The Trials and Lynching of Cellos Harrison

Janaya Snell, NUSL ‘13

May 2012

Civil Rights and Restorative Justice

Working Document
“If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected—those, precisely, who need the law's protection most!—and listens to their testimony.”

James Baldwin

**Introduction**

On June 16, 1943, in Mariana, Florida, the lifeless body of Cellos Harrison was found a few feet from the pavement of State Road 84. He was lynched because he was believed responsible for the murder of Johnnie Mayo, a white service station owner killed three years earlier. During the years Harrison spent moving through the court system his case seemed to confirm the idea of justice for all. However, in the end community anger triumphed over judicial process.

**The Murder of Johnnie Mayo**

On February 5, 1940, at around 9 a.m., two black men, Raymond Speights and William “Red” Hicks, heard cries coming from Johnnie Mayo’s gas station. They looked in the building and found Johnnie Mayo in a pool of blood fighting for his life. Speights later testified that he refrained from entering the building when he and Hicks first discovered Mayo; he wanted “some white people there” to avoid any suspicion that he or Hicks were involved. The two black men went to search for help at a nearby school. On the way they stopped a white truck driver, Charlie Reiff and told him about the situation.

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1 Harrison v. State, 152 Fla. 86, 90 (1942)
2 Dissertation of Tamika Bradley-Hobbs, “Hitler is Here”: Lynching in Florida During The Era of World War II, Ch. 3, The Failure of Forbearance: The Lynching of Cellos Harrison. Hereafter cited as The Lynching of Cellos Harrison, pg. 90.
Mayo had been struck on the head by a blunt instrument, once over his right temple and once on the top of his head.\(^3\) He was rushed to the local physician and treated for a fractured skull. While the doctor treated him, Mayo is said to have stated that a “yellow negro” attacked him. Mayo died from his injuries shortly thereafter.\(^4\)

Upon inspection of the service station evidence was found suggesting that there had been a robbery. Money was scattered on the floor and around the bed, on top of which a muffin pan was resting. The search for the perpetrator of Mayo’s murder led to the arrest of several black men who were sighted near the service station that morning. Included among these suspects was Cellos Harrison, a black resident of Mariana in his twenties.\(^5\) As the men were questioned by Sheriff Luten, Harrison protested his innocence.\(^6\) With no strong evidence found against them, the men were discharged.\(^7\)

The Mayo murder took place in the midst of a contested race for the office of sheriff. As part of his campaign one candidate, W. Barkley Gause, made a public promise to the Mayo family that he would find Johnnie Mayo’s killer. Gause’s promise endeared himself to a majority of the white electorate who were anxious that Mayo’s murder should not go unpunished. His strategy proved successful, and Gause won the race.\(^8\)

**Cellos Harrison’s Arrest**

Over a year passed and law enforcement officials were not any closer to solving Mayo’s murder. Determined to fulfill his election promise, Sheriff Gause requested assistance from the state. An experienced state investigator, William “Buddy” Gasque, was sent to Marianna by

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\(^3\) Harrison v. State, 149 Fla. 365, 366 (1942)
\(^4\) Id. at 367.
\(^5\) Id.
\(^6\) Id.
\(^7\) Id.
\(^8\) The Lynching of Cellos Harrison, 92.
Governor Holland to assist with questioning and investigation.\textsuperscript{9} Meanwhile Cellos Harrison had continued living in the community.\textsuperscript{10} He was working downtown across from the courthouse and, in February 1941, he married Bessie McClinton, a local school teacher.\textsuperscript{11}

Eventually, Deputy Sheriff J.C. Hornsby reported that he had received a tip.\textsuperscript{12} Based on this new information, Harrison and an acquaintance of his, William “Jabo” Pittman, were arrested for the murder of Mayo.\textsuperscript{13} The authorities separated the two men; Pittman remained incarcerated in Marianna while Harrison was transferred some fifty miles away to the Quincy jail. Just a few weeks earlier this jail had been stormed by a mob that succeeded in abducting and lynching a black prisoner.\textsuperscript{14}

Under interrogation Pittman told authorities that a short while after Mayo’s murder he and Cellos Harrison had been in DeFuniak Springs attending a basketball game. Pittman said he observed Harrison acting in an odd manner at this time. He stated that Harrison was unusually liberal with his money, buying members of the winning teams bottles of Coca-Cola and gambling heavily in the evening. This struck Pittman as suspicious because Harrison did not usually have a lot of money. Pittman also remembered that most of the money that Harrison used that evening was silver coins.\textsuperscript{15} Based on this information, Pittman was released from custody and Harrison was held on the charge of the murder of Johnnie Mayo.\textsuperscript{16}

Harrison’s transfer from Marianna to Quincy isolated him from his family, friends, and other relatives. Further instructions were given by Sheriff Gause not to let Harrison speak with

\begin{itemize}
\item \textsuperscript{9} Id at , 93
\item \textsuperscript{10} Harrison, 152 Fla. 90
\item \textsuperscript{11} The Lynching of Cellos Harrison, 93
\item \textsuperscript{12} Id.
\item \textsuperscript{13} Harrison, 152, Fla. 90
\item \textsuperscript{14} Id.
\item \textsuperscript{15} The Lynching of Cellos Harrison at 93 94
\item \textsuperscript{16} Harrison, 152 Fla. 90
\end{itemize}
anyone but the jailers. Moreover, because he could not afford his own counsel and an attorney
could not be appointed until his indictment, Harrison was left without the aid of legal counsel.
Harrison remained in the Quincy jail for more than a week. During this time, officers pressured
him to confess to murdering Johnnie Mayo. According to Harrison, when he refused, the
sheriff’s men threatened that “some dark night he would be taken out and then he would talk.”
Harrison nevertheless continued to protest his innocence.

In an effort to entice a confession out of Harrison, he was transferred again for his
“protection”, this time from Quincy to the Tallahassee jail. On May 30, Harrison was handcuffed
and placed in the rear seat of the vehicle with Sheriff Gause while officers in the front drove at a
high rate of speed as if the car were being pursued. As the speed of the car steadily increased,
Gause tried to get Harrison to confess. The sheriff told Harrison that he had read the death
warrant for ‘Slim,’ an acquaintance of Harrison’s, whom he had recently seen walking the streets
as a free man in nearby Cottondale. Gause also told Harrison that if he admitted to the murder,
he would not get more than a life sentence and possibly less. Alone, frightened, mentally
beaten and without the aid of counsel, Harrison finally broke down and confessed.

When they reached the Tallahassee Jail, Harrison confessed to murdering Johnny Mayo.

In the presence the state investigator, sheriff and three deputy sheriffs, Harrison gave the
following statement:

On the morning of February 5, 1940, I Cellos Harrison went to Mr. Mayo's place about
seven A. M. for the purpose of buying some liquor on arrival at the place I found Mr. and
Mrs. Mayo. I had with me a jug and a carpenter's hammer. Mr. Mayo informed me that
he was out of liquor but to leave my jug and come back after dark…“Leaving the jug

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17 id.
18 id.
19 id.
20 id.
21 id.
22 id.
with Mr. Mayo I returned home. About eight-thirty or nine o'clock I went back to Mr. Mayo's carrying my hammer with me. On arrival there I found Mr. Mayo alone. I called for a package of cigarettes and as he turned to get them I struck him with the hammer at the back of the head; as he fell on the outside of the counter I struck him again with the hammer. I then turned and went behind the counter to where Mr. Mayo kept his money in a muffin pan. I carried the pan with the money into the bedroom, placing it on the bed and began putting the money in my pockets. In the excitement I left a little of the change on the bed. I secured for myself about thirty dollars (30) all silver except three or four dollars. On leaving the place I crossed the highway directly in front of the store into the woods and home. 

With Harrison’s confession in hand, Jackson County officials were confident that the trial would produce “a speedy conviction.” On June 9, 1941, a Jackson County grand jury indicted Harrison on first-degree murder. State Attorney L. D. McRae prosecuted the case. Judge E. C. Welch, finding error with the first indictment, quashed it and reconvened the grand jury on June 13. The second grand jury also indicted Harrison for first-degree murder. Local attorney Ben F. Barnes was appointed to defend Harrison, after which Harrison changed his plea from guilty to not guilty.

**The Trial of Cellos Harrison**

On June 23, 1941 Cellos Harrison was placed on trial; his trial would last a single day. The jury heard testimony from twenty-five witnesses, including Nella Mayo, the widow of the victim. Although Harrison testified in pre-trial proceedings on the voluntariness of his confession, he never testified before the trial jury. There were three aspects of the prosecutor’s case. Firstly suspicions were raised against Harrison, a light skinned black man, through the testimony of Dr. Whitaker, who claimed that on his death bed Mayo had identified his attacker as a “yellow negro”. Several other witnesses testified to seeing Harrison either heading in the

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23 Harrison, 149 Fla. 368  
24 Harrison, 96  
25 The Lynching of Cellos Harrison, pg, 96 citing to the Jackson County Floridian, June 13, 1941.  
26 Harrison, 149 Fla. 369  
27 Id. at 372
Some testifies that they had seen him carrying two packages, a jug and another “long” package, which was presumed to be the claw hammer used in the attack.

Secondly, several witnesses were called to testify regarding Harrison’s behavior in the days following Mayo’s murder. Four black men, Luke Coleman, Pittman, Lawrence Swilley, and Abraham Robinson, testified to having seen Harrison at the basketball game in DeFuniak Springs. Each reported that Harrison was acting unusually that evening, spending extravagantly on gasoline, drinks, and gambling.\(^{28}\)

Finally, the law enforcement officers testified about their interviews with the defendant following his arrest. They told the jury that Harrison had admitted ownership of the hammer they found at the crime scene, which the defendant claimed he had loaned to Pittman. At one point during the officer’s testimony the jurors were taken out of the courtroom. The officers then proceeded to explain the circumstances surrounding Harrison’s confession, admitting they had talked at length with Harrison during the ride from Quincy to Tallahassee but denying that they gave the detainee hope that he could escape death through cooperation. Harrison took the stand on \textit{voir dire} and challenged the picture presented by the officers. He testified that the sheriff’s deputy had informed him that he would “burn” if his case went to trial and the jury returned a guilty verdict. Harrison also claimed he was told a confession would make it possible for him to receive a life sentence and that it was for these reasons he made the confession. Harrison’s attorney seasonably objected to the admission of the confession. Judge Welch denied the defendant’s motion to exclude the confession, ruling “that the inducement of hope was not given to this defendant.”\(^{29}\) On June 24, after forty minutes of deliberation, an all-white jury returned a

\(^{28}\) Hobbs, citing to Trial Transcript
\(^{29}\) Trial Transcript
guilty verdict without recommendation of mercy and Harrison was sentenced to death by electrocution.\(^{30}\)

On September 18, 1941, Attorney Barnes appealed Harrison’s conviction to the Florida Supreme Court, arguing that the judge failed to instruct the jury to cautiously weigh the contents of the confession. The rule in force was that the court must charge the jury that confessions should be considered and weighed with great caution. “The testimony as to confessions of guilt as distinguished from mere statements of other facts should be received in evidence…with caution especially where the party is under arrest when the confession is made…unless it is clearly shown that the confession was voluntarily made after the party [was] fully advised of his rights under the law.”\(^{31}\) On January 20, 1942, the Florida Supreme Court reversed the conviction, ruling that the trial judge had failed to properly charge the jury and ordered a new trial.\(^{32}\)

Harrison’s second trial began on June 2, 1942. The jury heard testimony for most of two days, and on June 4, Harrison was convicted for a second time. Barnes also appealed this conviction to the Florida Supreme Court, arguing this time, that Harrison’s confession was inadmissible because it was coerced. On December 18, 1942, in a split decision, the state supreme court upheld the verdict.\(^{33}\)

**A Second Chance**

Bessie Harrison remained determined to save her husband’s life even after the loss of the second appeal. She hired a new attorney, Clyde Atkinson, who successfully petitioned for a rehearing before the Florida Supreme Court.\(^{34}\) In a highly contested decision the court ruled that

30 Harrison, 149 Fla. 366
31 Id at 373 citing to Green v. State, 40 Fla. 474 (1898) and McNish v. State, 47 Fla. 69 (1904).
32 Id at 376
33 State v. Harrison
34 Hobbs, 103.
the confession was inadmissible. 35 In his majority opinion Justice Chapman pointed to the conditions surrounding Harrison’s detention and confession in May 1941. He noted that Harrison was detained the Quincy jail, despite the fact that it was widely known a black prisoner had not long before been seized and lynched from the same location. 36 Chapman found that Harrison’s sense of security was further undermined by the conditions of his imprisonment and the circumstances of his transfer from Quincy to Tallahassee. 37 Furthermore, the court noted that although an investigator stated that Harrison was advised of his constitutional rights, the record failed to support that contention. 38 Justice Chapman wrote:

The attending circumstances shortly preceding the signing of the alleged written confession by the appellant, as reflected by the record, are such as to create in my mind an abiding conviction that is was obtained by influences calculated to delude the mind of an immature and ignorant colored boy…It is established that in order to render a confession voluntary or admissible, the mind of the accused should at the time it is obtained or made be free to act uninfluenced by fear or hope. If the attending circumstances or declarations of this present be calculated to delude the accused as to his true position and exert an improper and undue influence over his mind, then the confession is unlawfully obtained. 39

On March 16, 1943, the Florida Supreme Court responded to a petition made by the State to clarify the court’s earlier ruling regarding the admissibility of the confession. The issue was whether the confession was per se inadmissible, or whether it was insufficient to support a conviction. The court ruled that the confession was per se inadmissible, and that, without the confession, the evidence was otherwise insufficient to sustain a conviction. 40 This decision appeared to signal the end of the State’s case, leaving it with no choice but to drop the charges

35 Harrison, 152 Fla. 88.
36 Harrison, 152 Fla. 90 and Correspondence to Governor Holland from Maurice H. Tripp dated May 25, 1941 re: Death of A.C. Williams by violence in Gadsen County Florida on May 13, 1941
37 Harrison, 152 Fla. 90
38 Id.
39 Id at 89, 91, citing to White v. Texas, 310 U.S. 530 (1940) where the circumstances regarding a confession were similar to the issue at bar: a man was arrested, held incommunicado for approximately a week unable to consult with friends, family or legal counsel and was taken to the woods and subsequently confessed. The Supreme Court found that the coerced confession violated the due process clause of the Fourteenth Amendment.
40 Id. at 95
against Harrison. Finally, after two years of legal battles, Cellos Harrison thought he could put this ordeal behind him.

Unfortunately, Jackson County officials would not give up so easily. Just five days after his release, Harrison was arrested again. The officials were determined to avoid any further legal barriers in pursuing Harrison’s conviction. Upon learning that a black lawyer in Pensacola had been able to win reprieves for many of his black clients on the grounds that blacks were routinely omitted from jury duty, the Jackson County Commissioners submitted a petition to the local court to change this process. On May 20, 1943, Judge Welch ordered that the jury box be refilled and that black candidates were to be included in the jury pool. This apparent concession to racial fairness in fact closed a significant legal route which Harrison’s defense lawyers could have pursued in the next round of prosecution. Judge Welch explained his decision to reconstruct the jury pool in anticipation of a fresh indictment on Harrison by asserting that, “It would be a travesty on justice to say that a Negro could commit a heinous crime—murder or rape—and go free of punishment, while a white man would have to pay the penalty.”

On May 28, a specially impaneled grand jury indicted Harrison of first-degree murder for the third time. One black person was included on the grand jury. However, as pointed out by Harrison’s attorney, the jury also contained individuals who had testified against Harrison in his original trial. Despite this conflict a new trial was scheduled for June 21, 1943. Harrison was arrested in Orlando and returned to Jackson County to stand trial. Harrison’s attorneys once again looked to the Florida Supreme Court to prevent further prosecution. They applied for a writ

41 The Afro-American, Court Lacked Evidence; Lynch Mob Didn’t Need It., July 24, 1943
42 The Lynching of Cellos Harrison, pg. 104
43 Id. citing to Jackson County Floridian, May 28, 1943
44 FBI and Hobbs
of habeas corpus and a writ of prohibition, arguing that Harrison was being subjected to malicious prosecution and that double jeopardy prevented a retrial.45

**Cellos Harrison’s Murder**

Following his arrest Harrison was detained in Jackson County jail. It was here that he learned the outcome of his lawyer’s latest legal efforts; Harrison’s attorneys had won every appeal to the Florida Supreme Court.46 The legal avenues open to those seeking Harrison’s prosecution were running out. If Harrison’s lawyers were successful once more then the defendant would be beyond the reach of the law. In Marianna, a community still seeking justice for the murder of Johnnie Mayo after three years, the frustration of some in the white community would soon become evident.

In mid-June, Sheriff Gasque attended a sheriffs’ convention, leaving Chief Deputy McMullian in charge. On the evening of June 15, 1943, three officers were in charge of the jail, including Tom Belcher, a sixty-five year old former deputy sheriff who had been hired a few weeks before to work as the night jailer.47 At around midnight a car pulled up on the unlit street in front of the jail. The men in the car called out to Belcher, informing him that they were dropping off a drunk to be placed in custody.48 Belcher proceeded to open the gate, at which point he noticed that one of the men was wearing a paper bag over his head. Two more men exited the car, also wearing masks, and demanded Cellos Harrison. The men turned the lights off on the porch and asked Belcher for the keys to the jail. Belcher lied, stating that one of the other deputies had the keys, which were really hanging behind the door down the hall. This was

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45 State ex rel Harrison v. Welch, 153 Fla. 923 (1943)
46 The Lynching of Cellos Harrison, pg citing to The Jackson County Floridia, June 11, 1943
47 Dobbs
48 Dobbs
discovered when one of the men stumbled into the door in the darkness. Two of the men pulled guns on Belcher, instructing him to “Keep going. We don’t want to hurt anybody, but we come after Cellos Harrison.”

The five men went upstairs to the holding cells. After unlocking the door, they called for Harrison who asked “what do you want with me this time of night?” One of the men replied “we want to take you to a better jail. You’re liable to get hurt here.” The men attempted to pull Harrison from his cell and a struggle ensued during which the prisoner managed to pull the bag off the head of one of his kidnappers.

After seizing Harrison, the men left the jail. Deputy Rogers claimed he had slept through the kidnapping and was only awoken by the sound of the gate slamming when the kidnappers exited. After discovering that Harrison had been abducted local law enforcement officials were quickly notified. One council member was eager to call upon the American Legion, fearing that community violence might occur as it had done during the famous Claude Neal lynching of 1934.49

A group of patrolmen were immediately sent to Marianna to try and locate the kidnappers and their victim. They were shocked when they arrived at the jail to find the sheriff’s men engaged in a game of dominoes. Lt. Clifton and his men left and began to patrol the area in search of the kidnappers and Harrison. The search party traveled south on Highway 84 where they found Cellos Harrison’s body a few feet from the roadside. Harrison’s face displayed signs of a severe beating; there was a hole in his jaw and blows to the top of his forehead, a piece of his skull was removed and brain matter was leaking from the wound. Harrison had presumably been killed with blows from a hatchet, in a manner which resembled the brutal murder of

49 Investigative Report
The blood was concentrated around Harrison’s head, leading officers to conclude that Harrison must have been unconscious and lying on the ground when the blows were dealt. Beside his body the officers found a paper bag similar to the ones worn by the kidnappers, the bag was taken to the sheriff’s office as evidence. Several witnesses testified at the coroner’s inquest held later that morning, but no one was able to provide any particularly useful information about the identity of Harrison’s kidnappers or circumstances of his death. In the absence of any physical evidence or corroborating testimony, the coroner’s jury concluded that Cellos Harrison met his death “at the hands of a person or persons unknown.”

Aftermath

News of Harrison’s lynching spread rapidly around the nation. The Milwaukee Journal, the Evening Independent and the Spokane Daily Chronicle published news of the lynching on the same day that Harrison’s body was found. The New York Times and St. Petersburg Times covered the story the following day.

From New York, the Committee Against Race Discrimination of the American Civil Liberties Union and the National Federation for Constitutional Liberties sent telegrams to Governor Holland urging an investigation into Harrison’s death. Harry T. Moore, president of the Florida State Conference of the NAACP- who would later become a victim of racial violence himself – also appealed to Governor Holland on July 12, 1943. Moore provided the governor

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50 Investigative Report
51 Harrison, 111
52 Coroner’s Inquest
53 The Milwaukkee Journal, Report a Negro Clubbed to Death, June 16, 1943; The Evening Independent, Negro Is Lynched At Marianna: Alleged Killer is Taken Away by Masked Men, June 16, 1943; Spokane Daily Chronicle, Taken From Jail, Negro is Killed, June 16, 1943; New York Times, Florida Prisoner Killed, June 17, 1943; and St. Petersburgh Times, Negro Taken Out of Marianna Jail Beaten to Death, June 17, 1943
54 The Lynching of Cellos Harrison,
with details surrounding Harrison’s legal battle, murder and urged him to investigate. In closing Moore wrote:

> It is hardly necessary to say that such incidents only tend to create a spirit of doubt and fear among Negro citizens. While our country is engaged in a gigantic struggle against the forces of hat and evil abroad, it is even more important that a stronger spirit of unity and hope should exist among all American citizens, regardless of race or color. Nothing could do more to lift the sagging morale of colored Americans than to see justice done in a case like this. If the morale of American Negroes is to be lifted to [a] higher level in this fight for democracy abroad, it must be done through a more practical application of the fundamental principles of democracy at home.\(^{55}\)

Attorney General Biddle asked Assistant U.S. Attorney General Wendell Berge to take action. By order of President Franklin Roosevelt, the Department of Justice was required to investigate all instances of lynching and do everything in its power to bring lynchers to justice.\(^{56}\) On June 17, 1943, Berge wrote to George Earl Hoffman, U.S. Attorney for the Northern District of Florida in Pensacola requesting a report. Hoffman replied on June 25, dismissing the need for a federal investigation. Hoffman described the violence as isolated, maybe even justifiable, and noted that in the aftermath everything was under control.

The FBI conducted a thorough investigation in an attempt to identify Harrison’s lynchers. Beginning in July 1943, six FBI agents from the Miami office worked on the case for nine months. The agents interviewed nearly sixty people, some of them more than once. While they failed to identify sufficient evidence to substantiate prosecution, the information they gathered pointed to several possible culprits and suspicious persons, most notably certain law enforcement members.\(^{57}\)

Nevertheless the FBI ultimately concluded there was not enough evidence to prosecute the persons responsible for the kidnapping and lynching of Cellos Harrison. On July 19, 1944,

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\(^{55}\) Excerpt of letter to Governor Holland from Harry T. Moore, dated July 12, 1943.

\(^{56}\) Cite to order (Eliff?)

\(^{57}\) Cite to FBI file. Speaking footnote
Assistant Attorney General Tom Clark wrote to J. Edgar Hoover, calling off any further investigation. Cellos Harrison’s case was closed and his family’s quest for justice abruptly ended.