

Crime and Punishment On The Civil War Homefront

SOCIAL HISTORIANS have neglected the Civil War. At present, we know very little about the daily life of either Northerners or Southerners because few studies have tried to assess wartime marriage and the family, age and sex roles, geographic and economic mobility, or poverty and crime. Histories of the 1860s, still oriented to battles and politics, slight both the methods and the subjects of social history.

The topic of wartime crime has not been totally ignored, but the literature is thin and uneven. From published figures for all offenses, Michael Hindus traced lower crime rates in Civil War Massachusetts.¹ From newspaper columns, Roger Lane counted slightly fewer homicides in Philadelphia.² In contrast, Eric Monkkonen, using the felony indictments of Franklin County, Ohio, argued that "for both the law breakers and the law enforcers, the Civil War created a social situation conducive to a crime wave."³ The findings of these three authors differ; so do their offense categories and their source materials. Moreover, none of their studies focused on the war years.⁴

¹ Michael Hindus, *Prison and Plantation* (Chapel Hill, 1980), 71-73.

² Roger Lane, *Violent Death in the City* (Cambridge, 1979), 68-69.

³ Eric Monkkonen, *The Dangerous Class* (Cambridge, 1975), 53.

⁴ An older article did focus on the war, but relied uncritically on published secondary sources: Edith Abbott, "The Civil War and the Crime Wave of 1865-1870," *Social Science Review*, I, no. 2 (1927), 212-234. Two other articles, based on decennial data, span the war years, but neither addressed the issue of change during the war: David Johnson, "Crime Patterns in Philadelphia, 1840-1870," Allen F. Davis and Mark H. Haller, eds., *The Peoples of Philadelphia* (Philadelphia, 1973), 89-110, and John Schneider, "Public Order and the Geography of the City—Crime, Violence, and the Police in Detroit, 1845-1875," *Journal of Urban History*, IV, no. 2 (February 1978), 164-185. The most thorough studies of wartime crime cover England: J.M. Beattie, "The Pattern of Crime in England, 1660-1800," *Past and Present*, no. 62 (February 1974), 47-95; Barbara Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge, 1979); J.J. Tobias, *Urban Crime in Victorian England* (London, 1972).

Such differences of research design and analysis are not necessarily lamentable; local studies, after all, rarely duplicate one another. But in this case, it is unfortunate that none of the historians dug deeply enough in the key sources. No one moved far beyond the raw crime rates, which blur indistinguishably the activity of law breakers and complainants, to plot the various stages of criminal justice. No one used the rich biographical information in local prison registers. No one identified the soldiers in order to examine their crimes and punishments.

This study of Civil War Lancaster County, designed to fill those gaps in the literature, is a selective probe rather than an exhaustive monograph. For this project we examined the origins and dispositions of the 1,300 "true bill" indictments from 1860 through 1866.⁵ Not every offense was detected or reported, of course; the 1,300 indictments are the tip of the criminal iceberg. But even when the authorities knew about an offense, not every complaint filed with a Justice of the Peace eventually reached the Quarter Sessions as a true bill indictment. Complaints could be dismissed by the Justices of the Peace, settled privately, dropped by the District Attorney, or ignored by the Grand Jury.⁶ Regrettably, sources rarely hint at the reasons for the early discharges, and less evidence survives for those offenses and their circumstances than the cases that did come to trial.⁷ By using the true bills, then, we narrow our scope but focus in greater detail on cases which various people—complainants, juries, justices, and district attorneys—considered solid and serious enough to prosecute.

⁵ Because we are interested primarily in changes during the war itself, as opposed to the long term impact of the war, or the origins of the legal system we studied, we decided against examining a longer span of time. Even if we had included, say, 1858 and 1859, those additional years would not provide some sort of "normal" pre-war baseline, because those months would reflect a development as unique as the war—the 1857 depression, and in particular, the streams of vagrants through Lancaster County (see the December 5, 1859 entry in the "Prison Inspectors' Minute Book" in the Lancaster County Historical Society, hereafter L.C.H.S.) If we were interested in broad cycles and secular trends, then we would have employed the three decades of material used by Monkkonen and others.

⁶ Only non-felony cases could be settled privately after issuance of an indictment, as the Lancaster District Attorney reminded several people (J.B. Livingston to Joseph Bryan, January 1, 1863; J.B. Livingston to William Chandler, May 11, 1863, in "Letters of J.B. Livingston" L.C.H.S.) Moreover, the D.A. could request a *nolle prosequi*, either before or after the jury returned the indictment as a true bill, only with the written consent of the judge. See *Report of the Commissioners appointed to Revise the Penal Code of the Commonwealth of Pennsylvania* (Harrisburg, 1860), 106.

Why study Lancaster County? In some respects, the area is representative of other northern communities. With 15.6% of the population living in Lancaster City, the urban/rural split mirrored the national population distribution of 1860. The economy was diverse; the farm valuation per capita was an impressive \$452, but the residents also mined coal and forged iron. The people cared about humanitarian projects, a spacious home for friendless children opened in 1861, but they also drank freely; the \$2 tax on each gallon of spirits raised \$267,881 in 1867. Lancaster's Moravians, Dunkers, Amish and Mennonites guaranteed the extent, if not the kind, of religious diversity found elsewhere.⁸ But even if Lancaster County does not mirror the rest of the North, there are two other reasons, unrelated to socio-economics, why this is an appealing and appropriate site for our case study.

Crime and punishment were particularly salient issues in Lancaster by 1860. The murder of a white woman by two black men agitated the town in 1857; over 2,000 people applied for permission to see the hangings.⁹ Less spectacular but more troublesome, vagrants roamed the county after the 1857 panic crippled the local economy.¹⁰ In 1859, the prisonkeeper was accused of fornication with one of his female charges.¹¹ During the war, alleged mismanagement kept another prisonkeeper in the news by virtue of his (unsuccessful) libel suit against the *Lancaster Daily Express*.¹²

In addition, Lancaster's wartime experiences invite the historian. On the one hand, many of the critical homefront issues exercised this area.

⁷ For a discussion of legal records, see Michael Hindus and Douglas Jones, "Quantitative Methods or *Quantum Meruit*? Tactics for Early American Legal History," *Historical Methods*, XIII, no. 1 (Winter 1980), 63-74. For Pennsylvania criminal procedure, we relied on George J. Edwards, *The Grand Jury* (Philadelphia, 1906); L.F. Hess and W.A. Valentine, *Practice in Subordinate Courts of Pennsylvania* (Wilkes Barre, 1906); Mordecai McKinney, *The Pennsylvania Justice of the Peace* (Philadelphia, 1887), I and *Report of the Commissioners*. Major procedural shifts—reclassifications of crime categories, new courtroom procedures, different rules of evidence—were not instituted between 1860 and 1866. The trends we discuss were not artifacts of changes in the state law.

⁸ Franklin Ellis and Samuel Evans, *History of Lancaster County, Penn.* (Philadelphia, 1883), 246-538; J.I. Mombert, *An Authentic History of Lancaster County* (Lancaster, 1869), 444-449.

⁹ H.A. Rockafeld, *The Mannheim Tragedy* (Lancaster, 1858), 50.

¹⁰ "Prison Inspectors' Minute Book" (L.C.H.S.), 1858/59 entries.

¹¹ *Ibid.*, March 7, 1859.

¹² Depositions for the case of Commonwealth v. Pearsol and Geist (April, 1864, L.C.H.S., which is the repository of all the indictments used in this study.)

The draft provoked mobs and riots.¹³ Charges of political intrigue and administrative scandal were common.¹⁴ Racism persisted—in the almshouse, for example, blacks were separated from whites in 1862, and, by 1864, overseers could eject black paupers without local family.¹⁵ But on the other hand, Lancaster was unique by virtue of the Confederate invasion of southern Pennsylvania. Refugees filed through the county in late June, 1863, when the blaze of the Columbia bridge, burnt to delay Lee, lit Lancaster City.¹⁶

Lancaster saw the war more directly than most other Northern communities, but it is our conclusion that crime did not become a more serious problem over the course of the Civil War. In the following pages, we will present a range of evidence suggesting leniency rather than severity on the part of justices of the peace, juries, and the judge. Furthermore, we also found that the offenders, who were increasingly white, female, and rural, probably had more and more property and standing. Our evidence did not reveal a surge of desperadoes, nor did it indicate more punitiveness from law enforcers. Indeed, it was the first war year that seemed most troublesome for the people of Lancaster County. At that time, there were more illiterate criminals, black offenders, female victims, crimes with accomplices, pleas of innocence, and defendants unable to secure bail. Moreover, the months after the war were more difficult than the later war years. Crimes by veterans swelled the total number of true bills, and law enforcers became stricter. But as the Civil War itself continued, the patterns of crime and punishment, which we have disaggregated into personal, property, and moral offenses, did not indicate a breakdown of law and order.

Yet we must begin with a concession that two wartime developments *might* be interpreted as proof of worsening conditions. First, the total number of true bills increased slightly during the war. In the last two years of fighting, the average number of indictments rose, on balance,

¹³ "Diary of S.J. Myer" (L.C.H.S.), July 16, 17, 1863; *Lancaster Daily Express*, August 18, 22, 1863.

¹⁴ *Lancaster Daily Express*, October 26, 1863.

¹⁵ Minutes of the Overseers of the Poor (L.C.H.S.), June 7, 1862; September 13, 1864; December 3, 1864.

¹⁶ Diary of S.J. Myer (L.C.H.S.), June 27, 28, 1863.

by two per month (see Table 1).¹⁷ Cases involving morals climbed most dramatically, but from the lowest base. After the first war year, moral offenses became more common than personal violence, which did not rise. The escalation of battlefront hostilities did not coincide with more homefront brawling. Property crime, which always outnumbered the other offenses, increased in the last war year, and another surge in the postwar months accounted for most of the higher volume of true bills from April 1865 to the end of 1866.

Second, the constables may have been less active. Of the 997 true bills that named a complainant, the victims filed 79.5%. The other indictments were initiated by constables (6.5%), relatives (5.9%), or other parties (8.1%). The rising number of wartime indictments was not a result of constables' zeal; they presented fewer indictments as the war continued.¹⁸

But if we concede that more true bills initiated by private citizens may signal wartime woes,¹⁹ the rest of our evidence cannot be construed in that fashion. For example, how should the rise of rural crimes be evaluated? Before the war, Lancaster City's share of crime was three times its portion of the county population (48% vs. 16%). Although Lancaster City was never under-represented on court day, a greater percentage of the wartime cases came from outside the city (Table 2). Moral offenses, the fastest growing wartime crime, almost disappeared from the city, and urban property crime also slackened. Interpersonal crime, in contrast, rose steadily in the city as the war progressed. Violence replaced vice in the urban true bills. But all of this is not necessarily evidence of worse or better conditions for either the law breakers or the law enforcers.

¹⁷ Property crime includes larceny, robbery, burglary, horse theft, and theft by trick; personal crime includes assault, felonious assault, murder, kidnapping, assault with intent to kill; moral crimes include fornication, adultery, gambling, and the illegal sale of liquor. Throughout the article, the figures are based on the indictments, unless the subject is the social composition of prison inmates. As a result, multiple-indictment and multiple-offender crimes are over-weighted; however, we found no significant differences when we analyzed (using the SPSS computer package) our data by selecting individuals rather than indictments. In the text, the words "offender" "criminal" and "defendant" are used interchangeably (unless otherwise specified), and the references to indictments always mean the true bills only.

¹⁸ For the six periods, the percentage of complaints filed by the constables was: 13.8%, 8.1%, 7.1%, 3.5%, 1.4%, and 5.6%.

¹⁹ It could of course mean that wartime prosperity enabled more and more citizens to bear the expenses of prosecutions (but we know of no way to test rigorously that hypothesis).

Furthermore, some of the circumstances of the offenses did not change appreciably. The number of multiple offender crimes hardly varied from 1860 through 1866. Usually, one of every four offenses involved two or more people; only in the first war year did that figure rise, to 39%.²⁰ There was little change in the seasonal distribution of the offenses. Before, during, and after the war, crime rose with the thermometer. The months from April to September embraced between 52% and 58% of the true bills.²¹ The distribution of offenses by day also remained fairly constant, except for more Sunday crime. Even so, that rise was from a very low base of 9% before April, 1862 to 18%, 17%, and 12% in the remaining war years.

Several other circumstances of crime did change, but these shifts paralleled, to some extent, changes in the county's population. The drain of manpower to the army helps explain the victimization of more women. Every fifth victim was female in the months before and after the war, but during the war, the figures were higher (Table 3). Demographics may also account for the surge of female criminality. Woman accrued less than one indictment per month before April, 1862; in the next two years, they drew 1.6 indictments per month, and in the final war year, women had 2.5 indictments per month. (Female offenders did not vanish after the war, however; indictments averaged 2.1 per month through the end of 1866.)²²

Unlike female crime, black crime tumbled, after a brief spurt in the first war year (Table 4). The drop was most pronounced in moral and personal offenses, especially in the last war year. Black property crime also diminished, in a smoother and shallower decline. These shifts, however, probably did not signal racial harmony. The prison watch-

²⁰ For the six periods, the percentages of indictments for multiple offender crimes were: 23.4%, 39.4%, 20.4%, 24.2%, 27.0% and 21.2%.

²¹

	<i>Pre-War</i>	<i>War</i>	<i>Post-War</i>
Jan.—March	26.9%	20.3%	17.5%
April—June	27.0%	23.1%	27.3%
July—Sept.	30.5%	30.0%	30.0%
Oct.—Dec.	15.5%	26.6%	25.3%

²² Of the women's offenses, most were property crimes (69.8%), followed by personal crime (15.8%) and moral offenses (14.4%). With only six indictments of women in the fifteen pre-war months, it is hard to gauge change over time, but property offenses were particularly evident in the last war year (74% of the 38 female indictments), and afterwards (89% of 36). The surge of moral crime, in other words, was not due to the women.

man referred to "niggers" in the cells, newspapers satirized black defendants as "dark specimen" or "slices of darkness," and the District Attorney wanted blacks in uniform to "stop some of the balls" from hitting white men.²³ Although black crime rates may not mirror race relations, the drop did coincide with an exodus of Lancaster blacks. The Negro share of the population fell 23% from 1860 to 1870.²⁴

In contrast, it is hard to know if population change also explains the larger number of illiterate victims in wartime (Table 5). There were nearly twice as many victims unable to sign their names to a complaint in the war years (17.8%) than in peacetime (9.8%). But unless the court records are a better source than the census, it is hard to believe that illiteracy suddenly doubled in Lancaster County. (Census samples yielded illiteracy rates of 8.0% in 1860 and 8.8% in 1870.)²⁵

The problem of interpretation here is serious, and yet it is typical of the difficulty of evaluating any of the other figures bearing on the who, where, and when of crime. In specific: if population change is an insufficient explanation of the rise in victim illiteracy, then we are left with two equally plausible but starkly different alternatives. On the one hand, it is possible that the numbers gauge a real rise in the number of criminal attacks on the less "respectable" (as proxied by literacy). That would imply that conditions worsened for the lesser folks in the war years. But the same figures can be read as evidence of better rather than worse conditions in their lives. The fact that more illiterate people filed complaints, posted bond to appear in court, had enough influence to call witnesses, spent a workday or more in court, and risked paying stiff court costs if they lost may well mean that the illiterate had more, not less, of the property and standing needed to enjoy full access to the nineteenth-century legal system. By the first explanation, the illiterates had more contact with the law breakers; by the second explanation, they had more contact with the law enforcers. To generalize: the chance of being a complainant does not necessarily equal the chance of being a victim.

²³ "Term Book, 1853-1869" (L.C.H.S.), August 31, September 1, 1864; *Lancaster Daily Express*, November 14, 1861; J.B. Livingston to Wallace Hays, February 11, 1863 (Letters of J.B. Livingston, L.C.H.S.)

²⁴ There were 3,459 blacks in Lancaster County in 1860, of 116,314 residents; in 1870, of 121,340 people, there were 2,861 blacks, according to the federal censuses.

²⁵ Based on persons fifteen and older, to approximate the offender population; every hundredth person was selected.

And that generalization colors all of the numbers introduced so far. Do changes in the various rates chart ease of access to criminal justice, a question that highlights the behavior and resources of the complainants? Or do the changes just chart a rise and fall in the sheer amount of illegal activity? Common sense says that any crime rate addresses both of those two questions, but the rates themselves mask rather than reveal the relative contributions of the offenders and the complainants (and the obscurity here would persist even with a full study of all the indictments that never became true bills).

The conundrums are not so vexing if we turn to the study of criminal justice. It is possible to evaluate *separately* the bail amounts stipulated by the Justices of the Peace from the ability or inability of the accused to meet bail. Moreover, tabulation of the defendants' pleas, the juries' verdicts, and judge's sentences affords three different perspectives on the same courtroom. Of course, the figures do not spell out why each set of participants acted as they did. Here we simply argue that taken together, our numbers form a consistent pattern in regard to *how* criminal justice functioned in Civil War Lancaster.

At the preliminary hearing, the Justice of the Peace demanded recognizances from defendants for their future appearance at the Quarter Sessions. No cash passed hands; instead, the accused's surety had to convince the Justice that he controlled enough property to forfeit a certain amount in case the defendant absconded. The Justice had to evaluate the credibility of avowals like Peter Neidig's, who "being affirmed, says that he is a freeholder, residing in Paradise township, Lancaster County, farmer, and that he is worth three thousand dollars, after payment of all his debts and answering all his responsibilities."²⁶

These recognizances are an extraordinary source for measuring social position. They tell us if the defendant was connected, by way of his surety, to a substantial amount of property. They offer *behavioral* evidence, he either won release or went to jail, about a *relationship* to men of property and standing. A tax list, in contrast, says nothing about behavior, nor does it shed light on connections with others. In addition, the court records are more thorough than the alternative measures. We

²⁶ Commonwealth v. Jacob Sweigart, April 1860 (L.C.H.S.).

coded bail and bail amount information for 59% of the true bills.²⁷ For criminals as well as for victims, neither the census nor the city directory was that informative.²⁸

The number of offenders with satisfactory sureties rose during the Civil War. Before April, 1861, 42.5% of the defendants enjoyed pre-trial liberty. After a drop in the first war year, to 38.6%, the figures climbed steadily: 48.5%, 52.0%, and 58.5%. After the war, in contrast, the percentage of bailed offenders fell slightly, to 54.7%.

As Table 6 shows, the differences between offense categories persisted. It was always most difficult for a thief to win early release, but the chances improved greatly between 1860/1 (12.5%) and the final war year (41%). In contrast, moral offenders usually had the preliminary freedom. The percentage recognized for personal crimes was between the extremes of property and moral offenses. From a steep drop in the first war year, the figures rose to a peak of 72.2% in the final war year, then fell in the following months.

The Justices set lower and lower bail during the war, but not afterwards. The share under \$201 rose in the second through fourth war years, and then dropped (Table 7). The change was particularly evident in property crime. One of seven recognizances required \$200 or less in the pre-war months; by the final war year, two of every five were set in that range. Moral crimes were subject to less volatile swings. Requirements for personal offenses hardly changed until the last war year, when 77.8% faced bail of \$200 or less.

These lower bail amounts may explain why more defendants were at liberty before trial, but many prisoners held for lack of bail had failed to meet a low recognizance (under \$201). Of the people imprisoned for failure to meet the recognizance, 46.3% had been asked for the low bail.

²⁷ State law forbade bail in capital offenses (homicide, robbery, burglary, arson, treason, sodomy, rape, receiving stolen goods, and concealing the death of a bastard child), which deleted 87 indictments from our files, and thus raises the 59% figure to 63.4%. The other cases for which we lack bail information share the salient features of the rest of the indictments. For example, the missing cases (first figure) parallel the others (second figure) on sex (82.8%, 87.8% male), color (75.4%, 76.5% white), literacy (72.4%, 68.6% literate), and not guilty pleas (65.4%, 65.2%). The breakdown by offenses is also similar: property (42.1%, 48.4%), moral (21.7%, 19.8%), personal (15.4%, 20.4%), and other (20.7%, 11.4%).

²⁸ From the 1860 manuscript census returns, we found 50.6% of the Lancaster City offenders, and 46% of the Lancaster City victims. From the 1863/64 and 1866/67 Lancaster City directories, we found 34% of the offenders, and 36.7% of the victims. Unfortunately, wartime tax lists do not survive, except for some of the smaller villages in the county.

By comparison, of all those who did satisfy the Justices, 52.6% had recognized for \$200 or less. In other words, it was not just an overbearing Justice of the Peace that kept some defendants in jail before trial.

More defendants free on bail suggests improvement rather than deterioration in the offenders' economic position. Whatever the influence of wartime inflation, it is clear that fewer offenders stayed in jail before their trials. The wider world, to be sure, might not have celebrated this development. It could have been interpreted as an erosion of propriety among men of standing, or more status for men who had never been virtuous. Alternatively, because offenders with pre-trial liberty were much less likely than other defendants to find themselves in jail after trial (see Table 11), the law enforcers might not have welcomed the shift. Newspapers never discussed the matter; we don't know how the public felt. But the amounts stipulated by the Justices of the Peace do tell us how one set of authorities perceived and responded to wartime conditions. By setting lower and still lower bail in years of steep inflation, the Justices made pre-trial liberty more accessible, which suggests confidence and compassion rather than fear and vengeance.

Like bail, courtroom behavior sheds light on both the law enforcers and the law breakers. The patterns of pleas, verdicts, and sentences are an important part of the story of crime and punishment during the Civil War.

The composite percentage of not guilty pleas is less revealing than the breakdowns by offense categories. Aggregate figures barely changed during the war. After a brief jump in the quirky first war year to 72%, the numbers settled near the 65% recorded before the war. Only after the war ended did the percentage of not guilty pleas dip below 60%.²⁹ But there were some sizable changes within the three categories of crime (see Table 8). Property offenders pleaded not guilty with greater frequency; the pre-war figure, 46.4%, lagged behind the 62% recorded after April, 1862. In contrast, the number of not guilty pleas by moral offenders (the fastest growing group of the three) fell in the last two war years from the mid-50% range to 47% (3rd war year) and 32.8% (4th war year). A third pattern marked the interpersonal crimes, which

²⁹ For the six periods, the percentages of not guilty pleas were: 65%, 71.6%, 63%, 65.7%, 62.8%, and 59.2%.

always drew the most not guilty pleas. Jumping from 70.6% to a peak of 82.6% in the first war year, the rate then held just above 75%. Assaultants' pleas did not rise and fall with the ebb and flow of warfront violence.

A defendant would have been well advised to have his case tried in the last two years of the war. Property offenders, who pleaded not guilty with more and more frequency, apparently convinced more and more jurors. From a low base of 14.5% innocent (pre-war) and 18.1% (1st war year), the next three years of wartime registered much higher acquittal rates (see Table 9). The post-war courts were less hospitable to thieves; then, only 27% were freed. In comparison, moral offenders at any time were usually found guilty. In light of the rising number of their guilty pleas, it is not surprising that the number of guilty verdicts also rose during the war.

Verdicts for personal crimes, on the other hand, did not correspond with pleas, which held steady during the war. Acquittals dropped in the first war year, from 35.3% to 23.7%, but then rose, peaking at 54.3% in the last war year (see Table 9).

The jurors, then, grew more tolerant of property and personal offenses, but did the judge? As the pleas and verdicts would suggest, the percentage of all defendants who later found themselves in prison fell as the war continued. But what percent of the guilty defendants were sentenced to jail? Only in the last two war years did fewer than half of the sentences include time in prison (Table 10). Guilty property offenders almost always went to jail, unlike the moral offenders, who almost never did. Those two patterns did not change during the war as sharply as the drop in the number of guilty personal offenders sent to prison.

For another perspective on the courtroom, we need to know if the people sent to jail had been there earlier for lack of bail. Calculating the percentage of offenders subject to double imprisonment is another way to gauge the severity of criminal justice. In Lancaster County, fewer and fewer offenders lost their liberty twice. On the other hand, as Table 11 shows, the percentage of defendants twice-freed did not rise quite as rapidly as the percentage of double-imprisoned fell, because there was a slight rise in the percentage of defendants who were imprisoned once.

The greatest wartime change in the Lancaster courtroom marked the personal offenses. The same percentage of defendants pleaded not guilty, but more of them convinced the juries of their innocence, and of

those who could not, fewer drew jail sentences. In contrast, the percentage of guilty verdicts for moral and property offenses corresponded with the rise and fall of guilty pleas, and the sentences for both types of offense remained more constant than the interpersonal offenders' sentences. Tolerance of violence between people appears to have grown rather than diminished during a violent war between two peoples. Juries and judges, like the justices of the peace, were more rather than less generous during the war. The work of the Quarter Sessions bespoke restraint rather than repression.

Thus far, we have emphasized crime and criminal justice more than the social composition of the offender population. From the indictments, we can only tabulate sex and color. It is therefore necessary to use other sources to see if the characteristics of the criminals changed during the war. As mentioned earlier, the tax lists, city directories and the like omit many members of the dangerous class. We relied instead on more complete evidence—the prison register, and lists of soldiers—in order to compile a large enough sample to chart changes over time.

The register includes entries for literacy, occupation, color, nativity, alias, and recidivism.³⁰ It is a rich mine of information, and for Lancaster County during the Civil War, it tells us that fewer inmates were handicapped by the burdens of illiteracy, blackness, lack of skills, or recidivism. After a dip in the first war year, from 61.3% to 57.8%, the percent literate stayed at 68% for the next three years, then jumped to 80% after the war. With respect to occupation, slightly more of the criminals called themselves skilled laborers.³¹ Furthermore, fewer of the prisoners were black, a trend also evident in the total defendant population. Although the percentage of black inmates rose in the first war year, to 39.5% from 26.8%, it plunged in the last two war years to 18.7%, and fell further, to 17.1%, between April 1865 and the end of 1866. With respect to nativity, the proportion of foreign-born was

³⁰ Convict Description Docket of the Lancaster County Prison, 1851-1887 (L.C.H.S.); Eastern State Penitentiary. Prison Population Records. Descriptive Register, Boxes 1-4. (RG 15, Department of Justice, Pennsylvania State Archives) for the men sent to the state penitentiary. For a discussion of registers, see Harvey Graff, "Crime and Punishment in the Nineteenth Century: A New Look at the Criminal," *Journal of Interdisciplinary History* VIII, no. 2 (Winter 1977), 477-491.

³¹ Percentage skilled laborers, for the six periods; 33%, 33.7%, 40.9%, 38.6%, 36.1%, and 40.4%.

constant at 20%, more than twice the average for Lancaster County.³² There was a small rise in the percentage of Southern born prisoners—3.1% before April, 1862; 6.2% in the next two years; 5.6% in the remaining months. Another change bearing on the matter of local roots also suggests less familiarity and ties in Lancaster. Each of the combat years saw more aliases than the months before and after the war. In wartime, 4.9% used another name, compared to 2.9% in the other months. Finally, the percentage of recidivist prisoners fell during the war. The prison register indicated previous incarceration for 10.1% of the peacetime inmates; the wartime figure was only 6.7%. Admittedly, the recidivist figures (like those for occupation) are unreliable. They may just refer to past imprisonment in Lancaster county because inmates could conceal their visits to other prisons. But we have no sense of any systematic bias in the prison register, and, more to the point, the figures on recidivism are consistent with the theme of the other numbers drawn from the register: fewer rather than more prisoners were disadvantaged by color, illiteracy, lack of skills, local notoriety, or previous imprisonment.

Another perspective on the social composition of the offenders is derived from the identification and analysis of the crimes and punishments of soldiers. Are there any distinctive features of the criminal records of the veterans?³³

In Lancaster county, soldiers accrued 267 of the 1,300 true bills. Twelve named officers, and the other defendants were either privates or militiamen. Eight of the 267 indictments were served to men in uniform. Of the other 259, 87 were for offenders who later joined the army, and veterans received 162 indictments. The other ten were for men who fought before and after they committed an offense.

Ranked by proportion of the soldiers' indictments, property crime was most common (43.6%), followed by moral offenses (26.8%) and personal offenses (23.6%). Differences here were negligible between veterans and offenders who later joined the army. Ranked by proportion of all the indictments served between April 1865 and December 1866, veterans accounted for almost half (46.7%) of the property offenses, 30.7% of the moral offenses, and 30.2% of the personal crimes.

³² In 1860, 8.4% of the population was foreign-born; the figure for 1870 was 6.2%.

³³ Soldiers are listed in Franklin Ellis and Samuel Evans, *History of Lancaster County, Penn.* (Philadelphia, 1883), 83-202.

Usually a year or more separated the soldiers' discharge and the date of his offense. The average time lag was twenty months. Of the soldier-criminals discharged during the war who also committed an offense during the war, the lag time was 12.2 months. For the offenders who later served in the army, 13.6 months lapsed between the month trial (or end of jail sentence, for prisoners) and the month of enlistment.³⁴ Only six offenders enrolled in the same month they appeared in court; only five soldiers were arrested in the same month that they left the army. Although veterans did contribute to a post-war crime wave, they did not violate laws immediately after leaving the ranks, or immediately before joining.

The circumstances of the soldiers' offenses differed only slightly from those of the other Lancaster defendants. The veterans committed somewhat more crime in the city than other adult males (40.4% vs. 27.1%). Soldiers had slightly more female victims, which is not surprising in light of their large number of moral offenses. On the other hand, victim literacy was similar for each group of adult male offenders, regardless of war service. In regard to complainants, we find a few more veterans than civilians faced with non-victim complainants (25.7% vs. 20.4%). On balance, these variations and small differentials do not sharply set apart soldier from civilian crime.

A satisfactory recognizance was more troublesome for the offender who later fought than for either the civilians or the other soldiers. Only 32.8% of the first group had pre-trial freedom, in contrast to 57.7% of the veterans and 50.7% of the civilians. But the soldiers' pre-trial liberty did not depend on lenient justices; bail amount was similar for all three groups in question.

How did soldiers fare in the courtroom? In contrast to civilians, more pled innocence but fewer were believed. Of the veterans, 69.5% said they were not guilty. By comparison, only 62% of all the other defendants pled innocence. The juries found slightly fewer veterans innocent (31.6%) than the other adult male defendants (38.9%). Twenty nine percent of the soldiers and civilians were fined; prison awaited 40% of the soldier-defendants and 32% of the civilian-defendants. Of the men jailed, as many ex-soldiers as civilians served sentences of seven months or more (34.2% and 33.7% respectively),

³⁴ Of the 87 offenders who later fought in the war, 34 were indicted between January 1860 and April 1861; 38 were indicted by June, 1862, and the other 15 were indicted later.

but both of those groups trailed the offenders who later fought (40% drew long sentences). In other words, the convicts who eventually fought did not rush to the recruiter after a short sentence, even though the newspapers occasionally mentioned the reduction of a sentence in exchange for a promise to enlist.³⁵

There is evidence of preferential treatment in the dispensation of pardons. The Governor released 68 men in jail for crimes committed in Lancaster County between 1860 and 1866.³⁶ Of those prisoners, 28 had fought in the war, including seven who were pardoned before joining. Frequently the pardon acknowledged that military service was one reason for the early freedom. Robert Thomas, for example, had served 26 of his 63 months when his good conduct and pledge to join a regiment of colored troops effected his early release. George Smith, an honorably discharged soldier, kicked Michael Griener's dog in a barber shop and then cut Griener with a razor; Smith was freed, with five months left on a one year sentence, on condition that he re-enlist. John White, a black, left prison after three weeks of a six week term because six of his sons has volunteered for military service.³⁷ In these and other pardon cases, the Civil War tempered the legal machinery, with more leniency than severity.

The soldiers had spurred a surge of indictments in post-war Lancaster County. Nearly half of the true bills then named veterans. Their offenses were not just the violence they might have practiced in battle. They committed more property and moral offenses than personal offenses. The response of the law enforcers was evenhanded. The Justices of the Peace were not posting high bail for soldiers; the jurors and the judge were not particularly charitable to soldiers; and gubernatorial pardons, however plentiful, freed only a fraction of soldiers in jail.

³⁵ *Commonwealth v. Diller Ott* (January 1862); *Commonwealth v. John Cooney* (August 1861); *Commonwealth v. John Burk and Richard Brush* (January 1864).

³⁶ *Pardon Books*. February 25, 1845—May 23, 1862. January 28, 1861—November 30, 1866. December 1, 1866—January 20, 1873 (RG 26, Department of State, Pennsylvania State Archives).

³⁷ Robert Thomas (January 12, 1864); George Smith (March 23, 1864); John White (February 8, 1866).

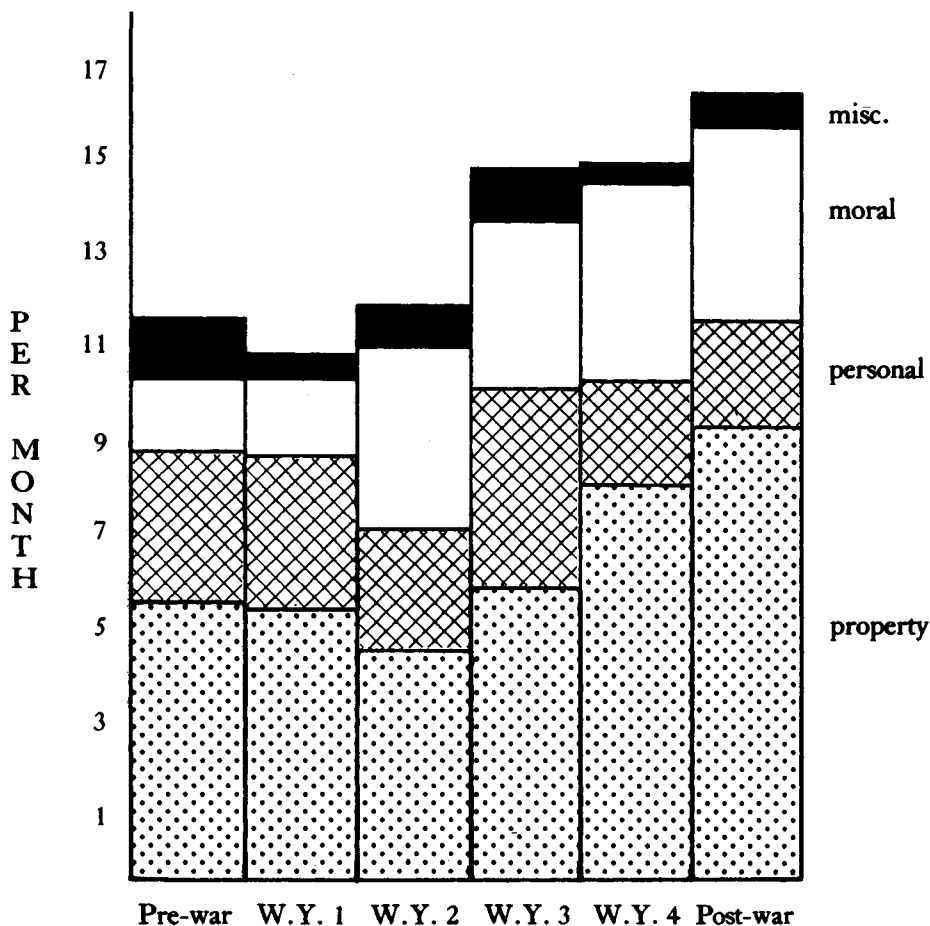
If Lancaster County were typical of other Northern areas, then crime and punishment were not unaffected by the war years. The first war year was the most difficult period, in the sense that offenders then were more fearsome (as gauged by illiteracy, color, crimes with accomplices, and female victimization), less propertied (fewer secured bail), and less contrite (fewer pleaded innocent). In that year, law enforcers were as stern if not sterner than before the war. In the next three years, offenders became less disreputable, and law enforcers became less strict. After the war, true bills increased, spurred by the antics of the veterans. The law enforcers were no longer so lenient, and the offenders were not quite the caliber of those of the later war years. Crime and punishment were not the same in the periods of peace, initial mobilization, full-scale fighting, and reconstruction.

If these patterns characterized other Northern communities, then historians will have to explore further the relationship of crime and punishment to the wider world in order to understand the full significance of the trends. We will need to know if and how the social history of the Civil War paralleled other development. For example, most studies of the Northern economy agree that the initial business reversals and jarring economic disarray began to fade by early 1862.³⁸ We too think the first year was the most vexatious, at least in regard to crime and punishment. In any case, historians should begin to think of Civil War disorder in terms of quantitative trends rather than famous episodes like the anti-draft riots, which on balance occurred after the first war year. The publicity given those disruptions, then and later, came against a reassuring rather than alarming backdrop, if our results are right. Homefront mobs and riots were exceptions to a rule of less, not more, wartime woes in the detection, prosecution and punishment of crime.

ROBERT L. HAMPEL
CHARLES W. ORMSBY, JR.

³⁸ Emerson Fite, *Social and Industrial Conditions in the North during the Civil War* (New York, 1910), chs. 1-4, Peter J. Parish, *The American Civil War* (London, 1975), 344, J G Randall and David Donald, *The Civil War and Reconstruction* (Boston, 1969), ch 28, on Pennsylvania, see Nicholas B Wainwright, ed., *A Philadelphia Perspective: The Diary of Sidney George Fisher Covering the Years 1834-1871* (Philadelphia, 1967), 383-450

TABLE ONE
TRUE BILL INDICTMENTS IN LANCASTER COUNTY
1860-1866



KEY

Pre-war January 1860—March 1861
 W.Y. 1 April 1861—March 1862
 W.Y. 2 April 1862—March 1863
 W.Y. 3 April 1863—March 1864
 W.Y. 4 April 1864—March 1865
 Post-war April 1865—December 1866

Solid Other, Miscellaneous
 Empty Moral Offenses
 Checked Personal Offenses
 Dotted Property Offenses

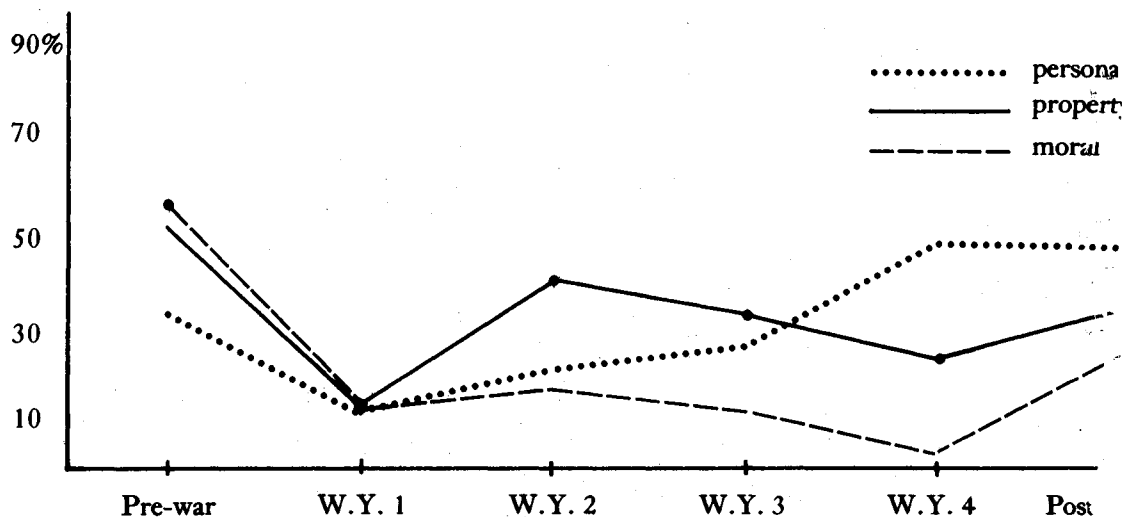
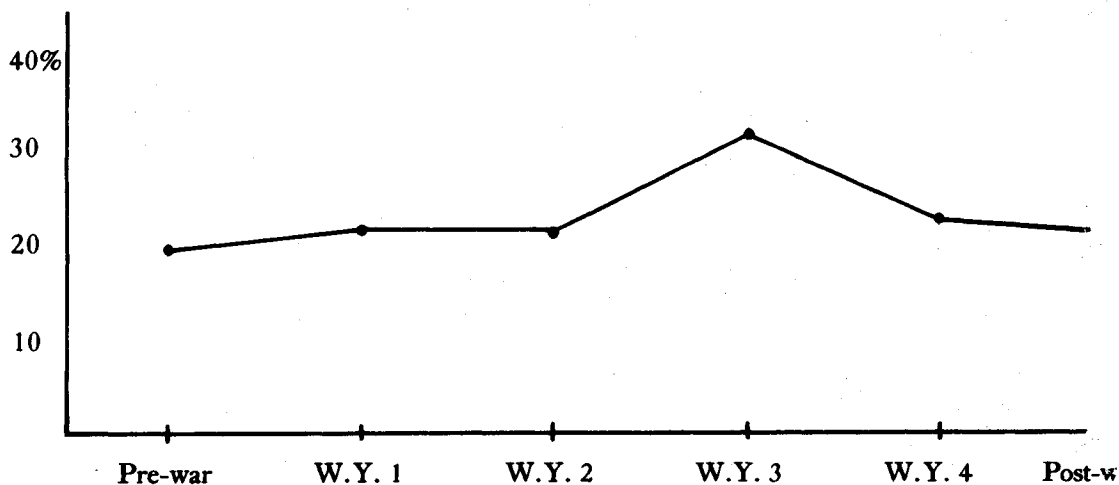
TABLE TWO**PERCENTAGE OF INDICTMENTS FROM LANCASTER CITY****TABLE THREE****PERCENTAGE OF OFFENSES WITH VICTIMS FEMALE**

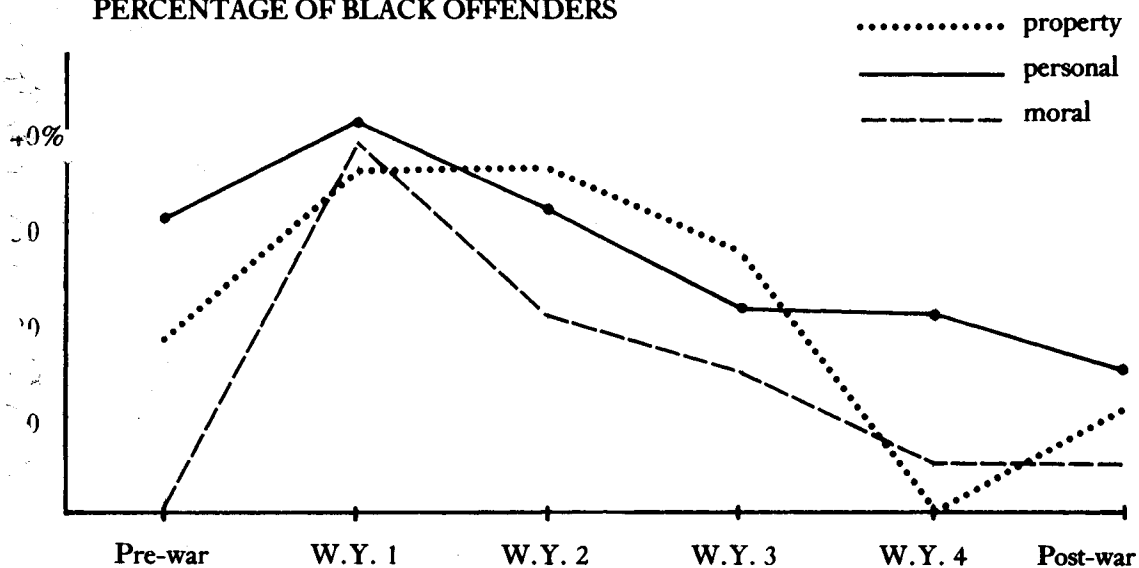
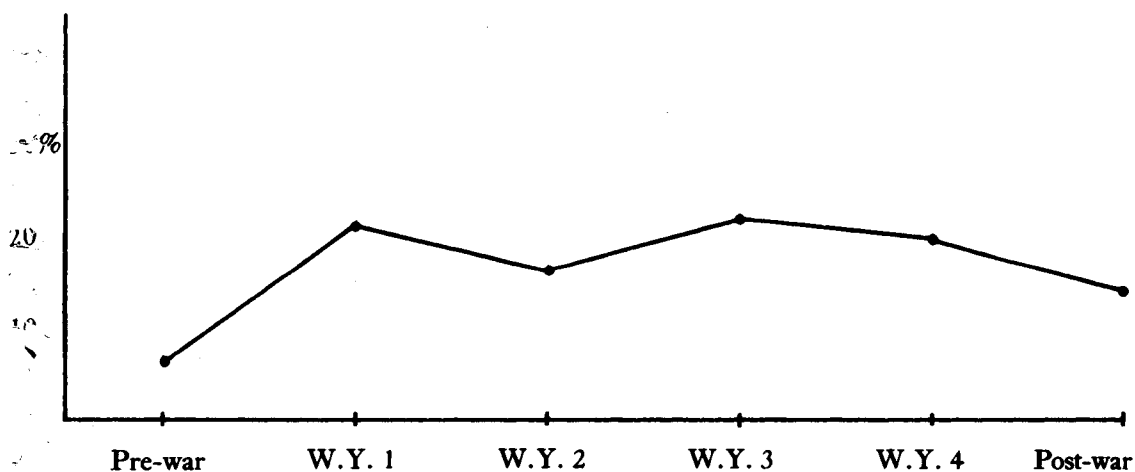
TABLE FOUR**PERCENTAGE OF BLACK OFFENDERS****TABLE FIVE****ILLITERATE COMPLAINANTS**

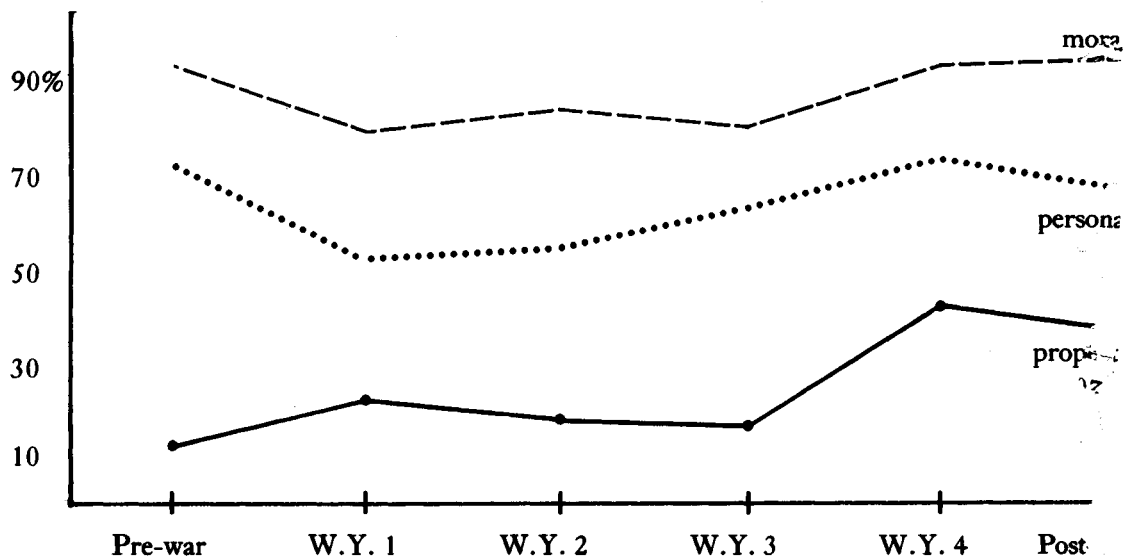
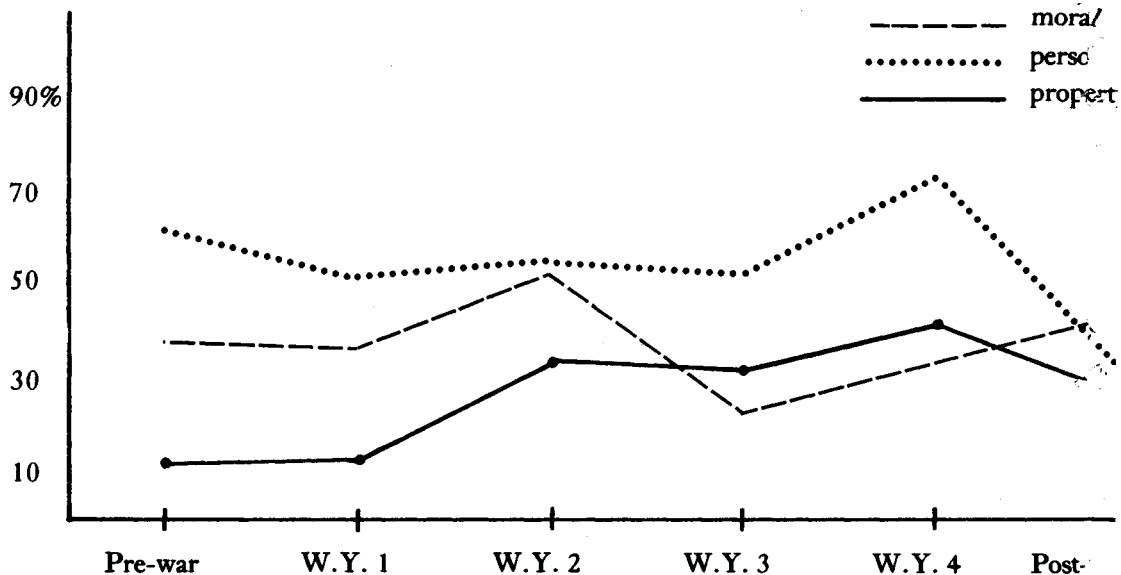
TABLE SIX**RECOGNIZANCE RATES****TABLE SEVEN****RECOGNIZANCE SET AT \$200 OR LESS**

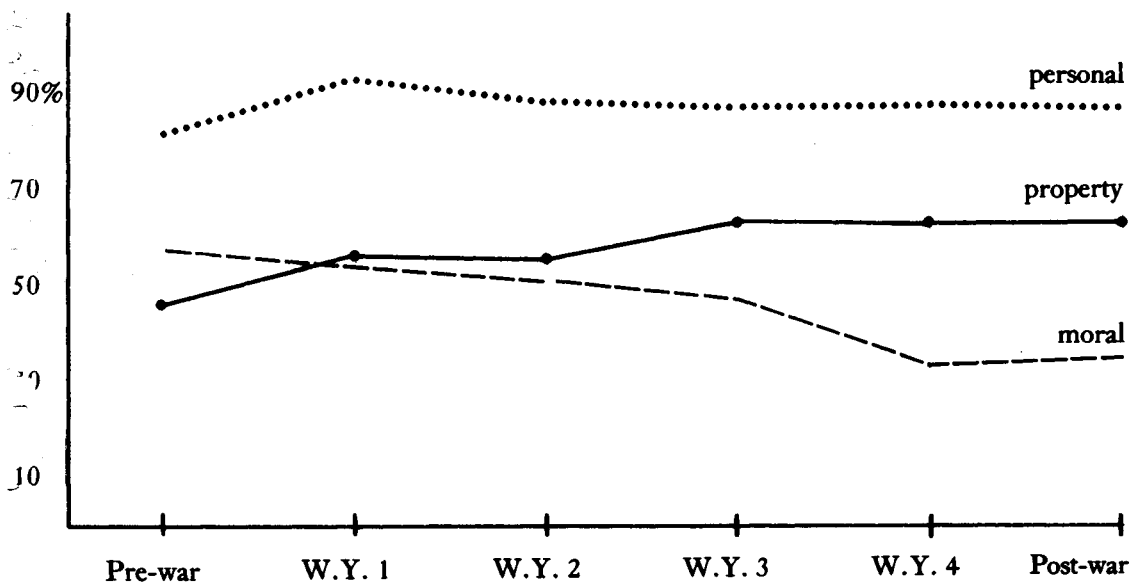
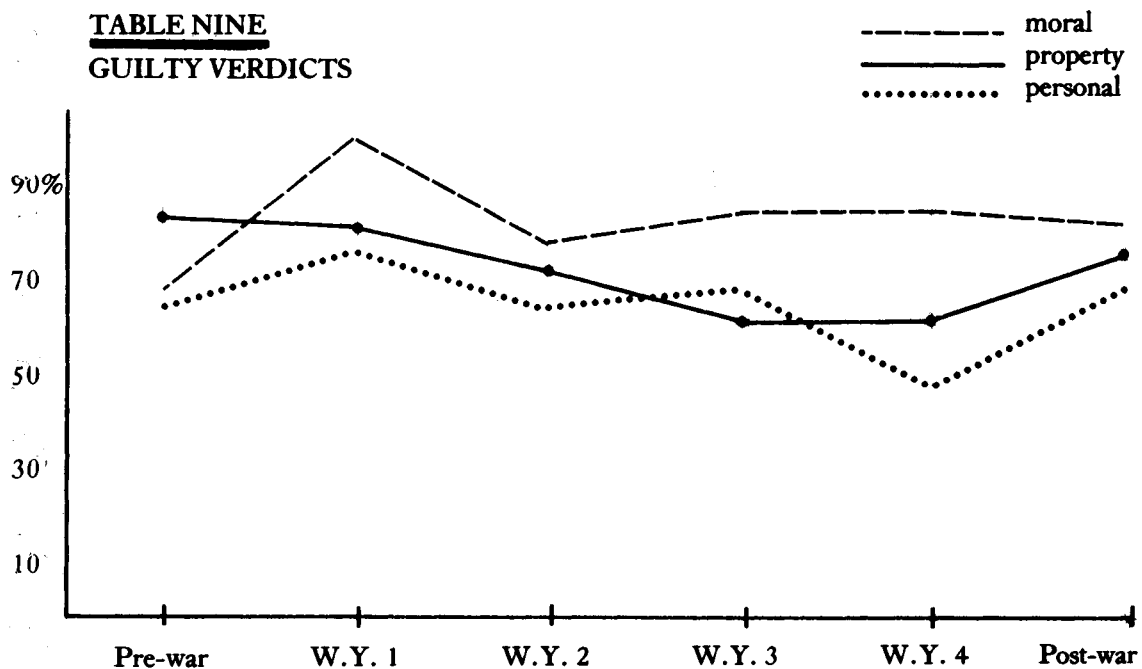
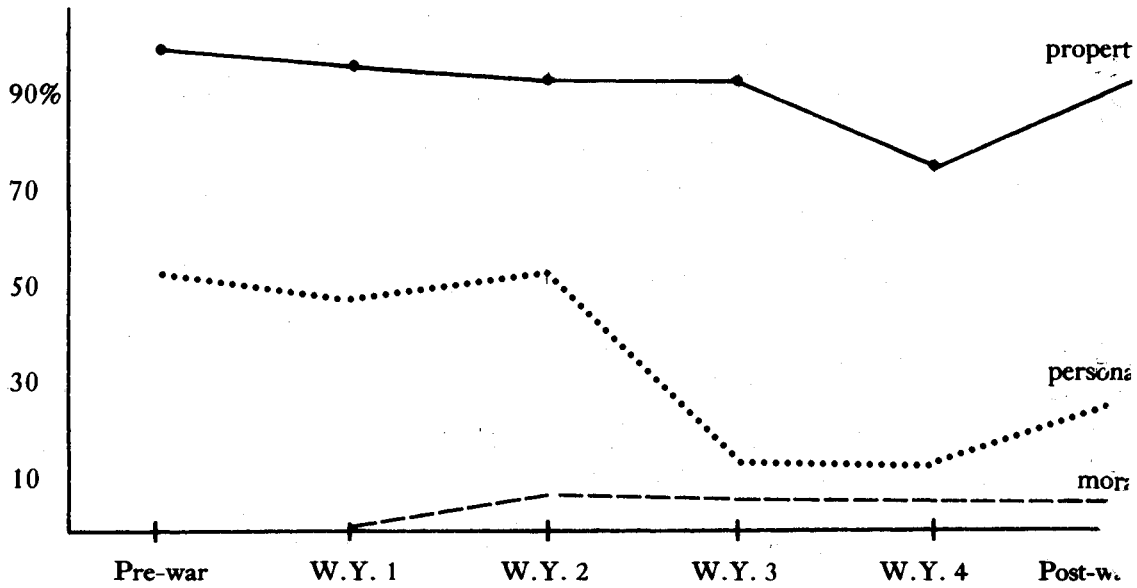
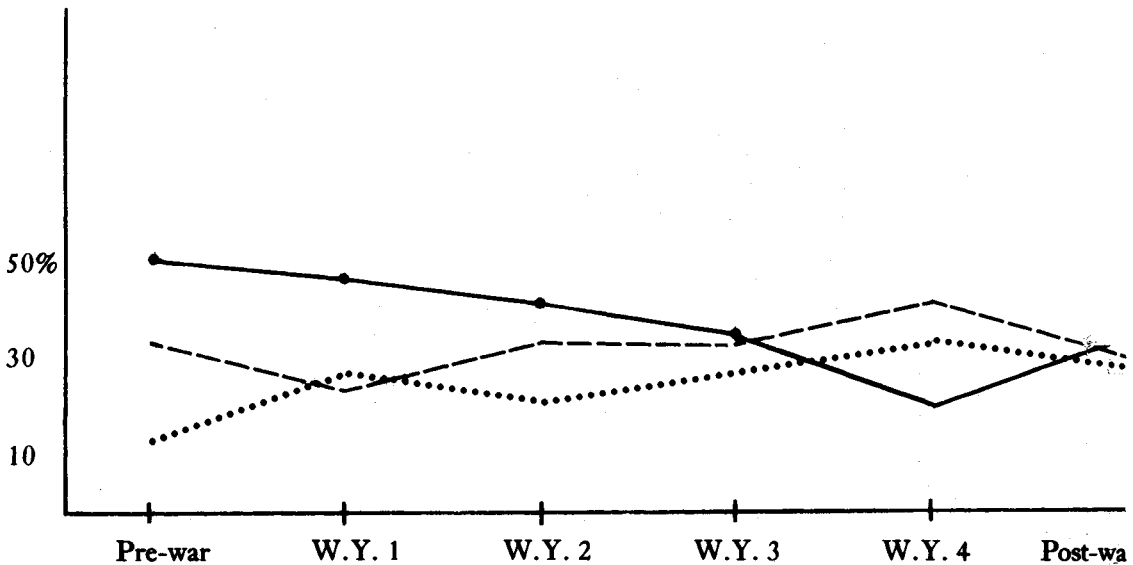
TABLE EIGHT**PLEAS OF INNOCENCE****TABLE NINE****GUILTY VERDICTS**

TABLE TEN**PERCENTAGE OF GUILTY DEFENDANTS SENTENCED TO JAIL****TABLE ELEVEN****NUMBER OF IMPRISONMENTS**

————— double imprisonment
 in jail once
 - - - - - never in prison



“Community On Trial”: The Coatesville Lynching of 1911

Wake up, Pennsylvania, Wake up!
It's high time!
Your fair name is blotted with a
horrible crime.
Ruffians, fiends and demons of
the great white race
Have defiled your honor, trampled
on your grace;
All the world in wonder, stare
with open mouth.
“Not old Pennsylvania? Must be
way down South.”¹

WILMER W. MAC ELREE wrote in *Sidelight on the Bench and Bar of Chester County* that “On August 12, 1911, Zachariah Walker committed a horrible crime. On August 13, 1911, Zachariah Walker suffered a horrible punishment.”² These two succinct facts are about all that is uncontroversial concerning the infamous Coatesville lynching of August 1911. Even the place is inaccurate, for it did not occur in Coatesville but at nearby East Fallowfield. Nevertheless the town suffered the stigma. The members in and motivation of the mob, the resistance or lack of it by the authorities in charge of Walker, and other events that were known to a large number of people on the night of August 12-13 became confused and distorted with the passing of time. This article, using extant documents, attempts to describe the so-called lynching, public reaction, trial, and the causes of such events in what was felt to be a racially placid Pennsylvania.

¹ James C. Jackson, “Wake Up! Pennsylvania!,” *Washington Bee*, Sept. 2, 1911.

² Holton Collection of Coatesville History, Chester County Historical Society, See also Daniel S. Wilkerson, “Diary,” 45, Chester County Historical Society.

The evening of Saturday, August 12, 1911 began happily for Zach Walker, a black worker at a mill. He had a few drinks of gin with his friend Oscar Starkey of Bernardtown at a bar in West Coatesville. Around 7:30 they left and Walker, who was carrying a concealed revolver, went down Strodes Avenue toward Bernardtown.³ He walked slowly toward his shanty and on the way observed a couple of foreigners.⁴

So far as can now be determined, Walker decided to have a little fun and fired a shot over the heads of a few immigrants. It is not known whether there was any provocation. Edgar Rice, a special officer attached to one of the chief industries of Coatesville, the Worth Brothers Iron Works, heard the commotion and came to investigate. Rice ran over the covered bridge, discovered the quarrel, and placed Walker under arrest. Walker, under the influence of his heavy drinking, leaned on the officer. An argument ensued with Rice threatening to club Walker and the latter retorting that if he did he would kill him. At that point Rice started to draw his revolver, but the black drew faster and fired two shots.⁵ Rice staggered back toward the covered bridge and fell dead on the boardwalk in front of Guick's Store. Walker left the scene and made his way up the hill out of town.⁶

Walker's guilt was never a question in the episode. He later testified he knew he would be arrested for carrying a concealed weapon, and resisted Rice. He told Chief Umsted, "I was too quick for him [Rice]. I had my gun out first and fired two shots into him, and he began to stagger. In the scuffle I lost my hat and when I lit a match I saw Rice's revolver on the ground." Walker went on to relate that as he ran from the scene he grabbed a hat off the head of a "hunky" to replace the one he had lost, and went to a hill south of the town. Here he "watched the teams and automobiles and you officers going up and down the road."⁷ This basic story is confirmed by one of the "foreigners," Paul Seahm, an eyewitness to the event. The hat which was discovered at the scene was later identified by Oscar Starkey as the one Walker was wearing when they had drinks together.⁸

³ *West Chester Daily Local News* (Hereinafter referred to as *WCDLN*), August 14, 1911.

⁴ *WCDLN*, "Coatesville Mob Burns a Negro," August 14, 1911.

⁵ *Commonwealth v. Walter Markward*, 1912. (All cases in this paper are located in the Archives of the Chester County Courthouse.)

⁶ *WCDLN*, August 14, 1911.

⁷ *Ibid.*, "Negro Walker's Statement," August 15, 1911.

⁸ *Ibid.*, August 14, 1911.

The noise attracted another member of the police force at Worth's, William Whitesides. He was a brother-in-law of Rice, and quickly passed the alarm to the police and the Brandywine Fire House. Soon Coatesville and Bernardtown, where the murder had actually occurred, were scenes of frenzied activity. Motor cars pressed into service began racing to and fro looking for the assailant. Even the wealthy Worths in their big touring car joined the search. Despite the rain that continued to fall the men searched until past midnight.⁹

Walker finally located a hiding place and slept in a barn which belonged to Alexander Barkley on Norm Entrekin's farm between Coatesville and Fallowfield. A young boy collecting the morning eggs discovered Walker's presence and passed the information on to two whites who were searching for Walker, Daniel R. McInerney and John Cochran. When they accosted the black, he knocked Cochran to the ground and aimed his revolver at McInerney. The weapon misfired, probably saving the latter's life. A few minutes later Walker met Kris Kennedy who was also a part of the search party. Walker asked for a match which Kennedy gave him. Kennedy soon alerted the posse who followed the suspect into Robert Faddis' Woods. Walker related that about this time he saw two "hunkies" in the woods and climbed a cherry tree. Captain Albert Berry, a balloonist who had made an ascent the day before, discovered him. With all hope of escape gone, Walker put his pistol to the back of his head and pulled the trigger. The injury, serious but not fatal, caused Walker to fall from the tree. The posse improvised a stretcher, using gun barrels, and carried Walker to a waiting automobile and thence to the "lock-up."¹⁰

The leader of the posse was A.S. Jackson, an employee of the Lukens Iron Works, the other major industry of Coatesville. Both Jackson and Berry claimed the credit for capturing Walker. At the jail Dr. A. Carmichael examined Walker and recommended hospital treatment. Meanwhile a large crowd had gathered and began to press around the building. Police chief C.D. Umsted, who feared trouble, asked the crowd to move back in order to move the injured man to the hospital. At the Coatesville hospital Walker quickly received medical attention.

⁹ *Ibid.*, "Coatesville Mob Burns a Negro," "Negro Walker's Statement, August 14, 15, 1911

¹⁰ *Ibid.*

Despite the fact that the bullet had pierced his head and torn out one eye, the staff felt he would recover.¹¹

Throughout the day in Coatesville the crowds gathered on corners and other public places to discuss the crime and capture of Walker. Some of the idle curious tried to get a view of what was going on in the hospital but were turned away by the guard. Around 8:00 P.M. a rumor spread that the authorities were going to remove Walker to West Chester.

A large crowd had gathered in front of the Brandywine Fire House. An official was concerned about passage in front of the firefighters and got the crowd to move down the street in front of the open air Italian Fruit Stand.¹² District Attorney Robert S. Gawthrop was concerned enough that violence might occur to concede later that he, "thinking that possibly with the opening of saloons on Monday morning the crowd might become excited to a frenzy, I personally went to every hotel proprietor and requested him not to open his bar." Still, he was not overly concerned about the safety of the prisoner. He admitted that even Stanley Howe, the special officer guarding Walker, was there to prevent Walker from doing further harm to himself.¹³ Gawthrop and Chief Umsted mingled with the crowds and found them talking freely about the murder of Officer Rice. Still, before he left at around eight o'clock, Gawthrop believed the town was quiet.¹⁴

The crowd contained as many women and children as men. They proceeded from the Fruit Stand to the hospital and found to their dismay that a horse-drawn ambulance was at the entrance. When the ambulance attempted to leave, the crowd (perhaps now more accurately called a mob) fearing the loss of Walker, stopped it. When the door was hastily thrown open, the ambulance was empty.¹⁵ Between 9:00 and 10:00 some of the crowd pulled their handkerchiefs over their faces and forced their way into the hospital. Here they found only Stanley Howe between them and their prey. Howe was a big man, 6'4", but no match for a mob. One report says Howe saw them coming and "beat a hasty exit." Howe denied this, as did the hospital orderly, a black named Robert Temple. Temple testified that Howe tried to stand firm but was

¹¹ *Ibid.*

¹² Commonwealth v. George Stoll, 1911, and Commonwealth v. Walter Markward, 1912.

¹³ WCDLN, "Gawthrop Busy," August 14, 1911.

¹⁴ *Ibid.*, "Gawthrop Busy," August 14, 1911.

¹⁵ Commonwealth v. George Stoll, 1911, and Commonwealth v. Walter Markward, 1912.

unable to "offer any resistance." The mob appeared so terrifying that the orderly, Temple, sought refuge: "Not knowing what the excited crowd might do to me, I hurried. . . and hid in a closet, and when the mob approached my hiding place I skedaddled to another part of the building." He later could not identify any of the mob, perhaps due to fear or to the masks.¹⁶

The mob outside the hospital was growing larger. Chants rang out: "Stone him!" Others cried "Shoot him!" or "Hang him!" On the porch of the hospital most of the mob were men, but there were also many boys. At one point a man called out, "Don't let a nigger down a white man. Send us some men. . . we have very few men; they are all boys." To which one in the crowd answered, "You have enough men up there to eat him."¹⁷

The hospital staff tried to prevent Walker's removal. The hospital administrator Miss Lena Townsend (and a new person in the community) attempted to call the police. This summons failing, according to her testimony, she called the "Priest, and the doctor and anybody they could get."¹⁸ But no one came. Nothing deterred the mob. Walker had been handcuffed to the footboard of his bed to prevent an escape attempt. The leaders of the mob seized him and carried him out of the hospital, one report said, on his cot; another maintained that it was only on the footboard. The excitement frightened the other patients into hysterics and one fainted.¹⁹ The crowd loosed a mighty cheer when Walker was out of the building.²⁰

The grim procession wound its way out of the town on the Towerville Road to the farm of Mrs. Sarah J. Newlin. The mob was reported to be "wild with excitement," and shouting "Lynch him! Burn him!" Ironically, it was also reported to be well organized with men addressing each other as brothers and the leaders as marshalls. Someone was certainly astute enough to cut off communications from the outside by tearing out the telephone wires. As the mob moved along the road its membership increased as men, women and children joined it from the church services that were just dismissing. A few of these people re-

¹⁶ WCDLN, "Hospital Orderly Tells History Story," August 16, 1911

¹⁷ Chester Bostic testimony in *Commonwealth v. George Stoll*, 1911

¹⁸ *Commonwealth v. George Stoll*, 1911

¹⁹ WCDLN, August 14, 1911, *Boston Guardian*, "Colored Man Burned Alive in Pa." August 19, 1911

²⁰ *Commonwealth v. George Stoll*, 1911

portedly objected to the intention of the mob, but no one moved physically to prevent the lynching. Some of the mob stood guard over Walker while others tore up a fence and brought hay and straw from the barn to make the funeral pyre.²¹

"For God's Sake, give a man a chance," pleaded Walker, "I killed Rice in self defense. Don't give me a crooked death because I'm not white." But the people hooted and jeered their denial, thrust him upon the pile and ignited the straw. "Once he tried to crawl out when the bed was burned away from his chains, and he was clubbed back with fence rails. A second time he tried, and a second time he was pushed back. A third time he summoned all his energy in a last effort for life," and with "the flesh hanging loose from his limbs," he tried. It appeared he was about to succeed, but the men with the fence rails were watching that there would be no escape and "ruthlessly thrust the screaming and dying black back into his funeral pyre. He gave one last terrible shriek and fell back exhausted." The *West Chester Daily Local News* reported that "5,000 men, women and children stood by and watched the proceedings as though it were a ball game or another variety of outdoor sport." When it was over, the blood-thirst of the crowd had not been satiated, and people pulled off Walker's fingers and bones for souvenirs.²² Some members of the mob returned after the evening's event and had several drinks of soda at the Coatesville Candy Company.²³

The mob removed Walker's last remains from the scene. Later they found a soap box and inscribed on it these words "Return to his friends." The box was placed at the hospital entrance. Crowds of the curious again began to gather and view the remains. The staff in the hospital became so nervous that the deputy coroner, George G. Myer, had the body removed to the morgue.

From the morgue the few moral remains of Zach Walker that had not ascended to the skies in smoke, or been picked over by the souvenir-hungry mob, were sent to the potter's field. His relatives from Williamsport, Pennsylvania, sent word that they did not want his remains.

²¹ WCDLN, "Coatesville Mob Burns a Negro," August 14, 1911; *Richmond Planet*, "Five Admit Part in Burning Negro," August 26, 1911.

²² WCDLN, "Coatesville Mob Burns a Negro," August 14, 1911; "Hospital Orderly Tells His Story," August 16, 1911; "Stanley Howe's Story," August 14, 1911; see especially *Richmond Planet*, "Five Admit Part in Burning Negro,"

²³ Commonwealth v. George Stoll, 1911.

²⁴ WCDLN, August 16, 1911.

His sister, Mrs. Mary Hawkins, replied, "Things of that kind [burial] cost money. . . and I have none to spare."²⁴ The coroner's jury rendered about the only unquestioned statement of the entire episode saying simply that, "We the undersigned jurymen are of the opinion that Zachariah S. Walker, colored, came to his death on the night of Sunday, August 13, 1911, in East Fallowfield Township, Chester County, Pa."²⁵

Thus ended the earth-bound sojourn of what MacElree called a "worthless Negro from Virginia." Surely a man, no matter how bad, or worthless, deserves a better end than that of Zachariah Walker. But for the infamy of the mob, he would have simply been another criminal. As it was, the name of Zach Walker and Coatesville became notorious throughout the world.

While lynching was not an unusual crime in the United States where the national average was sometimes as high as 200 a year, this episode nevertheless attracted widespread attention. Perhaps it was because of the location in a state which had been historically friendly to the Black American and in an area identified historically with the underground railroad and generally classified as favorable to blacks. Also there was the unusually cruel and sadistic nature of the mob in this lynching. Or perhaps it was because the instances of lynchings had declined rapidly during the first decade of the twentieth century, and this stood out in stark contrast. It was, in any case, one of the most publicized lynchings in this era. What happened in Coatesville, both the lynching and the miscarriage of justice that followed, was indicative of new trends in America's checkered history of race relations.

The late nineteenth and early twentieth centuries witnessed what most authorities characterize as the "nadir" for blacks in the period after the Civil War. Starting with Mississippi in 1890, one by one the old Confederate states eliminated the black voter. By 1910 in the South the franchise had been taken from almost every black who had previously voted. Stymied by the loss of the vote as a weapon, blacks witnessed the rise of "Jim Crow" segregation laws across the South. Their gains in education, in political, and in economic life appeared jeopardized by a resurgent racism. The practices of peonage and convict leasing were

²⁵ C.E. Umsted, foreman; N.M. Wood, Secretary, James G. Pugh, Robert Allison, John Allen and A.S. Wright, *WCDLN*, August 16, 1911.

virtually slavery under a different name. Finally, the lynching spirit reached its heights in the 1890's and only gradually diminished in the twentieth century. Ugly race riots, that is, white mobs attacking, looting, and burning black communities became more prevalent after 1900. More ominous, perhaps, this virulent form of racism crossed the Mason-Dixon line into the North. Worse still, blacks no longer had their day in court.²⁶ Coatesville demonstrates that clearly, and in a sense, set the tone for the decades to come.

The black community remained fragmented in its response to the worsening situation. Booker T. Washington observed that blacks were going through the "severe American crucible" and urged patience and self help.²⁷ W.E.B. DuBois was outraged that "by the second decade of the twentieth century, a legal caste system based on race and color had been openly grafted on the Democratic constitution of the United States."²⁸ He and many others founded the National Association for the Advancement of Colored People in an attempt to counter recent trends. At that time it appeared that the recent Southern successes in segregating the black community would become the national trend. The North had experienced an influx of black migrants, a factor some sources believe stimulated an affinity with the Southern white.²⁹ A parallel, and unfortunate trend for the black, was that the major reform movement of

²⁶ Ina Corine Brown, *Race Relations in a Democracy*, (New York, 1949), 104ff; W.E. Burghardt Du Bois, *Black Folk Then and Now: An Essay in the History and Sociology of the Negro Race*, (New York, 1939), 212-214; John Hope Franklin, *From Slavery to Freedom: A History of the Negro Americans*, (New York, 1967), 413-451; S.P. Fullinwider, *The Mind and Mood of Black America*, (Homewood, Illinois, 1969), 13ff; August Meier and Elliott M. Rudwick, *From Plantation to Ghetto: An Interpretative History of American Negroes*, (New York, 1969), 164ff; Loren Miller, *The Petitioners: The Story of the Supreme Court of the United States and the Negro*, (New York, 1966), 185-186; I.A. Newby, *Jim Crow's Defense: Anti-Negro Thought in America, 1900-1930*, (Baton Rouge, 1965), especially 141-168; C. Vann Woodward, *The Strange Career of Jim Crow*, (New York, 1957) 49-95.

²⁷ Samuel R. Spencer, *Booker T. Washington and the Negro's Place in American Life*, (Boston, 1955), 199.

²⁸ W.E.B. DuBois, *The Autobiography: A Soliloquy on Viewing My Life From the Last Decade of Its First Century*, (New York, 1968), 231; Mary Church Terrell, "The Strongest for the Weakest," speech in 1904, Mary Church Terrell papers, Library of Congress, Box 31. Hereafter cited as M.C. Terrell Papers; Kenneth B. Clark, "The Civil Rights Movement: Momentum and Organization," *Daedalus*, XCV (Winter 1966), 243; Mary White Ovington, "The National Association for the Advancement of Colored People," *Journal of Negro History*, IX (April 1924), 107-108.

²⁹ J. Woofert, Jr., *Races and Ethnic Groups in American Life*, (New York, 1933), 198.

the era, the Progressives, paid "little attention to the status of the Negro."³⁰ Thus abandoned by the party that freed them and ignored by the liberal reformers of the era, blacks were just beginning to develop their own defenses. It was too late to affect the Coatesville situation; rather, Coatesville contributed to the growing racial unity in militancy.

Locally, the ostensible reaction to Walker's lynching was bitter regret and demand for action. The good people of Coatesville were reportedly filled with "indignation" over the rash act.³¹ The brotherhood of the influential First Presbyterian Church of West Chester met on September 3, 1911, and passed resolutions condemning the "fiendish crime," demanding that those "who violate both the law of God and man [to] be speedily brought to justice."³² The Coatesville town council also professed outrage. Even the Brandywine Fire Company, of which Rice was a member, condemned the mob action and pledged that they would seek to find those who had brought same on Coatesville. But they were later described by the prosecuting attorney as conspirators in the crime.³³ The Business Men's Association included in their minutes the statement:

Having heard with horror of the outrage committed in our midst last Sunday night in the brutal killing and burning of Zachariah S. Walker, a confessed murderer, at the time under the charge of those in legal authority, we do hereby place ourselves on record as unanimously condemning the act of outrage and inhuman brutality against law and order.³⁴

Despite these evidences of community concern, William T. Ellis of the Chicago publication the *Continent* found the leaders of the community very slow in saying anything until they found the rest of the world in opposition to the mob's action.³⁵

Certainly the nation was aghast at the events. The New York *Evening Post* typified the Northern press. The *Post* editorialized that the criticism should be more severe because Coatesville was a northern town.

³⁰ Dewey W. Grantham, Jr., "The Progressive Movement and the Negro," *South Atlantic Quarterly*, LIV (October 1955), 461 and 463.

³¹ *Ibid.*, August 14, 1911.

³² *Ibid.*, September 4, 1911.

³³ *Ibid.*, August 15, 1911.

³⁴ *Ibid.*, August 16, 1911.

³⁵ *The Nation*, XCIII, No. 2409, August 31, 1911, 184.

"In a state proud of its general reputation for orderliness, and well policed by its mounted constabulary, this fiendish crime was committed." Such a lynching would "besmirch the American name the world over."³⁶ The key factor in the *Evening Post's* reports was shock at a lynching in the North, but the paper also demonstrated the casual approach of the nation to the South's actions against the black. Coatesville showed that the American ability to view lynchings as a southern aspect of race relations was coming to an end. The *Atlanta Journal* warned its northern friends that lynching was no longer a sectional crime.³⁷

William Ellis's report in the *Continent* shaped a portion of national response. In Ellis's on the spot investigation he found the crowds gathering about the town more concerned on Monday, the day after the lynching, about a local baseball game than the mob's action. On Tuesday the topic of conversation was a business men's picnic at Reading the following day. Coatesville's indignation was directed not at the mob but at newspapers for supposedly sensational accounts of the entire episode. And as one citizen told Ellis, "How could it blow over with someone stirring it up all the time?"³⁸ The *New York Age* also noted this desire of the Coatesville community to let it blow over. Others, like *Harper's Weekly* hoped that the guilty might be punished to deter similar action in the future. But the editor was not very optimistic, for "Nothing seems to happen about Negro burning except stories in the papers and diffusion of the opinion. . . that it is a form of entertainment in which the central figure makes a vastly better appearance than the accessories and spectators."³⁹ Certainly, if a newspaper ever deserved the Pulitzer prize for comprehensive reporting, the *West Chester Daily Local News* did. Its editorial stand was equally forthright—a demand that justice be done.

The President did not take a stand on this lynching as it usually had done when Teddy Roosevelt held the office. Black editor William Monroe Trotter of the *Boston Guardian* carried William Howard Taft's

³⁶ *Literary Digest*, "Lynch Law in Pennsylvania," August 26, 1911, XLIII, No. 9, 301.

³⁷ *Ibid.*

³⁸ *Nation*, XCIII, No. 2409, August 31, 1911, 184; *Literary Digest*, September 2, 1911, XLIII, No. 9, 358; *The New York Age* also noted this desire to let it blow over, "Did Police lead mob?" August 11, 1911.

³⁹ *Harper's Weekly*, August 26, 1911, LV, No. 2853, 5.

picture with the caption: "Wm Howard Taft—Silent as Citizens are Burned Alive."⁴⁰

The blacks' response to this lynching was illustrative of 1. a growing unity in standing for their rights; 2. a lessening of extreme conservatism in the press; 3. a continued individualistic approach. Typical of the old conservative answer was the response of the National Negro Educational Association. As its meeting in Denver, Colorado, the association adopted a resolution stating "We are unalterably opposed to the placing of one construction and interpretation of the law as applicable to the Negro and another as applicable to any other citizen."⁴¹ Henry Knox, editor of the *Freeman* who had carried this news item, had traditionally supported the conservative accommodationist Booker T. Washington's answer to race problems. Now he editorialized that "The old thing of resolving has been laughed out of existence."⁴²

The Indianapolis *Freeman*, like other black newspapers, carried the basic outline of the events. It was typical of all such papers in expressing the horror not simply at the lynching but that "In the north we were thought to be immune from the mob—at least, the mob at its worst."⁴³ Knox also expressed the hope, universally embraced by blacks, that the "Mob will be discouraged by the angry frown of the law."⁴⁴ But a significant lesson of Coatesville to all blacks was that in America there was no place to escape. As the Boston *Guardian* noted, "Even human burning can take place in the Quaker State."⁴⁵ William Monroe Trotter, the *Guardian's* Harvard-educated militant editor feared that the real lessons of the experience was that in, "Not pulling the South up to the standards of the North in race relations, the North has allowed the South to pull it down to their level."⁴⁶ The equally militant *Crisis*, organ of the National Association for the Advancement of Colored People, and mouthpiece of W.E.B. DuBois, carried a long tongue-in-cheek editorial denouncing American treatment of its black citizens:

⁴⁰ *Boston Guardian*, December 23, 1911.

⁴¹ Indianapolis *Freeman*, "Negroes Deplore Lynching," August 19, 1911.

⁴² *Freeman*, September 9, 1911.

⁴³ *Ibid.*, September 2, 1911.

⁴⁴ *Ibid.*, August 19, 1911.

⁴⁵ *Boston Guardian*, August 19, 1911, "Coatesville—Its Lesson."

⁴⁶ *Ibid.*, "The Real Lesson of Coatesville, August 26, 1911.

Let the Eagle Scream! Again the burden of upholding the best traditions of Anglo-Saxon civilization has fallen on the sturdy shoulders of the American republic. Once more a howling mob of the best citizens in a foremost state of the union has vindicated the self-evident superiority of the White race. The case was perfectly clear: it was not that crime had been done. . . . It was that he was black. Blackness must be punished. Blackness is the crime of crimes. . . because it threatens White supremacy. . . . The churches were nearly deserted. . . . Spendid, was it not fitting that Coatesville's religion should lend its deacons and Sunday School superintendents to the holy crusade? Did they not choose a noble day?

Ah, the splendor of that Sunday night dance. The flames beat and curled against the moonlit sky. The church bells chimed. The scorched and crooked thing, self-wounded and chained to his cot, crawled to the edge of the ash with a stifled groan, but the brave and sturdy farmers pushed him back. . . .

Some foolish people talk of punishing the heroic mob, and the governor of Pennsylvania seems to be real provoked. We hasten to assure our readers that nothing will be done. There may be a few formal arrests, but the men will be promptly released by the mob sitting as jury, perhaps even as judge.⁴⁷

The *Cleveland Gazette* and the *Washington Bee* were newspapers that occupied the middle ground of black newspapers between the militant approach of the *Guardian* and the *Crisis* and the usual conservative stance of the *Freeman* and *New York Age*. The *Bee*, edited by Calvin Chase, put the episode in perspective when he compared the Coatesville mob with that fearsome element in the black past-consciousness, the Klu Klux Klan. "The lynching of Negro Walker at Coatesville, recalls the days of the Klu Klux, only to show how [much] more human were the . . . clans who terrified and murdered defenseless blacks in the South."⁴⁸ Chase also predicted that God would demand retribution from the White race—as He always did. A few weeks later he found God's vindicative justice in the wreck of a Lehigh Valley Train, killing thirty-seven whites.⁴⁹ Harry Smith of the *Cleveland Gazette*, also de-

⁴⁷ *Crisis*, "Triumph," September, 1911, II, No. 5, 195.

⁴⁸ *Washington Bee*, "Retribution," August 19, 1911.

⁴⁹ *Ibid.*, "A Prophecy," September 2, 1911.

plored the violence, but called for this world intervention for justice rather than a dependency upon divine providence.⁵⁰

The *New York Age* had for years been dominated by the pioneering black journalism of T. Thomas Fortune, but he had fallen under the influence of the Tuskegee idea and money. By 1911, however, the *Age*, had reverted to militancy and deplored lynch law and the white man's "blindness of birth." These events demand "that men of color must everywhere be prepared to protect themselves." The *Age* was particularly incensed by Governor John R. Tener's statements about the lynching. "I am making a full investigation," Tener said, "and in a few days will know all about the occurrence and who were its ringleaders. I realize, however, that the town of Coatesville is an orderly one." "Coatesville an orderly town," echoed the *Age*, "A fool's speech in the mouth of a statesman."⁵¹

The *Richmond Planet*, best described as moderate with independent stands on each issue, had the same answer to lynching as the *Age*: "The way to stop mobs is to shoot the life out of it. . . . colored men should sell their lives as dearly as possible."⁵² The *Planet* carried the most extensive coverage of the lynching of the black papers surveyed.⁵³ As the *Planet* saw it, there was no real difference in the two parties. "Here is a fiendish crime perpetrated in Republican Pennsylvania which now in barbarism vies with Democratic Texas for the selection of the lowest place in fiendish barbarism."⁵⁴ The black press thus presented a strong, united front on this issue with a note of increasing militance evident. The Philadelphia black community held an "Indignation meeting" and passed resolutions demanding the mob be punished. The meeting was led by Harry W. Bass, a well-known black lawyer of the city and a member of the legislature.⁵⁵ In the state capital, the Harrisburg *Patriot* described the burning as the most cowardly murder by mob in American history.⁵⁶

⁵⁰ *Gazette*, August 19 and 26, September 2 and 9, 1911

⁵¹ *Age*, "Sowing the Wind," August 17, 1911, see also "Pennsylvania's Disgrace," August 31, 1911

⁵² *Planet*, "Identifying the Leaders," September 2, 1911

⁵³ *Ibid*, "Five Admit Part in Burning Negro," August 26, 1911, "Negro Victim of Mob Taken in Hospital" August 19, 1911

⁵⁴ *Ibid*, "Work of the Mob," August 19, 1911

⁵⁵ *WCDLN*, August 16, 1911

⁵⁶ *Ibid*

Black leadership in the North was equally vehement.⁵⁷ Most outspoken was Rev. Reverdy C. Ransom of the Bethel African Methodist Episcopal Church of New York City. While calling the event a disgrace he also said the real responsibility for the lynching was not the "cold-bloodied mob of Coatesville, but American public opinion." Going further he intimated that the real cause was black people. His advice was to use force to fend off the mob, and the ballot to make sheriffs and other political leaders defend black rights.⁵⁸ Representative white and black commentators were in agreement on one point: the mob's action was past; what really mattered was what the community did as atonement. The *Nation* concluded that

Sinister as they [the lynching events] were, however, they were only the beginning of Coatesville's story. What would her representative men have to say; more, what would they do, when they realized the stigma which a lawless mob had brought upon the place they called home? Not until their answer could be given could it be altogether just to condemn a community which had dispelled the obscurity of its existence by lighting a human flame.⁵⁹

The *Planet* said "Dissertations upon what should have been done will not do." It wanted the guilty in jail.⁶⁰

The crowd that lynched Walker was estimated to range in size from 2000 to 5000. Out of this mass of people no one emerged, outside of a few defendants, to reveal who the leaders were. Rumors persisted that outsiders had formented the action, while others said the mob was led by young boys. Stanley Howe said at first he could not identify anyone. Later when he did testify in the trials, the defense used his earlier statements to support their case.⁶¹

On August 14, Governor Tener arrived in Philadelphia and established headquarters in the Bellevue Stratford Hotel. He made a statement urging the negro community to stay indoors and promised that the

⁵⁷ *Gazette*, "That Pennsylvania Lynching," August 26, 1911.

⁵⁸ *Age*, "Many Sermons on Lynching," August 24, 1911; *Guardian*, "Public Opinion to Blame," August 26, 1911.

⁵⁹ *Nation*, "Lessons of Coatesville," XCIII, No. 2409, August 31, 1911, 183.

⁶⁰ *Planet* "That Pennsylvania Lynching," August 26, 1911.

⁶¹ *Commonwealth v. Stoll*, 1911., WCDLN, August 15, 1911.

guilty would be brought to justice.⁶² Wild rumors persisted such as the blacks were "organizing to burn the body of Officer Rice."⁶³ By the sixteenth, three days after the lynching, the Philadelphia papers were impatient for arrests to begin. County officials replied their investigation was moving along and arrests would be made soon.⁶⁴

On the sixteenth it was announced that Norman Price, a twenty-year-old mill hand at Worth Brothers, had confessed that he was part of the mob and had been in the group that entered the hospital. Price maintained that he had nothing to do with the actual burning of Walker.⁶⁵ Joseph Schofield, a master mechanic at Conestoga Traction Company, and George Stoll, a sixteen-year-old crane operator at Worth Bros., were also arrested. Later it was announced by the District Attorney that the police and Chief Umsted might be arrested for failure to prevent the lynching. County detective Robert Jefferis testified that Umsted knew of the gathering crowds and the threats of lynching, but took no action. Meanwhile District Attorney Gawthrop had received several threatening phone calls for arresting members of the mob.⁶⁶ He decided not to arrest the police, for this might shut off one source of information. The investigation continued with the questioning of eye-witnesses and those who had bits and pieces of Walker's body. But the puzzle was not falling into place.⁶⁷ Finally the news come that the world was waiting to hear. Joseph Swartz of Phoenixville, an employee at Worth Bros. in Coatesville, was arrested and confessed his part in the lynching. He also identified several others and their roles.⁶⁸

A turning point in the investigation, and perhaps in the case, was reached after the arrest of sixteen-year-old George Stoll. Stoll's attorney sought his client's release on grounds of habeous corpus. At a hearing Stoll was positively identified by several witnesses as at the hospital and also at the lynching scene. Stoll was held without bail. The significance lay in the decision rendered by Judge William Butler who said, in part, "It is a familiar principle of law that those who associate themselves willingly with others, even if they do not take any physical part in the

⁶² *WCDLN*, "Governor Tener Pledges His Aid," August 15, 1911.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, "Arrest Coming in Coatesville," August 15, 1911.

⁶⁵ *Ibid.*, August 16, 1911.

⁶⁶ *Ibid.*, August 16, 1911.

⁶⁷ *Ibid.*, August 16 and 18, 1911.

⁶⁸ *Ibid.*, "Mob Leaders Under Arrest," August 21, 1911.

crime committed, are just as guilty as those who take the active part."⁶⁹ Before talk had been cheap around Coatesville; after this a wall, even conspiracy, of silence developed. Pinkerton detectives mixing with the hundreds of visitors were unable to find anything of value. District Attorney Gawthrop questioned over 400 people in ten days, fruitlessly.⁷⁰ Most of his arrests were young men, causing great tension in the community. Six blacks returning from a hunting trip for groundhogs so frightened the foreign community at Bernardtown that the state police were called out.⁷¹

The grand jury presented its report on August 24. But the evidence was so sparse that Judge Butler declined to accept it. He reminded the jurymen that a calamity such as this burning called for great sacrifice, and in so doing they could help "prevent a recurrence of such. . . lawlessness."⁷² On August 25, Norman Price, who had turned state's evidence, picked Oscar Lamping out of a line-up as one of the leaders of the mob. But another man who was caught carrying the burned out cot of Walker around Luken Mill was released. Ostensibly, there were insufficient grounds to hold him.⁷³ Many witnesses testified to the grand jury placing the defendants at the scene. Some of the defendants, in fact, admitted their part in the lynching.⁷⁴ As time dragged on, the jury became restive. It was harvest season and most of them were farmers. They were eager to be at home. After they indicted eight defendants, it was announced that the jury was changing to one of inquiry and would no longer indict anyone.⁷⁵

All over the county the residents debated the question of mob law. Some felt Chester County's honor was at stake. Their opponents felt that Walker had gotten what he deserved.⁷⁶ Governor Tener urged the Grand Jury to blot out the reproach on the state and find the guilty parties. He declared that "time and money count for nothing in the investigation."⁷⁷ Deputy Attorney General of Pennsylvania, J.E.B.

⁶⁹ *Ibid.*, "Habeas Corpus for George Stahl," August 22, 1911; and "When They Quit Talking," September 9, 1911.

⁷⁰ *Ibid.*, "The Coatesville Lynching Case," August 23, 1911.

⁷¹ *Ibid.*, August 24, 1911.

⁷² *Ibid.*

⁷³ *Ibid.*, "Coatesville's Lynching Case," August 25, 1911.

⁷⁴ *Ibid.*, "Formal Hearing in Lynching Case," August 26, 1911.

⁷⁵ *Ibid.*, September 2, 1911.

⁷⁶ *Ibid.*, September 6, 1911.

⁷⁷ *Ibid.*, "Governor's Firm Hand," September 13, 1911.

Cunningham, who was assisting in the prosecution, vowed that the lynchers would be found if it took years.⁷⁸ Judge Butler also encouraged the jury members with a speech from the bench. He felt that the delays were not their responsibility, but came from a lack of community cooperation that made evidence hard to find. He expressed the hope that "there shall be no difference of opinion on the question that the grand jury did all that was humanly possible." But reporters and other travelers about the county found a prevalent, common feeling. People felt the grand jury should adjourn, for it was too heavy an expense.⁷⁹

After five more days of work the grand jury concluded with another report to the state. Based on this evidence, four additional arrests were made. Two of these were for involuntary manslaughter, the charges brought against Chief of Police Umsted and Office Howe for not making efforts to prevent the lynching.⁸⁰

The grand jury's report established that several hours before the assault on the hospital, talk of a lynching was occurring all over Coatesville. The jury also concluded that a "conspiracy of silence was formed by the citizens of Coatesville which deliberately concealed. . . knowledge." The details of the lynching presented, however, remained relatively consistent with the earlier newspaper accounts. The testimony indicated that Umsted had received several notices that Walker was in danger. His reaction was that he did not believe the rumors and did not want to be bothered. Even when the mob was taking the wounded man to his death, Umsted conducted a minute investigation at the hospital concerning the events there instead of rushing to the scene of the violence.⁸¹ Clearly Umsted was either guilty of gross negligence and misconduct in carrying out his duty or he was guilty of complicity.

The jury's report was not received with gratitude by the townspeople who stood behind Chief Umsted. There was some talk that the District Attorney should be arrested for his part in the proceedings.⁸² Some of the loudest, most outspoken critics of Gawthrop were the merchants along Main Street.⁸³

⁷⁸ *Ibid.*, "The Coatesville Lynching Matter," September 16, 1911.

⁷⁹ *Ibid.*, September 15, 1911.

⁸⁰ *Ibid.*, September 20, 1911.

⁸¹ *Ibid.*

⁸² *Ibid.*, "Coatesville Warm with Indignation," September 21, 1911.

⁸³ *Ibid.*, "Merchants Protest," September 21, 1911.

Meanwhile race feelings ran high in the area. Jesse Shallcross reported blacks were getting "uppish—taking the whole sidewalk as they strolled in the street and acting in other ways that are insolent." William Butler, a black resident of Coatesville, replied publicly that the blacks were not possessed with an "uppish spirit," had never desired to avenge Walker's death, and had great respect for Officer Rice. "Can you hold a race responsible," he asked, "for the criminal acts of one man?"⁸⁴

After the first acquittal a black man allegedly assaulted a girl on her way home from school. A mob was immediately formed to hunt him down, but they were unsuccessful.⁸⁵ Race antagonism remained widespread in Coatesville. A reporter from the Philadelphia *Bulletin* found a white arguing that it was a good thing to give a bad one (black) "a red hot dose of hell while he was still alive." The reporter, showing his bias, concluded that "doubtless the Negroes in some parts of Chester County have become saucy, offensive and exasperating in their ignorant attitude and defiant utterance when they have differed with whites. Some of them, too, are probably among the most depraved of brutes."⁸⁶

Finally, on October 3, the trials began. The first defendant was Joseph Swartz. In this trial (and subsequent ones) jurors were accepted who admitted they had formed an opinion, but who testified that their minds could be changed by the evidence. The prosecution basically rested its case on three points. One was Swartz' confession; second, the testimony of numerous witnesses who placed the defendant on the porch of the hospital and in other scenes in the lynching; and third, the testimony of Norman Price who had turned States evidence. One witness was Officer Howe, who had been assigned to guard Walker. The defense based its arguments on the fact that Swartz's confession was supposedly obtained under intimidation; that Price had been made promises to turn State's evidence; and that other witnesses such as Howe, were confused.⁸⁷ The trial was amazingly brief. Late October 4 the Jury retired and within three hours reached a verdict of not guilty. Swartz was warmly congratulated, and was met by cheers in the streets. His attorney, W.E. Greenwood, was mentioned as an excellent can-

⁸⁴ *Ibid.*, "Colored Man's Argument," September 23, 1911.

⁸⁵ *Ibid.*, October 11, 1911.

⁸⁶ *Ibid.*, October 17, 1911.

⁸⁷ *Ibid.*, October 3-4, 1911.

didate for District Attorney.⁸⁸ By the next morning Swartz had been "lionized" and those still in jail were considered "martyrs."⁸⁹

The state next brought George Stoll, a sixteen year old boy, to trial. Stoll used the alias, George Stahl.⁹⁰ This case was a virtual repeat of the earlier one. Stoll admitted in testimony that he had been a part of the mob at the hospital and also placed himself at the scene of the burning. He denied he had actually helped lynch Walker. Norman Price and Chester Bostic, both accused as part of the crime, testified that Stoll had demanded that the door of the hospital be opened. Even Charles Whitley, a personal friend of the defendant, testified that Stoll told Stanley Howe, the Guard, to "open the door—the mob was going to get him (Walker) anyway."⁹¹ Bostic and Whitley also said that they saw Stoll participate in the burning. But Whitley stood in an orchard across the road and testified, under oath, that he saw Stoll returning after the black was dead.⁹² Despite this damning evidence and a plea from the Assistant Attorney General Cunningham to "show the world that there is enough virtue in the county to punish the vice that prompted this mob to enter the sacred precinct of a hospital," in one hour the jury found Stoll not guilty.⁹³ When he emerged from the court he received more of a hero's welcome than Swartz. He was carried down the street on the shoulders of cheering friends.⁹⁴ These two cases set the tone for the remainder. If Stoll and Swartz had been convicted, those that followed might have been. As it turned out, an opposite trend was established.⁹⁵

The reason for this is simple. The records indicate that the state's case against subsequent defendants was built on testimony of Howe, Bostic, Price, and Whitley, among others. Stoll admitted being there; other defendants did not. If the state could not get a conviction against Stoll, none could be obtained against anyone.

State attorneys were appalled that no convictions were obtained despite the overwhelming weight of evidence, and claimed that the trials

⁸⁸ *Ibid.*, "Joseph Swartz Found Not Guilty," October 5, 1911; see also *Commonwealth v. Joseph Swartz* (1911). Materials on this and subsequent trials are located at Chester County Court House, West Chester, Pa.

⁸⁹ *WCDLN*, October 6, 1911.

⁹⁰ *Commonwealth v. George Stoll* (1911).

⁹¹ *Ibid.*, See also *WCDLN*, "George Stoll Now on Trial," October 6, 1911.

⁹² *Commonwealth v. Stoll*, 1911.

⁹³ *Ibid.*

⁹⁴ *WCDLN*, "George Stoll is Acquitted," October 7, 1911.

made a hypocrisy both of Northern criticism of Southern lynchings and the administration of justice in the Commonwealth.⁹⁶ One by one the cases against Joseph Schofield, Oscar Lamping, Albert Berry, and William Gilbert followed and all were acquitted.⁹⁷ The latter three had all been placed at the hospital and lynching site by eye witness accounts and were indicated for "unlawfully and feloniously [making] an assault [with] malice aforethought."⁹⁸

The other cases were held over until the January Term. No convictions were ever obtained. District Attorney Gawthrop moved for a verdict of not guilty in these cases, for "It was impossible for the Commonwealth to obtain a guilty verdict in Chester County."⁹⁹ He cited as proof of the integrity of his office the application that his office had made to the Supreme Court of the State of Pennsylvania for a change in venue. He felt after the first round of cases, those of Stoll, Lamping, Berry and Gilbert, that a fair and impartial trial could not be obtained in Chester County. But to his dismay, the application was refused. The District Attorney refused to criticize the verdicts of the jury, but he stated that the state's case was "absolutely hopeless" in that climate of opinion.¹⁰⁰ His Assistant, Mr. Cunningham, was not so diplomatic. He wrote that:

The courts of Chester county and the officers of the county have performed their full duty, and the responsibility for the failure to enforce the law in these cases, and for the miscarriages of justice that have occurred must necessarily rest with the juries.¹⁰¹

⁹⁵ *Ibid.*, "How Stoll Case Affects Later One," October 7, 1911.

⁹⁶ *Ibid.*, "George Stoll is Acquitted," October 7, 1911.

⁹⁷ *Ibid.*, "Joseph Schofield Comes to Trial," October 9, 1911, October 10, 1911, "Oscar Lamping Put on Trial for Murder, October 10, 1911, October 11, 1911, "Another Case Started," October 11, 1911, "Gilbert and Berry Go Free," October 12, 1911, "District Attorney Gawthrop's Work," October 12, 1911, see also, *I.E.*, *Commonwealth v. William Gilbert and Al Berry*.

⁹⁸ *Commonwealth v. Oscar Lamping, William Gilbert, and Alfred Berry*, 1911

⁹⁹ See, for example, *Commonwealth v. Norman Price* (1911).

¹⁰⁰ *Commonwealth v. Lewis Keysor*, 1912
Commonwealth v. Norman Price, 1911
Commonwealth v. John Conrad, 1912
Commonwealth v. Walter Markward, 1911
Commonwealth v. Richard Tuckor, 1911
Commonwealth v. C.E. Umsted, 1911, and
Commonwealth v. Stanley Howe, 1911.

¹⁰¹ *Ibid.*

The presiding Judge William J. Butler summed up his frustration. He had felt, at first, that it would have been impossible to find a fair hearing for the defendants.

We have been accustomed to look upon such an offense as peculiar to people of a different character from ourselves, as something that could not possibly happen in our midst, and, when it did happen, under more horrid details than any lynching I ever heard of, my feeling was. . . that the sense of decency of the people would be so outraged by this awful humiliation put upon them, that we could not probably get a jury of twelve men in the community who would be competent to justly try the accused.

Now seeing that the opposite reaction was the reality, he concluded "I do not say that in criticism, I say it in sorrow."¹⁰²

What happened in the trial, from a judicial viewpoint, was that the jury "did not consider the evidence." They looked at the testimony and made their decisions "as a rule, inside of minutes, not hours." When, in fact, homicide cases, according to Justice Butler, usually took hours or days to come to a decision. "It is clearly demonstrated," he said, that "a sentiment exists which will not permit a conviction."¹⁰³

The same fate came to John C. Bell, Attorney General of Pennsylvania, and Harris L. Sproat, the District Attorney of Chester County, when they tried yet another defendant, Walter Markward, in the Eastern District of the Supreme Court of Pennsylvania. When they eventually moved for dismissal in the case, they based it on the following circumstances. From the beginning, they explained, "we have been hampered and obstructed by the attitude of the citizens of Coatesville." They wondered if "these witnesses have wilfully perjured themselves or whether they were so horror-stricken at the spectacle that they were oblivious to their surroundings." In any case, "with a few notable exceptions these witnesses have been reluctant to testify and evasive in their answers, and have displayed a remarkable lack of frankness in delivering their testimony." They concluded that a fair trial could not be obtained, and that to continue would only further stain the pursuit of justice.¹⁰⁴ Governor Tener and others suggested that the state should rescind the municipal corporation of Coatesville. This was

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ Commonwealth v. Walter Markward, 1912.

not done either, however. Thus ended a series of legal proceedings that were as much a mockery of justice as the lynching of Walker.¹⁰⁵

The acquittals set off a chain of meetings and editorial protest across the country. For both black and white communities the expressions of horror and disbelief were almost as profound as those over the lynching. The white *Independent* questioned if popular government were a failure in Pennsylvania.¹⁰⁶ Oswald Garrison Villard of the *Nation*, long a crusader for black rights, asked, "What northern state can hereafter criticize Southern leniency toward lynchers?"¹⁰⁷ The black press condemned Coatesville's trials as a sham and a farce.¹⁰⁸ The Richmond *Planet* felt the trials proved that lynchers should be punished while they are "engaged in their murderous work." Blacks should arm themselves and fight back as the answer.¹⁰⁹

A year later, August 18, 1912, John Jay Chapman of New York, went to Coatesville to hold a memorial prayer meeting. Someone, he felt, should be willing to do penance for the nation. Three people attended the service. One was a black lady from New England visiting in Coatesville at the time; one was Chapman; and the other was a man Chapman believed was a spy.¹¹⁰

In the summer and fall of 1911 the Coatesville community at large was on trial. The original crime, and criminal Zach Walker, was in a sense forgotten. The larger force, that of American civilization itself, was thrice tried and convicted. First, in the initial barbarism of the lynching. The enormity of the sadist actions of the mob seemingly pushed back civilization to the time of the cave dwellers. Moreover, the responsible people in the community failed to move to prevent these actions. The moral people, the churchgoers, either joined the mob or did not try to restrain it.

The second trial of the community occurred during the "fact-finding period." A conspiracy of silence developed. It was as if Walker had

¹⁰⁵ WCDLN, "Norman Price Released," October 14, 1911; "Coatesville on the State Map," January 8, 1913; "Governor Tener Would Punish Coatesville," January 8, 1913.

¹⁰⁶ *Independent*, Nov. 1911, LXXI, No. 3284, pp. 1046-1047.

¹⁰⁷ *Nation*, October 12, 1911, XCIII, No. 2415, p. 328.

¹⁰⁸ *Freeman*, December 2, 1911.

¹⁰⁹ Richmond *Planet*, October 14, 1911.

¹¹⁰ *Harper's Weekly*, September 21, 1912, LVI, No. 2909, 6; *Educational Review*, "A Nation's Responsibility," Nicholas Murray Butler, Dec. 1912, XLIV, No. 5, 460-465.

never lived or died. That, after sober reflection on what happened, in the entire community not one responsible leader stood for justice, renders a second strong denial of the meaning of the American system of justice.

Finally, the trials themselves were a mocking denial of American values. George Stoll and Joseph Swartz may have sat in the defendants chair, but the larger community was on trial. And in their release, the community was found guilty.

Why did it happen here? Many observers pointed out that a large percentage of Coatesville inhabitants were either blacks or of foreign extraction. William J. Cash has suggested in reference to racial turmoil in the South that ethnic difference and competition over low-paying jobs created an explosive situation which led to racial violence and lynchings. Cash also argued that it was the rapid increase in population that added fuel to the explosive situation in the South. This theory may account for Walker's altercation with the "Hunkies." Unfortunately, it does not explain the fact that the lynch mob was composed largely of "native Americans."¹¹¹

The same sociological factors that Cash observed in the South were at work in Chester County, Pennsylvania. In the total population in 1900, out of 96,628, there were 9,242 blacks and 9,304 "foreigners."¹¹² In Coatesville there were 3,213 "foreigners" and over 2,000 "colored" in the population.¹¹³ Coatesville had been the center of a growing iron industry in the county and was incorporated as a borough in 1867. It began its rapid population growth from 2,025 in 1870 to 2,766 in 1880, to 3,680 in 1890.¹¹⁴ A larger growth spurt came by 1900 to 5,721,¹¹⁵ and then a jump to 11,084, or nearly double, by 1910.¹¹⁶ The statistics demonstrate that a small rural village changed in four decades to a substantial mill town.

¹¹¹ *Guardian*, August 19, 1911; *Nation*, XCIII, No. 2409, 184; Franck C. Pennegar Collection in Chester County Historical Society.

¹¹² Edward McCauley, Acting Director of U.S. Census to D. Smith Talbot of West Chester, 8, 14, 1902 (Chester County Historical Society).

¹¹³ *Coatesville Times*, June 25, 1910.

¹¹⁴ Samuel T. Wiley, *Biographical and portrait Cyclopedia of Chester County, Pa.*, comprising a Historical Sketch of the County. (Philadelphia, 1893), 141.

¹¹⁵ *WCDLN*, December 16, 1901.

¹¹⁶ *Ibid.*, March 22, 1911; *Coatesville Record*, August 14, 1911.

A possible underlying cause suggested at the time were the miserable conditions in Bernardtown and East Fallowfield where the recent immigrants working in the factories were forced to live. Their shanties did not keep out the cold nor shield them from the rain.¹¹⁷ The cheap labor necessary to make the fortunes of the Worth and Lukens interests had created an explosive situation. Supposedly, these desperate workers were angry. It followed that Walker provided a catalyst. The evidence does suggest that most of the mob were workers in the area mills. But, again, this logic is inconclusive for the mob was also made up of native whites—not just shantytown dwellers.

Another view held that tension was a recent problem created when a steel mill sent a recruiter South about a year before. The mill's need for a cheap labor had resulted in many undesirables entering Coatesville. Evidence gathered against Walker makes him a prototype of all the possible bad factors in the situation. He had recently been recruited to work as a cheap laborer in the mills. It was also alleged that Walker had a "long record" in other places, and had "served time."¹¹⁸

In the year previous to the lynching no evidence appeared to indicate that the law enforcement agencies and courts were not handling "crime" and other problems of a growing area. There was a high number of arrests in Coatesville, in the previous year there has been 832, but less than one third of these were foreigners. Mr. J.I. Hoffman, of the Young Men's Christian Association, in a study of the immigrants in the area, concluded that they were basically law abiding and trying to "fit themselves for something better in life." The majority of arrests were for drunkenness.¹¹⁹ There was nothing to indicate the hostility that was apparently just below the surface. The make-up of the mob would discredit this theory of causation for the lynching. The mob was led by responsible men from the fire company and other members of the community who were certainly not from "the other side of the tracks." The sociological explanations of race antagonism on a class basis observed by Cash in the South cannot be transferred to explain Coatesville. All these factors were there, but they do not explain either Walker's demise, or more important, the subsequent miscarriage of justice.

¹¹⁷ Coatesville *Record*, August 14, 1911.

¹¹⁸ *Ibid.*

¹¹⁹ Coatesville *Times*, November 12, 1940.

The *Independent* felt that the burning and cover-up was simply a result of the rising tide of lawlessness in the nation: labor strikes, the Molly McGuires, burning of blacks in the South, and other events that fostered this spirit.¹²⁰ Another frequently quoted source of the problem was alcohol.¹²¹ Obviously, strong drink was a major factor in Walker's actions. But the mob was probably sober, and unable to quench its thirst due to Pennsylvania's blue laws. Presumably, the churchgoers were not drinking.

Theodore Roosevelt felt "Maudlin sympathy for criminals is a potent provocation to brutal and lawless mob action."¹²² And while he may be right and wrote his article in response to the Coatesville lynching, there does not seem to be any "maudlin sympathy" in Chester County's treatment of its criminal cases. The failure of the churches to address the community's social problems was cited as another reason. But the failure came not in that, but in failing to act courageously in the crisis. Even presuming that the conclusion could be drawn from a summary of these observations that social class and labor conflict was the real cause of the problems, that could explain the lynching and the loosening of pent-up hostilities. But it does not explain the community silence and the failure of the courts.¹²³

Unfortunately, the blame probably lies in a subject that the black leaders saw more clearly than whites. The Blacks in America as well as in Coatesville were suffering under a heavy load of race prejudice. So said the *Crisis*, *New York Age*, the black edited Philadelphia *Tribune*, and Philadelphia based black Methodist publication *The Christian Recorder*. One white, Lyman Abbott, editor of the *Outlook*, agreed with this view. As the *Tribune* phrased it, "What other results are to be expected from a population that is daily educated to be prejudiced to colored people? When people are taught that a colored boy or girl cannot work in the same factory or mill, cannot attend the same public school. . . is it not natural that. . . their children's children should grow

¹²⁰ *Independent*, August 24, 1911, LXXI, No. 3273, pp. 437-9.

¹²¹ *Ibid.*, September 21, 1911, Vol. 71, No. 3277, "Prohibition in Maine," *Literary Digest*, "Coatesville's Holy Experiment," February 7, 1914, Vol. 48, No. 6, p. 262-3.

¹²² Theodore Roosevelt, "Lynching and the Miscarriage of Justice," *Outlook*, November 25, 1911, IXC, No. 13, pp. 706-707.

¹²³ *Literary Digest*, September 23, 1911, XLIII, No. 13, p. 493.

up with embittered feelings against, and disrespect for, the class ostracized?"¹²⁴ The cause of the lynching and subsequent events was racism. If Walker had been white, he would have stood trial, been convicted, and executed. The ghost of slavery had now come to haunt the land of the underground railroad.

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¹²⁴ *Crisis*, "The Reign of Terror," October 1911, II, No. 6, pp. 238-9.