The Story of Rosewood

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Rosewood was a small African-American community in Levy County in 1923. It was a thriving, industrious, self-sufficient African-American town until a white woman falsely alleged that she had been assaulted by a black man (in fact she had been beaten by her white lover) and things got out of control and a mob eventually destroyed this town by fire, killing at least six black people, although there have always been reports of larger numbers of blacks killed and even reports of mass graves.

When we were first presented with the Rosewood case, we handled it as we would any other major pro bono case in which we had some initial interest. We investigated the case for about eight months. I was originally attracted to the case because this horrible event had been buried in Florida history. You simply could not read about what happened at Rosewood in any Florida history book, even though this story had been carried across the nation on the AP Wire in 1923. This was truly a case of collective amnesia, and our clients now wanted their history known.

There were a number of obvious problems with this case. We began our work on the case in 1993. The seventy-year time period alone seemed insurmountable. Moreover, I was very concerned that no matter how we characterized the case it would be viewed generally as a claim for reparations, which is an extra-legal theory that I thought had no chance. I also considered that given all of the resources which we had available at the firm to do pro bono work, surely there were more current issues that African-American people in this state would rather have us pursue. The decision to commit the firm to a major pro bono case is a very important one, fraught with peril.

So I discussed my concerns with my partners, both African-American and Caucasian. Former U.S. Senator Bill Bradley has a wonderful question that he asks Americans, and that question is this: "When was the last time you had a serious conversation about race with a member of another race?" I am very fortunate in that I count among my African-American friends the President of the Tampa Chamber of Commerce, Ike Tribble, so I sat down to talk with him to discuss my concerns.

When I told Ike the story of Rosewood he had tears in his eyes and he immediately told me: "You've got to take that case." I asked him why. He said: "Steve, my Daddy died before my Momma died, and then my Momma died. And then I went to my Momma's funeral. And when I came back from my Momma's funeral the only thing I had was a bill for the funeral. And that's not going to happen to you, Steve. And that's why you've got to take this case." Ike was trying to describe to me the problem of intergenerational transfer of wealth for African-Americans in our country. Rosewood was a powerful story about the historic inability of African-Americans in this country to acquire capital in one generation, hold that capital, and pass that capital along intact to the next generation. That, in my view, is the significance of the Rosewood case and that, in my view, is why Rosewood had such a powerful impact in the African-American community in our state, and that is its primary teaching value for all of us.

We decided to file a claims bill in the Florida Legislature because we liked the test under the claims bill statute; that is, that the State had a moral obligation to the survivors of the Rosewood massacre to investigate thoroughly what happened at Rosewood, to bring the perpetrators to justice, and to restore the people of Rosewood to their land. That obligation began in 1923 and continued in 1933, 1943, 1963, 1993. And for that reason, as well as the survivors' legitimate fear of coming forward because they were witnesses to murders which had never been prosecuted, the passage of seventy years time before asserting this claim did not present a significant problem in the Florida Legislature.

Now I'd like to tell you about my best day of practicing law. I never had a day like this before, and I doubt very seriously that I will ever have a day like that again. That was the day that we put the Rosewood survivors on the stand in front of a Hearing Officer at the Capitol in Tallahassee.

I will be honest with you. My favorite Rosewood survivor was Minnie Lee Langley. I knew almost from the first moment that I met her that she was going to be my lead witness. She was a terribly frail 78 year old woman, her arms were no bigger than this (.....). She had pneumonia in both lungs about a month before the hearing. I invited her to stay at my house with my wife and me the night before the hearing. We had a wonderful dinner, and afterwards, as I had with each of the four Rosewood survivors scheduled to testify the next day, I did my best to prepare Ms. Langley for her direct testimony and cross-examination.

I can honestly tell you that my preparation of Ms. Langley had nothing whatsoever to do with her absolutely remarkable testimony. She was going to say what she was going to say and it didn't matter what any white boy lawyer thought she should or might say. And she said it as only

she could say it. Her testimony was absolutely riveting. When she described running with her little cousins from the white mob, scrambling through the cold nights of the North Florida woods, every time she referred to that white mob she called them "crackers." And every time she called them "crackers" in her answer, I followed and called them "crackers" in my question. To me, it felt like a genuinely spiritual experience in a small AME Church.

My opponent, who represented the State, was Jim Peters at the Attorney General's office. Jim and I have become very good friends as a result of our experience on Rosewood. He cross-examined Minnie Lee for maybe three or four minutes and concluded. Afterwards, he came up to me and said: "Steve, she was absolutely riveting. I forgot to ask her a couple of things; would you mind stipulating to them?" And of course I did, because it really didn't matter after her testimony.

A.T. Goins then took the stand. He, like all of these survivors, had been a young child running through the woods in 1923 and had survived until 1993. There was not a trace of bitterness in A.T. Goins or any of the other survivors. The Hearing Officer said afterwards that that was what impressed him most. A.T. Goins had escaped Rosewood and gone on to live in St. Petersburg. He was a black boot, a new term I learned for somebody who shines shoes. He put his little girl through college all the way to her doctorate.

Willie Evans was assisted to the stand in his wheelchair by his son Donald. Willie Evans is blind. He told the story of how several years after the Rosewood massacre he returned to Rosewood and saw his old house standing there and went inside and then got scared because there was a Florida panther in there and he ran out of the house. It was an interesting story. The only problem was that it never happened. Willie had made that story up in order to help him survive. All of the homes owned by Blacks in Rosewood had been burned to the ground. But, Willie believed it as if it had really happened.

Finally we put on Wilson Hall. Again our efforts in preparing his direct testimony had virtually nothing to do with his most important testimony. Wilson Hall described Rosewood wonderfully. The people owned their homes, they owned their businesses, they had their church, they had their baseball team, they had their masonic lodge, they had their farming. At the end of the year the crops were brought in, 10% was set aside to feed the poor. And then he stopped ... and paused... and he was obviously moved and he said: "God was all we needed and God was all around us." And you could hear a pin drop in that room.

It was a great day for African-Americans. It was a great day for Florida. And it was my best day ever practicing law. I will be eternally grateful for that opportunity.

The Hearing Master wrote an exceptional report which led the Legislature to pass a claims bill in the amount of $2.1 million dollars to compensate the Rosewood survivors and their descendants. But more importantly, Rosewood is now a part of our State's history and school children throughout the ages will learn about it and learn from it.

The Rosewood case took on a life of its own. My partner and current American Bar Association President Martha W. Barnett, who did an exceptional job getting the $2.1 million from the Legislature after we concluded the hearings, has said that it would not have passed the Legislature the year before and it would not have passed the Legislature the year after. Eventually we had conservative North Florida Democrats voting FOR Rosewood. Exactly how and why it happened I don't think we will ever know. It was a unique experience in our history. No other state has ever compensated the victims of such a massacre. The justification here was appropriate in my view because in this case the State was clearly on notice in time to act to prevent the carnage. That was not true of many similar events that occurred in the 1920's.

The best example of how the Rosewood case had a life of its own is probably my partner Martha Barnett's connection to the Rosewood family. We did not know about this connection until about three or four months before trial when we discovered the following. Rosewood was burned in 1923. Many of the African-American residents of Rosewood worked in the mill in the adjoining town of Sumner. The Sumner mill burned in 1926. That company moved its operations to Lacoochee, Florida. Martha Barnett's father was the town doctor in Lacoochee, Florida. He was one of the few doctors in the South at that time who would treat both black and white patients in his office. Martha Barnett's father delivered Arnett Doctor, who led the Rosewood family in their efforts in this case. Many of Ms. Barnett's childhood playmates were the present day descendants of the Rosewood survivors. At several of the legislative hearings, they came up to Martha and shared their childhood memories of life with her in Lacoochee.

Thank you for inviting me to talk to you about Rosewood. I hope you read the book. I hope you see the movie. I think both will have a strong impact on the way you think about America's most perplexing and elusive social problem — how Black people and White people can learn about each other, understand each other and hopefully eventually live, work, play and pray together.