

recent amendments to Letters Patent of our sovereign queen countersigned by Prime Minister Whitlam in February 1975.

Hanson's much-loved wife Ann was herself an émigré from New Zealand. There, as a 15-year-old member of a very poor family, she may have fenced some shoes stolen by her sister. She was not jailed, but a report of the event led some 15 or 20 years later to the Anglican Archbishop of Adelaide asking the governor to exclude Mrs Hanson from a ball.

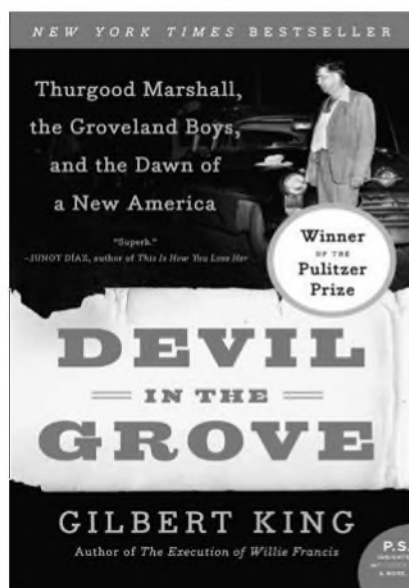
The governor, possibly not at one with this expression of Christian forgiveness, disagreed. However, his own recommendation of a gong for Hanson got nowhere. The end of the story is the real delight. Taylor records that Hanson, doubtless with the governor's encouragement, applied directly to the Colonial Office, with the result that it had to put up, and procure the knighthood, or shut up but – a bureaucrat's nightmare – do so with an explicit and public snub. Hanson got his gong.

I enjoyed this study. It reminds us that the image of superfluous English and Irish barristers flooding the colonial bars is at best misleading, and that many many fine legal minds also had wide life experiences elsewhere in the Empire before taking up the posts for which we now remember them. In Australia, Francis Forbes is only one among many examples, and now we have an excellent life of another.

Reviewed by David Ash

Devil in the Grove: Thurgood Marshall, the Groveland Boys and the Dawn of a New America

By Gilbert King | Harper | 2012



Devil in the Grove, awarded the 2013 Pulitzer Prize (General Nonfiction) is the dramatic account of a little known but very significant sexual assault case that

unfolded in Florida in late 1949.

In 1949, Lake County, Florida was a dangerous place to be a young black man. Segregationist 'Jim Crow laws' ensured the continued suppression of black Americans. The Ku Klux Klan was active, well organised and well represented in every echelon of public life – the governor of Florida, Fuller Warren, was a Klan member prior to taking office, as was local sheriff Willis V McCall, a man renowned for his brutal treatment of blacks. The lynching of black men and boys was common, as was the rape of black women and girls by white men. During his 28-year tenure as sheriff, Willis V McCall was investigated numerous times for civil rights violations including the abuse and murder of black prisoners.

This was the South of *To Kill A Mockingbird*, where white juries tried black defendants on racially motivated charges in segregated courts.

In New York, the National Association for the Advancement of Coloured People (NAACP) was making progress toward securing greater equality for African Americans. The NAACP's star attorney, Thurgood Marshall ('Mr Civil Rights') was making his name mounting constitutional challenges to Jim Crow laws, culminating in *Brown v Board of Education of Topeka*, 347 U.S. 483 (1954), which led to the desegregation of public schools across the United States and the eventual dismantling of institutional segregation through the *Civil Rights Act* 1964 and the

Voting Rights Act 1965.

Marshall was later to become the first African-American US solicitor-general and the first black appointee to the US Supreme Court.

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In addition to its constitutional advocacy, the NAACP represented black defendants in criminal trials where it considered that the charges were racially motivated. Part of the NAACP's strategy was to demonstrate the impossibility of a black defendant receiving a fair trial in certain states. Marshall was an inspired criminal lawyer who understood the importance of publicising the systemic inequality and racial prejudice routinely suffered by black defendants in criminal trials in the South.

When a 17 year old white girl claimed she was raped by four black men in Lake County, Sheriff McCall was determined to administer swift Southern justice. He arrested three young men later that day - Sammy Shepherd, Walter Irwin and Charles Greenlee. A few days later, the fourth suspect, Ernest Thomas, was shot in the back by a posse led by Sheriff McCall as Thomas 'evaded arrest'. The three remaining suspects became known as 'the Groveland Boys'.

On news of the arrests, a lynch

mob of 500 men led by the Ku Klux Klan formed outside the police station. They swept through the town, shooting at and burning the homes of black residents. This marked the start of the 'Florida Terror' - six days of uncontrolled rioting and violence against blacks ultimately quelled only through the intervention of the National Guard.

Devil in the Grove recounts the involvement of Marshall and the NAACP in the trial and appeal of the Groveland Boys. King, a legal historian, obtained access to unedited and previously unseen FBI files on the case and to the tightly guarded files of the Legal Defense Fund of the NAACP. These extraordinary sources are skilfully woven together by King to create a gripping and meticulously researched account of the NAACP's campaign to seek justice for three young men in America's heartland of bigotry and racial hatred.

One of the many fascinating aspects of the book is King's detailed description of the legal strategies developed by the defence team at trial and on appeal and his insightful description of the trial process, drawing on transcripts and the first hand accounts of lawyers, journalists and witnesses. His description of the police and prosecution treatment of the three accused, both prior to and during their trial, is shocking.

King adroitly contextualises the trials within the broader battle for racial equality fought by Thurgood Marshall and his colleagues at the NAACP, gracefully weaving in absorbing accounts of the

constitutional cases pursued at the time by the NAACP. King also examines in detail state and federal government responses to the trial, including ongoing FBI suspicions that the NAACP was a communist organisation and Thurgood Marshall's efforts to dispel those rumours. Through his examination of media coverage of the case, King reveals the true horror of the environment in which the trial was conducted - on the day the jury was empanelled the major local newspaper ran a front page colour cartoon depicting three electric chairs and the caption, 'No Compromise'. One of the many interesting themes in the book is the shift in the attitude of the local media toward the accused men and their lawyers as the gross corruption of the police and prosecution became clear.

Tightly written and suspenseful, King combines historical accuracy with well-drawn character studies to create a fascinating insight into this horrifying chapter of American legal history. Every player in this tragic story is vividly brought to life by King - the sordid and corrupt Sheriff McCall; the dishonest State Prosecutor Jesse Hunter; the racist 'whittlin judge' Truman Futch; the vitriolic local reporter who fanned the flames of racism in her editorials; and most importantly, the heroic lawyers of the NAACP who risked their lives to represent the Groveland Boys.

The story of how this small group of underfunded lawyers played a pivotal role in American history is inspiring. *Devil in the Grove* is essential reading.

Reviewed by Sally Dowling