
The Darsey Case: Little Scottsboro Revisited

by Donald G. Lester

The most publicized Broward County murder case during the decade of the 1930s was that of the brutal murder of Robert M. Darsey on May 13, 1933. Not only did the murder and the resultant case excite and inflame the community of Pompano [now Pompano Beach], Florida, but the reverberations from them deeply stirred the entire citizenry of the county. Because of its racial connotations during an era of stringent segregation, as well as its incredible duration, the case became popularly known as "The Little Scottsboro Case" after the Alabama case that headlined the national news during the same decade. The Darsey case bounced back and forth from court to court for almost nine years. It came before the circuit court in Fort Lauderdale three times, before that of West Palm Beach two times, the Florida State Supreme Court

five times, and the United States Supreme Court one time.

Negroes constituted a large proportion of the Broward County population during the 1930s, representing both a racial threat and a source of abundant and cheap labor during the Great Depression. The national census of 1930 credited the county with a total population of 20,094; a little more than forty-three percent of that number, or 8,666, lived within the city limits of Fort Lauderdale, the county seat. Next came Hollywood with a citizenry numbering 2,869, closely followed by Pompano with 2,614, while Deerfield [now Deerfield Beach] weighed in with a population of 1,483.¹ Negroes represented thirty-three percent of the county's inhabitants, but because of the extensive farming in that area, the Negro population was heavily concentrated

in the northern part of the county. While Negroes made up only about twenty-five percent of Fort Lauderdale's inhabitants, they constituted sixty percent of Pompano's people and ran to about seventy-five percent in Deerfield.²

Although Broward County boasted a cosmopolitan citizenry, it nevertheless formed a part of the "Democratic Solid South." Invariably Republicans found it tough sledding in the political arena. Democratic party nomination for all levels was tantamount to election, a success due to the white Democratic primary. This meant participation solely by members of the Caucasian race. Negro influence in Broward County affairs, political or otherwise, registered practically nil. Somewhat to the surprise of many political veterans, Broward Countians elected native-

Virtually forgotten in Broward County today, the Darsey murder case was one of the most sensational news events of the 1930s and early 1940s. The spectacular nature of the charges and countercharges, the atmosphere of racial unrest, and the extraordinary number of trials and appeals kept the Darsey case in the public spotlight for nearly a decade. At the same time, a number of other newsworthy events in Depression-era Broward, ranging from political and judicial infighting to a tragic lynching, can be directly linked to the controversy surrounding the Darsey case. Eventually its controver-

sial nature took the Darsey case to the U.S. Supreme Court, the first Broward County case to be heard by the high court. The Supreme Court decision gave the case its lasting legal significance, setting a precedent in the admissibility of evidence in criminal trials.

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born Walter R. Clark sheriff in 1932. Clark tapped his brother Robert to be his chief deputy, while he selected A. D. Marshall to be the warden of the county jail and hired Virgil Wright and R. C. Goodrich to be his deputies at large. At the same time, F. C. Maddox presided as Pompano's police chief, assisted by R. C. Helton, constable for the Pompano district. All these law enforcement officers closely followed the mind of the South in racial matters. Officials and private citizens walked in lock-step to preserve segregation and white supremacy in the deep South. Opposers dangerously flirted with ouster and ostracism.

In 1933, Broward County comprised the Twenty-second Judicial Circuit, created in 1927 when Broward was separated from the Fifteenth Judicial Circuit of Palm Beach County. Until

elected Governor Doyle E. Carlton appointed Tedder as expected, and consequently the judge was confirmed by the Florida Senate.

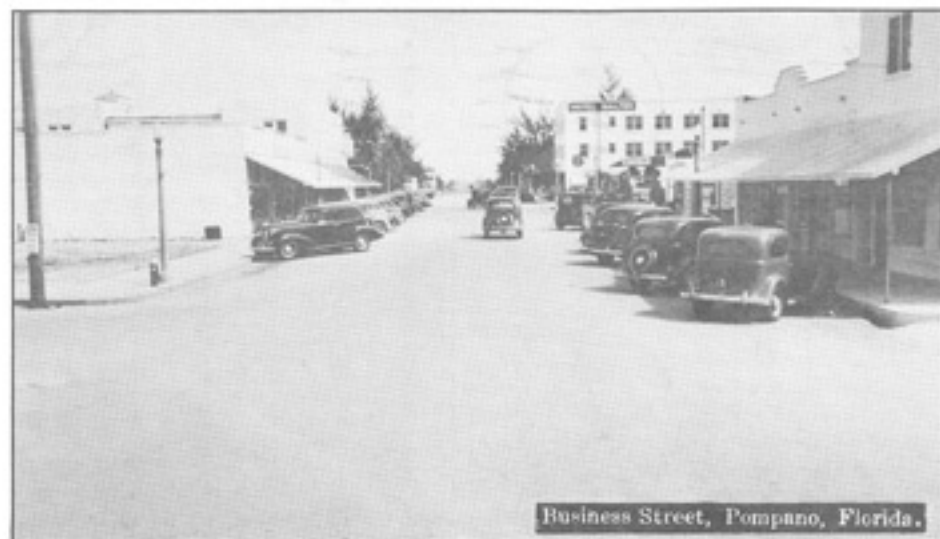
Giblin, however, stoutly maintained that he had been appointed in 1927 for a six-year term, which would last until 1933. Defiantly, he refused to step down, whereupon Fred Davis, Attorney General of Florida, started legal proceedings to oust Giblin. The case went directly to the Florida Supreme Court, which divided three against three, and the ouster attempt failed. Justices Buford, Ellis, and Terrell upheld Giblin, while Justices Whitfield, Brown, and Strum opposed him. Through legal maneuvering, however, Tedder also managed to avoid ouster. The possibility seemed to exist that Broward County would have two circuit judges, for a time at least. Giblin

Lauderdale, attorneys often closely knit matters among themselves, but just as readily divided when political plums became the prize. In the legal arena, one followed the other in political appointments. Tedder, for example, had succeeded Maire as Fort Lauderdale city judge in 1925, when, during the land boom, Maire had left his judgeship to become attorney for J. Wellington Roe, one of the largest real estate operators in the city and certainly the most flamboyant. After the "silliness" of the boom passed, and quickly-made fortunes went down the drain, common sense prevailed, and Maire returned to the city judgeship.

Murder victim Robert Marshall Darsey was a sixty-four year old Pompano fish merchant. A native of Laurens County, Georgia, Darsey had lived in Pompano since 1925.³ He was a member of the Pompano Methodist Church. About 10:00 p.m., Saturday, May 13, 1933, Darsey closed his fish market as was his custom and walked home with his day's proceeds. About two blocks from his residence he was brutally attacked and beaten. He suffered severe blows to his head and was robbed of about \$75.00. Darsey managed to stagger or crawl to his house, where he collapsed on the front porch. He never regained consciousness and died the next day. As soon as the crime had been discovered, a manhunt began. It was also called a dragnet, since many Negroes were taken into custody. Law officers and private citizens joined in the search, and the number of Negro detainees reached twenty. According to press reports, law officers rescued one of the suspects, who had already had a rope placed around his neck by an angry mob.⁴

Funeral services for Robert M. Darsey were conducted Wednesday, May 17, 1933, at the Pompano Methodist Church by Rev. E. J. Sandifer. Darsey was survived by three daughters, one son, three sisters, and two brothers.

At the Broward County jail the number of suspects was soon reduced to four. They were Izell Chambers, age twenty-two; Charley Davis, age twenty-one; Jack Williamson, age nineteen; and Walter Woodard, age thirty-three. According to press reports, two young Negroes, Mack Little and Frank Manuel, implicated the four.⁵ On Monday, May 15, a crowd of about fifty Pompano residents appeared at the sheriff's office in the Broward County Courthouse and said that they wanted the prisoners. They were told that the suspects had already been moved to the Dade County jail in Miami for safekeeping. Some members of the crowd seemed skeptical and appeared to be not ready to leave. Then W. O. Berry-

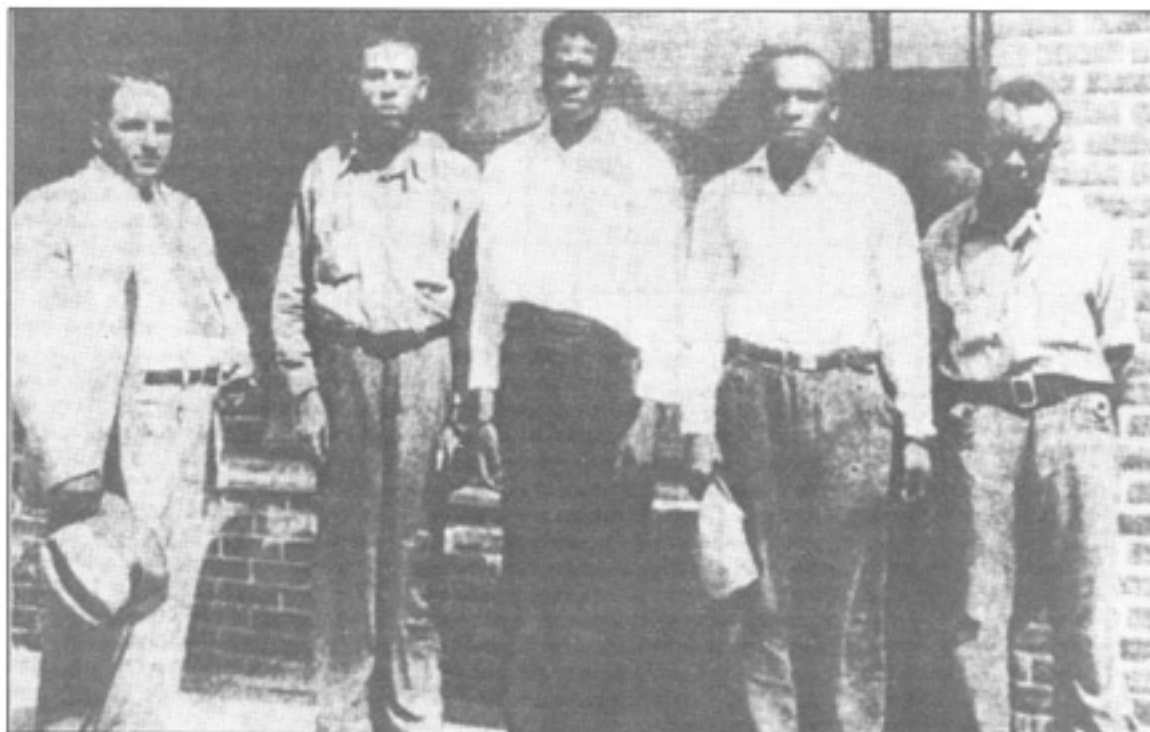


Downtown Pompano, looking east on Northeast First Street, 1930s.

1948 the Governor of Florida appointed the circuit judges, but custom dictated that the governor would appoint the winner of the Democratic primary. When Governor John W. Martin appointed Fort Lauderdale attorney Vincent C. Giblin the first judge of the Twenty-second Judicial Circuit in 1927, he also appointed the city's municipal judge, Louis F. Maire, to be the state attorney. The public generally assumed that the participants in the 1928 Democratic primary would choose the circuit judge for the new term, and that the selection would be formalized by gubernatorial appointment in 1929. In the 1928 election, Fort Lauderdale attorney George W. Tedder, Sr. defeated Judge Giblin after a bitter contest which generated hard feelings and legal contests for years. In 1929, newly-

resolved the dilemma when he suddenly resigned through machinations which for years many construed as a "deal." A few days after resigning, Giblin moved to Miami, where he later enjoyed a lucrative legal practice, particularly as a criminal lawyer.

It is necessary to keep the raging Giblin-Tedder controversy in mind since it became the basis of an appeal in the Darsey case. Georgian Louis F. Maire won the 1928 primary for continuance as the state attorney for the Twenty-second Judicial Circuit. Thus, in 1933, when the Darsey murder case arose, devout Methodist Tedder, who had come to Broward County in 1925 from Madison County in northern Florida, presided over the circuit court, and Baptist Maire handled state matters in the same court. In the small city of Fort



Sheriff Walter R. Clark (extreme left), with the four Darsey defendants (left to right): Walter Woodard, Jack Williamson, Charley Davis, and Izell Chambers.

hill, the Broward County tax collector and veteran office holder, gave the crowd his word that the suspects were not in the Broward County jail. The crowd left.⁶

The next day the suspects were brought back to the Broward County jail for interrogation. The questioning was conducted by members of the Broward sheriff's office, who were assisted by Captain J. T. Williams, a state convict guard. Constable R. C. Helton also had a part in the questioning. Early Sunday morning, May 21, 1933, confessions were obtained from all four defendants. J. W. Coleman, the Broward County court reporter, was present and took down the statements. State Attorney Louis F. Maire was also present and asked each defendant individually if force or threats had been used to obtain the confessions. He also asked if any promises had been made to them. Each defendant replied "no" to both questions. Two private citizens, B. B. Johnson and W. F. Ford, who happened to be in the courthouse at that moment, had been called into the jail by Sheriff Clark to witness the proceedings.

Early the following week, a grand jury was summoned. The members were: E. E. Hardy, foreman; Floyd W. Robinson, S. J. Guyn, J. P. Smoak, I. G. Shuman, Paul V. Vogosang, J. G. Kaiser, Paul J. Hamner, Samuel H. Blackwelder, F. M. McClain, C. M.

Olin, George J. Lowery, James A. Hogan, John R. Maxwell, O. T. Banks, and Charles H. Helmick, clerk. The grand jury indicted Izell Chambers, Charley Davis, Jack Williamson, and Walter Woodard on five counts of first degree murder. One count stated that all four of them had caused the death of Robert M. Darsey. The other four counts stated that each of the accused had separately committed the assault and murder, while the other three were present in a felonious manner at the moment of the crime.

Judge Tedder appointed Elbert B. Griffis of Fort Lauderdale to represent Chambers and Davis, and called upon W. C. Mather of Hollywood to represent Williamson and Woodard. The arraignment occurred on Wednesday, May 24. The pleas were: Jack Williamson and Walter Woodard, guilty; Izell Chambers and Charley Davis, not guilty. The trial was set for Monday, June 12, 1933. Jurors chosen for the trial were: Lawrence S. Rickard, foreman; R. B. Seymour, Thomas J. Collins, Carl Olander, J. N. Cain, H. J. Kersaw, Albert E. Rees, J. L. Goodman, Charles W. Holliday, James W. Jacobs, Ernest W. Sharp, and Henry L. Shackelford.

Before the trial began, Charley Davis changed his plea from not guilty to guilty. Thus, Izell Chambers became the only defendant to receive a jury trial. The other three were slated for a hearing before Judge Tedder to deter-

mine the degree of guilt of each one.

The trial opened with John Darsey, the son of the victim, testifying as to his father's condition and appearance on the night of May 13. He also identified a wallet and some papers, which were presented as evidence, as belonging to his father, and stated that the elder Darsey had them at the close of business on May 13.⁷ Constable R. C. Helton of Pompano testified that early Sunday morning, May 21, he had accompanied Charley Davis from the Broward County jail to a house in Pompano where Davis had a room. Davis had said that he hid the money in a hole in a mattress and that he hid the wallet in a hole in the floor. Helton testified that he could not find the money, but said he did find the wallet containing the papers exactly where Davis had said that it was located.⁸ Dr. G.S. McClellan then testified as to the cause of death and the nature of the wounds.⁹

Sheriff Walter R. Clark and a number of deputies were called to testify concerning the questioning of the defendants. Elbert B. Griffis, representing Chambers, said that he anticipated the introduction of "an alleged confession." He asked that the jury retire to the jury room so that the court could determine the admissibility of "the alleged confession." The court agreed, and the jury retired.¹⁰

While the jury was out, Sheriff Clark

testified that he had taken the prisoners to the Dade County jail on Monday, May 25. However, he said that he had taken only Izell Chambers and Jack Williamson. Captain J. T. Williams, the state convict guard, accompanied the sheriff on that trip. The two defendants were brought back to the Broward County jail the next day. On the return trip, two cars were used. Deputies Robert Clark and Virgil Wright and Constable R. C. Helton accompanied the sheriff, riding in the lead car with the two prisoners, while the sheriff followed in his car. The sheriff testified that he had moved the prisoners to Broward County because he feared an attack on the prisoners in Broward County. In his examination, Elbert B. Griffis asked Sheriff Clark if the trip to Miami and back could have frightened the prisoners into confessing. Louis F. Maire objected to that question, stating that it was just speculation. Judge Tedder overruled the objection, and the sheriff answered, "no."¹¹

Griffis then said, "I object to this confession [sic]."¹² He went on to explain that he did not object to Chambers' confession, but did object to the confessions of the other three defendants. Griffis said, in effect, that they had a right to confess for themselves, but that they had no right to implicate Chambers. He contended that they should be produced as state witnesses subject to normal cross examination, but that their written confessions should not be read to the court. Judge Tedder overruled this objection, and the jury returned to the jury box.¹³ The confessions were then read. Three of the defendants said that Izell Chambers was the first one to suggest the robbery. Chambers asserted that it had been Walter Woodard who had first suggested it. All four of the accused, including Charley Davis, said that Davis had hit Robert Darsey. Three of them said that Davis had landed two blows. Davis himself confessed that he had hit the victim one time, the second blow, while Jack Williamson had struck the first blow. All agreed that the weapon used by each of them had been a stick (or club). There was testimony that Walter Woodard had had a hammer at the scene of the crime, but no one could testify that he had hit Darsey with the hammer. One of the four stated that Woodard had swung at the victim with the hammer, but might have missed. Not one of the four confessions said that Izell Chambers had landed any of the blows. All agreed that Davis had gotten most of the money. Walter Woodard had gotten just \$1.30 in change. All agreed that Davis had been the last one in on the plot. He apparently had become aware of it during the middle of

the afternoon on that fateful Saturday.

Following the reading of the confessions, Charley Davis, Walter Woodard, and Jack Williamson took the stand. Judge Tedder asked each one if any force or threats had been used to encourage confessions. Again, each replied, "no." All three then repeated the accounts given in their confessions. A young Negro boy, Mack Little, who gave his age as fourteen years, then took the stand and identified one of the sticks (or clubs) alleged to have been used in the murder. Elbert B. Griffis objected to the introduction of the sticks as evidence, but his objection was overruled. The state placed in evidence a wallet, purse, hammer, and three sticks. They were all identified. Griffis then objected specifically to the stick that the other defendants had claimed was in the possession of Chambers at the scene of the crime.

After this round of legal skirmishing, Izell Chambers took the stand in his own defense. He denied originating the plot, striking any of the blows, getting any of the money or knowing what had happened to it. He admitted being present during the assault on Robert Darsey, and he said emphatically, "I was six or seven yards away when Charley Davis hit that man."¹⁴

Elbert B. Griffis told the jury that Izell Chambers was not guilty of murder, that he did not know that the others had planned to hit Darsey, although he did admit knowing that they had planned to rob him. The jury was out for thirty minutes before returning with a verdict. For the first time in Broward County history, a jury verdict was rendered "guilty of murder in the first degree" without a recommendation for mercy.¹⁵

Judge Tedder heard testimony from Charley Davis, Jack Williamson, and Walter Woodard to determine the degree of guilt of each one. He again asked if any force or threats had been used to secure a confession. For the third time, each replied, "no." At the conclusion of the testimony, each defendant asked for the mercy of the court. W. H. Mather asked the judge to take into consideration the disadvantages his two clients, Williamson and Woodard, had faced as poor, Negro farm laborers.

Judge Tedder then sentenced each of the four defendants to death in the electric chair. This was the first time in Broward County history that the death sentence had been imposed. In front of a courtroom packed with people from Pompano, Tedder congratulated the law officers, particularly the Broward Sheriff Department, for the professionalism displayed in the case. In particular, he praised the law officers for

their professional skill in obtaining confessions without use of threats, force, or promises.¹⁶

With a flourish, George A. Worley, noted Miami attorney, stated immediately after the sentencing that he would look into the case of Charley Davis and would consider the possibility of an appeal. Worley declared that a North Carolina attorney friend had asked him to do so. Davis' relatives had requested the help of the tarheel attorney. Worley's interest, however, soon subsided, and nothing came of his threatened appeal.¹⁷

Governor Dave Sholtz signed the death warrants for the condemned men, and the executions were set for Monday, August 7, 1933. The *Fort Lauderdale Daily News* proudly announced that Broward County was about to make history. The execution of Izell Chambers, Charley Davis, Jack Williamson, and Walter Woodard "will be the first quadruple execution in Florida history."¹⁸ Suddenly D. W. Perkins, a Jacksonville Negro attorney, entered the case. Dramatically, he charged that the confessions had been obtained by force, threats, and torture.¹⁹ Broward officials indignantly denied the allegations. In particular, Sheriff Walter R. Clark emphatically denied that he had abused the prisoners. In his usual low-key manner of speaking, he declared, "I didn't beat them. I protected them."²⁰ With Perkins' charges reverberating through Broward County official circles, the Florida Supreme Court granted a stay of execution on August 5, 1933, less than forty-eight hours before the scheduled execution date.

The Florida Supreme Court set a date for the stay of execution hearing, but Perkins, with good reason, delayed sending the proper papers. Instead, he asked for a delay because of "the absolute insanity of Charley Davis."²¹ The Supreme Court granted a thirty day continuance. Davis apparently regained his mental balance since this was the last that was ever heard of his mental problems. When the hearing finally began, Cary D. Landis, the Attorney General of Florida, argued the case for the state. Not unexpectedly, the Supreme Court dismissed the appeal, whereupon Governor Sholtz let it be known that he would sign the new death warrants soon after New Year's Day, 1934.²² Not long after the death sentence had been upheld, D. W. Perkins dropped out as suddenly as he had dropped into the case.

S. D. McGill, Jacksonville Negro attorney and senior partner with Robert Crawford in the law firm of McGill and Crawford, then entered the case. McGill, as it turned out, would be on and off the case for the next eight years.

Like Perkins, the new attorneys charged the confessions had been forced for they had been obtained by coercion, including beatings and threats. Furthermore, they charged the defendants had been worn down during the questioning by being made to walk back and forth across the jailhouse floor throughout the night. McGill and Crawford also produced affidavits signed by Dr. R. L. Brown and Dr. C. Frederick Duncan, two Negro physicians from Jacksonville, which stated that the defendants had scars on them indicating recent physical abuse. Using imposing medical terminology, the doctors minutely described the location and extent of the scars.²³

Impressed by the case presented by the legal and medical experts in behalf of the defendants, the Florida Supreme Court ordered a rehearing of the case and set January 16, 1934, as the rehearing date. Working against the clock, McGill moved heaven and earth in an attempt to obtain a Writ of Error. To obtain the writ, he knew he would have to present new evidence that was not available at the time of the trial in Broward County. In addition, McGill planned to prove that his clients had not been allowed to give testimony relevant to the case. At the rehearing, McGill presented evidence that his clients had been forced by the authorities to confess to a crime they had not committed. During his presentation of the case for the state, Cary D. Landis, the Attorney General of Florida, continually emphasized that during the trial, Judge Tedder had asked each of the defendants if force or threats of force had been used, and each of them had replied "no."

The Florida Supreme Court took the case under advisement, and on January 22, 1934, gave the four defendants the right to petition the Broward Circuit Court for the issuance of a Writ of Error. The court also directed McGill to deliver the necessary legal papers into the possession of the Broward County court officials within thirty days.²⁴

Although somewhat exasperated by the dilatoriness of the defendants' attorneys, Broward County court officials waited and waited for the legal papers. As the deadline for the delivery of the papers approached, the *Fort Lauderdale Daily News* prematurely speculated that "McGill [had] dropped the appeal." The paper advanced two possible reasons. The first was that McGill really wanted to be turned down by the Florida Supreme Court so that he would have grounds for an immediate appeal to the United States Supreme Court. In other words, the *Daily News* speculated, he wanted to get the

case out of state hands and into federal hands. The second possible reason advanced by the *Daily News* was that the group or groups that were backing McGill had run out of funds.²⁵ The deadline of midnight, February 21, 1934, passed with no material being received nor any word forthcoming from McGill. The Broward officials were now convinced that the case was closed, and that the only action remaining was for Governor Sholtz to set a new execution date. But the Broward court officials had underestimated McGill's resourcefulness. The necessary papers arrived on February 23, thirty-six hours after the deadline. The postmark bore the date of February 21, 1934. It seemed obvious to many observers that the late mailing had been deliberate. McGill, by all indications, impressed the authorities as being a competent attorney who obviously knew how to prepare substantive legal briefs. He also appeared to be conscientious. Throughout the case, however, McGill's procedure seems to have been to slow down and to delay the proceedings.

Judge Tedder held a hearing on March 9, 1934, to decide whether to receive the tardy request for a Writ of Error. S. D. McGill claimed that the thirty day limit for the reception of the request began on January 26, when the Broward Circuit Court received the Supreme Court order. State Attorney Louis F. Maire, however, claimed that the thirty day time limit began when the Supreme Court issued the order, on January 22. Maire based his claim on precedents set in previous cases. According to Maire, the time limit had expired at midnight, February 21, thirty-six hours before the Broward Circuit Court received the necessary legal papers from McGill. But according to McGill, the thirty day limit had expired at midnight, February 24, well after the appropriate papers had been received by the Broward court.

Judge Tedder refused to accept the petition. He ruled that the time limit had already expired, and that he no longer had jurisdiction.²⁶ McGill again appealed to the Florida Supreme Court, which ruled that the Broward Circuit Court did indeed have jurisdiction and directed the Broward court to hear the case in order to determine whether or not the confessions had been forced.²⁷ The hearing was set for April 10, 1934. Intent on delaying the hearing further, McGill made an effort for a ten day postponement. He sent an affidavit to the court that stated that his mother was seriously ill in Sanford, Florida, and was, in fact, dying. McGill also stated in a letter that he was needed at her bedside. He added, "I have obeyed

my mother for 50 years." The court, weary of McGill's continued delays, dispatched Dr. Ralph Lingeman, a prominent Fort Lauderdale physician, to Sanford to determine the condition of her health. Lingeman reported to the court that McGill's mother was ill, but that she was not dying and McGill's presence was not necessary. Dr. Lingeman further reported that McGill was nowhere around Sanford and had not been regularly attending his mother.²⁸

Whereupon, Judge Tedder asked four prominent Fort Lauderdale attorneys to serve as advisors and to help him solve the McGill problem. The four lawyers were C. E. Farrington, C. L. Chancey, George W. English, Jr., and Miller Walton. These four attorneys advised Tedder to allow the continuance, but to insist that the four defendants be present for the hearing.²⁹

Based on Lingeman's report, and the advice of the four attorneys he had consulted, Judge Tedder made his ruling. First, he decreed that McGill's request for a postponement due to the impending death of his mother was in no way a legal basis for a continuance. McGill's partner, Robert Crawford, could handle the case during McGill's absence. Furthermore, Tedder notified McGill that he had been informed that the attorney had not been regularly attending his mother. But after delivering this rebuke, Judge Tedder conceded that since the case was a matter of life or death, and since the defendants were dependent on McGill's services, the court would grant a ten day continuance.³⁰

Defendants Izell Chambers, Charley Davis, Jack Williamson, and Walter Woodard were then taken from the state prison at Raiford to the Dade County jail for safekeeping. At 10:00 a.m., April 20, 1934, the four defendants, accompanied by two Broward deputies and four members of the Dade County sheriff's office, were brought to the Broward County courthouse in an armored car. Law officers trained machine guns and sawed-off shotguns on the manacled prisoners as they filed from the armored car to the jail. The courtroom was crowded, and Judge Tedder delayed the opening of the hearing until it had been sufficiently guarded by Dade and Broward deputies. One half of the room was filled by white people and one half by Negroes.³¹

In his written appeal, S. D. McGill made many serious charges on behalf of his four clients. He alleged that the authorities had committed numerous abuses against the defendants, including acts of physical violence, keeping them awake all night, walking them back and forth, continually hanging

them upside down, threatening to have them lynched, and pointing a gun at them. McGill also charged incompetence on the part of the defense lawyers at the time of the original trial. He said that they did not have enough experience in criminal law, that they did not confer with their clients enough, that they did not object to the confessions, and that they did not appeal the case.

The main focus of McGill's literary onslaught was Captain J. T. Williams, the state convict guard, who, as the defense lawyers claimed, was not a resident of Broward County (he was a resident of Palm Beach County) and was not a member of the Broward County Sheriff Department or of any other Broward County law enforcement agency. McGill charged that Williams was a huge man, that he weighed 250 pounds, and that he beat the helpless prisoners throughout the night. Another culprit, according to McGill, was F. C. Maddox, the police chief of Pompano, whom, he

claimed, had pointed a gun at the prisoners during the questioning. The defendants claimed that Sheriff Walter R. Clark was present during all of the misdeeds. They claimed that they were scarred and bloody as a result of the beatings. They also claimed that the 250 pound Williams had constantly stomped on their bare feet.³²

At the start of the hearing McGill dropped his charges of incompetence against Elbert B. Griffis and W. C. Mather. He then called his four clients to the witness stand separately. Each one recited a horror story about the violent treatment they had had to endure before signing a forced confession. Walter Woodard, upon being questioned by McGill, mentioned a bruise. McGill asked, "Is that the bruise? Were you examined by a certain physician out at the jail in January this year?" Woodard answered, "I was examined by two." McGill asked, "Is that the wound now that you are talking about on your right

side that these doctors referred to as 'one linear transverse scar 1½ inches long by ¾ inches wide situated a little below the anterior spine?'" Woodard answered, "Same one, that is the same one right here." During cross examination, Louis F. Maire asked, "Walter, how do you know that this is the wound referred to in the affidavit as 'a little below the anterior superior spine of the ilium on the right side of the lower?'" Did you ever hear anybody use those words or expressions before?" Woodard answered, "No sir, that word is too high for me. I am just a common Negro. I is uneducated, wouldn't know enough to know that that is."³³

One part of the defendants' allegations that received attention from Louis F. Maire during the cross examination was the part F. C. Maddox, the police chief of Pompano, allegedly played in the questioning and threats. The reason for Maire's interest in Maddox became clear when the state presented its case. Maire proved that Maddox was not even present during the questioning period. He had escorted some of the accused from Pompano to the Broward County jail, had then gone back to Pompano, and had not returned to the Broward County courthouse until the day of the trial, almost one month later.

Though McGill had dropped the incompetency charge against the two court-appointed defense lawyers, Elbert B. Griffis and W. C. Mather, Louis F. Maire announced that they would testify. McGill objected, stating that since the defense had dropped the charges against those two attorneys there was no need to hear their testimony. The state attorney said that since their reputations had been besmirched they had a right to establish their credibility. Tedder overruled the objection, but McGill objected again, stating that the two attorneys, during their testimony, might reveal privileged information. Tedder again overruled the objection.

Griffis testified that he had been a practicing attorney for nine years, that Judge Tedder had met him on the street and told him that he was considering appointing Griffis as defense attorney to represent two of the accused in the Darsey murder case, and had asked if Griffis would accept the appointment. Griffis said that he had replied that he would accept. Griffis testified that his two clients turned out to be Izell Chambers and Charley Davis. He added that he had conferred with his clients, and said that he gave the best defense that the circumstances permitted. Griffis also pointed out that he had indeed objected to the introduction of the confessions, but was overruled by the court.



Jailer A.D. Marshall at the courthouse jail cells, where the questioning and alleged abuse of the Darsey defendants took place.



Samuel D. McGill, skillful Jacksonville attorney whose delaying tactics saved the Darsey defendants.

Griffis was asked by Louis F. Maire if either of his clients mentioned mistreatment at the hands of the law officers. Griffis replied, "no." He also did not notice any scars, bruises, cuts, or any other evidence of torture or beatings.

W. C. Mather testified that he had been a practicing attorney for twenty years and a member of the Florida Bar for nine years. Mather also said that he had conferred with his two clients, Jack Williamson and Walter Woodard. In answer to Maire's question, Mather replied that neither of his clients had mentioned mistreatment at the hands of the law officers, and that he did not see any scars, bruises, cuts, or other signs of beatings or torture. Mather added that since both of his clients pleaded guilty there was not much that he could have done for them. Both Griffis and Mather said that the chief motive for the guilty pleas apparently was a determination to avoid a jury trial, the defendants feeling that they would have a better chance with a judge. McGill objected to this testimony, asserting that it would compromise the position of the four defendants during the present proceedings. The court overruled the objection.³⁴

Dr. Ralph Lingeman then testified that he had gone to the state prison at Raiford and examined the four defendants. He stated that they had scars, but that they were old scars and could not

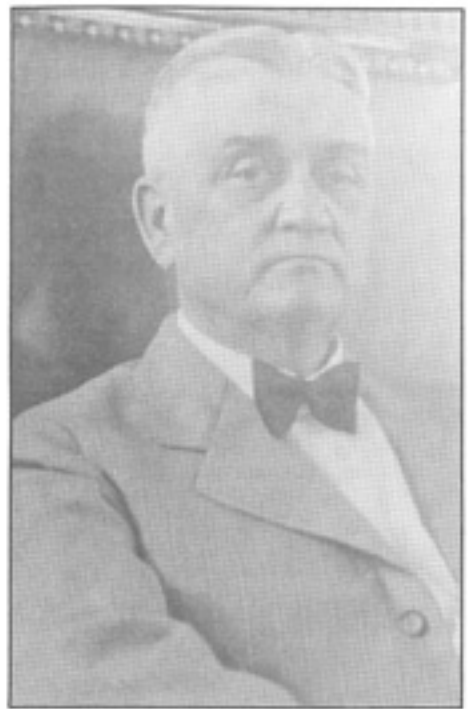
have been as recent as to have been caused by anything that happened during the questioning the previous May. Also, an affidavit from the Raiford prison physician, Dr. A. T. Whitaker, was introduced which contained a report similar to Dr. Lingeman's.³⁵

Next, various law officers testified. They all denied that they had used force to obtain the confessions. F. C. Maddox, who was chief of police in Pompano at the time of the Darsey murder and who was implicated by the defendants in the brutal treatment, including pointing a gun at them, testified that he was not even in the jail during the questioning. Maddox explained that after he had brought some prisoners to the Broward County jail he went back to Pompano and did not return to the courthouse until the day of the trial.³⁶ Captain J. T. Williams, the state convict guard who was charged by the defense with being the chief prisoner beater, was not present for this hearing, but testimony from Broward law officers stated that Williams was never within six feet of any of the prisoners during the questioning. Deputy Robert Clark testified that he was in and out of the room where the questioning was taking place, and added that he did not beat or threaten any prisoners. Deputy Clark added that he did not see anyone else mistreat any of the prisoners.³⁷

Deputy R. C. Goodrich, when testifying, was asked by the state attorney if he had seen J. T. Williams beat any of the defendants. Goodrich asked, "Who is J. T. Williams?" Maire said, "I believe that they call him Captain Williams." Goodrich said, "Oh, Captain Williams. No, I did not see him beat any of the prisoners."³⁸ One question kept recurring — what was Captain Williams doing there? The probable explanation is that he was a friend of Sheriff Walter R. Clark, although obviously he was not a close friend of Goodrich.

Two jurors, J. N. Cain and Thomas J. Collins, testified, and they both said that they did not see any evidence of prisoner abuse. J. W. Coleman, the court reporter, said that he did not notice any evidence of mistreatment when he took down the confessions. Two citizens, W. F. Ford and B. B. Johnson, who had been called in by Sheriff Clark to witness the confessions, testified that they did not see any evidence of beating, torture, mistreatment, or bruises. Several people who were prisoners in the county jail at the time the Darsey defendants were imprisoned there testified that they did not see any evidence of mistreatment.

It was repeated many times that State Attorney Louis F. Maire had asked each defendant separately at the



Broward Circuit Judge George W. Tedder, Sr., presided over three of the Darsey murder trials.

time of the confessions if any force had been used against them and if the confessions were freely given. Each said "no" to the question of force and "yes" to the question if the confessions were freely given. It was also pointed out that Judge Tedder had asked the same question of each of the defendants who had pleaded guilty, and that the judge had received the same answer. If Judge Tedder granted the Writ of Error, a jury would have to determine if force was used to obtain the confessions. If Judge Tedder refused to grant the Writ of Error, only an appeal to the Florida Supreme Court could save the defendants from the electric chair.

Judge Tedder ruled that the confessions were not forced and were freely given, thus validating the jury verdict of the original trial. At the same time, he denied a rehearing.

On May 8, 1934, S. D. McGill filed a new appeal before the Florida Supreme Court. It was, figuratively speaking, a bombshell which landed on the Broward County courthouse and threatened to blast the Broward County court system to bits. The appeal charged that Judge George W. Tedder, Sr., a pillar in his church and community, was not really a judge; that he had obtained his position by fraud, deceit, and purchase. The essence of the appeal was the charge that, after the Florida Supreme Court by a three to three vote in 1929 had in effect maintained Vincent Gib-

lin in office as circuit judge, Tedder paid Giblin to resign. Tedder had not been reappointed to the bench by Governor Carlton, since his original appointment had taken place before the three to three Supreme Court vote.⁴⁰ The appeal papers were signed by S. D. McGill and Robert Crawford, the Negro attorneys from Jacksonville, as well as by A. L. McMillan, a white Fort Lauderdale attorney prominent in local Republican politics. This bit of legal skirmishing was the only time McMillan appeared in the case. It is easy to conclude that it was McMillan who peddled this bit of local gossip to McGill and Crawford. It was obvious that a "can of worms" was about to be opened. Judge Tedder had been serving as circuit judge for five years. If the latest appeal were to be upheld, all of the circuit court rulings by Tedder for the preceding five years might be invalidated. All dissatisfied litigants might have claims against the county. In this event, there would be no way to estimate the confusion and damage. Judge Tedder emphatically denied the allegations. He pointed out that during the five years that he had served as judge of the local circuit no question had been raised as to his right to hold office. Tedder issued a statement:

It is to be regretted that after five years of service this effort is made to impeach the validity of all orders and decrees entered by me, and in addition this is an uncalled for attack on my character, the evident purpose is manifest at this time. The citizens of Broward County by an overwhelming majority in the 1928 election made me their judge. I was appointed by the Governor and confirmed by the Florida Senate and have held a commission for and occupied the office since by a mandate of the people. As a duly qualified and commissioned judge, I will continue to preside over the circuit court of Broward County.⁴¹

On May 21, 1934, the Florida Supreme Court dismissed the appeal and in effect stated that the current case was no place to decide the judgeship question.⁴² By refusing to consider the appeal, the Florida Supreme Court upheld Tedder's right to be judge.

Having failed with this surprising appeal questioning the validity of Tedder's judicial commission, A. L. McMillan dropped out of the case as suddenly as he had dropped in. McGill again appealed to the Florida Supreme Court. In the meantime he filed a petition for insolvency for his clients on June 2, 1934. The petition was granted by

Judge Tedder on July 2. McGill's new appeal to the Florida Supreme Court rested on a number of grounds, including:

1. The burden of proof [that the original trial had been unfair] rested with the petitioners [the defendants].
2. The court erred in overruling the objections of the petitioners to the introduction of evidence on the part of the state.
3. The court erred by denying the petition for rehearing filed by these petitioners.
4. The judgment is against the evidence.
5. The judgment is not supported by the evidence.
6. The judgment is contrary to the evidence.⁴³

In his appeal, McGill repeated his charges that the confessions were obtained by force and threats. He again implicated Captain J. T. Williams, the state convict guard, as the main culprit, and emphasized that Williams was not even present at the recent Writ of Error hearing. However, during the hearing, McGill had not inquired as to the whereabouts of Williams and had made no demand that he be brought in to testify. Thus McGill was noticeably more aggressive in his written appeals to the Florida Supreme Court than he was when appearing in person before the Broward Circuit Court.

On December 17, 1934, the Florida Supreme Court reversed Judge Tedder and ordered a jury trial to determine if the confessions were forced. The only thing that the jury was to decide was the validity of the confessions. They were not to decide the guilt or innocence of the four defendants.⁴⁴

The trial opened in the Broward County Courthouse on February 6, 1935. S. D. McGill began by requesting a change of venue. Then, suddenly, McGill announced by letter to Judge Tedder that he was withdrawing from the case. He said that the groups that had engaged him to represent the defendants had not paid him. With McGill's crusading zeal apparently gone, the defendants were "left flat," according to the local newspaper.⁴⁵ Whereupon the defendants protested that the legal process was going on without McGill. A number of business and political leaders were called by the state to testify whether or not the four defendants could receive a fair trial in Broward County. Witness after witness testified that the defendants could indeed receive a fair trial in the county and added that they had seen nothing in the columns of the *Fort Lauderdale Daily News* during the days following the Darsey murder which would inflame race prejudice or jeopardize an

impartial trial. One of the defendants who was permitted to question a witness asked P. L. Hinson, county commissioner from Deerfield, if the fact that the *Fort Lauderdale Daily News* had referred to them as the "Pompano Quartet" did not imply prejudice. Hinson's answer was "no." This hearing put an added burden on the court in that no supporting affidavits, exhibits, or testimony were submitted by the defense.⁴⁶

S. D. McGill reentered the case as suddenly as he had abandoned it, which would seem to indicate that his benefactor had come across with some money. His first move after reentry was to drop the request for a change of venue and to gain a continuance until February 21.

Accordingly, on February 21, 1935, the new trial started with S. D. McGill and Robert Crawford of Jacksonville present as attorneys for the defendants. The jurors were: Dave Turner, foreman; W. J. Bolick, C. Anderson Dickey, Charles E. Anderson, R. D. Cobb, D. C. Alexander, L. E. Brandon, D. A. Krause, H. R. Gerber, Hugh Hill, W. W. Bivans, and J. A. Warren.

As the trial proceeded, the same law officers denied the defense allegations as they had done in the preceding year. The proceedings were largely a replay of the previous hearing, with the exception that this time a jury would decide the outcome. The jury got the case on February 22, about 8:30 p.m. and returned with a verdict shortly before midnight. Their verdict: the confessions were not forced.⁴⁷

Undaunted, S. D. McGill requested a new trial for his clients. He made his appeal on the basis that the court had erred in charging the jury and that the verdict was contrary to law. Judge Tedder denied this request for a new trial, so the only means left for McGill to help his clients was another appeal to the Florida Supreme Court.

The local frustration and disgust with the cumbersome legal process had its tragic aftermath. The result was the only lynching in Broward County history. On July 16, 1935, Reuben Stacey, a thirty-seven year old Negro armed with a knife, allegedly attempted to rape Mrs. J. L. Jones, a white woman, at her residence west of Fort Lauderdale. Mrs. Jones managed to fight off the attacker. Local citizens as well as local law officers searched for the culprit. Stacey was finally captured near Deerfield and brought to the Broward County jail. The evidence against him was overwhelming.⁴⁸ Broward County was full of excited people, and a crowd gathered around the courthouse. The general impression was that a large



Lynching victim believed to be Reuben Stacey, killed by a mob west of Fort Lauderdale in 1935.

portion of the tremendous crowd was from Pompano.

Sheriff Walter R. Clark was afraid that the county jail would be attacked by a large force, and he was uncertain that he would be able to protect the prisoner.⁴⁹ After receiving approval from Judge Tedder and Louis F. Maire, Sheriff Clark decided to transfer Stacey to the Dade County jail for safekeeping. In order to beef up security for the trip to Miami, the sheriff deputized I. G. Shuman, Ben Turner, and W. D. McDougald as special deputies. The sheriff's department vehicle, containing deputies Virgil Wright, Robert Clark, the three special deputies, and Reuben Stacey, headed toward Miami. The deputies found the roads blocked by members of the mob, who had anticipated the removal of Stacey to Miami. Prisoner removal was what the sheriff's office had done with the Darsey defendants in a similar situation, and the mob was determined that the sheriff was not going to get away with it this time. Hoping to avoid violence, the deputies drove to the West Dixie Highway (U.S. Highway 441) and headed south. The mob was ready for this possibility, and forced the deputies' vehicle off the road near the Seminole Indian reservation. They surrounded the car and forcibly removed the prisoner, who was handcuffed. Stacey was taken to a spot near the Jones home, was strung up to a tree, and his body was riddled with bullets.

The justice of the peace for the Fort Lauderdale district and ex-officio coroner, Hugh Lester, conducted the coroner's inquest.⁵⁰ When he arrived at the

scene, the body was still hanging from the tree. Interest in the community was so great that the inquest was moved to the county courtroom in the courthouse. The coroner's jury consisted of Joe Oliver, W. B. Whiteside, Will J. Reed, B. O. Giddens, Wiley Hood, and C. B. Arnold. Many witnesses were called, and they all testified that members of the mob had worn masks. The coroner's verdict was that Reuben Stacey had met his death at the hands of persons unknown.⁵¹

The *Fort Lauderdale Daily News*, in a front page editorial, made a direct link between the lynching and the Darsey case. The editorial was as follows:

The law is mighty and must prevail. A county Grand Jury has been ordered to assemble Tuesday to investigate the lynching here yesterday of a Negro who was the law's ward.

He was accused of a foul crime and had been identified definitely and positively. There is no doubt but that the avengers "got the right man."

The crime that he attempted though his attempt was futile was one that has ever stirred man to personal vengeance and always will.

The law moves slowly and ponderously. That is admitted. The existence of the fact that too frequently is the course of justice obstructed by technicalities of the law and subterfuges of those who live by its manipulation exists in Broward County today. The example is a quartet of killers sentenced to die for a brutal crime yet have evaded the penalty that society has decreed to expiate their murderous deed. But two wrongs have never made a right and disregard of the law has never served to strengthen it. A crime has been committed. Now there

are two crimes. It is for the law to move to determine the facts, to uphold its majesty. It is not for the individual or a newspaper to assume the authority of fixing blame and in determining the responsibility. That is the law's job.

The execution here yesterday wiped out a menace to society. That is pretty certain, but it accomplished that at the expense of law and order. The law has been violated and its majesty belittled. It is for the law to have the final word.⁵²

A grand jury was impaneled to investigate the Stacey lynching. The members were: B. L. Johnson, foreman; Valentine Martin, clerk; H. M. Bailey, Lucian Craig, John P. Cantwell, T. L. Myers, Jr., R. R. Hudson, J. W. Priest, R. L. Wertz, Lonnie H. Bracknell, W. G. Cook, Yoeman Keen, F. F. Sutton, Harley J. Jovenal, Herbert Herring, W. C. Burkett, E. C. Makemson, and T. W. Hunnicut.

Twenty-nine witnesses were called, including the two deputies, the three special deputies, John Darsey, and two members of the coroner's jury, Joe Oliver and B. O. Giddens. The grand jury cleared Broward officialdom of any blame for the lynching.⁵³

After the tragic Stacey episode, S. D. McGill appealed once again to the Florida Supreme Court, as anticipated, and once again made the same charges of a forced confession gained by violence and threats. On April 20, 1936, the Florida Supreme Court reversed Judge Tedder. The court said that the Broward Circuit Court's charge to the jury was incomplete. Tedder should have added the words "and freely and voluntarily given" to his instructions regarding the confessions. Instead, his instructions to the jury simply stated that the jury should determine whether the confessions were forced, with no reference to their voluntariness.⁵⁴



Broward County Sheriff's Department, 1946. Those involved in the Darsey case a decade earlier included Jailer A.D. Marshall (third from left), Chief Deputy Robert L. Clark (seventh from left), Sheriff Clark (center), and Deputy Virgil Wright (second from right).

This time, a change of venue was granted, and the next trial of the four accused Darsey killers was held in West Palm Beach on October 12, 1936, before Judge C. E. Chillingworth. A jury was selected to determine if the confessions were forced or not freely given. Once again, S. D. McGill withdrew from the case, and two white attorneys from West Palm Beach were appointed by the court to represent the defendants. They were Sidney J. Catts, Jr., son of the former Florida governor, and J. D. Ziegler. Louis F. Maire prosecuted the case and was assisted by J. W. Sallsbury and Phil O'Connell of West Palm Beach.

Twenty-four people were summoned by Maire as witnesses. They included Thomas J. Collins and J. N. Cain of the original jury that had found Chambers guilty three years earlier; Sheriff Walter R. Clark; and deputies Virgil Wright, Robert L. Clark, and A. D. Marshall. Also summoned were Elbert B. Griffis, W. C. Mather, B. B. Johnson, W. F. Ford, F. C. Maddox, Charles H. Gordon, J. W. Coleman, and R. C. Helton — all white. The Negroes who were summoned were Percy Turner, Mack Little, James Little, Claudie Mack, Frank Manuel, Lonnie Jackson, and James Douglas.

Eighty-seven men were called for jury duty. Twelve were accepted within two hours. A number of prospective jurors were asked as to their place of birth. Most of the jurors finally accepted were natives of the deep South. The entire array of state witnesses denied any cruelty or brutality against any of the defendants. Those witnesses who were not law officers testified that they did not see any evidence of prisoner mistreatment. Sheriff Clark said that the prisoners were quizzed at intervals during the Saturday, one week after the slaying, a night climaxed by the confession. The sheriff added that none of the defendants were deprived of sleep for the entire night.

Sidney J. Catts, Jr. cross examined the witnesses at length. He stressed the importance of sleep. The defendants all testified that they were kept up all night for periodic questioning and beatings. Catts claimed that the loss of sleep was, in itself, sufficient grounds to have the confessions thrown out as involuntary.⁵⁶

Despite Catts' assertions, the Palm Beach circuit court jury found that the confessions were voluntarily given. They arrived at this decision after considering the case for fifty-five minutes. Then, S. D. McGill suddenly reentered the case and immediately asked for a new trial, which was denied by Judge C. E. Chillingworth.

McGill appealed once again to the



U.S. Supreme Court Justice Hugo L. Black, who delivered the court's decision to strike the defendants' confessions.

Florida Supreme Court. This appeal stayed any possibility of execution until the case was decided. Finally, after a long delay, the Supreme Court affirmed the death sentence for the convicted killers of Robert M. Darsey on March 3, 1939. The court overruled the defendants' claim that Sheriff Clark and his deputies had subjected them to brutal treatment that forced them to confess that they had killed Darsey in a robbery. In affirming the death sentences, the court pointed out that the officers and other witnesses had testified that there had been no mistreatment of the prisoners in jail, and that the defendants' charges of brutality were thus unsubstantiated. This was the fifth time that the case had come before the Florida Supreme Court.⁵⁶

An appeal to the United States Supreme Court remained as the only chance whereby the four Darsey defendants could avoid the electric chair. S. D. McGill filed his appeal, and the case became the first from Broward County to be heard by the nation's highest court. On February 12, 1940, the United States Supreme Court rendered its decision. The choice of Lincoln's birthday was obviously no coincidence, even though it is by no means certain that Lincoln, if he were on the court, would have voted the way the justices did in 1940.

In a unanimous decision, the United States Supreme Court reversed the Florida Supreme Court. The decision was delivered by associate justice Hugo L. Black, a former United States senator from Alabama and a one time member of the Ku Klux Klan. The unanimous decision accepted the

charges of the defendants of mistreatment and rejected the statements made by the Broward officials.⁵⁷

While charging Broward law officers with using third degree methods, the court stopped short of claiming physical abuse. The opinion stated: "The testimony is in conflict as to whether all petitioners were continuously threatened and physically mistreated until they finally in hopeless desperation and fear of their lives agreed to confess on Sunday morning just after daylight." The court went on to stress that constant questioning over a long period of time had worn down the defendants. In this regard, the justices used the same line of argument that Sidney J. Catts, Jr. had used in the West Palm Beach courtroom more than three years before.

The justices also used exaggeration in an effort to make a point. In relating the history of the case, the Supreme Court said that the dragnet had brought in thirty to forty Negroes to the county jail. Twenty was the correct number. The court also stated that, "when carried singly from his cell and subjected to questioning, each found himself surrounded in the fourth floor jailroom by four to ten men, the county sheriff, his deputies, a convict guard, and other white officers and citizens of the community." Broward officials had testified that the defendants were never surrounded by ten men during the questioning until the confession, at which time other people were called in—Louis F. Maire, J. W. Coleman, and two citizens, the latter just to serve as witnesses.

The court decision also made reference to the defendants as "poor tenant farmers." Izell Chambers, Charley Davis, Jack Williamson, and Walter Woodard were not tenant farmers. They were farm laborers. It appears that young law clerks in their crusading zeal did some sloppy research. The court decision also included some irrelevancies, such as the statement, "Today as in ages past we are not without tragic proof that the exalted power of some governments to punish manufactured crimes dictatorially is the handmaid of tyranny."⁵⁸ The defense, in its many appeals, never denied that Darsey was murdered. The court was trying to make a point, but it could have used another example. It is true that in many countries of the world there are manufactured crimes, but that sort of thing did not happen in this case. These errors and exaggerations by the Supreme Court are, for the most part, of the petty variety. The court could have stated the facts correctly and still delivered the same decision.

The Supreme Court took the defense

view of the importance of Captain J. T. Williams in the case. He is mentioned several times. Also, the court mentioned the sheriff's removal of the prisoners to the Dade County jail as proof of an unfair trial, ignoring the fact that such a removal might have saved their lives.

The United States Supreme Court based its ruling primarily on the Fourteenth Amendment, insuring equal protection of the law to all citizens, with some reference to the Fifth Amendment, prohibiting involuntary self incrimination. The court decision did not clear or free the defendants. It simply disqualified the confessions as evidence in the case.

Most Broward Countians received the United States Supreme Court decision with great dismay. The courthouse officials continued to deny that duress and force had been used to obtain the confessions. Sheriff Walter R. Clark emphatically denied that third degree methods were used and declared, "I'll rest my proof that the confessions were voluntarily given by the fact that in three trials in Circuit Courts where the Sheriff's Department was the defendant on the sole issue of whether the confessions were obtained by duress, I was given a clean bill of health."⁵⁸

The result of the United States Supreme Court decision put the case back into the Florida courts for retrial. The number of defendants was suddenly reduced to three when Izell Chambers went insane. He was transferred to the state mental hospital in Chattahoochee.⁶⁰

Judge C. E. Chillingworth of West Palm Beach dismissed the original indictment because no Negroes had been included on the lists from which the grand jurors were selected at the time of the indictment, more than seven years before.⁶¹ Walter Clark had anticipated such an occurrence, and had secured new arrest warrants before the Chillingworth action. He had the new warrants served on the three defendants, and Charley Davis, Jack Williamson, and Walter Woodard were immediately rearrested.⁶²

A new grand jury was summoned in Broward County. For the first time in Broward County history, Negroes were included on the list from which the grand jurors were chosen. The three Negroes on the list were J. Monroe Johnson, Claudie Clark, and Caleb Folsom. Johnson said that he was needed on the farm, that he was hard of hearing, and asked to be excused. His request was granted. Claudie Clark was excused because he was not a citizen of the United States. Caleb Folsom was never called. The grand jurors were: B. G. Johnson, foreman; E. E. Marshall;



Palm Beach County Circuit Judge Curtis E. Chillingworth acquitted the Darsey defendants in 1942. Ironically, he was himself murdered, along with his wife, in 1955.

Herbert G. Jones; Frank C. Ghiotto; Merrill Hearington; Joseph King; D. M. Jordan; E. P. Dulling; Robert P. Graves; J. L. Meeks; James W. Moore; John M. Higgins; W. F. Blackwelder; Buford N. Giddens; Samuel Blackwelder; R. L. Wertz; Allan Winter; and Cabot Kyle, clerk. As expected, this new grand jury indicted Davis, Williamson, and Woodard for first degree murder.⁶³

S. D. McGill appealed to the Florida Supreme Court for release on the grounds that the offense mentioned in the latest indictment was the same offense reversed by the United States Supreme Court. The Florida Supreme Court denied the appeal.

On January 10, 1942, Judge George W. Tedder, Sr. ordered a change of venue to West Palm Beach.⁶⁴ S. D. McGill again withdrew from the case. Three white lawyers from West Palm Beach replaced McGill. John E. Bollinger was appointed to represent Jack Williamson, J. D. Ziegler to represent Walter Woodard; and Sidney J. Catts, Jr. to represent Charley Davis. On February 9, 1942, Louis F. Maire went to West Palm Beach to quash the latest motions of the defense lawyers. On

February 10, the defense attorneys made a motion for dismissal of the charges. Judge C. E. Chillingworth denied the motion. Then the attorneys for Jack Williamson and Walter Woodard made a motion to separate their cases from that of Charley Davis. Chillingworth also denied that motion, and set the trial date for March 9, 1942.⁶⁵

The "Little Scottsboro Case" drifted to its dreary end on Monday, March 9, 1942, in the Palm Beach County Circuit Court before Judge C. E. Chillingworth. The witnesses called by the state included Sheriff Walter R. Clark; Deputy Robert L. Clark; F. C. Maddox, Pompano police chief at the time of the murder; and Dr. G. C. McClellan, who had performed the post mortem examination on Robert Darsey.

Two of the defendants, Jack Williamson and Walter Woodard, offered to plead guilty to second degree murder. Charley Davis, against whom the state had the strongest case, decided to take his chance with a trial. Judge Chillingworth questioned Williamson and Woodard separately and then refused to plea bargain. The judge directed the trial to proceed.⁶⁶

Louis F. Maire attempted to intro-

duce evidence that Charley Davis had led law officers to the place where Robert Darsey's pocketbook and personal papers were hidden, but after defense objection, Judge Chillingworth ruled that this bit of important evidence was part of the confession and was therefore inadmissible. The defense lawyers made a motion for a directed verdict of not guilty, which was granted.⁶⁷

After Judge Chillingworth pulled down the curtain on this lengthy case, Jack Williamson and Walter Woodard said that they were going to Georgia. Charley Davis said that he did not know where he was going. All three had judgment enough not to return to Pompano. Izell Chambers, who was not involved in the final trial, remained in the mental hospital at Chattahoochee.⁶⁸

The final outcome of the Darsey case outraged many Broward Countians. Although nine years has elapsed since the murder was committed, and Broward County, along with the rest of the nation, was then engrossed in the Second World War, the fate of the Darsey defendants remained, at the time of Judge Chillingworth's final decree, a newsworthy and emotion-charged matter. The general consensus within the county was that Izell Chambers, Charley Davis, Jack Williamson, and Walter Woodard were guilty as charged and had managed to slip through the slow and cumbersome legal system.⁶⁹

If many Broward Countians felt that justice had been thwarted, the United States Supreme Court chose to believe the defendants' claims that their confessions had been forced. The constitutional prohibition against forced self

incrimination should have been well known to Broward County public officials. State Attorney Louis F. Maire indicated that he was aware of it on the morning of May 21, 1933, when he asked each defendant if force had been used to obtain their confessions. Circuit Judge George W. Tedder, Sr., indicated that he was aware of it when he asked each defendant the same question at the time of the original trial. By taking the defendants' word that they had been mistreated, the Supreme Court justices sent a stern warning to prosecutors all across the country: do not rely solely on confessions. Confessions, whether forced or not, are not absolutely binding, since they can always be repudiated. Defendants can always claim coercion, and the United States Supreme Court might just believe them.

Footnotes

1. Fifteenth Census of the United States, 1930.
2. Sixth Census of the State of Florida, 1935.
3. *The Fort Lauderdale Daily News*, May 15, 1933, listed Lawrence County, Georgia, as the place of his birth, but since there is no Lawrence County in Georgia, the author assumes that Laurens County is intended.
4. *Fort Lauderdale Daily News*, May 17, 1933.
5. *Ibid.*, May 16, 1933.
6. *Ibid.*
7. Transcript of Testimony, State of Florida vs. Izell Chambers, Circuit Court of the Twenty-second Judicial Circuit, Spring Term, 1933, p. 2. Copy in Broward County Historical Commission archives.
8. *Ibid.*, p. 107.
9. *Ibid.*, p. 31.
10. *Ibid.*, p. 7.
11. *Ibid.*, p. 23.
12. *Ibid.*, p. 56.
13. *Ibid.*, p. 58.
14. *Ibid.*, p. 116.
15. *Fort Lauderdale Daily News*, June 13, 1933.
16. *Ibid.*
17. *Ibid.*, July 23, 1934.
18. *Ibid.*, August 4, 1933.
19. *Ibid.*, August 7, 1933.
20. *Ibid.*
21. *Ibid.*, November 15, 1933.
22. *Ibid.*, December 20, 1933.
23. Transcript of Record of Proceedings, Isaiah (Izell) Chambers, Jack Williamson, Charlie Davis and Walter Woodward (Woodard) vs. The State of Florida, Circuit Court for Broward County, Florida, p. 17. Copy in BCHC archives.
24. *Fort Lauderdale Daily News*, January 22, 1934.
25. *Ibid.*, February 22, 1934.
26. *Ibid.*, March 9, 1934.

27. Transcript of Record of Proceedings, Chambers et al. vs. Florida, p. 42.
28. *Fort Lauderdale Daily News*, April 10, 1934.
29. *Ibid.*
30. Transcript of Record of Proceedings, Chambers et al. vs. Florida, p. 45.
31. *Fort Lauderdale Daily News*, April 20, 1934.
32. Transcript of Record of Proceedings, Chambers et al. vs. Florida, pp. 1-18.
33. *Ibid.*, p. 88.
34. *Ibid.*, pp. 119-139.
35. *Ibid.*, pp. 156-160.
36. *Ibid.*, pp. 147-155.
37. *Ibid.*, pp. 199-202.
38. *Ibid.*, p. 188.
39. *Fort Lauderdale Daily News*, May 3, 1934.
40. Motion for Permission to File Supplemental Petition to Florida Supreme Court, Chambers et al. vs. Florida, pp. 1-5.
41. *Fort Lauderdale Daily News*, May 8, 1934.
42. *Ibid.*, May 21, 1934.
43. Transcript of Record of Proceedings, Chambers et al. vs. Florida, pp. 252-253.
44. *Fort Lauderdale Daily News*, December 17, 1934.
45. *Ibid.*, February 6, 1935.
46. *Ibid.*
47. *Ibid.*, February 23, 1935.
48. When Stacey was brought to the Jones house for identification, a small boy ran in terror, yelling, "Here is that man again." He had showed no emotion when previous Negro suspects were brought in for identification.
49. That was no idle fear. About a year and a half previously a mob of about 100 men stormed the county jail in San Jose, California, took two kidnapper-murderers out of the jail, and publicly hanged them in the presence of 6,000 cheering citizens.
50. The author's father, Fort Lauderdale attorney

- Hugh Lester served as justice of the peace 1930-1937.
51. *Fort Lauderdale Daily News*, July 20, 1935.
52. *Ibid.*
53. *Ibid.*, July 24, 1935.
54. *Ibid.*, April 20, 1936.
55. *Ibid.*, October 15, 1936.
56. *Ibid.*, March 3, 1939.
57. "Chambers v. Florida, 309 U.S. 227, 1940," in Henry Steele Commager, ed., *Documents of American History* (New York, 1963), pp. 424-427.
58. *Ibid.*, p. 427.
59. *Fort Lauderdale Daily News*, February 12, 1940.
60. *Ibid.*
61. Chillingworth based his ruling on the U.S. Supreme Court decision in one of the Scottsboro cases (*Norris vs. Alabama*, 1935). It was common practice to exclude Negroes from jury service in Florida. In Chillingworth's own court, Negroes were excluded from jury service during the decade of the 1930s.
62. *Fort Lauderdale Daily News*, December 3, 1940.
63. *Ibid.*, March 12, 1941.
64. *Ibid.*, January 10, 1942.
65. *Palm Beach Post*, March 10, 1942.
66. *Ibid.*; *Fort Lauderdale Times*, March 10, 1942.
67. *Palm Beach Post*, March 10, 1942.
68. *Fort Lauderdale Daily News*, March 10, 1942.
69. The author's father, Fort Lauderdale attorney Hugh Lester, followed the case closely, and summed up the feelings of many in the county toward the defendants and the legal system when he complained that "they just wore it out." Years later, he remarked bitterly, "No one has ever been punished for that crime." What he meant, of course, was that no one had been punished adequately. The defendants did, however, spend close to nine years in jail.