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Jerrell H. Shofner

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by JERRELL H. SHOFNER

BY THE EARLY twentieth century the Florida turpentine industry was at its zenith. Hundreds of thousands of pines were boxed for turpentine, and thousands of men in scores of isolated camps tended the trees for their employers. The operators of the camps in turn sold their products to naval stores marketing firms in Jacksonville, Savannah, or Tampa. These large factors then disposed of the turpentine and resin according to price quotations usually established by the Savannah market and followed by those of other cities. It was big business and heavily influenced by the harshest competitive practices of the day. Fierce competition between the large marketing firms often brough ruin to one while giving temporary advantage to the victor. With no alternative but to sell through the large factors, turpentine farmers were obliged to trim their costs to bare minimums. As was often the case, those at the lowest level of the industry bore the brunt of the sharp competition. The workers in the forests labored long and hard for bare subsistence wages, and in many camps it appears that they realized no gain at all. This was certainly true where state and county convicts were leased to turpentine operators when the practice was still legal. It was also the case for many others who were trapped by ignorance, abject want, and lack of alternatives. Workers often found themselves in perpetual debt and peonage. Employers who perpetuated this labor system felt that their well-being depended upon it, that it was a reasonable way to deal with black workers, and that anyone who criticized the system was an enemy to be dealt with swiftly and severely. When Mary Grace Quackenbos of New York City began trying to expose the system, turpentine farmers and their powerful allies and supporters in and out of goverment used all the methods at their disposal to quiet her.

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Although the outcry against convict leasing had reached crescendo proportions by the early 1900s, little attention had been paid to its counterpart, the holding of otherwise free persons to labor until their indebtedness was liquidated. Peonage was an institution which evolved gradually to replace slavery following the Civil War. For several years after 1865, planters and other employers, freedmen, and federal officials had attempted to establish a free labor system. It had not been possible, however. Instead, a system of tenancy farming, called sharecropping, supported by crop liens, evolved. The underlying premises of this system spread to other forms of employment. Then, to further secure themselves against debtors who might leave the farm without paying their debts, white landowners, supported by other employers of black laborers, pushed through the 1891 legislature a law giving legal sanction to peonage. According to it, anyone who left his employer while still indebted to him was guilty of a crime. [1]

Since workers sometimes skipped out on their debts, it was perhaps reasonable for landowners to seek some security against losses. At the same time, in a region where most whites regarded blacks as natural and perpetual laborers-and as irresponsible and unreliable in fulfilling their obligations-it was easy to abuse the law by advancing provisions or services to the prospective worker, then keeping him in perpetual debt by a system of high commissary prices and low wages. Such a practice was widespread by the early twentieth century, but it had attracted little attention as long as blacks constituted the labor force.

This changed about 1905 because of an acute labor shortage in the southeast. Construction of the Panama Canal and the Florida East Coast Railroad overseas extension, and the expanding lumber and naval stores industries exaggerated the labor problem. According to long-standing beliefs-blacks would not work unless compelled-turpentine farmers, lumber mill operators, phosphate mining companies, and even agricultural employers first called on local authorities to use the vagrancy laws to put allegedly idle Negroes to work. [2]

The demand for laborers brought a revival of interest in attracting immigrants to Florida and neighboring states. Immigra-

1. *Laws of Florida,* 1891, chapter 4032.
2. *Tampa Morning Tribune,* July 31, August 14, September 25, 26, 1906.

tion conventions were held in several cities, and southern states considered various ways of bringing in people from Europe. But while the methods of inducing foreign immigration were being debated, some employers resorted to more direct action.

With potential employers all over the country seeking unskilled laborers, and hundreds of thousands of immigrants arriving in New York annually, usually in need of immediate employment, enterprising individuals organized labor recruiting agencies. For a fee, these men would procure laborers and transport them to a specified site on demand. Since they were interested mostly in obtaining their fees, these middle-men were not always accurate in informing potential workers of the conditions of their proposed employment. Men were sometimes told that they would be employed in a skilled trade, only to find themselves in turpentine camps or railroad construction sites once they reached their destination. The agents also often neglected to tell them that they would be charged for their transportation in advance and that it would be deducted from their pay. Dissatisfied and feeling they had been misled, many recruits felt they had the right to abandon the employment at will. On the other hand, the employers had paid considerable money to get the laborers there and they sometimes used force to keep them. In early 1906 reports of forced labor, brutality, deprivation, and even murder were filtering out of the southeastern turpentine camps into the immigrant communities of New York City. There they reached the ears of Mary Grace Quackenbos, a militant, middle-class reformer whose legal training and personal economic independence enabled her to undertake a crusade against corrupt New York labor agents and their southern employers.

Mrs. Quackenbos had earlier become concerned about the way European immigrants were being perfunctorily registered upon entry into the United States and then left to fare for themselves in a strange land. She had organized the People's Law Firm in Manhattan to aid the newcomers in adjusting to their new home. By 1906 she had won their trust and was widely known among immigrants of diverse ethnic origins as a person who could be called on for help. [3] Early that year Russian Jews, Hungarians, Italians, Greeks, and others-including some native New Yorkers

3. Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana, 1972), 83-84.

-were complaining to Mrs. Quackenbos of sons, brothers, and husbands being held against their will in southern turpentine and lumber camps. A few had escaped to bring back vivid stories of their ordeals. They had been beaten, locked up, worked under guard, chased by hounds, arrested by local officials in collusion with employers, and kept in virtual slavery. More to the point, many less fortunate than they were still being held against their will.

Angered by these stories which were often supported by such physical evidence as whip scars and emaciated bodies, Mrs. Quackenbos decided to act. A woman of immense physical energy and not a little sense of adventure and drama, she decided to go "under cover" to Florida and have a first-hand look at the alleged peonage there. Assuming her maiden name, Grace Winterton, and aided by a $300 grant from S. S. McClure, the well-known publisher, and additional financial assistance from the Jewish Aid Society, she set out for Florida posing as a reporter for *McClure's Magazine*. Apparently shocked at what she found in Florida and Alabama, she contacted the United States Department of Justice, demanding an investigation of blatant peonage and offered her assistance in obtaining evidence for prosecution of the guilty parties. Her request coincided with a lengthy account of peonage in eastern Florida from United States Attorney John M. Cheney of Orlando. Cheney also requested investigative personnel to assist in gathering evidence. [4]

Assistant Attorney General Charles W. Russell, a West Virginia Democrat with long legal experience and a distinguished career as a public servant who was then acting attorney general, gave enthusiastic support to both requests. He assigned A. J. Hoyt, a secret service agent with lengthy experience in the South to aid Cheney, and Agent Eugene V. McAdams was dispatched to cooperate with Mrs. Quackenbos. Unfortunately, she was impulsive, enthusiastic, and anxious to obtain quick results, while Cheney, more accustomed to the difficulty of enforcing federal law in Florida, was careful and painstaking in gathering evidence and preparing cases. She had become impatient with Cheney and chastized him in a letter to the attorney general. He in turn ex-

4. Eugene V. McAdams to John E. Wilkie, September 5, 1906, File 50-162, Department of Justice Records, Record Group 60 (hereinafter cited as RG), National Archives (hereinafter cited as NA), Washington, D. C.

plained his doubts about her legal judgment. The two never cooperated in what should have been a combined effort. McAdams was also somewhat shocked at Quackenbos's methods. Ordered to accompany her in investigating the Jackson Lumber Company at Pensacola, Florida, and Lockhart, Alabama, Agent McAdams complained of the "manifest unwisdom, if not impropriety, of investigating a case for criminal prosecution in the company of a magazine writer," and asked for new instructions. He was told to assist the determined woman as she had requested. Although he doubted that "a prosecution can be successfully maintained . . . against the Jackson Lumber Company," he complied and subsequently reported "the labor situation at the lumber and turpentine camps in Florida and Alabama to be deplorable." He found "practices . . . in vogue, particularly with reference to the colored laborers, which show an utter disregard for the rudimentary and constitutional provisions of the law and the vested rights of the individuals." [5]

To the surprise of McAdams and almost everyone else, five officials of the Jackson Lumber Company were convicted of peonage. General Manager W. S. Harlan, described as "a man of very high standing . . . with plenty of money and influence," and four subordinates were sentenced to prison terms. [6] While the convicted men were unsuccessfully employing every legal means of remaining out of jail, Florida civic leaders, politicians, and businessmen began a concerted effort to discredit the federal officials and others who had brought about the convictions. They denied that peonage existed in Florida and accused their detractors of making unfounded accusations to besmirch the good name of the state. Quackenbos and Russell were made special objects of castigation.

In mid-October 1906, sensational stories were carried by national and Florida newspapers of a woman who had visited President Theodore Roosevelt and reported the "existence of virtual slavery in Southern Florida." She was Emma Stirling, a well-known and highly regarded winter resident of Lake Thono-

5. Ibid.; Mary Grace Quackenbos to Attorney General, September 13, 1906; McAdams to Wilkie, September 5, 1906; *Tampa Morning Tribune*, August 4, 5, 1906.
6. Charles W. Russell to Attorney General, November 14, 1906; W. B. Sheppard to Attorney General, May 29, 1907, File 50-162, RG 60, NA; *Tampa Morning Tribune*, November 13, 24, December 15, 1906; Daniel, *Shadow of Slavery*, 85-94.

tosassa and a member of the Florida Humane Society who was trying to end the state's much-criticized convict leasing system.[7] But Floridians were convinced that the woman was really Mary Grace Quackenbos, and she was roundly denounced for interfering in the state's affairs. Miss Sterling received little adverse attention. When Quackenbos was appointed special assistant United States attorney to help prosecute the peonage cases-becoming the first woman ever to hold such a position-Floridians were further outraged, seeing the appointment as the act of an unfriendly national government willing to endorse what they regarded as slander upon the state and some of its leading citizens. The Turpentine Operators Association, the United Groceries Company-which supplied the turpentine camp commissaries-the Georgia-Florida Sawmill Association, and the state newspapers, led by the Jacksonville *Florida Times-Union*, gradually convinced a receptive Florida public that the peonage prosecutions were nothing more than slanderous assaults by unfriendly outsiders and another case of federal interference in the state. The success of their propaganda was first demonstrated by the outcome of several peonage cases in Jacksonville in the winter of 1906-1907.

In December 1906, F. J. O'Hara, a partner of the Hodges and O'Hara lumber and naval stores firm operating at Buffalo Bluff, Maytown, and other sites near Palatka, and several of his supervisory employees, were tried for peonage on evidence obtained from disgruntled Russian Jewish and German immigrants by Mrs. Quackenbos and her interpreters. She had become interested in the case when Benjamin Wilenski, a Russian Jew whose relatives were acquainted with the People's Law Firm, escaped from O'Hara's camp and returned to New York with lurid tales of forced labor, beatings, and imprisonment. Although her primary interest was in S. S. Schwartz, a New York labor agent who had delivered Wilenski and some 200 others to Hodges and O'Hara, she provided the United States attorney at Jacksonville with strong evidence against the Florida entrepreneur. Because United States Attorney Cheney was ill when the case came to trial, Assistant Attorney General Charles W. Russell, who had recently

7. *Tampa Morning Tribune*, October 13, 16, 1906; Jacksonville *Florida Times-Union*, October 16, 1906.

been assigned exclusively to handle peonage prosecutions, tried the case. [8]

At a nine-day trial ending on Christmas Eve, Russell presented damaging evidence of a conspiracy to commit peonage on the part of O'Hara and his accomplices, but it was difficult to obtain an impartial hearing in Jacksonville, the headquarters of the Turpentine Operators Association, home office of the United Groceries Company, and the place from which the *Florida Times-Union* had been leading the newspaper attack against the peonage prosecutions. W. M. Toomer, a prominent Jacksonville attorney and president of the Turpentine Operators Association, was chief defense counsel. C. B. Rogers, president of the United Groceries Company, was foreman of the jury. Accusing the prosecution of "running after publicity," Toomer especially denounced " the woman in black,' and her stories of the Wilenski whippings." The government's case was simply "a play for sensationalism," Toomer argued. After the lengthy trial, the jury took just seventeen minutes to find all defendants innocent. Several subsequent cases also quickly ended with acquittals. [9]

With these victories behind them, Floridians accelerated their criticism of the prosecutors. When Charles J. Bonaparte was named United States Attorney General shortly afterward and declared his intention to continue the government's effort to stop peonage, Congressman Frank Clark denounced him from the floor of the House of Representatives. Observing that "Bonaparte is making a very poor beginning as Attorney General," the *Tampa Tribune* praised Clark for effectively answering Bonaparte's "absurd rant about the exercise of the peonage abomination by Southern men." [10] Florida Congressman Stephen M. Sparkman introduced a bill to prevent recognition of ungrounded charges by the federal courts in relation to peonage. [11]

The controversy was raised to a higher pitch when *Cosmopolitan Magazine* carried a story by Richard Barry about peonage in the South. Because he had interviewed Mary Grace Quackenbos, she was scored for having used her official position to gain

8. *Tampa Morning Tribune,* July 22, December 7, 1906; Quackenbos to Attorney General, September 13, 1906, File 50-162, RG 60, NA.
9. Jacksonville *Florida Times-Union,* December 25, 1906; Russell to Attorney General, January 27, February 14, 1907, File 50-162, RG 60, NA.
10. *Tampa Morning Tribune,* January 27, 1907.
11. Jacksonville *Florida Times-Union,* January 22, 1907.

information for an unofficial purpose. The 1907 legislature passed a resolution condemning Richard Barry and William Randolph Hearst, whose New York *Evening Journal* had reprinted his article. It also thanked Congressman Clark for "his defense of the fair name of the state in the halls of congress." [12]

Frank Clark had made himself the personal defender of Florida in the peonage controversy, and the legislature's gratitude was specifically in response to a resolution he had introduced in the House of Representatives. Although it was not passed, the chairman of the house judiciary committee sent it to Attorney General Bonaparte for a reply. It called for an itemized account of money spent by the Department of Justice on the Florida investigations, chastized the department for employing such unreliable persons as Mary Grace Quackenbos, and asked why Charles W. Russell had tried the Jacksonville cases instead of the United States attorneys in Florida, thus casting aspersions on the qualifications of Florida lawyers. Bonaparte answered that it would be impossible to furnish the cost figures since no separate accounts by state were kept. Mrs. Quackenbos was a member of the New York bar who had from philanthropic motives established a legal service in New York City for "persons too poor to pay." She had thus become aware of illicit employment agencies there. That in turn had led her to Florida and other southern states. She had greatly benefited the department as special assistant attorney general in the peonage matter. As for Russell's presence in Jacksonville, John Cheney had been ill when the term of court began and his assistant, Richard P. Marks, was financially involved with some of the defendants and was thus disqualified. Russell was the logical person to replace them. [13]

While this interchange was going on, Mrs. Quackenbos probably allowed her enthusiasm to damage her legal attack on the labor agents and the peonage system when she took on Henry Morrison Flagler and the Florida East Coast Railroad. Second only to Schwartz on her list of corrupt labor agents was Francesco Sabbia. Working closely with Edward J. Triay of Jacksonville, attorney and labor agent for the Florida East Coast Company,

12. *Tampa Morning Tribune,* April 5, 1907; Jacksonville *Florida Times-Union,* April 4, 1907.
13. Charles J. Bonaparte to John J. Jenkins, February 27, 1907, File 50-162, RG 60, NA.

Sabbia had shipped more than 4,000 immigrants from New York and Philadelphia to work on the overseas extension of that road in the Florida Keys. When escapees from the company's camps began filtering back to New York in early 1906, complaining of being taken to Florida in guarded trains, unloaded behind fences and closed gates on the company's Miami docks, and forced to board boats for the keys, Mrs. Quackenbos rallied to action. The disaffected workers further alleged that they had been forced to work in water, sleep on rocks, buy supplies from the monopolistic company commissary where goods were over-priced, and remain on the islands until they had worked themselves out of debt for transportation charges advanced to them. Some force had been used against a few of the men, but the primary method of keeping them on the islands was the company's control of transportation back to the mainland. On the basis of the testimony of numerous witnesses to these allegations, Quackenbos obtained indictments in New York against Sabbia and Triay. [14]

The information gathered in the Sabbia and Triay case led to indictments of J. C. Meredith, superintendent of construction of the overseas extension, and his assistant, W. J. Krome. Urged on by Quackenbos, Russell sought the indictment at Jacksonville. District Attorney Cheney opposed this course of action. Noting that Jacksonville was the center of the turpentine and lumber industries, as well as the home of the *Times-Union* and some of Flagler's strongest supporters, he argued that it would be disastrous to try a comparatively weak case against someone as popular as Flagler in a place where there was so much concentrated opposition to the government's allegations. He thought it far better to try the stronger cases against turpentine and lumber people in Jacksonville and delay the railroad case until the southern district court met in Miami, 366 miles away from Jacksonville, where the population was less aroused, and where newspaper coverage would be less intensive. He also argued that the cases had better be tried by Florida attorneys because "outside assistance will prejudice the public against these peonage prosecutions. These cases must be handled on broad lines that will take in the tremendous influence of public opinion." [15]

14. Henry L. Stimson to Bonaparte, April 22, 1907, ibid.
15. John M. Cheney to Attorney General, February 13, 23, 1907, ibid.

Russell, who was apparently touched with a bit of Mrs. Quackenbos's zeal, disregarded this advice and proceeded against "those who have combined to thwart our purposes," including "Flagler, the millionaire lord of the East Coast, to whom every thing there good or bad is attributed, the turpentine association, the United groceries concern, [and] the newspapers which take their cues . . . and their news from the *Times-Union.*" He was anxious to try the cases and "let it be determined whether Flagler and the wealthy men associated with him can successfully prevent the government of the United States from executing in Florida its laws for the protection of human liberty." [16] Neither the New York nor the Florida cases were tried for nearly two years, but when they were Russell must have been disappointed by the answer to his question.

Angered by the indictment of Meredith and Krome, the state board of trade-chairman of which was S. A. Rawls, a prominent turpentine operator and holder of the state convict-lease - called for an investigation, not of peonage, but of the continuing agitation of the "peonage question." Several local boards endorsed the state body's action. District Attorney Cheney declared this "an organized effort . . . to prejudice the people against all of the peonage cases . . . caused by the very serious error in taking up the Florida East Coast peonage cases before the recent Grand Jury." [17]

In a news story entitled "Peonage Stories Reeking with Evident Falsehoods," the *Tampa Tribune* denounced articles in the *Cosmopolitan Magazine* and in other periodicals as being "interwoven with malicious falsehoods and expressed malice." This paper did note, however, that a Chamber of Commerce committee had admitted that "there do exist in the state of Florida some laws that are so loose that it gives to those who employ unskilled labor and convicts the chance to so conduct their private interests in a way that has brought shame and reflections upon the good name of our State." [18]But about the same time it applauded a Jacksonville *Metropolis* lament that "It is hard to bear the falsehoods and insults aimed at this section . . . by parties North evidently bent

16. Russell to Attorney General, February 14, 1907, ibid.
17. Cheney to Attorney General, February 23, 1907, ibid.; *Tampa Morning Tribune,* January 18, 1907; Jacksonville *Florida Times-Union,* January 18, February 21, 1907; Daniel, *Shadow of Slavery,* 100.
18. *Tampa Morning Tribune,* March 14, 1907.

on obstructing . . . the success of the . . . Southern people to secure immigrants. . . . There seems a combination, a conspiracy, inaugurated in New York recently to thwart efforts to secure white help for these States." [19]

Clark presented the state legislature with a "contract labor bill" which he declared necessary for the "protection of the farmer against irresponsible helpers." It would alter the 1891 statute by adding an important rule of evidence. Whenever an employee accepted "money or any other thing of value" as an advance on a contract to perform labor and subsequently failed to perform, that failure "shall be deemed prima facie evidence of intent to defraud." The proposed act would reverse the burden of proof so that instead of his accuser having to prove his intent to defraud, the worker would have to prove his innocence of such intentions. According to an outraged Mrs. Quackenbos, the proposed act "is little short of a repeal of the peonage statutes insofar as they affect the State of Florida." Employers already had a tremendous advantage over their workers under the 1891 statute, she insisted. The difficulty the department of justice had encountered in obtaining convictions in the peonage cases abundantly demonstrated that. And she noted that it was not the "farmer" who was seeking the new law, but the large companies which employed hundreds and sometimes thousands of workers in their lumber and turpentine operations. Why did the employer need additional protection, she asked. If a laborer quit his employer and boarded a passing freight train, he was at once arrested. If he remained in the area after quitting his job, he was taken into custody as a vagrant. If he tried to leave on foot, he was arrested as a suspicious character, "for the towns to which these men are brought are usually built by the employer who owns many miles of the surrounding country." In each of these cases, the worker found himself before the authorities, fined, and if unable to pay the fine, he was leased out as a convict, usually to the same employer from whom he had attempted to escape. If the bosses had such control over their workers under existing statues, why, she asked, did the legislature need to enact a law such as the one proposed by the congressman. [20]

Quackenbos was not alone in her objections. R. Pope Reese,

19. Ibid., March 9, 1907, quoting Jacksonville *Metropolis.*
20. Quackenbos to Attorney General, May 18, 1907, File 50-162, RG 60, NA.

a state representative from Escambia County, a member of the progressive wing of the Democratic party, and one of the attorneys who had assisted in convicting W. S. Harlan and his associates, led a fight in Tallahassee to defeat the bill. It was Reese's belief that it would illegally authorize the collection of a debt and justify imprisonment for debt in violation of both the federal and state constitutions. [21] But most Florida legislators were determined to show the federal Department of Justice, northern muckraking magazine writers, and crusading female lawyers that they could not interfere in Florida affairs. Unconstitutional or not, the measure was enacted. [22]

While the legislature was still in session District Attorney Cheney began trying peonage cases at Tampa before Judge James W. Locke. He correctly anticipated that "the interests who are determined to defeat any convictions for peonage" would be active there. After the boards of trade had passed resolutions denouncing peonage prosecutions, Cheney said "the press of the State has fallen into line almost unanimously." Still, things were not the same at Tampa as at Jacksonville the previous winter. The case of W. C. Sprott ended, not in a speedy acquittal, but in a hung jury divided eight to four in favor of conviction. A new trial a few days later resulted in Sprott's conviction. Then, Cheney was elated when F. J. Howden, a Mulberry phosphate mine superintendent, and E. H. Benson, who held a similar position at Port Inglis, were convicted on evidence that was almost identical to that in the O'Hara case. [23]

Back in Jacksonville a month later the case of United States v. J. Edward Geiger also ended in a hung jury. A. J. Hoyt, Cheney's chief investigator, was "encouraged beyond expression" because the peon in the case was a Negro. "This fact alone, astonishes nearly every one, as it is generally understood in this section that no white jury will convict a white man for anything he might do to a negro." He erroneously interpreted this to mean that "sentiment created by the Press and public State Officials is gradually being overcome, and, eventually the public will realize that the

21. Florida House *Journal,* 1907, 421-22.
22. Ibid., 949-50; *Laws of Florida,* 1907, chapter 5678, p. 182; Daniel, *Shadow of Slavery,* 101.
23. A. J. Hoyt to Bonaparte, May 17, 1907, File 50-162, RG 60, NA; *Tampa Morning Tribune,* May 11, 14, 1907.

Department of Justice is only endeavoring to mete out justice, instead of persecuting Florida's most prominent citizens." [24]

Cheney was probably correct in his suggestions that local attorneys could be more successful than outsiders like Charles Russell and that careful strategy should be used in scheduling cases rather than the all-out battle urged by Mary Grace Quackenbos on all fronts simultaneously. Hoyt, however, was seriously mistaken in his estimate of changing public opinion in Florida. Although she never returned to the state, Mrs. Quackenbos continued investigating and reporting peonage violations in other southern states. In the fall of 1907 she was in Arkansas where she attacked Levi Percy's Sunnyside plantation, located in nearby Louisiana, a colony of immigrant Italians and Spaniards. Her charges brought on an investigation by the Italian government and a blistering assault on Mrs. Quackenbos from Percy, a former Mississippi governor. He argued that the plantation had been a model colony until she created dissatisfaction among the settlers. The Italian government also declared that they had seen no evidence of peonage. As the Sixtieth Congress prepared for its second session, she was called to Washington to defend herself against Percy's charges. [25]

The controversy was refueled when Thomas and J. B. Graham, naval stores farmers of southern Alabama, were convicted at Pensacola of capturing Jim McCants, a black, at a turpentine camp in Florida and taking him at gunpoint back to peonage in Alabama. Then, at Jacksonville in December, Edward J. Geiger avoided a retrial of his case by pleading guilty of holding a black man in peonage. But four other turpentine operators were acquitted of similar charges. [26]

By the end of 1907, Floridians were attacking the government's peonage prosecutions in general and Mary Grace Quackenbos in particular on two fronts. While Congressman Clark railed away in the House of Representatives, other prominent Floridians were planning an immigration conference at Tampa to combat the adverse publicity that Florida and the South were receiving. C. Fred Thompson and other Tampa business leaders got Gov-

24. Hoyt to Bonaparte, June 18, 1907, File 50-162, RG 60, NA.
25. *Tampa Morning Tribune,* November 17, 1907.
26. Jacksonville *Florida Times-Union,* November 29, 1907; *Tampa Morning Tribune,* November 29, December 7, 1907.

ernor Broward to call the convention for February 12 during the state fair. Other southern governors, boards of trade, and labor union leaders were invited and a number attended. [27]

Thompson's efforts to have Secretary of State Elihu Root address the convention backfired. Declining the invitation, Root said that the problem could best be handled if Florida would end peonage. Stories of its practice, some of which had been authenticated, were doing more than anything else to stop immigration into the southern states, he wrote. [28]

Expressing regret that Secretary Root had "evidently been influenced by such mendacious publications" as Richard Barry's *Cosmopolitan* article and another by Mary Church Terrill in *Nineteenth Century Magazine,* Thompson denounced "Mrs. Quackenbos, who, after a long series of investigations, in which trumped-up charges of peonage were brought in our Federal Courts against employers of labor, has been unable to secure a single conviction." Southerners, and especially Floridians, he continued, "deeply feel the injustice which has been permitted by the Department of Justice in the sending of such discredited sleuths among us." He further made the astonishing assertion that "we are already preventing peonage, but, unfortunately, we have not been able to offset the misguided work of the Department of Justice or of the slanderers who have brought upon us so much undeserved censure." [29]

Addressing the immigration convention, Governor Broward also attacked "the false charges of peonage which are being hurled at the south and particularly Florida." Broward declared that his official position as governor of the state enabled him to know positively that the stories were "absolutely false." Referring to Mrs. Quackenbos's crusade against labor agents, a New York congressman said that his state was also being "constantly slandered by similar aspersions." [30]

Still it was Congressman Clark who kept up the most sustained attack against Mrs. Quackenbos and the justice department.

27. *Tampa Morning Tribune,* July 4, 1907, January 2, 1908.
28. Jacksonville *Florida Times-Union,* February 13, 1908; *Tampa Morning Tribune,* February 13, 1908.
29. C. Fred Thompson to Elihu Root, January 28, 1908, File 50-162, RG 60, NA; Jacksonville *Florida Times-Union,* February 13, 1908.
30. *Tampa Morning Tribune,* February 13, 1908; Jacksonville *Florida Times-Union,* February 13, 1908.

Early in 1908 he introduced a resolution in Congress calling for an investigation into peonage charges in the entire country. A lively and sometimes bitter debate over the resolution included attacks on the justice department led by Clark and supported by several other southern congressmen. When Clark inadvertently missed a meeting of the House committee on rules at which both Charles Russell and Mrs. Quackenbos testified, he was furious. After reading one of the reports left with the committee by Russell, he fired off a handwritten note to Attorney General Bonaparte demanding copies of "any further . . . communications you may have from either [Russell or Quackenbos], affecting me personally, or my constituency." The report, he said, "contains several absolutely false statements" and he thought Russell or Mrs. Quackenbos "might have filed with you other reports, equally untrue and reflecting both upon myself and my constituents." [31] When Bonaparte demurred, asking Clark to be more specific, the congressman replied, "I cannot specify any more particularly than to ask you to furnish me with a copy of *each* and *every report* . . . relating to alleged peonage conditions in the State of Florida, by Mr. Russell . . . or by Mrs. Mary Grace Quackenbos." [32] A few days later he flayed Quackenbos on the House floor and scored Bonaparte for allowing her to continue as an assistant United States attorney. On March 2, 1908, the House passed the resolution authorizing the immigration commission to investigate "charges of peonage in certain states." [33] Unable to obtain the information he sought from Bonaparte, Clark then introduced another resolution calling on the attorney general for a statement of expenses "connected with peonage investigations and prosecutions." When the judiciary committee reported the resolution out, Clark took the floor once more to denounce the attorney general as "no lawyer and unfit to hold office," and for trying to regulate sociological conditions instead of attending the legal business of the nation. The resolution was tabled by a majority of the House. [34]

While the fulminations of Congressman Clark and his sup-

31. Frank Clark to Bonaparte, February 19, 1908, File 50-162, RG 60, NA.
32. Clark to Bonaparte, February 24, 1908, ibid.
33. *Tampa Morning Tribune*, March 3, 1908; Jacksonville *Florida Times-Union*, March 3, 1908.
34. *Tampa Morning Tribune*, April 2, 1908; Jacksonville *Florida Times-Union*, April 2, 1908.

porters resulted in a three-year investigation by the immigration commission, attention turned again to the cases against Sabbia and Triay in New York and Meredith and Krome in Jacksonville. After extended public debate, the trials finally began in the fall of 1908. Although New York state finally revoked Sabbia's license as a labor agent, there were no convictions. At Mrs. Quackenbos's suggestion, Russell had made the mistake of charging Sabbia and Triay with slavery rather than peonage. The defendants then admitted they were guilty of peonage and argued that therefore they could not be guilty of slavery as charged. They further argued that, since the thirteenth amendment had abolished slavery in the United States, there could be no such thing in the country. The judge agreed and ordered a verdict of acquittal without even hearing the last of the prosecution witnesses. The cases against the construction supervisors of the popular Florida East Coast overseas extension were ended shortly afterward with similar results. [35]

Congressman Clark chortled over the decisions: "This is some of the fine legal work of the present attorney general. . . . The Florida defendants in this case were citizens of my district, one of them Hon. E. J. Triay, a former treasurer of my state, an honorable citizen and [one] who will not suffer by comparison with the present attorney general, either in respect for law or in any of the elements which go to make up real manhood and genuine American citizenship." He was pleased to see "a silly, unwarranted, prosecution" end without result except to "outrage citizens and mulct the government in an enormous bill of costs." [36]

Headlined "Peonage Prosecutions Halt Florida Development," a *Tampa Morning Tribune* story declared that, following the New York decision, "Hundreds of men are being rushed southward to work on completion of the great Florida East Coast Railroad. . . ." It had been more than "a year and a half ago when this great work was interrupted by the United States attorney general." The *Tribune* declared that "It has since been shown that the whole so-called 'peonage' agitation was started by irresponsible workmen who had been sent south by the company and then, after the usual manner of 'hoboes,' had run away from their

35. Henry L. Stimson to Bonaparte, April 22, 1907, File 50-162, RG 60, NA; *Tampa Morning Tribune,* March 17, 1907, November 13, 1908.
36. *Tampa Morning Tribune,* November 24, 1908.

work." [37] When Congressman Clark introduced still another resolution calling for a statement of expenses incurred in the peonage investigations and for "a detailed account of the status and duties of Mrs. Quackenbos, the U.S. female detective," the *Live Oak Democrat* congratulated him and then summed up the attitude of most Floridians regarding the entire affair: "Let the light be turned on with its full power. The southern people want no peonage among them, and while at rare intervals a white man may be found sufficiently degraded to attempt that kind of business, he is in no sense representative of the people of this section. But we believe that Mrs. Quackenbos is doing much more harm than good, and while she is doubtless an honest, well-meaning woman, she is probably also a confirmed sentimentalist on the negro question, and that means that she has precious little common sense on the subject. Employers of negro labor in the south are constantly encountering difficulties of the most exasperating character because of the chronic unreliability of that labor and the perfectly conscienceless facility with which it makes contracts, secures valuable advances and then 'jumps the job.' We have state laws to prevent this as far as possible, but the efforts of Mrs. Quackenbos and her kind have the direct effect of rendering these laws nugatory and practically encouraging the negro in his dishonest methods. . . . Put Sister Quackenbos in the limelight, show up her methods minutely, and let the country see if she is helping the cause of justice and promoting good relations between the two races in the south by her meddlesome work." [38]

The light was never turned on. The immigration commission published its findings in 1911 in forty-two volumes; seven pages dealt with peonage. Some peonage had existed in 1906-1907, it said, but there was no general practice of it anywhere. [39] Immigrants never came to the South in large numbers, and gradually Southerners decided that they were not wanted anyway. Mrs. Quackenbos continued to work with the immigrants in New York, but she apparently ended her crusade in the South after Schwartz and Sabbia lost their licenses as labor agents in her state. Floridians were left to employ Negro laborers in the manner to which they had been accustomed since before the Civil War.

37. Ibid., December 6, 1908.
38. Ibid., December 21, 1907, quoting *Live Oak Democrat*.
39. Daniel, *Shadow of Slavery*, 107.

The 1907 contract labor law was repealed when a similar Alabama law was declared unconstitutional in 1911, but an identical one was enacted in 1919 which remained on the books until 1944. Perhaps the most dismal outcome was that white Floridians had once again been able to avoid facing a basic human problem. Instead of looking at their labor practices and recognizing that they did not square with the constitutional and moral principles of the nation, they managed to rid themselves of the need to do so by attacking their accusers. By discrediting the source of criticism they avoided the necessity of dealing with the problem which had brought it about. In the same way that they had handled "carpetbaggers" and "scalawags" during the Reconstruction Era and "outside agitators" in the 1950s-1960s, they convinced themselves that Mrs. Quackenbos, Charles Russell, Attorney General Charles J. Bonaparte, the Department of Justice, and, ultimately, the United States government were meddling in affairs where they had no business and were unfairly accusing Floridians of wrongs of which they were innocent.