

# Legal Peonage in Florida

BY O. K. ARMSTRONG

**A** NEGRO stands before the county judge in a courthouse in western Florida. He is on trial for "jumping his account." At least that's what the prosecuting witness says he is charged with. And what is jumping an account? If we listen closely we'll find out, a constable assures us.

"Judge, this nigger left our turpentine camp and tried to run away. We caught him down by the highway, turned him over to the sheriff, and want him taught a lesson."

"Guilty or not guilty?" the judge drones the question. The crestfallen colored man stands there shuffling from one foot to the other. He crumples a battered felt hat in his hands.

"I said, guilty or not guilty?" the judge raps out sharply.

"I dunno, Jedge. I ain't done nothin'. I just was goin' back to Jacksonville to see my woman. I—"

"Did you or did you not leave the employ of the Blank Turpentine Company?"

"Yes, suh, Jedge. I quit 'em. But I ain't drawed no money sence—"

"Six months on the chain-gang!" the judge orders, swinging around in his chair and facing the court clerk.

"Yes, suh, Jedge. Thankee, suh."

And the Negro, bewildered and dejected, is escorted off to the jail. Tomorrow he will be taken out in a suit of striped clothes to begin what to many hapless Negroes has meant a sentence of death: six months on the chain-gang. Six months of back-breaking, blistering toil, with pick and shovel, working to build Florida's roads. Ten hours a day of steady work. Gang of twenty or more under strict guard. Locked in the steel cages at night, with only the respite of Sundays to look forward to.

An hour's ride north or northwest from the attractive university city of Gainesville lie the piney woods, fragrant source of the "naval stores" products for which Florida was noted long before the days of tourists and the real-estate boom. In these dense woods are carried on lumbering and turpentine production, a term which covers the various processes beginning with boxing the trees to let the sap run, collecting the resinous flow, distilling it into resin, turpentine, and increasingly numerous by-products, and shipping the finished commodities to Jacksonville and other ports.

A turpentine man, boss of a large still, explained the system of "holding" Negroes to employment and sentencing them to prison labor if they run away. To the suggestion that this was peonage, and that peonage is illegal, he replied: "Well, wise boy, it's being done every day in Florida. And it's legal. It's on the books. If a nigger hires out to a lumber or turpentine camp, starts work, and then runs away, they put him on the chain-

gang. That's the way many of our highways are being built."

The Florida statute which legalizes peonage does not put it that way. Instead it uses the term fraud. It was passed in 1919 during the administration of Governor Sidney J. Catts, who campaigned for his office on an anti-Catholic, anti-Negro platform. This remarkable piece of legislation reads as follows:

Section 7303: Any person in this state who shall, with intent to injure and defraud, under and by reason of a contract or promise to perform labor or service, procure or obtain money or other things of value as a credit, or as advances, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$500 or by imprisonment not exceeding six months.

Section 7304: In all prosecutions for a violation of the foregoing section this failure or refusal, without just cause, to perform such labor or services or to pay for the money or other thing of value shall be prima facie evidence of the intent to injure and defraud

The intent of the statute is clear. It makes a failure to perform a contract of labor or service prima facie—without requiring any other proof—evidence of intent to defraud. The law obviously conflicts with the Thirteenth Amendment, but it has remained on the Florida statute books for eighteen years.

The system of "recruiting" Negro labor, the commissary plan of feeding and clothing them, and the accounting practices in vogue are an important part of the picture. The recruiters are white men, representing the lumber and turpentine companies, which are notoriously the worst offenders in peonage cases. Bill Splog, let us say, is a recruiter for the Ajax Naval Stores Company, operating camps and stills in Dixie, Gulf, Taylor, and Suwannee counties. Bill drives his truck into Jacksonville and drops in at the colored restaurants and loafing places along lower Forsythe Street.

"Anybody want to work? Good wages out at the Ajax camps, boys. Who wants a job?"

"How much you pay, Mister?" a Negro asks.

"One-fifty and keep," Bill answers.

It sounds good. A dollar and a half is high wages for the turpentine and lumber camps. Bill loads his truck up with half a dozen workmen and heads west. At the camp the men are registered by the foreman. Then they are taken to the company commissary, where the system really begins. The Negro is given some clothing—perhaps a pair of shoes, overalls, and a shirt, anything to put him in debt to the company. He is also given some food, usually in cans. He is assigned to a cabin, probably with several other workmen, where they do their cooking.

These "advances" are entered upon the books of the company; and only the bookkeeper knows the prices. Numerous workmen have told me they were charged \$6 for a pair of shoes that could not possibly have been worth more than \$2, double prices for food, and so on. The "contract or promise to perform labor or service" has now been entered into; the victim has obtained "things of value as a credit, or as advances. . . ." Henceforth if he fails or refuses to perform such labor or service that is prima facie evidence that he intended to defraud. No proof is necessary. The judge need merely ask, "Did you or did you not leave the employment?" He may also ask whether the workman owes the commissary for advances of food and clothing, but that is a mere formality, usually dispensed with. It is taken for granted that he owes the commissary money. The purpose of the law is to bind him to his employment, and the company sees to it that he is in debt.

Despite the law which legalizes peonage and the fact that it is strictly enforced, workers continue to break it in desperate attempts to escape from intolerable working conditions in the turpentine camps. The hours are from daylight to near dark and the work is back-breaking: chopping the boxes in the trees, hauling the sap, running the hot, steaming stills, loading huge barrels of distillate from platforms to wagons or trucks. The bossmen of most of the larger camps carry revolvers strapped to their thighs, and in the offices and commissaries loaded shot-guns stand ready for use "in case of emergency." Every now and then a worker "goes bad," becomes defiant, or "runs amuck." Pay day is supposed to come once a month, although laborers learn to their sorrow that pay day is often deferred a month or two "because they're working on the books." All hands gather at the office for the check-up and pay-off. One gets \$5, another \$4.90, still another only \$1.50 for a month's work.

"That's all that's coming to you, boys, after deducting what we've advanced to you," the bossman says. "Sorry, boys. Maybe you'll make more next time."

And there the matter ends. I have talked to dozens of turpentine workmen who have drawn less than \$10 in three months of hard work. In addition they get the use of a cabin, food, and work clothes, but they have no way of getting an accounting. Complaint at the commissary may result in the workman being shown the books, to prove that his advances have eaten up what he expected to get in wages. Or it may result in something much more ominous. The laborer who complains soon learns better; or if he persists he becomes a marked man.

When a turpentine worker decides he's had enough, he sneaks to the edge of camp some evening, waits for dark, and makes a dash for the highway. Most of the larger camps have armed guards patrolling the roadways day and night. The chances are about five to one he will be caught. If he is, the bossman will decide whether to warn him and force him back on the job. If he isn't needed badly in camp, he's turned over to the judge. Those county roads need working on.

In several counties, I discovered, the big turpentine

companies have an understanding with the county judges and prosecuting attorneys to supply them enough Negro convict labor under this "fraud contract" law to keep the roads in repair. In one county the biggest naval stores operator is chairman of the county road system, and the county judge is his faithful lieutenant.

Taylor County, of which Perry is the county seat, contains some of the largest naval stores camps of the state, and at the time of my first investigations seemed to be furnishing more than its share of chain-gang Negroes for road work. I went to see Judge John O. Culpepper about it.

"Sure, I send 'em to the chain-gang," said the Judge. "Some judges don't pay no attention to that law, but here's one that does."

"Do you imprison them for debt?"

"No, indeed. The law plainly says it's fraud when they leave the employment, owing for advances."

"Do you give them a trial?"

"Oh, of course. But most generally they just plead guilty. I give 'em six months. That's the limit. It's helped us build our roads."

When I went to visit one of the turpentine camps in that county, where some 200 workmen were employed, an armed guard met me. Since some pretext was necessary, I told the bossman I was looking for a particular laborer to deliver a message from his relatives. I was informed by the bookkeeper that this workman was not listed. He may have been "sold," he said, with a bunch that was sent to a camp in an adjoining county a few days back. Sometimes another camp gets short-handed and "buys" the Negroes, or rather their "accounts," which amounts to the same thing as outright purchase. Another Florida law prohibits the enticing away of laborers by one employer from another, so transfer of workmen usually involves some cash.

I turned over to Governor Carlton a full report on peonage conditions in the turpentine and lumber camps as I had found them. He appointed a special commission for investigation. Agents of the United States Department of Justice began an investigation of their own, and for two years carried on a careful study of impressment of Negro workmen. Their findings in the case of one company alone, a company with camps in a dozen western Florida counties, fill a volume two inches thick. In the early summer of 1937 I checked up on results. Governor Carlton's investigating committee's report had been filed away somewhere and forgotten. No effort had been made to repeal the law, though one operator had been convicted for peonage and sentenced to fourteen months' imprisonment.

If the Florida "fraud contract" law could be repealed or declared unconstitutional, it would at least put a stop to the practice of issuing warrants for the arrest of Negroes and placing them on chain-gangs for no other reason than an alleged debt. But even then the problem of breaking up peonage would be but partially solved. Peonage is a federal offense, and the facts must come before federal authorities. Sometimes the agents of the Department of Justice work years assembling data from

which to build a case, and then find themselves unable to obtain indictments from grand juries.

"Cases usually must be based upon complaints," pointed out a deputy official of the United States Court in Pensacola. "And there's the rub. Not one Negro laborer in many thousands will ever make a complaint against a white employer. Ignorance and fear seal their lips. An investigation must uncover facts that will hold together sufficiently for a grand jury indictment—almost an impossible hurdle. Then the actual trial before a jury must convince all twelve men—twelve white men—that the Negro's word is true, against the defendant

white man and any witnesses that he may bring in."

A new governor was inaugurated in Florida last January. Governor Cone of Lake City is a self-made man, fearless and a hard hitter. He did not hesitate to express his opinion.

"Repeal the law? No. It's a good law. Peonage? We have no peonage in Florida. Listen here! Our colored people are the happiest folk on the earth—when the Yankees'll let them alone. As for this law, you have to have a law like that down here. If you didn't, no turpentine man could hold his workmen. Impose on them? That's all newspaper talk!"

## The Mailed Fist in Greece

BY JULIAN BACH, JR.

THE Greeks have two words for it. Officially it is called *Neon Kratos* (the new state); but to most of the people living under it, it is simply the Mailed Fist. Supported by the King, the armed forces, some large landowners, and a dwindling number of industrialists, General Jean Metaxas, the seventy-nine-year-old dictator, is dancing on glass as he celebrates the first anniversary of his accession to power. He is a dictator without popular support and with no organized political party behind him. At the last elections Metaxas won 49,740 votes out of a total of 1,119,350, and seven seats in a chamber of 300. He manages to keep on top only through a military dictatorship whose bayonets prick and sometimes jab a population which is in secret, but at the moment ineffectual, opposition.

Since the night of August 4, 1936, when, as Prime Minister, General Metaxas declared martial law, dissolved parliamentary and constitutional government, and banned the old parties, the new dictatorship has become increasingly fascist. Metaxas—a star graduate of the *Kriegs-akademie* in Berlin; an officer whom the former German Kaiser recommended; a "Little Moltke," as he was called, and finally, a chief of staff to the former pro-German King Constantine—now tears leaf after leaf from Hitler's notebook. "Liberty," he remarks, "is a nineteenth-century illusion."

The opposition has been systematically but unsuccessfully suppressed. Local mayors are now "selected" by the central government. Sklavaina, the Communist leader, escaped to Switzerland, but nobody yet knows what has happened to the fourteen other Communist deputies. Six hundred people were arrested during the first two days of the dictatorship, and since then an estimated 3,000 have been sent to the prison islands of the Ægean. Recently, in one day 150 Cretans were exiled to Ios—for "stealing goats." The conditions on the six islands which are used as political prisons vary. Anaphi, Hagios-Efstratos, and Sikinos are the worst; Kythnos, Milos, and Ios are better. The prisoners generally suffer from exposure and from a shortage of food and water. It is almost impossible to grow crops on the barren soil, and

the food ships from Piræus arrive irregularly. Though obviously difficult to prove, there is small doubt of the atrocities charged to the police. Communists are usually given five straight doses of castor oil and have their nails ripped off.

The press has been completely hog-tied. Editors are sometimes given even the headlines to use on the government propaganda articles which they must print. Only the most favorable reports about Mussolini, Hitler, and Franco are published. In January a Yugoslavian and a Turkish journalist were expelled, and today all non-fascist correspondents stand on brittle ground. At one point an estimated 70 per cent of the mail was being opened. The censorship on outgoing mail has recently been greatly relaxed, and now only registered and suspicious-looking letters are opened, though in districts like Phaleron the mail censorship is still severe.

Some of the censorship in the arts would be amusing if it didn't reveal the appalling extent to which the regime is trying to gag public opinion. A new play, by the poet Melas, deals with the Greek war of independence, and is filled with such patriotic phrases as "the fight for freedom" and "the battle against the Turkish oppressor." These were deleted by the censor, however, on the ground that the first phrase was obviously derogatory to the best interests of an authoritarian dictatorship, and the second phrase was out of keeping with the current Greco-Turkish rapprochement. Greece's friendly relations with Yugoslavia are equally well safeguarded. An author whose recent history of the reigning family in Yugoslavia referred to one of its founders as an "illiterate swineherd" was promptly told to refer instead to that monarch's "interest in agriculture."

The University of Athens has been purged of its liberal and radical elements. Men like Professor Alexandre Svolos were immediately arrested when Metaxas took power, and fifteen undergraduates were recently arrested when they cheered a former Venizelist minister in the streets. Lectures and reading are prescribed. Marx, Freud, Darwin, and lesser lights are on the official Index.

The students have already been organized into the

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