



Broken Harts

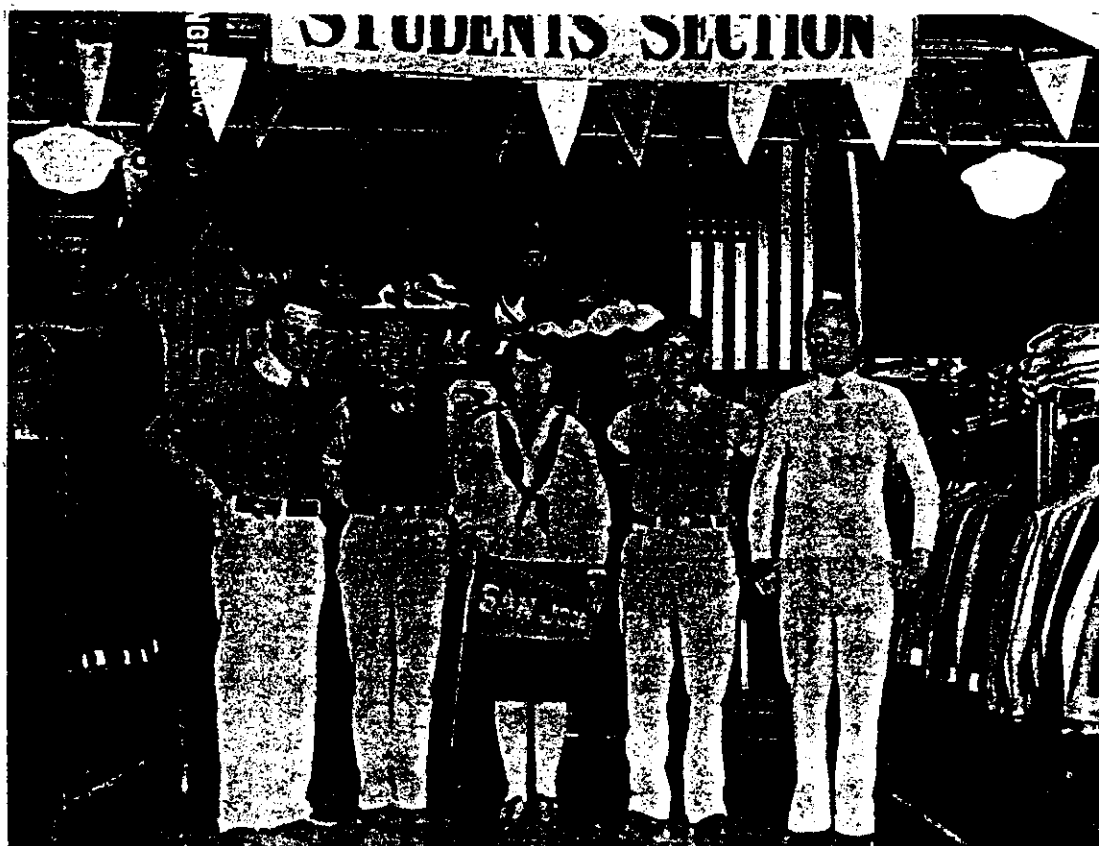
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Innocence



It was November 1933, the worst year of the depression and only nine months into Roosevelt's New Deal. The effects of the Depression were apparent everywhere. Across the nation, unemployed citizens humbled themselves in bread lines. People lost jobs and hope. The immorality of the times, that had started with speakeasies and hip flasks, had taken a frightening turn for the worse. Alcatraz Island, in the San Francisco Bay, had been converted into a maximum security prison only a month before and now housed the nation's most dangerous criminals. A rash of kidnappings within the previous months had left citizens across the country shaken. Most recently, the Lindbergh kidnapping, with national media coverage, shocked the nation with its cruelty. Yet, the small city of San Jose, California remained largely immune. At this time San Jose was still deeply involved in the canning business, one of the few industries that the Depression had not crushed. Thus the vast unemployment that plagued the county had not affected the majority of citizens here. People still worked and shopped as they had always done. Though some had lost their jobs to the Depression, many in San Jose counted themselves blessed. However, San Jose's innocence could not hold. In the wake of November 1933 only broken hearts remained.

Kidnapped



The word was out all over town that "a crowd was gathering at the jail in San Jose."¹ As the day passed, speakeasies and businesses across the city slowly emptied of their clientele. By nightfall, what had been a small, curious gathering of citizens had grown into a mob of over six thousand, all of them shifting uneasily from one foot to the next and murmuring under their breath. Under the cover of night the mob grew more passionate by the minute. Shouts could be heard in sporadic waves over the dull roar of the crowd. By eight o'clock it was a chant screamed from the very core of the now pulsating mob outside the jail. "Brook-ie HART! Brook-ie HART! Brook-ie HART!"²

From the street, one could see lights throughout Hart's, the prominent Market Street department store, switching off. A door on Lightston Alley slammed shut and Brooke Hart, the heir to the Hart fortune walked down the narrow alley to the parking garage across the street. It was November 9, 1933, six o'clock, closing time, and business as usual at the store.

At 22, Brooke Leopold Hart was one of the most recognizable men in San Jose. The residents of San Jose had watched him grow up in his family's store. He had been the bag boy, the soda jerk, the sales clerk, and now finally, the vice president of the store that was a San Jose institution.

Having graduated from Bellermine College Preparatory in 1929 and from Santa Clara University in 1933, Brooke had big plans and a promising career ahead of him. His career of choice, much to his father's pleasure,

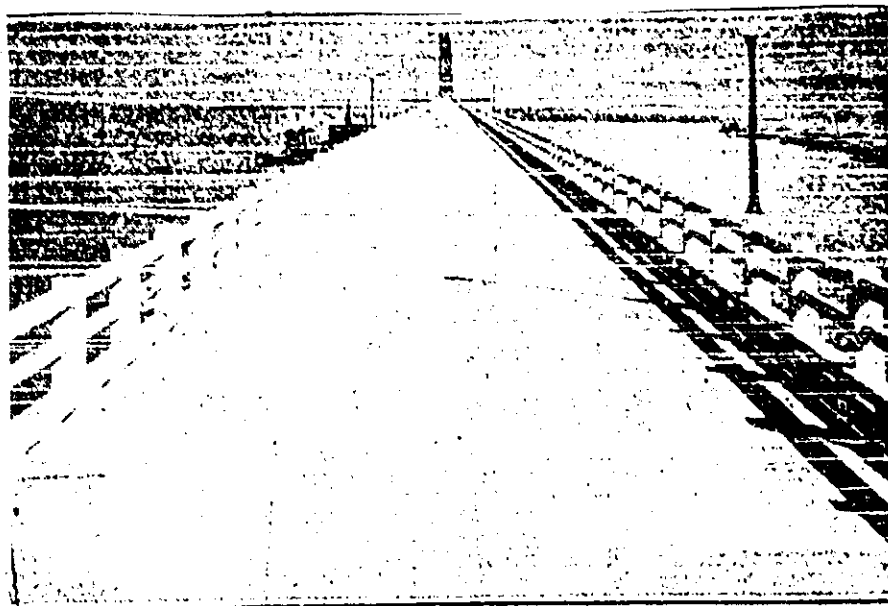
¹ Peyton, Wes, "The Lynching that San Joseans Wanted to Forget," San Jose News. February 27, 1980, pg. 8.

² Farrel, Harry. Swift Justice: Murder and Vengeance in a California Town. (New York, 1992), pg. 123

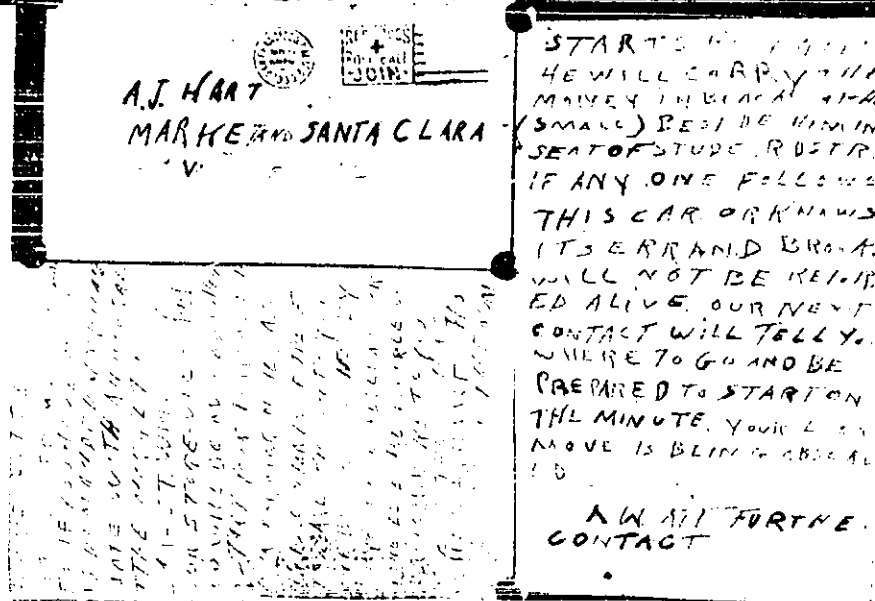
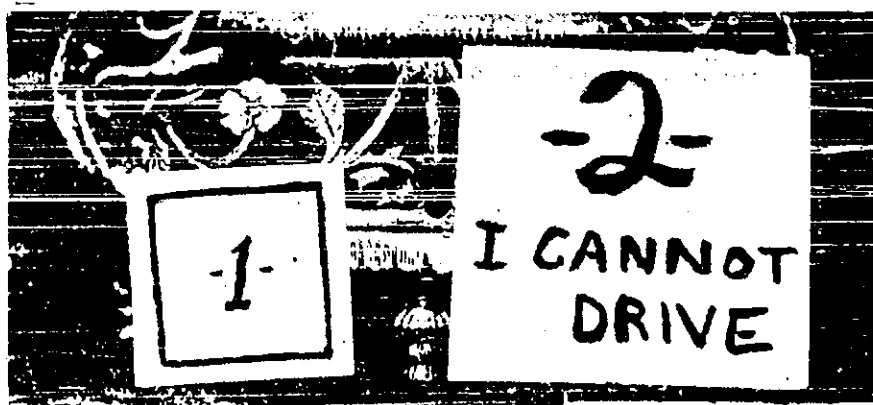
was in the family store, a position he had been trained for all of his life. On September 18, 1933, Brooke's father, Alex Hart, made him vice president of the company.³ Since his promotion, Brooke had been at the store every day, so as he left the office that November evening, no one took special notice of him. Yet, only twenty minutes later, Brooke's presence was sorely missed by his father and sister who stood out in front of the store at the Market Street exit, waiting for Brooke. They had appointments to keep and Brooke was the only one of the three with a driver's license. Alex Hart was to attend a banquet that night and soon had found a ride with an employee to the pre-banquet celebration at the nearby Sainte Claire's Club. Brooke's 18 year-old sister, Aleese, stayed at the store until seven o'clock, calling her brother's friends and waiting to see his new car appear outside the front window. It never came. When Aleese finally arrived home at the Hart mansion on the Alameda, her older sister Miriam, and Brooke's best friend, Charlie O'Brien were waiting anxiously. They had heard no word from Brooke. Miriam called her father, and on his insistence, picked him up early from the banquet and drove to Chief of Police John Black's office. As they returned, empty-handed, the clock inside struck 9:30. Aleese, panic stricken, tore open the front door and ran to the driveway: "Quick, Dad. A man on the phone says Brooke has been kidnapped!"⁴

³ "Brooke Hart, Son of Wealthy Merchant, Kidnapped, \$40,000 Ransom Demand is Received," San Jose Mercury Herald, November 10, 1933, pg. 1.

⁴ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 17.



The Case



Louis Rossi arrived at the Hart household less than an hour later. Like a few other close friends, he had been called upon for comfort and support in this time of need, and had responded readily. Ray Renwick, husband of the Hart's adopted daughter, Jennette, Bill Morris, Brooke's cousin and close friend, and Jane Hammond, Brooke's girlfriend of over one year, had all left their homes at this late hour to be with the Harts. Two of the Hart's closest friends, Euphemia "Billie" Cohn and Jay McCabe would stay in the mansion for the duration of the ordeal.

Shortly after ten o'clock, Alex and Miriam arrived home from their second trip to chief Black's office. Black had agreed to tap the telephone lines to the house, in the hopes of catching the criminals if they called the house again.

At ten thirty, the phone upstairs rang again. Bill Morris answered the call first, on the upstairs extension. As he handed the phone to Alex, Miriam picked up on the downstairs phone and announced herself. Alex listened quietly as a menacingly soft voice demanded \$40,000 in exchange for his son's life. Choking with terror, Miriam entreated the voice on the other end of the phone, "Oh, please don't hurt him,"¹ but the line was already dead.

At midnight, on the other side of town, Perry Belshaw, driving home after his party at the Sainte Claire's Club, could see a faint light on the side of the road, spreading out thinly and wavering dimly in the night. He pulled

¹ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 21.

to a stop along side the roadster, but no one was around. Shrugging, he headed for home. Upon his wife's urging, Belshaw phoned the police station about the deserted car. Within fifteen minutes, Sheriff William Emig was parked on Evans Road next to the dying lights of Brooke Hart's green 1933 Studebaker President roadster. The first solid clue of the case was in.

In the small hours of the morning, FBI agent William Ramsey appeared at the Hart's doorstep. He was one of the two agents under the guiding hand of the FBI director, J. Edgar Hoover, that had been assigned to the case. The second agent, Vetterli, remained in San Francisco and headed up the case from his office there. Both agents received their assignments after the second ransom call, under the new Lindbergh Laws. These laws put kidnapping cases involving extortion under federal jurisdiction. Already, the added force of the FBI had paid off. Vetterli, after learning that both ransom calls had been placed from San Francisco, blockaded all of the highways leaving the city.

A vacant room in the servant's quarters was quickly transformed into Ramsey's office and bedroom, from which he would operate for the next six days. With a private line to Chief Black's office, and another phone tapped into the Hart's line, he would follow the kidnappers as they moved from phone booth to phone booth across the city. Ramsey began his interviews that very night. Since Aleese had intercepted the first call, she was first to answer the agent's volley of questions. What is your brother like? Does he

have a temper? Has he acted nervously lately? Does he drink? Does he gamble? The answers, Ramsey found, were consistent and almost repetitive. To his younger brother, Alex Jr., Brooke was a hero. To his sisters, he was a sweet, over-protective big brother, who monitored and harassed each of their dates before allowing them to go out. To his many friends, Brooke was kind, gentle, waggish, truthful, and "just one helluva guy... one of the best."²

The next day was long and uneventful. No contact with the kidnappers had been made since the previous night. The family was at a loss. Yet the delay in the case was exactly what agent Ramsey needed. It gave him the necessary time to organize the family. To ease the load, Ramsey assigned daily tasks to the Hart's guests, Euphemia Cohn and Jay McCabe. Cohn would deal with the press and answer the telephone while McCabe would run the household affairs. Louis Rossi would sort through the mail at the store with a pair of tweezers looking for a letter from Brooke's captors.

However the next clue in the case was not discovered by Ramsey's new assistants, but by a merchant fisherman in the San Francisco Bay. The wallet he found on the deck of a fuel tanker contained no money: just a few pictures, a driver's license and several personal business cards, all of them under the name of Brooke Leopold Hart.³ It had not been there long, and the ink on the business cards was barely smeared. Thus, the San

² Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 26.

³ "Hunt for Hart Fails on Liner, No New Clues," The San Jose Mercury Herald. November 12, 1933, pg. 7.

Francisco police concluded that the wallet must have been thrown to the tanker's deck from the Lurline, a Hawaii-bound liner that had just been fueled. After receiving reports of "two suspicious characters"⁴ stowed away on board, authorities felt certain they were on the right track. Yet after delaying the ship and submitting all of its passengers, (including baseball star Babe Ruth),⁵ to a search, they were no closer to Brooke or the kidnappers than before.

The failed Lurline search came on Saturday November 11, the third day of the case. There had been no contact with the kidnappers for two days. In an effort to clear the way for contact from the kidnappers, Alex Hart asked "the group of persons who had gathered in front of his house to go away."⁶ Those wishing to convey their sympathies were to write letters because the phone line was to be kept clear for the kidnappers. Yet, the people of San Jose wanted to help. Authorities flailed in an attempt to keep up with the flood of tips that poured into the offices. For the previous two days, concerned citizens all over the city had scanned their memories. One had seen a suspicious character at O'Brien's soda bar. Another remembered that a large foreign man had stopped to ask him for directions a few days before. Some confidently recalled seeing Brooke that Thursday evening at speakeasies and in shops across the city. Suspicion ran high in San Jose

⁴ "Ship Search Fails in Hart Kidnapping," The New York Times, November 12, 1933, pg. 16.

⁵ "Hunt for Hart Fails on Liner, No New Clue," San Jose Mercury Herald, November 12, 1933, pg. 7.

⁶ "No Word from Kidnapers, Hart Family Reports; Boy Seen Alone Thursday Night," The San Jose Mercury Herald, November 11, 1933, pg. 1.

and every questionable action was reported. The names of neighbors, business partners, and strangers alike accumulated in police files as kidnapping suspects. Deputies and officers picked their way through the papers, interviewing those with plausible stories and setting others aside. Among the tangled mass of evidence, however, the authorities overlooked a few pertinent clues of the case.

On November 9, the same night as Brooke's abduction, two men in Alviso, California, witnessed a terrifying event at the San Mateo Bridge. Just before 7:30 they had watched a dark automobile drive onto the bridge, and only seconds later had heard a young man's fervent cries for help. As the two men hurried in the dark toward the voice, they heard it call "Help! Help! I can't hold on much longer!"⁷ When they arrived, they found nothing. The pleas they had heard, however, were powerful enough to make them leave their homes that night and together drive to Hayward to report their story. On Friday morning, two Hayward police searched around the bridge, but they, too, returned empty-handed.

The next Monday, November 13, yet another important clue was revealed. A woman who lived on the outskirts of San Jose, on Evans road, reported a "hijacking"⁸ to sheriff Emig. The previous Thursday, she had been on her way back from the out-house, (which lay only a few feet from Evans road), when she saw two cars pull to a stop. She reported that five

⁷ "Body of Victim Thought Located At Bay Bridge," The San Jose Mercury Herald, November 18, 1933, pg. 9

⁸ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 51.

men had forced another man out of a small roadster. After placing him in the back of a dark sedan, they had discussed the directions to San Mateo and then sped away, leaving the roadster behind. Immediately the sheriff made the connection to the Hart case and called in the FBI.

That same morning, as Louis Rossi sorted through the mail at the store, he uncovered a letter postmarked Sacramento and addressed to Alex Hart. Rossi sped with the letter to the Hart home and gave it to Ramsey. This was the first direct contact since the telephone calls, four days earlier.

The letter was short and threatening. It called for \$40,000 in small unmarked bills, and told Alex to "be ready to take a week's trip on an hour's notice."⁹ From this contact, the police and FBI began to size up their opponent. They had not been privy to the phone calls, four days earlier, and until this new turn in the case had not fully understood the level of sophistication with which they were dealing. After examining the letter, however, all agreed that the childish print and crude wording suggested that the kidnappers were local talent.

The ball was in Alex's court. To prove to the kidnappers that he was eager to communicate with them and negotiate for the return of his son, Alex called a news conference in his house later that day. All of the press that had been camped out in his yard for the past several days, were invited to join. Thus the next morning, all of the local newspapers ran the

⁹ "Links in Hart Kidnap Tragedy," The San Jose Mercury Herald, November 18, 1933, pg. 1.

message, "To the kidnappers of Brooke L. Hart."¹⁰ In this statement, Alex stressed that he was willing to do anything to bring Brooke home, and urged further communication. He soon had his answer.

The next morning, a second ransom note arrived at the store. It was longer this time, and post marked San Francisco. The letter contained further information on the "trip" for which Alex was supposed to prepare. He was to drive Brooke's roadster with the top down, and place a small black satchel containing the money on the passenger's seat. Yet it did not specify where or when to drive, or where he could find Brooke. Instead, he was to "place a card bearing the numeral '1' in his store window to signify his willingness to negotiate for his son's release,"¹¹ and wait for further instructions.

Later that evening, after the placard had been positioned, Charlie O'Brien received a call. The same calm voice that had spoken to Miriam and Aleese gave Charlie instructions on Alex's trip. Alex was to drive immediately towards Los Angeles. Along the way a man in a "white mask"¹² would take the money and tell him where to find Brooke.

Alex did not go. He didn't trust the caller to return his son, and besides, he couldn't drive. Ramsey agreed with his decision to stay. The kidnappers did not.

¹⁰ "Hart Offers to Negotiate with Son's Kidnappers," San Jose Mercury Herald. November 14, 1933, pg. 1.

¹¹ McGinty, Brian. "Shadows in Saint James Park," California Historical Quarterly: The Magazine of the California Historical Society. (Winter 1978/ 1979), pg. 292.

¹² "Links in Hart Kidnap Tragedy," The San Jose Mercury Herald. November 18, 1933, pg. 1.

Less than two hours later, the kidnappers called the mansion. The caller was impatient and nervous, and warned that if Hart didn't get to Los Angeles soon, it would be "too bad."¹³ By the time he hung up the call had been traced and sheriff Emig was racing to the pay phone at Perry's Parking Lot on Second South Street. The caller had left only minutes before.

The kidnappers, obviously upset that Alex had not followed instructions, sent an ultimatum to the Hart household the following day. "This is not a business transaction. This is a kidnapping... Killing him is the easy way,"¹⁴ the letter stated. Alex was to change the placard in his window to a number '2' to show that he was willing to pay the ransom money.¹⁵ He was given one final chance to drive to Los Angeles.

Again, Alex ignored the warning. He did, however, place the new placard in his window, but with the subscript, "I cannot drive."¹⁶ Alex, however, was not as sure of himself as his actions might have indicated. Fearful that his decision to disobey the kidnappers would cost Brooke his life, Alex called another press conference and publicly restated his commitment to retrieving his son.

The placard was placed in the store window in the afternoon and at eight o'clock that night, the kidnappers phoned the Hart home. Alex,

¹³ Farrel, "Swift Justice: MuRder and Vengeance in a California Town," pg. 40.

¹⁴ "Links in Hart Kidnap Tragedy," The San Jose Mercury Herald, November 18, 1933, pg. 1.

¹⁵ "Links in Hart Kidnap Tragedy," pg. 1.

¹⁶ "Links in Hart Kidnap Tragedy," pg. 1.

realizing that the call was being traced, kept the caller on the line for as long as he could. Meanwhile, across town, the sheriff sped to the Plaza Garage on South Market street, only a few blocks from the police station. When he arrived, the phone was still occupied. As the caller hung up the phone, sheriff Emig tapped him on the shoulder, and a moment later pronounced, "Harold Thurmond, you're under arrest."¹⁷

¹⁷ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 71.



Confessions



For five straight hours, Emig and agent Vetterli interrogated Thurmond. In a panic, Thurmond fluctuated between bewildered denial and half truths about the nature of his recent call to the Hart mansion. However, when his voice and handwriting were identified unanimously by the Hart's, he broke down and sobbed, "Brooke Hart is dead."¹ By 2:30 the following morning, the sheriff and agent Vetterli had gained a written confession and the name of an accomplice from Thurmond. An hour later, Thurmond, under police orders, knocked on the door of a room in the California Hotel. As John Maurice Holmes answered, police officers flooded his room and placed him under arrest. Holmes, unlike his accomplice, violently resisted arrest and "all through the night, maintained his innocence."²

Holmes and Thurmond were both children of respected San Jose families. They had met a year ago, at the gas station where Thurmond worked. The two had become fast friends and partners in crime, successfully performing several small-scale robberies in town. Holmes grew dependent on this quick, easy cash and quit his job to devote his full attention to crime. He needed money and suggested kidnapping Brooke Hart as a means to an end.

On Thursday evening as Brooke left his office, Holmes and Thurmond were waiting in the alley. Holmes jumped into the passenger seat of Brooke's car and forced him at gun-point to drive to Evans Road.

¹ Farrel, "Swift Justice: MuRder and Vengeance in a California Town," pg. 78.

² McGinty, "Shadows in St. James Park," pg. 295.

Thurmond followed behind in Holmes' black sedan. On Evans Road they transferred their captive into the back of the sedan and continued on to the San Mateo Bridge. Brooke, with a pillow case over his head, was pulled out of the sedan. It was around 7:20 when the kidnappers tied two twenty five pound cement blocks to his chest with baling wire. Brooke cried for help but was silenced with several stinging blows to the head. As the pair lifted his limp body onto the bridge rail Brooke regained consciousness and "struggled slightly."³ Brooke fought furiously in the water. Thurmond, in response to the "gurgling noise"⁴ from the bay, climbed over the railing and "emptied his revolver"⁵ towards the sound.

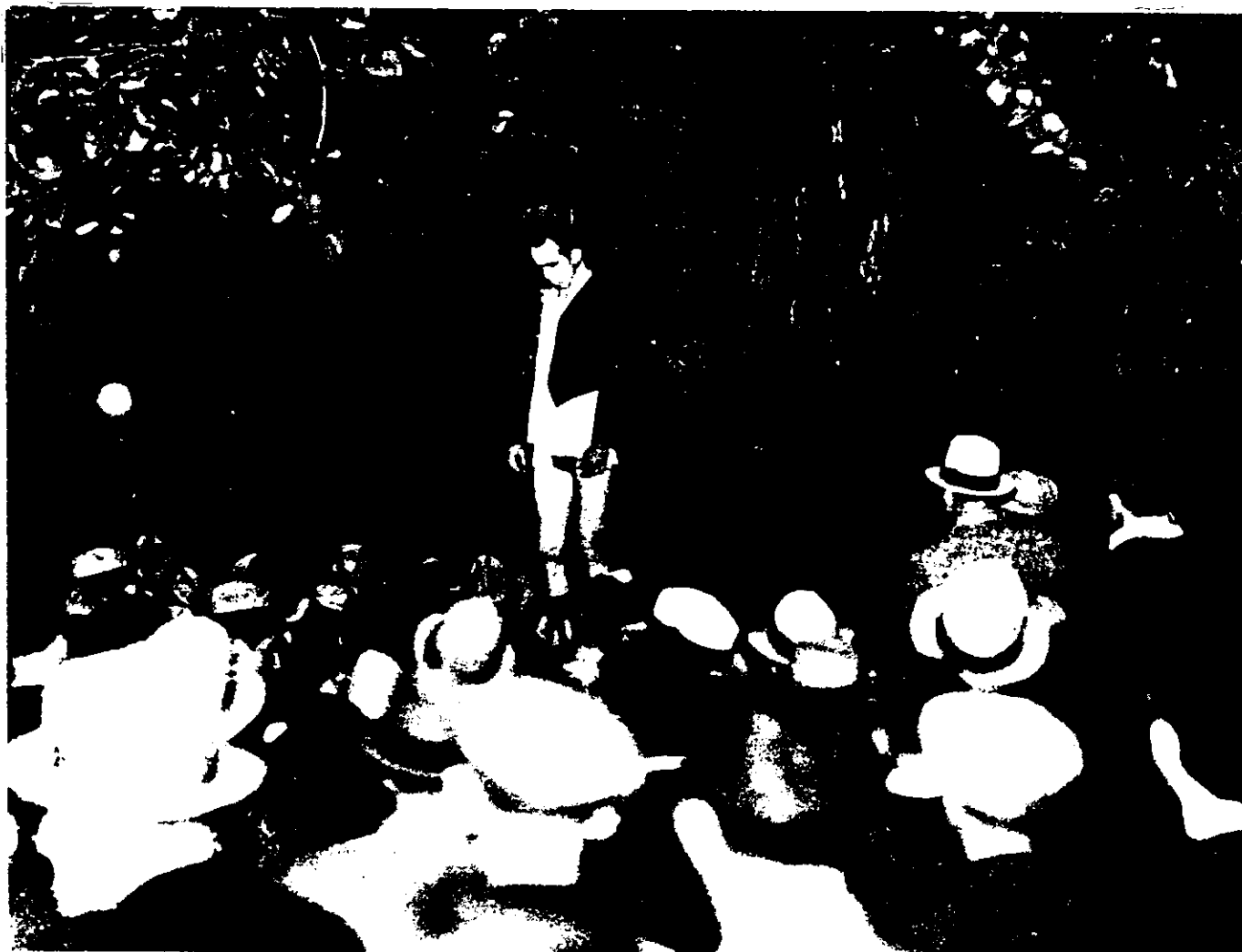
From the bridge the two headed back to San Jose. They split the \$7.50 which they had taken from Hart's pocketbook,⁶ and parted for the night. Holmes hurried to meet his wife at the movie theater and Thurmond drove to the San Francisco waterfront to drop Brooke's wallet in the bay. From San Francisco he placed two calls to the Hart home that night. For the next five days Holmes and Thurmond tried via letters and calls to gain the ransom money, but time after time were denied. One week after they had kidnapped and killed Brooke Hart, the pair were in custody.

³ "Young Hart Slain; Kidnappers Threw his Body into Bay," New York Times, November 17, 1933, pg. 3.

⁴ McGinty, "Shadows in St. James Park," pg. 296.

⁵ "Dr. Proescher Inspects Body of Young Hart," The Evening News, November 27, 1933, pg. 4.

⁶ "Young Hart Slain; Kidnappers Threw his Body into Bay," pg. 3.

Justice

After the second day in jail, Holmes' confident air broke and he said he was "willing to talk."⁷ With the confessions as a guide, the police immediately began dredging the area around the bridge in an attempt to bring Brooke's body to the surface.

The media coverage of the case from the very beginning had been astounding and within the past two days it had escalated. Newspapers as far away as New York put the story on the front page. In San Jose, the local papers were no exception. The *Mercury Herald* ran the "Kidnaper's Story of Slaying,"⁸ offering the public the full confessions of both Thurmond and Holmes, complete with the gory description of the hometown boy's death. They printed pictures of the Hart family during better times with the caption; "Family of Kidnapers' Victim Grief Stricken."⁹ Pictures of Brooke and various scenes of the crime, coupled with heart-wrenching stories of the crime filled the pages of the local papers. Each day the people of San Jose learned in greater detail how "Thurmond and Holmes beat the youth unconscious"¹⁰ before killing him, and each day more people's sorrow turned to hate. The editorial sections of the papers began to call for "Swift Justice...(in which)...every individual"¹¹ must take part. The *San Francisco Chronicle* declared that, "There is only one thing to do with the murderers

⁷ McGinty, "Shadows in St. James Park," pg. 295.

⁸ "Here's Second Hart's Kidnap Confession," The San Jose Mercury Herald. November 18, 1933, pg. 1.

⁹ "Family of Kidnapers' Victim Grief Stricken," The San Jose Mercury Herald. November 19, 1933, pg. 9.

¹⁰ "Bay Yields Hart's Body Clues; Kidnaper Pair Confess Slaying; Bound Victim Tossed Overboard," The San Jose Mercury Herald. November 17, 1933, pg. 1.

¹¹ "Swift Justice," The San Jose Mercury Herald. November 17 1933, editorial: pg. 18.

of Brooke Hart. That is to hang them."¹² Emotion, fanned by the local press, raged so high that Sheriff Emig removed Thurmond and Holmes to a jail in San Francisco for their safety. Already, talk of lynching was spreading.

Meanwhile, the search for Brooke Hart's body continued. The San Francisco Bay, especially near the San Mateo bridge, was dredged in search of the body and other clues. On Friday, November 17, the two cement blocks used to weigh Brooke down were pulled from the water, along with a length of baling wire. Two days later on November 19, a gray felt hat with a label from the Hart's store washed ashore. In tears, Alex Hart identified it as the hat Brooke had been wearing at the time of his disappearance.¹³

With the media-induced horror, the wheels of justice kept turning. Amid this new wave of evidence, authorities began forming what they considered to be an air-tight case. They had the full written and matching confessions of the kidnappers. The new evidence, coupled with the pleas for help heard on the pier, solidified the case, exposing its cruelty to the public. District Attorney Fred Thomas who would head the case on behalf of the Hart family and the citizens of San Jose, formulated his case around a new state law which had taken effect in October of 1933. This amendment stated that any kidnapping case in which bodily harm was done to the victim required

¹² San Francisco Chronicle, November 18, 1933, editorial, pg. 1.

¹³ Hart's Hat is Found in San Francisco Bay," The San Jose Mercury Herald, November 20, 1933, pg. 12.

either a sentence of death, or life imprisonment.¹⁴ The case was solid, but without Brooke's body a window of opportunity was left open for the criminals. Hoping that a lack of evidence in the case would lighten the sentence, the families of Holmes and Thurmond rallied behind their imprisoned kin. Mrs. Holmes and her two small children moved in with some relatives when she heard of her husband's arrest. She supported her husband's parents in the assertion that "the stories of that man Thurmond are lies."¹⁵ Holmes, they claimed, was innocent. The Thurmonds, on the other hand, planned their son's case around the theory that Holmes had been the ring-leader.

From this point, things began to move swiftly in the case. On November 22, a federal jury convened in San Francisco and indicted Holmes and Thurmond on charges of using the mails to extort.¹⁶

The following day the search in the bay yielded two new developments. A naval airship from New York joined in the search for young Hart's body and Alex Hart, in an attempt to regain his son's remains, offered a reward of \$500 to the person who found them.¹⁷

An angry crowd impatiently waited outside the jail on November 24, as two psychiatrists examined Thurmond and Holmes. Dr. Frederick

¹⁴ "Slayers to Face Murder Charges in Court Here," The San Jose Mercury Herald. November 17, 1933, pg. 14.

¹⁵ "Son Innocent, Says Holmes: Plans Suit," The Evening News. November 27, 1933, pg. 5.

¹⁶ "Federal Jury Indicts Hart Kidnappers," The New York Times. November 23, 1933, pg. 12.

¹⁷ "Federal Jury Indicts Hart Kidnappers," pg. 12.

Proescher and Dr. J. M. Scanland both agreed, after questioning each prisoner, that "neither man displayed any trace of insanity."¹⁸

Exactly when the prisoners were brought back to San Jose is unclear. Some sources cite November 22 as the date, others November 24. In either case, Holmes and Thurmond were quietly ushered back to the San Jose jail in the middle of the night. Despite the fact that hostility towards the pair had not decreased since they were removed to San Francisco, Holmes and Thurmond were to have their trials in San Jose. The news of their return was spread by word of mouth and eventually, through the newspapers. Everyone in town knew Brooke's killers were back.

Harold Stephans and Leopold Dalve had been hunting ducks together in the San Francisco Bay since dawn on Sunday, November 26. At nine o'clock that morning they saw what they thought to be the body of "a seal"¹⁹ on a mud flat in the bay. Remembering the futile searches in the Hart case so far, they reluctantly decided to take a closer look. There, floating in a few feet of water, lay the badly decayed body of Brooke Leopold Hart. The ten day search was finally at an end. The body was taken to "Flierl's Hayward undertaking parlor." Charlie O'Brien, Louis Rossi, and Brooke's dentist arrived at the scene to identify the body. Yet,

¹⁸ "Thurmond and Homes Both Held Normal," The San Jose Mercury Herald. November 27, 1933, pg. 4.

¹⁹ "2 Duck Hunters Who found Body Relate Details," The San Jose Mercury Herald. November 27, 1933, pg. 3.

identification proved to be difficult, since "crabs and fish had eaten away practically the entire torso."²⁰ By comparing teeth charts, the dentist was able to positively identify the body. Rossi recognized the clothes from Hart's store, and in tears, O'Brien pointed out a bandage on the corpse's foot consistent with the results of Brooke's recent trip to the podiatrist.

²¹ The autopsy revealed some information about the victim's final night. Since, practically all of the torso flesh was missing the doctors could not definitely determine the cause of death, but they did find three wounds on the skull, any of which "would be sufficient to cause death."²² The findings revealed that "Hart had been alive at the time of his being cast into the San Francisco Bay."²³ Brooke had struggled out of his overcoat, suit coat and shirt and "extricated himself from the two twenty five pound concrete blocks which had weighed him down."²⁴ The doctors estimated that Brooke struggled in the water for over an hour before dying in the icy water.

By midday, the news of the hunters' findings was common knowledge in San Jose. Already a small crowd had begun to form outside the jail. In the murmuring of this gathering a deadline was set. The lynching would take place at eleven o'clock. From this point, the news was spread by word of mouth. An unnamed 18 year-old ranch hand claimed responsibility for this

²⁰ "Dr. Proesher Inspects Body of Hart Youth," The San Jose Mercury Herald, November 27 1933, pg. 4.

²¹ "Body of Hart Recovered From Waters of the Bay," The San Jose Mercury Herald, November 27, 1933, pg. 8.

²² "Body of Hart Recovered From Waters of Bay," pg. 8.

²³ "Plan Rites for Hart Youth," The San Jose Mercury Herald, November 27 1933, pg. 2.

²⁴ "Plan Rites for Hart Youth," pg. 2.

task. He fetched some rope from his father's ranch and spent the rest of the day going from speakeasy to speakeasy saying, "We're going to have a lynching at the jail at 11 o'clock tonight."²⁵ The people of San Jose were behind him, and by night fall, a crowd of over six thousand had gathered. Speakeasy patrons, housewives, teenagers, children, and a crowd of Brooke's friends from SCU were among the members. The crowd grew restless. Many of its members were drunk and all wanted action. As the crowd swelled, the police silently reinforced the jail door with more guards, and constructed barricades in the alleys that led to the jail. Yet, Emig knew this wouldn't be enough. He called San Francisco and Oakland for reinforcements and asked Governor Rolph to send out the national guard.²⁶

In the darkness, individuals became leaders. Several drunken, middle aged men started chants to keep the crowd focused.²⁷ Others armed themselves with stones and rubble from the construction site at the post office next door. Someone called for "men with guts enough"²⁸ to get inside the building. In an instant, barricades were knocked over and stones began to smash through the jail windows. Men beat hard with sticks against the door. The police, in a desperate attempt to disperse the crowd, fired tear gas. Pellet after pellet of gas exploded in the midst of the crowd,

²⁵ "Youth, 18, Say He Led Mob," The San Jose Mercury Herald, November 27, 1933, pg. 3.

²⁶ McGinty, "Shadows in St. James Park," pg. 299.

²⁷ Peyton, Wes. "The Lynching that San Joseans Wanted to Forget," The San Jose News, February 27, 1980, pg. 8.

²⁸ McGinty, Brian. pg. 299.

forming a visible cloud. A group of men returned from the construction site with a six inch pipe about twenty feet long and began battering the jail door with it.²⁹

Inside the jail, the police were preparing for defeat. They knew they could not hold off the lynchers. All they could do was prevent the results from getting any worse. Emig ordered all officers to stow their weapons on the top floor of the jail. He removed the cell mates of Thurmond and Holmes to prevent the lynching from taking more lives.³⁰ Thurmond was watching through the window as the mob broke through the first door.

Inside the jail, the sheriff and his officers "fought bitterly using clubs and tear gas."³¹ In this final attempt to preserve the law, several officers were badly hurt and Sheriff Emig was beaten unconscious.³² The mob broke down the inner door of the jail within minutes. When they found Thurmond's cell on the second floor of the jail, the lynchers dropped to their knees in "silent prayer"³³ before entering. They found Thurmond, naked from the waist down, hiding on top of the toilet closet in his room. As they pulled him down, he hit his head on the toilet and went unconscious.³⁴ After they found Holmes, they dragged both downstairs to the waiting mob.

²⁹ Much Damage is Done in Lynch Attack on Jail," The San Jose Mercury Herald. November 27, 1933, pg. 3.

³⁰ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 134.

³¹ "6,000 Watch a Mob Hang Slayers of Brooke Hart as Body is Found in Bay," The New York Times. November 27, 1933, pg. 1.

³² "Emig Quieted with Drugs; 6 Officers Hurt," The San Jose Mercury Herald. November 27, 1933, pg. 2.

³³ "Youth, 18, Says He Led Mob," pg. 3.

³⁴ Peyton, "The Lynching That San Joseans Wanted to Forget," pg. 4.

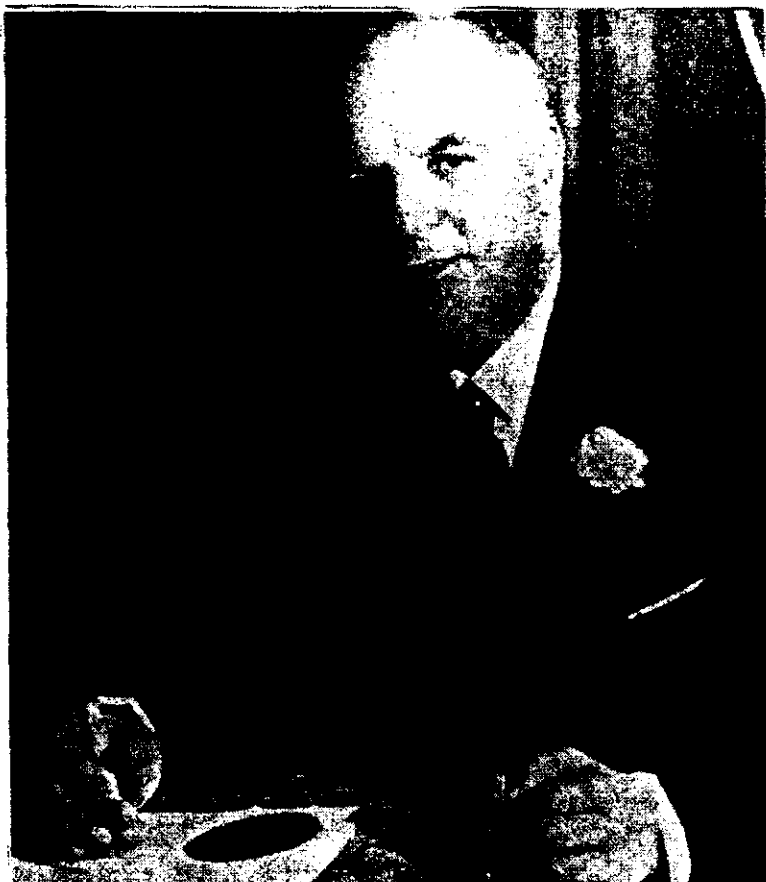
They were beat savagely and taunted as they were pulled across the street into Saint James Park. Thurmond's limp, bleeding body was the first to be hoisted into a tree. The mob went mad. As Thurmond was being hanged, Holmes was beat and spat on, and his clothes were ripped off of his body. A moment later when a suitable tree had been found, Holmes, now naked and bleeding, fought to remove the noose from his neck. Twice he was hoisted up into the air, held for a moment, then released gasping, back onto the ground. People called for the leaders to "Torture him. Cut him down. Tear him apart. Make him suffer like Brooke Hart did."³⁵ The third time Holmes was yanked into the air, he grabbed the rope above him and tried to climb it hand over hand. Below, people grabbed hold of his feet and pulled him back down, breaking his neck.

The crowd in Saint James Park dispersed rather quickly. In the night, the bodies were cut down and taken to the Amos O. Williams Mortuary, the same establishment where Brooke's body now lay.³⁶

³⁵ "Mob was Mad for Killing," The Evening News, November 27, 1933, pg. 4.

³⁶ "Bodies of Hart and Killers Together," The Evening News, November 27, 1933, pg. 3.

Aftermath



In the morning, the park was again swarming with people. Hucksters sold postcards of the kidnappers hanging from the trees. "People came from out of town to see what had happened."¹ Crowds lingered there and outside the battered jail. Some took home rocks and cut twigs and bark off the trees² as souvenirs. By the end of the day, the two trees used in the lynching were so badly mauled by curious citizens, each of whom wanted his own piece of the lynching, that they were considered dead. The trees were cut down less than a week later.

The morning papers, too, showed great interest in the lynching. *The San Jose Mercury Herald*, the *San Francisco Chronicle*, and the *San Francisco Examiner* devoted themselves almost entirely to the issue. *The New York Times* put the story on the front page. The papers, though unable to print pictures of the killers hanging from the trees because of sensitivity concerns, spoke almost of nothing else. They told and retold the story of the mob breaking into the jail, and of the gruesome finale in St. James Park. They interviewed lynchers and workers at the hospital where sheriff Emig had been taken. Thurmond's cell-mate and injured deputies alike, each had articles devoted to them. They printed pages of editorials on the lynching, with thoughts on both sides of this controversial issue. Everyone's opinion was of interest. Another topic of conversation that

¹ Interview with Mrs. Agnes Haley. May 18, 1997.

² Christenson, Terry and Duval, Charlene. Reflections of the Past: An anthology of San Jose. Heritage Media Corporation, USA 1996: pg. 159.

proved to be almost as controversial as the lynching itself was the reaction of California's Governor Rolph.

Rolph came out strong in his opinion about the lynching. He had postponed a planned trip and spent the entire night at his office, so that he would be nearby as the action occurred. Rolph, however, did not stay up all night to make sure that the officers of San Jose had the equipment that they needed to fight down the mob. Instead, he kept his vigil in order to make sure that no one assisted the police force in San Jose.³ He refused to send out the national guard as Emig had requested. He did not want "good citizens to be shot down"⁴ to protect criminals. The next morning, Rolph called the lynching San Jose's "Message to the World."⁵ He praised the officers who tried to defend the law, but even more, he praised the "peace loving, quiet, cultured people"⁶ of San Jose who had lynched Brooke's killers. According to Governor Rolph, by lynching the kidnappers, San Jose showed the world that in California, lawlessness was not tolerated. Criminals should learn, said Rolph, that "they're not even safe in our penitentiaries."⁷ Rolph offered to personally pardon any mob member who got arrested for taking part in the lynching, and he joked

³ "A Fine Lesson," The New York Times, November 28, 1933, pg. 20

⁴ "Rolph restates His Attitude; Sees 'Criminal's Day at an End,'" The New York Times, November 30, 1933, pg. 2.

⁵ "San Jose's Message to the World," The San Jose Mercury Herald, (November 27, 1933), editorial, pg. 2.

⁶ "San Jose's Message to the World," pg. 2.

⁷ "Gov. Rolph Backs San Jose Lynching as Kidnap Warning," The San Jose Mercury Herald, November 28, 1933, pg. 1.

that he would parole all other kidnappers in the state "to the fine, patriotic citizens of San Jose."⁸

The reactions to Rolph's inflammatory statements were varied. For days telegrams piled up in his office. Though many praised his attitude on the lynching, the vast majority were outraged. Churches and organizations throughout the country publicly condemned Rolph. They were furious that a governor would condone illegal activity. Many called for his impeachment. Editorials attacked his stand and gave him the lasting but not too endearing name, "Governor Lynch."⁹ In California, a group of noted citizens signed a statement criticizing Rolph. Among the group was ex-president Herbert Hoover. Hoover took a stand against Rolph and staged a public debate with him on the issue of the lynching. The debate, held in San Francisco on November 30, gathered much national attention. Rolph never recanted his opinion.

Throughout the aftermath of the lynching, the Hart family remained quiet. They neither condemned nor supported the action that had been taken to avenge their son's death. The services they held for Brooke on November 27 were private. Yet, when they arrived home, they found hundreds of citizens standing silently outside their house, in a gesture of sympathy to the bereaved family and a final farewell to Brooke. The crowd did not leave all day.¹⁰

⁸ "Gov. Rolph Backs San Jose Lynching as Kidnap Warning," pg. 1.

⁹ "A Fine Lesson." pg. 20

¹⁰ Farrel, "Swift Justice: Murder and Vengeance in a California Town," pg. 213.

The loss of their eldest son shattered the Hart family. The thriving chain of department stores slowly lost business to larger competitors and by the 1960 the last store closed. After their parents death, Alex Jr. and Aleese could no longer afford to keep their mansion on the Alameda. The house was razed and the lot sold to the YMCA.

The Holmes' too faded into obscurity. Mrs. Holmes and her two small children continued to live in San Jose. She remained faithful to her husband's memory and maintained his innocence until her death. The children were also raised to believe that their father was innocent. Despite their connection to the Hart case, the family was never harassed or shunned.

The Thurmond's, unlike the Holmes', fought hard after the lynching. The family sued the City of San Jose for their son's wrongful death but the case never came to trial. Harold Thurmond's parents bankrupted themselves trying to avenge their son's death.

As for the members of the lynching mob, by morning of the next day they had all become law-abiding citizens again. Only one of the lynchers was ever arrested. The 18 year-old ranch hand who had proudly announced his part in the lynching was arrested based on his own words. The trial, however, was delayed, and eventually the case was dropped.¹¹ The identity of the majority of the lynchers remains a secret.

¹¹ "Farrel, Harry, "Swift Justice," The San Jose Mercury News. November 30, 1983, pg. 11a.

A Look Back



Now, 65 years after the last shout died away in St. James Park, almost no remnant remains of the case that shattered San Jose's innocence. Yet, San Jose would do well to remember its past. The sweeping unemployment of the time, and the loss of a cherished son made people cynical, a feeling that dominates again today. Citizens wanted justice and could not trust their laws to give it to them. Thus, laws were shoved aside, and the mob took to the street, forever changing San Jose. The wake of the lynching shook the city. Morals were checked and many were horrified by what their hate had accomplished. This horror pushed San Jose into 65 years of relative peace. Yet the frustration and anger of 1933 is not as far in the past as one would think. Again, many distrust the government and accuse it of inaction. Could one tragic event again set loose a wave of frustrated mob violence in San Jose? The answer to this question lies in just how much our city has changed. If the terror of the gallows still haunts San Jose, criminals are safe from the masses. Only our fragile link to the past holds San Jose in limbo. If this tie is broken, the city may again revenge its broken heart with blood.

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