South, Records, Subseries 1.3.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Powell Jones, William. “Cutting Through Jim Crow: African American Lumber Workers in the Jim Crow South, 1919-1960”, University of North Carolina, Chapel Hill (2000), 78.

⁶³ *Id.*

twentieth century.”⁶⁴ Joseph E. McCarrey, a white manager of a logging camp near Savannah, Georgia in the 1920s, explained that lumber companies countenanced drinking and gambling among Black workers, “We always had places for entertainment, commonly known as jooks. On Saturday nights, the company hired local deputies to keep outsiders— called ‘ringers’—off the premises, and to maintain ‘reasonable control over liquid refreshments and disturbances.’” When they did not hire law enforcement directly, companies developed an informal understanding with local officials. “When we established a camp,” McCaffrey confirmed, “we’d go to the sheriff and say, ‘We’re going to set up a log camp and sawmill here. We’ve got a quarter boss and we’d like to have him deputized.’” To discourage lawmen from “raiding our camps and arresting the help,” McCaffrey asked the local sheriff to check with them before arresting any employee charged with a crime outside company property. “They always cooperated with us,” he claimed. “We never had any trouble in that respect.”⁶⁵

In Vredenburgh, the rise of Black leisure time led to more racial integration. While the company strategically managed and controlled the use of brothels and drinking establishments, they could not control everything. Placing these establishments or allowing them to operate in the Black areas of the company town meant that white men, seeking to participate in such activities, would have to enter areas where Blacks were congregating. “Not only did this policy provide Black men with the leisure activities that company managers believed would attract a steady supply of unskilled seasonal labor, but it also allowed white men to engage in similar activities without threatening the moral integrity of their own communities.”⁶⁶ As such, segregation was difficult to maintain, at least in smaller towns like Chapman, about an hour’s

⁶⁴ *Id.*, 84.

⁶⁵ *Id.*

⁶⁶ *Id.*, 103.

drive from Vredenburgh.⁶⁷ In Vredenburgh, Black and white neighborhoods were not far from one another and Black and white workers interacted in the sawmill and at the commissary, perhaps normalizing interracial cultural exchange.⁶⁸

Interactions in the social and work lives of Black and white communities led to a cultural exchange that “threatened the ideological basis of progressive lumber companies’ segregated welfare capitalism.”⁶⁹ So long as social life remained segregated in the company town, then paternalistic employers could apply racially distinct strategies towards treatment and payment of workers. But with Black and white working-class spending more time together, instead of apart, arbitrary distinctions between races became harder for the company to maintain.⁷⁰ This dynamic likely played into the social control strategy of company managers and trusted white town leaders (in positions of public and private leadership) who used fear and violence to maintain the racial caste system.

Despite economic and social conditions that could have led to unionization, efforts to unionize were largely unsuccessful, in part due to the strength of anti-interracial social policy. The lack of success of unions to organize interracially in sawmill towns of the Jim Crow Era south led to the eventual decline of the sawmill industry by the 1940’s because without organized efforts, wages and working conditions had remained so low in the mills that workers began to seek work elsewhere.⁷¹ As individuals and families began to relocate, employers attempted to hold workers in their jobs by fining them or placing other economic barriers to their

⁶⁷ *Id.*, 104.

⁶⁸ Interview with Annie Whitlock, November 3, 2018.

⁶⁹ Powell Jones, William. “*Cutting Through Jim Crow: African American Lumber Workers in the Jim Crow South, 1919-1960*”, University of North Carolina, Chapel Hill (2000), 105.

⁷⁰ *Id.*, 105.

⁷¹ *Id.*, 194. A more complete history of Southern radical unionism is beyond the scope of this paper.

exit. As this peonage system developed, legal challenges swept southern sawmills in 1941.⁷² Thanks to pressure from the NAACP, the Communist Party, the Congress of Industrial Organizations (CIO) and other organizations, the Department of Justice began investigating mills that had attempted to hold workers as slaves.⁷³ The “Back to the Farm Movement” was bolstered in 1943 due to draft deferments granted to workers who could prove that they were “necessary to and regularly engaged in an agricultural occupation.”⁷⁴ With farm labor excluded from the draft, lumber firms claimed to be supplying the bulk of draftees from rural areas: “A survey of 597 mills, which represented forty percent of total southern pine production, showed that over nineteen thousand workers left the industry between January and July 1942.”⁷⁵

Unionization did reach Alabama lumber workers until 1945, when the International Woodworkers of America (IWA) chartered local chapters in Chapman, Greenville, Brewton, and Montgomery. The largest mills were interracial, though some mills had all-Black unions, such as at the Cathay Lumber Company in Montgomery.⁷⁶ Black and white workers found enough solidarity in their economic and work-place grievances to come together to build a powerful interracial movement. By focusing on workplace grievances, and by supporting black and white

⁷² *Id.*

⁷³ In April 1943, Luther Carter left a Lowndes County sawmill without paying his debt to the local store to take another sawmill job on the Alabama Gulf Coast. The owner of the Lowndes sawmill company and the store owner tracked Carter down, and in the absence of his new employer ordered him at gun point to return to “be held as a slave” in Lowndes County. The two men forced Carter into the truck and “beat him severely with a large stick.” After hearing of the incident, the new employer had the slave catchers arrested in the adjoining county. The U.S. Attorney General declared the men’s conviction “a great victory and... a forward step in the protection of civil rights.” *Id.*, 96.

⁷⁴ *Id.*, 194. See also Russell Charley’s draft card, dated October 16, 1940, where he lists “farmer” as his occupation instead of listing the sawmill as his employer.

⁷⁵ *Id.*

⁷⁶ While no direct evidence of Vredenburgh’s participation came to the fore in the course of research, it is likely that there was a wide dissemination of political sentiment and cultural shift across the state of Alabama during this time. *Id.*, 210-14.

men's shared goals, unions were able to surmount significant economic and social differences between the races. While this allowed the unions to survive the anti-union campaigns of the 1950s, the unions began to ignore non-work related racial grievances of its black members. As the civil rights movement emerged in the late 1950s, it did so without the support of the IWA.⁷⁷

C. Law Enforcement in Vredenburgh

In most company towns, which functioned as semi-private "corporate cities", the paternalistic hand of the corporation provided not only streets, drainage, and running water, but also a private police force.⁷⁸ In Russell Charley's case, the issue of whether Lee Thomas was acting in a policing role "under color of law" is central to the decision of whether federal authorities could proceed against him in court under federal law. If a "state actor" is considered to be acting "under the color of law" then they may be prosecuted for violations of the law, which in this case would be the deprivation of life and liberty of Charley. His designation by informants as a "public official" may be the primary reason why (or indeed, why not) the DOJ declined to investigate. In order to determine whether he was acting "under the color of law", it is necessary to examine whether his behavior falls under the jurisdiction of 18 U.S.C. §242 or 42 U.S.C. §1983 because these statutes provide a cause of action (a reason one can sue) for violations of civil rights by a state actor.

A civil rights claim pursued under § 1983 must be based on an actual deprivation of a right secured by the Fourteenth Amendment and *only if* (emphasis added) the unconstitutional conduct was performed by governmental, not private, actors.⁷⁹ There is a two-step inquiry to

⁷⁷ *Id.*, 222.

⁷⁸ Dotson, Paul R. "Magic City: Class, Community, and Reform in Roanoke, Virginia, 1882-1912", Louisiana State University and Agricultural and Mechanical College (2003), 7.

⁷⁹ Heffernan v. City of Paterson, N.J., 136 S. Ct. 1412 (2016).

determine whether a defendant is a person subject to a §1983 suit: “First, the deprivation [of a federal right] must be caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or by a person for whom the State is responsible. . . . Second, the party charged with the deprivation must be a person who may fairly be said to be a state actor.”⁸⁰

In the seminal case *United States v. Classic*, county election officials were held liable under §242, acting under color of law when they discriminated against Black voters and altered their ballots, because “[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ‘under color’ of state law.”⁸¹ This position was upheld in *Screws v. United States*, when a sheriff and his posse of deputies were found to be acting under the color of law when they arrested and fatally beat to death a Black man outside of the jailhouse.⁸² The Court held that “it is clear that under ‘color’ of law means under ‘pretense’ of law.”⁸³ Sixteen years later, the Court applied this principle in *Monroe v. Pape* to a claim under §1983, giving “color of law” meaning to a constitutional violation.⁸⁴ The *Monroe* court looked to the legislative history of the 1871 legislation, which was done in part to mitigate the power of the Ku Klux Klan and found a remedy “against those representing a State in some capacity [who] were unable or unwilling to enforce a state law” due to the Klan’s influence and control.⁸⁵ In such cases, there was “no

⁸⁰ Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982).

⁸¹ United States v. Classic, 313 U.S. 299, 326 (1941).

⁸² Screws v. United States, 325 U.S. 91 (1945).

⁸³ *Id.* at 111.

⁸⁴ Monroe v. Pape, 365 U.S. 167 (1961), overruled on other grounds by Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978).

⁸⁵ *Id.* at 176.

quarrel with the state law on the books. It was their lack of enforcement that was the nub of the difficulty.”⁸⁶

If Thomas was indeed a public official, there would be little question regarding his possible liability. However, “[t]he Supreme Court has explicitly left open the question of whether, and in what context, ‘private police forces’ may be considered state actors.”⁸⁷ In order for a private actor to be deemed to have acted under color of state law, it is not enough to show that the private actor performed a public function. The plaintiff must show that the private entity assumed powers “traditionally exclusively reserved to the State.”⁸⁸ Some lower courts have determined that under certain circumstances, private police forces may be considered state actors.⁸⁹ Some of these courts have posited that the key question in this analysis is whether “the private police powers are plenary or ‘merely police-like.’”⁹⁰ If the private police powers are

⁸⁶ *Id.*

⁸⁷ Wade v. Byles, 83 F.3d 902, 906 (7th Cir.1996).

⁸⁸ Rockwell v. Cape Cod Hosp., 26 F.3d 254, 258 (1st Cir. 1994) (quoting Rodrigues v. Furtado, 950 F.2d 805, 813 (1st Cir. 1991)).

⁸⁹ Romanski v. Detroit Entertainment. L.L.C., 428 F.3d 629, 638 (6th Cir.2005) (private security guard was state actor); Payton v. Rush Presbyterian–St. Luke Medical Center, 184 F.3d 623 (7th Cir.1999) (private police could be state actor); Boyle v. Torres, 756 F.Supp.2d 983, 995 (N.D.Ill.2010) (campus police officers employed by private education institution were state actors under § 983 because the campus police role is “one that has traditionally been the exclusive prerogative of the state”); Scott v. Northwestern University School of Law, No. 98 C 6614, 1999 WL 134059 (N.D.Ill. March 8, 1999) (campus police officers can act under color of state law for purposes of § 1983); but see Wade, 83 F.3d 902 (private security guard not state actor under § 1983); see also Fusco v. Medeiros, 965 F.Supp. 230, 249 (D.R.I.1996) (in “cases involving ... private security guards who perform some police functions” courts find state action “when a private actor, upon whom the state confers limited legal authority, actually uses that authority when engaging in the conduct complained of”).

⁹⁰ Klunder v. Trustees & Fellows of the Coll. or Univ. in the English Colony of Rhode Island & Providence Plantations, in New England, in Am., No. CA 10-410 ML, 2011 WL 2790178, at *7 (D.R.I. July 13, 2011). See also Durante v. Fairlane Town Center, 201 Fed. Appx. 338, 341 (6th Cir. 2006) (memo).

merely police-like then they are not necessarily acting in ways that are exclusively reserved for state actors.⁹¹

Because Charley’s death certificate was signed by the Monroeville Sheriff, one could argue that Thomas was not the official sheriff of Vredenburgh where the body was found and presumably the death occurred. However, it is still unclear why the DOJ chose not to investigate further, given the allegation that Thomas paid the sheriff to label the death a suicide. It also appears that Thomas defined himself as an employee of the sawmill, based on his census records and his draft card.⁹² However, if he was also the designated by the sawmill as “policeman” of the town, then he could more likely be considered a state actor, i.e. one who exerted powers traditionally and exclusively reserved for the State.

IV. The Charley Family Story

A. The Charley Family

Carrie and Russell Charley had seven children together, and Carrie was pregnant at the time of the lynching.⁹³ Three of Charley’s children are alive as of this writing: Annie Whitlock (5 years old at the time of the lynching, now 69), Earnest Charley (7 years old at the time of the lynching, now 71), and Lawyer Charley (unborn at the time of the lynching, now 64).⁹⁴

B. Annie Whitlock’s Interview Summary⁹⁵ (Russell Charley’s daughter)

i. Russell Charley, a Father:

⁹¹ Romanski, 428 F.3d at 638 (the “plenary arrest power enjoyed by private security police officers licensed pursuant to [a state statute] is a power traditionally reserved to the state alone”); but see Spencer v. Lee, 864 F.2d 1376, 1380 (7th Cir.1989) (“[a]rrest has never been an exclusively governmental function”).

⁹² 1940 U.S. Federal Census, Lee Thomas Draft Card.

⁹³ Carrie Charley Obituary, *Pensacola News Journal*, (June 3, 2001)

⁹⁴ Interview with Annie Whitlock, November 3, 2018. A complete version of this narrative can be found in the CRRJ archives.

⁹⁵ *Id.*

Russell Charley was a wonderful father and the sole provider for the family. He worked at the sawmill during the day and at the local movie house in the evenings where he cleaned for some extra money. The family lived on a farm, most likely part of the Vredenburg sawmill company land program. During this time, his wife, Carrie Addielee, was a housewife, taking care of their six children: Russell (Jr.), John, Willie Lee, Earnest, Mildred, and Annie. At the time of Russell Charley's death, Carrie was pregnant with Lawyer, the youngest of their children. When one of Carrie's brothers was killed, Carrie and Russell took in one of their children, Charley Jr., who had Down Syndrome. Her father was particularly fond of Charley Jr., and Annie recalls that her dad would spend extra time with him and would bathe him and make him laugh. Russell Charley's nickname was "Jabo", and he was considered a jokester with a wonderful sense of humor.

On Sundays, her father would take over the household duties, so that Carrie could attend church and "take the day off". Mrs. Whitlock described a warm and loving home, often filled with laughter. She remembers her father as a good cook, making beans, chicken, greens, "southern food" as she called it. He would also wash her hair and put the hot iron to her hair. She remembers playing hide and seek with him.

Mrs. Whitlock felt that her mother, the youngest of 17, had been spoiled all her life, and that her father spoiled Carrie as well, but she was also well-loved. Carrie's mother passed away when Carrie was only 7 months old, but with many older brothers and sisters, she was well-taken care of. Her mother's middle name, Addielee, was in tribute to a white woman in the town who was generous with the Charley family. Mrs. Whitlock recounts that because of the connection to this white woman, who adored Carrie, Mrs. Whitlock often had things that the other Black children did not.

Mrs. Whitlock remembers her father working hard at the mill during the week, coming home only to eat, and then going back out to work at the theater at night. In the mornings, she would still be asleep when he left for work, and he would put a Baby Ruth candy in her nightgown for her to discover when she woke up. He also loved to fish and would bring home fish to eat, which she remembers as being as big as she was at the time. When he returned home with a large catch, the family would eat fish for dinner, breakfast the next day, and for days after. They also grew their own vegetables. Mrs. Whitlock recalls that her father was paid every third Friday, and they would then walk to the commissary in town to buy supplies for the month, paid for with company coin. They were not a wealthy family, but a happy one.

Mrs. Whitlock also remembers her father as a proud man. He didn't drop his gaze when looking at a white man. He wouldn't answer with only "yes suh" or "no suh". He treated others as his equal and didn't "cow tow" to the white man, and this set him apart from other Black men in the town. He was physically strong as well.

ii. May 8th, 1954

On the morning of May 8th, 1954, Mrs. Whitlock woke up, knowing something was different; there was no Baby Ruth candy in her nightgown, and she knew that her father had not been there that morning. Her mother was in the kitchen, preparing breakfast. He should have come home the evening before, but never did. She could see her mother pacing in the kitchen.

"Where's daddy?", Willie Lee, 12 years old at the time, asked. Carrie informed him that he had never come home, and Willie Lee left to tell his brothers. John, 16 years old, also asked his mother the same question. She suggested that they go check the movie house to see if they could find out where he was. Willie Lee, John, and Russell Jr., 14 years old, set off in the direction of town. Mrs. Whitlock remembers them being gone for, what felt like, a long time.

They found their father's body hanging from a tree halfway between their home and town. The three boys cut the body down from the tree, and his mouth and face were blue. She recalls that his hands were tied, and they also cut them free. The boys noticed the "tracks" of someone they knew, Albert Blackmon, unique because he had a peg leg.⁹⁶

Wondering where her brothers had gone, Mrs. Whitlock took a hot biscuit from the kitchen and began walking towards town. She saw them running towards her, towards home, to get their mama, and she knew something wasn't right. She saw Earnest, 7 years old, run towards the body and then back towards home, crying and out of breath. In the evening, family and friends gathered at the house. Mrs. Whitlock, only 5 years old, mostly felt confused, remembering seeing her mother and brothers devastated.

Mrs. Whitlock remembers that no one from the sawmill came to pay their condolences. Nor was did any police or other officials come to inquire. Soon after Russell's death, the family left Vredenburgh and eventually relocated to Florida, New Jersey, and South Carolina.

iii. The Aftermath

The Charley family suffered tragic consequences following the death of Russell Charley. Not only had they lost their economic provider, but the children experienced significant trauma. Carrie and her children relocated to Coy, Alabama, to be close to one of her brothers. Her son, Lawyer, was born soon after. Dr. Cannon, who had been close to the family, helped Carrie apply for welfare, and they lived on this and financial assistance from her family.⁹⁷

John, 16 years old at the time, had the hardest time of the boys, Ms. Whitlock recalled. He was a great student and had excelled in school. However, after his father's death, he wouldn't

⁹⁶ See also: DOJ Litigation File, A1 COR, #144-3-108, June 23, 1954.

⁹⁷ Dr. Cannon was the "company physician" of Vredenburgh. Vredenburgh Searcher Fall 1995, p. 8.

stop speaking anymore. His teacher was worried about him, but he remained silent. Soon after, he stopped going to school.

Russell Jr., 14 years old at the time, had a “nervous breakdown” and was “put away” after his father’s death. Eventually, he re-entered society and became deeply religious. Many years later, a man, believed to be Jerry Watson, was dying and called for Russell Jr. to come to his bedside.⁹⁸ He asked for his forgiveness in contributing to his father’s death. Mrs. Whitlock believes that it was Russell’s commitment to the bible that allowed him to accept this man’s forgiveness.

Both Earnest, Lawyer, and Mrs. Whitlock, the only children alive today, have much difficulty with the topic of their father’s death. Earnest recalls so vividly the color of his father’s face that day that he cannot speak about it. Lawyer, the only one of the children who never met his father, remains pained by this incident. Mrs. Whitlock spoke about the stress that her mother endured while pregnant with Lawyer.

The family experienced other incidences of racial violence in the years after 1954. Four years later, Carrie’s teenage nephew, Roy, was accused of rape by his white girlfriend. He was dragged behind the back of truck in front of their home and eventually went to prison. Years later the girlfriend recanted her story.

The family always held a strong conviction that Lee Thomas was ultimately the man responsible for Russell Charley’s death. Mrs. Whitlock remembers that Lee Thomas, whether he was the “official” sheriff or not, was the man who ran Vredenburgh. Furthermore, she remembers Albert Blackmon (the man with a peg leg) having the reputation of doing whatever Thomas would ask him to do.

⁹⁸ *See also*: DOJ Litigation File, A1 COR, #144-3-108, June 23, 1954.

Mrs. Whitlock describes Lee Thomas as a “mean man” with a “bad reputation”. She remembers clearly the hat he wore every day. When he came around, everyone would become quiet. However, it was not characteristic of Charley to accept it when Thomas would “speak rough” to him. While she could not recall a specific incident, she believes there was a tension between them. Part of the family narrative of May 7th, 1954 is that Thomas killed Russell Charley because of Thomas’ affection for a Black woman named Blair. It was rumored that Thomas didn’t want anyone so much as talking to Blair but being the affable and polite man that he was, Charley would talk to her when he saw her around. Later, Blair went to jail and threatened to tell who killed “Jabo” Charley. Several years ago, during a visit to Vredenburgh, a family member offered to buy Mrs. Whitlock a fish sandwich, which she was looking forward to, until she found out that it had been prepared by Blair, after which, she refused to eat the sandwich.

In the wake of Charley’s death, his younger sister, Lucia, tried to find some semblance of justice for her brother. She repeatedly went to the NAACP in Monroeville to ask if there was anything to be done. She is likely the reason for the “NAACP Probe” in the headline of the Pittsburgh Courier article.⁹⁹

V. Conclusion

A review of the death certificate and other official records of Charley’s death, along with the fact that the death occurred in a company town and Annie Whitlock’s interview, create a complex narrative that leaves many questions. Despite informant testimony provided to the FBI that Lee Thomas was acting in an official role for the town of Vredenburgh, the Department of Justice declined to investigate. Despite evidence of payment to change the death certificate,

⁹⁹ “NAACP Probes ‘Bama Lynching,” *Pittsburgh Courier* (June 26, 1954).

action was not taken. With detailed informant narratives and press coverage of the lynching, the labelling of this death as a suicide is troubling. There were clearly strong and compelling social forces that caused this death to be labeled a suicide, despite all the evidence to the contrary. As such, more investigation is required into how Charley's death certificate came to be so inaccurate.

Ms. Whitlock presents a compelling and heart-wrenching narrative, and yet, it is not complete given her age at the time of the death and trauma endured in the course of the events on May 8th, 1954, as well as the years after. However, she presents an all-to-common story of generational-lasting trauma and of economic hardship for what could have been upwardly mobile Black family. Furthermore, she shares with us a story of what resilience looks like and the unique burdens that families often hold in carrying such trauma. Whether Charley was killed because of debts owed to a bootlegging business, an interracial love triangle, or as part of a strategy of fear and violence employed to maintain the racial caste system of the company town of Vredenburgh, we may never know the answer with the clarity that one needs to pursue litigation. However, Ms. Whitlock's narrative, of all the narratives we have to examine in this case, is the clearest, because it comes from the sincerest place: a daughter who lost her father to the disease of racism that has so long plagued this nation. From that narrative, there is ample room for restorative justice, and Russell Charley's family deserves that.

Restorative justice could take many forms in this case, such as public apologies, a marker, a monument, or a community remembrance project. Ms. Whitlock has taken on much of the work of guiding herself, her family, and her community through that process. She is fervent and determined to share her family's story with the Monroe County community and beyond as part of Russell Charley's family's quest for justice.

VI. Suggested Reading

Dickson, Martha. *Anchors of Faith: Early Wooden Churches of the Deep South*, New South Books, (2013).

Dotson, Paul R. "Magic City: Class, Community, and Reform in Roanoke, Virginia, 1882-1912", Louisiana State University and Agricultural and Mechanical College (2003).

Greenwald, Maurine Weiner, and Margo J. Anderson. *Pittsburgh surveyed: social science and social reform in the early twentieth century*, Pittsburgh, Pa: University of Pittsburgh Press. (1996).

Powell Jones, William. "Cutting Through Jim Crow: African American Lumber Workers in the Jim Crow South, 1919-1960", University of North Carolina, Chapel Hill (2000).

Rubin, Morton. "Labor," Camden and Selma, 18 April 1947. Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. *Field Studies in the Modern Culture of the South*, Records, Subseries 1.3.

Rubin, Morton Rubin, *Plantation County*. New Haven: College and University Press (1963).

Stevenson, Bryan, *Just Mercy: A Story of Justice and Redemption*. Spiegel & Grau, 2015.

Strother, T. Ella, "The Race-Advocacy Function of the Black Press", *Black American Literature Forum*, Vol. 12, No. 3 (Autumn, 1978).

Tarver, John Reed, "The clan of toil: Piney woods labor relations in the trans-Mississippi South, 1880-1920. (Volumes I-III)", The Louisiana State University- and Agricultural and Mechanical Col. (1991).

Exhibit A: Death Certificate

ALABAMA
Center for Health Statistics

THIS IS AN EQUAL COPY AND BE PERMITTED TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ALABAMA DEPARTMENT OF HEALTH AND U.S. PUBLIC HEALTH SERVICE COOPERATING.

CERTIFICATE OF DEATH
STATE OF ALABAMA

10091

1. PLACE OF DEATH a. County MONROE b. Beat No. 10		2. USUAL RESIDENCE (Where deceased lived if institution; residence before admission) a. State ALABAMA b. County MONROE	
c. City (if outside city or town limits, write RURAL) Or Town VERDENBURGH , d. Length of Stay (in this place)		c. City (if outside city or town limits, write RURAL) Or Town VERDENBURGH , d. Beat No. 10	
3. Full Name of (if not in hospital or institution, give street address or location) Hospital Or Institution		4. Street Address (if rural, give location)	
5. Name Of DECEASED (Type or Print) a. (First) RUSSELL b. (Middle)		c. (Last) CHARLIE 64	
6. Sex MALE 7. Color or Race NEGRO 8. Married, Never Married, Widowed, Divorced (Specify) MARRIED		9. Date Of Death MAY 7, 1954	
10. Usual Occupation (Give kind of work done during most of working life, even if retired)		11. Date of Birth SEPT. 9, 1907 46 Age (in years, if under 1 year; if under 24 hrs. list birthdate) Months Days Hours Min.	
12. Kind of Business or Industry SAW MILL		13. Birthplace (State and county or foreign country) ALABAMA, WILCOX	
14. Father's Name STERLING CHARLIE		15. Mother's Maiden Name ROSIE HENRY	
16. Was Deceased Ever in U. S. Armed Forces? (If yes, give war or dates of service) NO		17. Social Security No.	
18. Cause of Death. Enter only one cause per line for (a), (b), and (c) I. Disease or Condition Directly Leading to Death* (a) 979X *This does not mean the mode of dying, such as heart failure, asphyxia, etc. It means the disease, injury, or complication which caused death. II. Other Significant Conditions Conditions contributing to death but not related to the disease or condition causing death.		Interval Between Onset and Death	
19. Date of Operation		20. Major Findings of Operation	
21a. Method Suicide (Specify) suicide		21b. Place of Injury (home, farm, factory, street, office bldg., etc.) quoad	
21c. (City, Town, or Rural) Verdenburgh (County) Monroe (State) Ala		21d. Time (Month) (Day) (Year) 5-7-54	
21e. Injury Occurred While at Work [] Not While at Work [] at Work		21f. How Did Injury Occur?	
22. I hereby certify that I attended the deceased from _____ to _____ that I last saw the deceased alive on _____ and that death occurred at _____ m. from the causes and on the date stated above.			
23a. SIGNATURE B. E. Wilson		23b. Address Monroeville	
23c. Date Signed 5-13-54			
24a. Burial, Cremation, Exposure (Specify) BURIAL		24b. Date 5/23/54	
24c. Name of Cemetery or Crematory SAINT MATTHEW'S CEMETARY		24d. Location (City, town, or county) (State) VERDENBURGH, ALABAMA	
25. Date Rec'd by Local Registrar's Signature 5-18-54 Memie S. Marshall		26. Funeral Director UNITY FUNERAL HOME, MONROEVILLE, ALABAMA	

This is an official certified copy of the original record filed in the Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama. 2018-413-872-4

September 20, 2018

Nicole H. Rushing
Nicole Henderson Rushing
State Registrar of Vital Statistics