

**THE LYNCHING
OF
JACK HOLMES AND HAROLD THURMOND**

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Introduction

San Jose in 1933 was a friendly, peaceful, quiet town. Dominating the center of the town was a large Department Store owned by Alex Hart Sr., a well known and respected family man of substantial wealth. His son, Brooke Leopold Hart, who was being groomed to take over the store, was a very popular young man of twenty-two.

In 1933 during the Great Depression, many people were unemployed or had poor paying jobs and lacked self-esteem. Two young San Jose men, Jack Holmes and Harold Thurmond were not earning enough to support their modest way of life. Attracted by the wealth of the Harts, they kidnapped Brooke, demanded a substantial ransom and cruelly murdered him. The killers were captured and imprisoned. Many San Jose people were incensed and a mob was formed to plan and carry out the lynching of the killers.

The aftermath of the lynching had lasting affects on the three involved families, on San Jose, the state, country, and the world.

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The Hart Family

San Jose in 1933 was a friendly, peaceful town with much of its pastoral background still evident. San Jose was the largest fruit and vegetable canning center in the nation, having 33 canneries and 21 fruit-packing houses. The valley contained expanses of orchards and vineyards. The town was one of solid respectability with about 60,000 people inhabiting its city limits.

Leopold Hart founded a large department store at the center of San Jose in 1866. He was a honest, industrious man from Alsace. He became a community leader and generously supported the local synagogue.

Leopold had six children. Alex J. Hart Sr., the only son, worked as a teenager in the store and took over the store when his father died in 1904. A gentle, soft-voiced man, Alex inherited his father's civic attitude and dedication to the community. He organized the San Jose Merchants' Association and became president of the Chamber of Commerce.

Alex was 40 years old when he met Nettie Brooke who was 17, and after a whirlwind courtship married her. Despite the fact that Alex was Jewish and Nettie was Catholic, it was never a problem, the marriage was a happy one.

The department store occupied two thirds of the block, employed 200 people and grossed about \$3 million in 1933.

Jack Holmes and Harold Thurmond

Many people during the Great Depression of the 1930's were unemployed or had poor paying jobs and lacked self-esteem. Jack Holmes and Harold Thurmond, two young men, born and raised in San Jose had money problems and weren't earning enough to support their modest way of life. This was supposedly the reason why Jack Holmes and Harold Thurmond kidnapped and killed

Brooke Hart.

Jack was the more intelligent of the two men. He was liked by many at San Jose High School where he attended in the early 1920's. He was a smart young man. He was 6 feet tall and on the football team. He also drilled with the Cadet Corps, an ROTC outfit. On March 8, 1924, he married Evelyn Fleming and in April 1927, he became the father of a healthy boy, David, and later a healthy girl, Joyce.

Jack Holmes, working as a salesman for Union Oil, met Harold Thurmond who grew up with 5 sisters and a brother. Thurmond worked at a gas station where his father had made a deal with the owner when he purchased the station from Harold's father. His siblings were very intelligent and successful, but in his early childhood, Harold suffered a severe head injury. He wasn't very smart.

Kidnapping

It was Holmes's idea to kidnap Brooke L. Hart whom he had read about in the newspaper. Jack also read of the proliferation of kidnapping and the large amount of ransom money being paid at that time. He needed someone to help him. Who else beside Harold Thurmond? He was dim-witted and eager to please, and would do anything anybody told him to do. He didn't know the difference between right and wrong. Holmes intended to use Thurmond to do the job for him. Harold was the one who got the pistol, stole money from people, and got the necessary tools for the kidnap and murder. Holmes was getting cold feet on the idea but Thurmond wanted to do it. They planned to kidnap Brooke Hart on Wednesday but his father was with him. The next day, Thursday, November 9, while Brooke was in his car waiting for the traffic to move, Holmes opened the car door, slipped into the car and pressed the muzzle of the pistol in Brooke's ribs. Harold drove them to San Francisco to make his first phone call then walk to Whitcomb Hotel

where he made another call stating a ransom of \$40,000 for the young man. Later he dropped Brooke's wallet into the Bay. From Sacramento he sent a note to the Hart family detailing the payment of the ransom.

While all this was happening Holmes was having an affair with his old sweetheart, Gertrude. Monday, Jack left the house for the last time. It would turn out that Holmes's timing for leaving his wife could not have been worse. The day after the kidnapping, the will of the aunt of his wife Evelyn had been filed for probate. She left Evelyn a half-interest in 2 lots on Monte Verde Street in Carmel, purchased for \$50 apiece. Had Jack stayed with his family he could have enjoyed a comfortable old age, for in 1990, the property was estimated to be worth no less than \$800,000.

Jack met Harold on a bridge on White Oaks Road in Campbell. That's when he wrote a second note to Alex Hart. During this time, men in the orchard driving by saw him. He quickly put a newspaper in front of himself. This only made things worse because the men thought that this was odd so they took down the car's license plate numbers and gave them to William J. Emig, sheriff of San Jose. One license plate number belonged to Thomas J. Thurmond and the other to John M. Holmes. Emig carried the matter no further because there was nothing suspicious on record.

Brooke Hart was kidnapped on November 9, 1933. The kidnappers phoned to demand a ransom of \$40,000. Hart's roadster was found on Evans Road, San Jose the same day. People had seen two men with Brooke in a cafe. Later they found Brooke's wallet that Harold had thought he had thrown into the Bay on the deck of a ship. His credit card for the Associated Oil Company, Western Union Identification Card, San Jose Free Parking Card, and 18 personal business cards were in it. The ship was searched, along with everybody on board. A lady and her daughter reported that they had seen and overheard people talking. They were the kidnappers. She said there were five of them. She correctly described Brooke and said there were two cars. People

talked to each other through open windows. A second contact was made by a letter to the Hart's saying the kidnappers wanted \$40,000 in 500-\$20's, 200-\$10's, 2000-\$5's put in a satchel. The instructions were to take orders from the NBC Radio Station, KPO in San Francisco. Police thought this letter was the work of a crank.

Capture of Holmes and Thurmond

Holmes's plan was always to let poor, dumb, faithful Harold take the risks. But Alex Hart was not going to give money unless they gave him evidence they had got Brooke. Desperate to get the money, Holmes let his guard down, abandoning whatever caution and craftiness had dictated. When Alex Hart agreed to do what they wanted there was a problem. He couldn't drive. Holmes dialled twice but hung up each time. Thurmond asked him to let him try which is precisely what Holmes intended. It was too much to risk for himself. Holmes drove to park outside the Plaza Garage where he had a clear view of the garage entrance. Jack should have seen Sheriff Emig enter the building seven minutes later. For whatever reason, he didn't see him and the two never had a plan for what they should do if something went wrong. Jack returned to the hotel and rested.

The police traced Harold's phone call and arrested him. He was asked many questions. First he started making up a story but he finally confessed that he had made the phone calls but didn't kidnapped Brooke. Finally Vetterli, an FBI Agent convinced him to tell everything. Harold confessed about everything. He told them about Jack Holmes too. Police wrote his confession down and had him sign it.

Harold told them that they killed Brooke after they made him get into another car on Evans Road. They took him to the San Mateo bridge and forced him out of the car. Jack used a brick to hit him on the head and render him unconscious. When Jack hit him, Brooke called for help so Jack hit him again. Harold tied Brooke's arms with wire. They lifted him up on the rail. Brooke

struggled a little but they threw him into the water. After the confession, police and Thurmond went to the hotel and arrested Jack. He denied everything.

Search for Body

The police who knew about the arrest didn't want anybody else to know about it because they thought there were more people involved in the kidnapping. Hall, a lawyer rounded up a crew for his boat, the Mermaid to search for Brooke's body in the ocean underneath the San Mateo Bridge. Nobody else was supposed to find out. The crew drove really fast to the bridge but was stopped by police who were going to give them a ticket for speeding. They explained their assignment to the police. That's when the secret came out. By the time the crew reached the Mermaid, reporters and cameramen were there already taking pictures, interviewing and asking questions. People were talking about lynching the prisoners. There had been recent lynching in Los Gatos, and Santa Rosa. Emig was really worried about his prisoners' safety so he decided to bring them to the San Francisco Prison. Here, Emig convinced Jack to confess. Listening to his story, he was told to write his confession down. His story was quite different from Harold's. He said that it was Harold's idea and that Harold was boss. In his confession Jack told Emig and the others the details on how they killed Brooke and what followed.

Hulda Holmes, Jack's mother denied that her son killed Brooke. She would not read the newspaper accounts of her son's arrest and confessions. She tried to disprove her son's guilt and planted the seed of an alibi. She said she was over at her son's house on the night of the kidnapping. Jack's wife believed the same things as Hulda. "I knew Jack could never have done this thing," she screamed at reporters. "He couldn't! Do they think that just because he was out of work he would become a kidnapper? Do they think he would murder? No, I can't believe it; I will not!"

A reporter went to interview Thurmond's family. Harold's parents did not think he did it. They told reporters that it was unbelievable that their son could do a thing like that. His mother said that she raised him as a Christian boy. He always went to church. There was no way he could do it. They believed that Holmes wound their son around his little finger.

After some research and interviews with people who knew Jack, a policeman figured that whatever compelled Holmes to kidnap, murder and extort, it was not poverty. Still, citizens of San Jose were furious and bad tempered. People were ready to take matters into their own hands.

Gertrude, Holmes's sweetheart, was interviewed by Hamilton and Buffington, two police officers attached to the case. They asked her about Holmes. She was a witness and had given an alibi that he was at her home with his wife on Thursday the 9th November at 7 or 8 pm. At the same time, Emig questioned Thurmond's ex-fiancee whom he said had ruined his life by marrying another man. She told Emig that after the kidnapping Thurmond came to her and pleaded that she should provide him with an alibi. She refused.

Inspectors and crew members of the Mermaid searched the San Mateo Bridge area to look for Brooke's body again. They found concrete blocks and a coil of wire like the one Thurmond had said he used. They found a hat that was identified as Brooke's. Then they found 4 Shell Oil Company Coupon Books bearing stains which appeared to be blood. Brooke had used such books. They also found a pair of glasses that could have been Brooke's.

On the sixth day, the crew found a sock and a lock of blond hair. They made a dummy whose weight and appearance were similar to those of Brooke. They dropped the dummy off the bridge to see where the water would have carried Brooke's body. The results were indecisive. Then they tried shooting a gun to see if people nearby would hear the shot which they did. But when it was shot it into the water no sound was heard which explained why no one heard the shot, only the

scream, the night of the murder.

The prisoners were indicted on 7 counts of extortion under the Lindberg Act. It specified against each suspect, 3 counts of using the mails to obtain ransom, 3 of using mails to threaten bodily harm and one of conspiracy with other persons unknown. Maximum punishment would be 122 years in prison and a \$40,000 fine for each kidnapper. Bail was fixed at \$50,000.

Return of Prisoners to San Jose

In secrecy, Emig with armed police, brought the prisoners back to San Jose. Thurmond was put on the 3rd. floor of the downtown jail and Holmes on the 2nd. floor. Thurmond's old lawyer quit on him. He couldn't take the heat because he lived in San Jose. After a session between Thurmond and Psychiatrist Dr. J.M.Scanland, it was concluded that Thurmond was not insane. Dr. Frederick L. Proescher examined both prisoners and said that Holmes was the more intelligent of the two. His motive was clearly money. Thurmond had no motive. He was merely the tool of Holmes's intellect.

Lynching

Lynching is a form of mob violence in which a mob executes a presumed offender, often also torturing him and mutilating his body, without trial, under the pretense of administering justice. The term "Lynching" is said to derive from Charles Lynch, a Virginia farmer and patriot who during the American Revolution, headed an irregular organization formed to punish thieves, outlaws, and Loyalists. There was a group of people in San Jose who planned to lynch the prisoners. It seemed that everybody in San Jose except Emig knew about it. But some people outside San Jose believed it was just gossip. The group decided not to take action until the body was found. Emig called Rolph, the governor of California, to ask him to send troops to protect the prisoners in case there was an attempt at lynching them. The governor refused saying, "I am not going to call out

the guard to protect the kidnappers who wilfully killed that fine boy. Let the law take its course.”

On Saturday, November 25th., Leonard Dalve and Harold Stephens found Brooke’s body while out hunting. It was found north toward the mouth of Mount Eden Creek. The next day, Sunday at 9:30, Police Officers were told that they could go home except for Officers Blackmore and Anderson, because it was believed that there was not going to be a lynching. This was a bad mistake.

By 10:15P.M., a lot of people were aware of the discovery of Brooke’s body. It was the action signal for the vigilantes. By 10:30, hundreds knew; by 10:45, thousands. At 11:00P.M., the driveways and even around the jail doors were crowded with at least 100 people. Emig wasn’t there, he was at Hayward with others to identify if the body was that of Brooke Hart. All agreed, it was Brooke’s body. During their return to San Jose, Louie Rossi, a senior employee at Hart’s Store told Emig that people that night were going to the jail to capture the kidnappers and were going to hang them across the street in St. James Park. He also told him to tell the guards to put their guns down to avoid bloodshed.

Finally, reaching the scene, the sheriff faced a dilemma that was moral, political, and legal, as well as tactical. The Police Manual told him to use whatever force was needed, lethal firepower if necessary. But among the people likely to be storming his barricades he knew were citizens of good repute, leaders of the town. Others in the mob would be mere youngsters. Should he fire on these people just to save the skins of a couple of cowardly killers? After reflection, Emig said, “Put away your guns!” Deputy Sheriff Lowell for an unknown reason threw the first gas hand grenade. More police threw tear gas bombs but the rioters used water to douse the bombs and they threw one bomb back into the jail blinding the defenders.

At 11PM., the rioters rushed into the jail using a battering ram to break down the door. They

found Holmes's cell and asked the person in the cell if he was Jack Holmes. The man replied that he wasn't. Some other person claimed he knew Jack Holmes. They shone a flashlight on the man in the cell and the other person said that this was certainly Jack Holmes. One by one they beat him up, and asked him if anyone else was involved. The mob then put a rope around his neck and dragged him head first out of the jail.

Heading for the third floor, they found Thurmond's cell easily because he had appeared at the windows earlier. Harold was scared to death. But they got him and put a rope around his neck and dragged him off.

Jack being dragged off first fought to save his life. As a result the mob hurt him and tore off his undershirt leaving him wearing only his right shoe and socks.

At 11:20, they got ready to hang Thurmond first. At the first jerk upward, his legs went stiff and his eyes opened. A youth pulled the pants off the kidnapper. Some jabbed lighted cigarettes on his naked thighs. He died with convulsions continuing for several minutes, his body bending at the hips with each spasm. His face turned black, his tongue hung out. Cameramen tried to take pictures but the mob struck at every camera they saw. A recognizable face in a photograph could convict a lyncher of homicide, but some photographers were able to get a few pictures.

People around Holmes now prepared to hang him. But first, they showed him Thurmond hanging dead on the tree. They pulled the rope around Holmes's neck quickly because someone said that police from San Francisco were coming. They pulled him up but Holmes kicked the air and made 2 final grabs at the rope above his head, endeavoring to climb it hand over hand. Frantically he tried to slacken the noose and jerk it free from his neck. The mob lowered him to the ground, broke his arms and hauled him up again. It was 11:25P.M.

Nettie's sister, Belle Fowler took 13-year old Alex Hart Jr., to St. James Park. Later in life,

Alex Jr., said, "I felt they got what they deserved." When Nettie learned about this she was furious. She had wanted none of the family involved or commenting on the whole affair. A resulting rift between the sisters took a long time to heal.

It was too late by the time the Oakland police finally arrived in San Jose. The mob was going to burn the body of Harold Thurmond but Thurmond's mother tried to stop them and begged them to let her have her son's body. One of the men pushed her aside, she ran away crying. Both bodies were put on a slab next to Brooke Hart's body and later, the bodies of Thurmond and Holmes were buried secretly.

Aftermath to the Lynching

Holmes and Thurmond were lynched for crimes to which they confessed. However, they never went to trial which left lingering doubts in the minds of many. For instance there was some evidence that perhaps more than two men were involved in the dreadful crimes. There were witnesses who said they saw more than two men. The third conspirator was believed to be an elderly man with white or gray hair. This and other doubts would probably have been resolved if the trial had taken place. Concern was voiced by many in San Jose and elsewhere.

The lynching did not prove anything. It certainly did not reduce subsequent crime. In fact, crime increased. Within the FBI's jurisdiction, there were 10 major kidnappings in 1933 of which the Brooke Hart case was the ninth. The number jumped to 18 in 1934, 26 in 1935, 31 in 1936, and 37 in 1938.

There were 4,730 lynchings in the United States between 1882 and 1951, about 68 per year, whereas during the 1950's and 1960's, lynching averaged less than one per year. At the same time, there were numerous racial killings particularly of civil rights workers and advocates under conditions similar to lynching.

Today, the Death Penalty in the U.S. is the subject of much controversy. Many consider it a very cruel act despite it being used to deter horrific crime. Also, to date, Congress has never enacted an antilynching law. However, the civil rights legislation of the 1960's has established a strong federal interest in any situation where rights of Americans, including prisoners are denied or abused.

The San Jose lynchings were reported world-wide. During World War II, the Germans used photographs of Holmes's and Thurmond's hanging corpses as propaganda to depict American barbarism.

The aftermath of the Hart case mixed tragedy with irony. Each of the three families involved were all well-liked and respected. They all suffered the same bereavement, the loss of a beloved son. Each family employed the same defenses, silence and denial, to give them some relief from agony.

Despite what happened in San Jose in 1933, the town began to grow in many different ways. Stanford University to the north produced enterprising people who brought new technology to the world. Semiconductors were invented and huge businesses seeded. Santa Clara Valley was to become Silicon Valley with San Jose a growing city. Today, it is the 3rd., largest city in California.

Conclusions

San Jose in 1933 was a peaceful town fitting into a pattern of going about its everyday life without causing any major upsets in the state, country, or world. Outside its city confines it was not particularly well-known. The Great Depression, a shortage of money, was beginning to unsettle people throughout the world. In San Jose, a kidnapping and a vicious murder led to a lynching of two killers. Overnight San Jose became known and freely quoted when the subject of lynching was raised. It emphasized that lynching was a dreadful thing. It centered on the uncontrolled

actions of mob rule that extended to the civil population in general and to groups such as students, races, unions etc.

No good came out of the San Jose lynchings and unfortunately, Congressional action has not been furthered. Lynchings in the U.S. have decreased but they still exist in parts of the country and the actions of mob rule continues.

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