

Thomas Finch

Gatekeepers of Justice: Unchecked Abuse of Police Power Left Unsolved



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TABLE OF CONTENTS

I.	INTRODUCTION	P3
II.	THOMAS FINCH	P3
III.	THE GRADYS: SEPARATE, NOT EQUAL	P6
IV.	THE RAPE CHARGE AND THE LYNCHING	P7
V.	THE INVESTIGATION AND FINDINGS	P9
VI.	GATE-KEEPING AND LIMITATIONS OF ADVOCACY	P13
VII.	CONCLUSION	P15

Gatekeepers of Justice: A Glimpse of Unchecked Abuse of Police Power Left Unsolved

I. INTRODUCTION

Thomas Finch, a twenty-eight year old African American man, was unjustly and brutally murdered at the hands of a few detectives and “vigilante” citizens in Atlanta in 1936. He was deemed guilty, not by a court of law, but by a few individuals, of having raped a white woman. After an investigation was conducted by the Commission on Interracial Cooperation,¹ it became apparent that Finch was not guilty of raping Ozella Smith. In fact, a strong case could be made to show that Finch was lynched by police officers. He was denied his citizenship when his life was taken from him without due process of law. Yet it is apparent that no law suit was ever filed in the case, and that both the NAACP and the Interracial Commission were complicit in acting as gatekeepers to justice when they decided to not use their resources and failed to ensure that the Finch family could pursue a case against Thomas Finch’s murderers. Finch was never vindicated for the wrongs committed against him and his story has remained largely untold.

II. THOMAS FINCH

Thomas Finch was born on March 4, 1908 to Jim Finch and Emma Sue Hunter Finch in Atlanta, Georgia.^{2 3} He had six brothers and sisters: Annie, Eva, Steve, Edna, Guy, and Jim.⁴ The

1 The Commission on Interracial Cooperation, hereinafter referenced as “the Interracial Commission” was a private organization founded in Atlanta, Georgia to oppose lynching, mob violence and to educate white southerners concerning racial abuse. Led by Rev. Will W. Alexander, pastor of a local white Methodist church, the organization was formed in the aftermath of violent race riots that occurred in 1917.

2 “T.F. Finch.” Find a Grave. <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=100796635&ref=acom> (retrieved July 20, 2017).

3 Ancestry.com. *U.S., Find A Grave Index, 1600s-Current* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2012.

4 Department of Commerce-Bureau of the Census. “Fourteenth Census of the United States: 1920-Population.”

Finch family initially were sharecroppers in the small rural town of Falling Creek in Oglethorpe County, Georgia, located about two hours outside of Atlanta.⁵ In 1910, Falling Creek was a town of 1,643 residents.⁶ During the early twentieth century, Oglethorpe County went through a period of great prosperity.⁷ The economy in Oglethorpe County was primarily focused on agriculture, mostly small farms that produced grain, poultry, beef, and dairy cattle.^{8 9}

By the age of 11, Finch had not received a formal education nor was he able to read or write.¹⁰ In his youth, Finch was a laborer on a home farm and worked for wages.¹¹ The family later moved to Atlanta, where Finch's father became a haberdasher.¹² There the family was more fortunate economically than many other African American families.¹³

5 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

6 Department of Commerce and Labor Bureau of the Census. "Thirteenth Census of the United States Taken in the Year 1910: Statistics for Georgia." <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-ga.pdf> (retrieved August 10, 2017).

7 Montgomery, Beverly. "Oglethorpe County History." Oglethorpe Online. <http://www.onlineoglethorpe.com/Oglethorpe-County-History-v-11.html> (retrieved August 1, 2017).

8 Cooksey, Elizabeth B. "Oglethorpe County." New Georgia Encyclopedia. <http://www.georgiaencyclopedia.org/articles/counties-cities-neighborhoods/oglethorpe-county> (retrieved August 6, 2017)

9 Cooksey, Elizabeth B. "Oglethorpe County." New Georgia Encyclopedia. <http://www.georgiaencyclopedia.org/articles/counties-cities-neighborhoods/oglethorpe-county> (retrieved August 6, 2017)

10 Department of Commerce-Bureau of the Census. "Fourteenth Census of the United States: 1920-Population."

11 Department of Commerce-Bureau of the Census. "Fourteenth Census of the United States: 1920-Population."

12 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

13 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

From about age twenty Thomas Finch worked as a hospital orderly in Atlanta.¹⁴ At the time of his death in 1936, he was married and was working in the white wards of Grady Hospital. He was described as a “popular young man” who had a “splendid record.”¹⁵

Since Finch’s grandfather was Caucasian, it is likely that the Finch family inherited Caucasian features and a lighter complexion.¹⁶ The family believed that at times they had an advantage in the community because of their lighter complexion.¹⁷ The skin color paradox created by mulatto ancestry has been considered to help African Americans “pass” as white or to obtain certain privileges within the community. For example, Walter White, an investigative reporter for the National Association for the Advancement of Colored People (NAACP), allegedly had an advantage in conducting his investigations that was due in part to his light skin, blue eyes, and wavy blond hair.¹⁸ For some fair-skinned African Americans, the notion of passing not only allowed for them to “pose as white,” but may have conveyed a feeling of superiority to their darker counterparts. A dissertation from 1918 describes what was at that time a perceived advantage garnered by some light-skinned individuals with African heritage:

...mulattos at present are the leading men of the race and the indication is that they will become more and more so as time goes on....They are at present the educated and the professional classes among the race...for a generation at least, the mulattoes will continue to be the intellectual group of the race...The ideal of

14 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

15 Special Correspondent. “Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police.” *The Chicago Defender*. (National Edition). September 26, 1936.

16 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

17 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

18 Gallagher, Charles A. and Cameron D. Lippard, Ed. *Race and Racism in the United States: An Encyclopedia of the American Mosaic*. Jun, 24, 2014.

the race tends to perpetuate the mulatto as a superior type.¹⁹

It was not uncommon for those of mixed ancestry to decide to “pass” for white, whether they chose to either permanently “blend in” or would only do so in dire circumstances.²⁰

It remains unclear whether Thomas Finch actually inherited features that reflected his mulatto ancestry, or whether he enjoyed any of the benefits from it. After moving to Atlanta, however, Finch did work in the whites-only portion of the segregated Grady Hospital.²¹

However, it is not known whether he obtained this position because he may have had mulatto features.

III. THE GRADYS: SEPARATE, NOT EQUAL

Atlanta’s Grady Hospital was originally comprised of six wards; two wards for male and female white patients, two wards for male and female black patients, a maternity ward, and a children’s ward.²² In 1912, under the increasing influence of Jim Crow laws, a separate black hospital was built on the site of the old Atlanta Medical College at Armstrong and Butler.²³ This ensured that there would be two separate black and white hospitals; clinics, nurses’ quarters, and emergency rooms.²⁴ Despite the physical separation of the two hospitals and the vastly different conditions in the black and white wards, the two facilities continued under the title “The

19 Reuter, E. B. *The mulatto in the United States*. Boston, MA: Badger. 1918.

20 *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* By Randall Kennedy

21 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

22

<https://www.atlantaga.gov/government/departments/planning-community-development/office-of-zoning-development/urban-design-commission/georgia-hall-original-grady-hospital>

23

<https://www.atlantaga.gov/government/departments/planning-community-development/office-of-zoning-development/urban-design-commission/georgia-hall-original-grady-hospital>

24 <http://www.georgiaencyclopedia.org/articles/science-medicine/grady-health-system>

Gradys.”²⁵ The white section of Grady was modern, clean and renovated, whereas the black section was dirty, deteriorating, dilapidated.^{26 27}

In 1933, Grady Hospital served more than 91,000 patients in strictly segregated facilities.²⁸ In the event that an error was made and a black person was brought to the incorrect ward, staff would hurriedly rush the new patient over to the “correct” ward.²⁹ Walter White described the conditions in the black section of Grady Hospital as he saw them in 1931:

Eventually deterioration from age had made the place so antiquated that more modern quarters were built elsewhere for the medical school. The old buildings were considered good enough for the Negro wards of the Municipal Hospital... Overworked Negro nurses and orderlies scrubbed and swept incessantly, but with dismal failure, to keep the closely packed wards reasonably clean. The obsolescent building and facilities had too great a head start. Dinginess, misery, and poverty pressed so hard on one from every side that even a well person could not avoid feeling a little sick in those surroundings... There were numerous private hospitals in Atlanta... but they were all for whites. Ninety thousand Negroes needing hospitalization had only a single choice—either Grady Hospital or a private sanitarium of about a dozen beds which had little modern equipment... Huge cockroaches came out of hiding places and scampered about the wards and corridors. The pattern of nocturnal nausea they made was occasionally varied by the appearance of a rat. George and I instinctively kept our feet off the floor on the rungs of the chair to avoid the vermin.³⁰

The vast differences in how each of the Gradys were maintained was symbolic of the stark differences that blacks and whites felt in segregated Atlanta during the 1930’s. The dejection and lack of resources was not only felt in the black health care system, but

²⁵ <http://www.gradydoctor.com/2012/01/tale-of-two-gradys.html>

²⁶ Kennedy, Randall. *Interracial Intimacies: Sex, Marriage, Identity, and Adoption*. Vintage. 2004.

²⁷ White, Walter. *A Man Called White: The Autobiography of Walter White*. 1948

²⁸

<http://www.creativeloafing.com/photo-video/photo-galleries/media-gallery/13092924/grady-archival-photos-18961958#&gid=1&pid=10>

²⁹ *A Man Called White: The Autobiography of Walter White*

³⁰ *A Man Called White: The Autobiography of Walter White*, pg

could be felt in other separate facilities in Atlanta. The separation and inequality extended to social interactions as well. Although slavery was no longer legal, Jim Crow laws ensured that black citizens were continuously treated as second class.

IV. THE RAPE CHARGE AND THE LYNCHING

On Thursday, September 10, 1936, twenty-two-year-old Ozella Smith, a white woman, came to the Admissions Department of the white section in Grady Hospital with a fractured limb.³¹ Smith was the daughter of Maudie F. Anderson and lived on Grant street, which was a few blocks from Grady Hospital.^{32 33} Finch and Smith had been dating each other in secrecy. Due to the societal stigma against black and white relationships, it was not possible for them to publicly show their interest in each other.³⁴

Smith was placed on a gurney and Finch rolled her to the Emergency Clinic in Grady Hospital.³⁵ On Friday, September 11, 1936, Smith went to the Atlanta Police Department where she filed a complaint that she had been raped, and identified Finch as the rapist.³⁶ She claimed that Finch raped her in a small closet just off the reception room of the white clinic in Grady

31 Arth Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

32 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

33 "Map of Downtown Atlanta c. 1936." Department of Geography. The University of Alabama. [http://cartweb.geography.ua.edu/lizardtech/iserv/calcrng?cat=North%20America%20and%20United%20States&item=States/Georgia/Georgia1934a.sid&wid=1000&hei=900&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xml](http://cartweb.geography.ua.edu/lizardtech/iserv/calcrng?cat=North%20America%20and%20United%20States&item=States/Georgia/Georgia1934a.sid&wid=1000&hei=900&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xml) (retrieved August 12, 2017).

34 Morris Finch, Joyce. Interview by Carissa Aranda. Phone Interview. Boston, MA, June 26, 2017

35 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

36 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

Hospital on Thursday, September 10.³⁷ It remains unclear why Smith decided to betray her lover.

Around 9 p.m. on that evening, an unidentified policeman called Grady Hospital to confirm where Finch lived, alleging that Finch was responsible for raping Smith.³⁸ Two officers J.W. Cody and S. W. Roper, arrested Finch around 3 a.m. on Saturday, September 12, 1936.³⁹ As the officers were taking Finch to the police station, Finch allegedly attacked Detective Roper and attempted to escape.⁴⁰ The officers asserted that in response to his attempt to escape, they shot him three times.⁴¹ ⁴²The *Atlanta Constitution* reported on the incident, titling the story “Negro Orderly Killed in Attempt to Escape.”⁴³ The article presumed that Finch was culpable, asserting that Finch was killed because he tried to escape.⁴⁴ According to the news report, the detectives were acting in self-defense. Their actions were not questioned.

Thomas Finch was left in an unconscious state at the Emergency Clinic of Grady Hospital at 4 a.m., only an hour and fifteen minutes after his arrest.⁴⁵ He died an hour later without making a final statement.⁴⁶ He passed away at the age of 28 on September 12, 1936.⁴⁷ ⁴⁸

After Finch died, some of the white nurses from Grady Hospital went to his home to see if there

37 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

38 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

39 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

40 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

41 Special Correspondent. “Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police.” *The Chicago Defender*. (National Edition). September 26, 1936.

42 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

43 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

44 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

45 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

46 Raper, Arthur. “Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936.”

47 Ancestry.com

was anything they could do for the family.⁴⁹ The personnel from Grady Hospital sent a floral wreath to the funeral.⁵⁰ His body was taken to Hanley Brother's undertaking establishment and later buried in an unknown cemetery in Oglethorpe County.^{51 52}

It appears that no official review was ever undertaken to determine whether the police officers were acting in accordance with protocol or whether they were abusing their power was undertaken. Further, no official report was found, other than a death certificate. The murder was categorized as a "justifiable homicide."

V. THE INVESTIGATION AND FINDINGS

The only investigation of Finch's death was conducted by the Interracial Commission and Arthur Raper. The investigators theorized that Finch was lynched either by the police or that the police had delivered him to others to be lynched.⁵³ In part, the evidence supporting this theory is based on the fact that as many as seven cars circled Finch's house at 427 Ripley street for over three hours on the evening of Friday, September 11, 1936, .^{54 55} The investigators reported that at three a.m. on Saturday, September 12, Finch's family awoke to the knocking of five enormous men outside.⁵⁶ Two of the men were in police uniforms.⁵⁷ The other three were wearing civilian clothes. The seven cars that had been circling Finch's house earlier that evening were parked on

48 "T.F. Finch." Find a Grave. <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=100796635&ref=acom> (retrieved July 20, 2017).

49 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

50 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

51 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

52 "T.F. Finch." Find a Grave. <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=100796635&ref=acom> (retrieved July 20, 2017).

53 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

Piedmont Avenue, a few blocks from Finch's home.⁵⁸

The investigation report described the events at Finch's home. After answering the door, Finch's father was told, "We want your son, Tom."⁵⁹ Finch asked what he was being arrested for.⁶⁰ He was told that there was an investigation underway and that he needed to put on his old working clothes.⁶¹ He was ushered into one of the seven cars that had been circling his house earlier that day and was driven away.⁶² Twenty minutes later, Finch's wife called the city and county jails to inquire about her husband's alleged arrest.⁶³ She was told that Finch had not been arrested, no charge had been made against him, and that he was not at the county jail.⁶⁴ Mrs.

54 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

55 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

56 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

57 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

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59 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

60 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

61 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

62 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

63 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

64 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in

Finch then called Grady hospital and was notified that her husband's unconscious body had been dumped there.^{65 66} After he was placed on the operating table, Finch gasped: "Oh Lord, Oh Lord."⁶⁷ He subsequently fell into a coma and never awoke.⁶⁸

The investigation report concluded that Finch was not taken to police headquarters that Saturday morning. Instead, he was taken somewhere to have his body beaten. Within approximately one hour and fifteen minutes of his abduction, Finch's body was left at the hospital with scars and other evidence of a brutal beating. His face bore marks of heavy blows around his eyes and mouth; one of his eyes was completely mashed in. Nine gunshot wounds appeared on his body: five wounds were found in his chest; two bullets were lodged in his neck; and two holes were found on the left side of his body.^{69 70} Powder burns on his body showed that he had been shot in close proximity.⁷¹ The report concluded that Finch's wounds were not the

Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

65 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

66 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

67 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

68 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

69 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

70 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

71 Special Correspondent. "Expose Lynching of Hospital Worker: 2-Week-Old Lynching in Atlanta Comes to Light Brutal Slaying of Hospital Orderly is Laid to Police." *The Chicago Defender*. (National Edition). September 26, 1936.

wounds of a man who was shot simply because he was trying to escape an arrest or attempting to fight an officer. There was no way he could have escaped the grasp of five men. Nor was it necessary for them to beat him in order to deliver him to justice for the alleged rape.

The Interracial Commission report also concluded that it was evident that Finch was innocent of raping Smith.⁷² Finch's supervisor, the nurse in charge of the Admissions Department asserted that after Smith was received at the Admissions Department, Finch took Smith to the Emergency Clinic. Finch was absent from the Admissions Department for only about four minutes and remained within her sight all morning, but for those few minutes.⁷³ She insisted that there was no way he could have been outside of her sight for much longer because she constantly required his assistance.⁷⁴

The small closet, where the rape allegedly occurred, was surrounded on each side by the offices of two white doctors. Both Dr. Franklin and Dr. Hines, the two doctors who occupied those offices confirmed that there was no way the rape could have occurred and asserted that Finch was a man of excellent character.⁷⁵ The statements of the doctors were confirmed by several other staff members from the white hospital.

Smith was thought to have been a woman of questionable character and very low mentality who generally desired publicity.⁷⁶ Based on the evidence collected, she could not have been telling the truth. Yet she and the Atlanta police detectives insisted on painting Finch as the stereotypical black rapist, a false image used by the press and law enforcement authorities to

72 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

73 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

74 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

75 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

76 Raper, Arthur. "Concerning the Death of Tom Finch, Atlanta, Georgia—September 12, 1936."

excuse or justify many “vigilante” lynchings. The myth of rampant black-on-white rape promoted the notion that black men had a rabid appetite for raping white women.⁷⁷

Anne Braden discusses the complicity that white women bore in ensuring that black men were depicted as rapists and that rape was used as legitimization of lynching, regardless of whether such an act had actually occurred.⁷⁸ In her letter to her “white sisters throughout the South,” she acknowledges the contradiction in having white women depicted as heroines and queens who, through false allegations, could “protect” their white female counterparts against the “black rapist.”⁷⁹ Yet, a small movement to oppose this narrative did not emerge until the 1930’s, when the rabid black rapist was still considered by many a real problem. To find several white supporters who were willing to stand up for Finch’s reputation and conduct against the statements of a white woman alleging that she was raped was no small feat during this time period.

VI. GATEKEEPING AND LIMITATIONS OF ADVOCACY

The NAACP, the Interracial Commission, the Urban League, the Atlanta Civic and Political League, the Negro Chamber of Commerce were working together to coordinate which cases they would work on and were attempting to could come up with a system so that they were not duplicating their racial justice work.⁸⁰ This sort of coordination was imperative to ensure that

⁷⁷http://www.slate.com/blogs/xx_factor/2010/01/15/southern_horrors_women_and_the_politics_of_rape_and_lynching_by_crystal_feimster.html

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<http://www.newsreel.org/guides/Anne-Braden-Southern-Patriot-Resources/Anne-Braden-A-Letter-to-White-Southern-Women.pdf>

⁷⁹

<http://www.newsreel.org/guides/Anne-Braden-Southern-Patriot-Resources/Anne-Braden-A-Letter-to-White-Southern-Women.pdf>

⁸⁰ Letter from Forrester B. Washington to Walter White of the NAACP, dated October 31, 1936

resources were being allocated in an efficient way. Further, the group had decided that a collective strategy could best be implemented by first deciding which groups would take the lead on certain cases.⁸¹ As part of this process, the Interracial Commission took the lead on the Thomas Finch's case and initiated their investigation and preparations for moving the case forward.⁸² They were gathering white nurses and interns as witnesses and attempting to build a legal case for the courts.⁸³ Thus, since the Interracial Commission was moving forward with the case, the NAACP agreed to not pursue the matter further, unless given guidance by the Interracial Commission.⁸⁴

Yet, even after the Interracial Commission and Arthur Raper completed their report, it appears that that no further official review was undertaken, nor was any legal case brought against either of the two detectives involved in Finch's death or against the three unknown individuals. In the correspondence from Walter White, the Executive Secretary at the NAACP, and Forrester Washington, President of the NAACP's Atlanta Branch, it became apparent that initially the NAACP was not sure whether Finch's killing met their definition of lynching.^{85 86 87}

At the time, the definition of what constituted lynching was highly in contention among leading

81 Letter from Forrester B. Washington to Walter White of the NAACP, dated October 31, 1936

82 Letter from Forrester B. Washington of the NAACP Atlanta Branch to Walter White of the NAACP, dated October 31, 1936.

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86 Letter from Walter White of the NAACP to Forrester B. Washington of the NAACP Atlanta Branch, dated October 26, 1936.

87 Letter from Forrester B. Washington of the NAACP Atlanta Branch to Walter White of the NAACP, dated October 22, 1936.

social justice organizations.^{88 89} Eventually there was consensus that the Finch case could be categorized as a lynching, but what this meant for the work on this case is unclear.⁹⁰ In moving forward with a strategy on how to handle the case, there was difficulty in finding someone who was willing to bring a suit.⁹¹ Thus, although an investigation conducted was conducted and potential witnesses were lined up, there appeared to have been a hesitancy in moving the case forward. Currently, it appears that no case was ever brought to establish accountability for the death of Thomas Finch.

VII. CONCLUSION

The wounds on Thomas Finch’s body were the results of a brutal assault on a lone weaponless man who was beaten and killed with relentless, animalistic anger fueled by blind hatred. The “vigilantes” who seized and beat Thomas Finch to death were the self-appointed judge and jury for a man who was never given a single minute to prove his innocence of the rape charge. His death was never vindicated by the criminal justice system in Georgia. Neither Finch nor Smith received their day in court for a trial that could theoretically have helped them find justice. Finch was never able to defend himself against the rape allegations, nor was Smith able to confront him for the injustice that she allegedly suffered. No state or city-led investigation

88 Waldrep, Christopher. “War of Words: The Controversy Over the Definition of Lynching, 1899-1940.” *Journal of Southern History*. Vol. 66, No. 1. 2000.

89 For a comprehensive discussion about conflicting definitions of lynching held by racial justice organizations including the NAACP, see paper by [Jason M. McGraw, "Defining Lynching in Order to End It: The Lynching of Austin Callaway and How It Shaped the Debate on How to End Lynching"](#), Northeastern University School of Law 2015, Civil Rights and Restorative Justice Clinic.

90 Letter from Forrester B. Washington of the NAACP Atlanta Branch to Walter White of the NAACP, dated October 31, 1936.

91 Letter from Forrester B. Washington of the NAACP Atlanta Branch to Walter White of the NAACP, dated October 22, 1936.

appeared to have been conducted to determine whether Detectives Cody and Roper were acting in self-defense. Additionally, the brutal tragedy did not receive much coverage by the media.

The case of Thomas Finch is an example in one of the many ways that organizations like the NAACP and Interracial Commission can act as gatekeepers to justice. They are looked upon as organizations that advocate on behalf of the black community; advocating for them as allies. Yet in centralizing resources for action on the community's behalf, the advocacy organizations are given the power to make decisions about which cases should be prioritized in the greater strategy of their racial justice work. Usually, the direction of their strategy and priorities for action are controlled not by the community that is most impacted by these harms, but by their funders. This can leave victims like the Finch family unable to access the resources that their own community collected, and too often times unable to seek any other remedies for the harms they have endured. As it stands, Thomas Finch's brutal killing was never brought to justice.