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A CITY'S NIGHT OF SHAME
THE SAN JOSE LYNCHINGS OF NOVEMBER, 1933

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PREFACE

History contains innumerable examples of man's persistent and unmitigated inhumanity toward his fellow man. Sometimes, these atrocities take the form of earthshaking war or genocide. Other times, manifestations of cruel, harsh brutality can be discovered in the smallest and most unlikely places, in lesser but nonetheless horrifying forms. The case of the latter was to be found in November of 1933 in the then small town of San Jose, California. Brutal murder followed by brutal vengeance was the incident whereby, for a few days, a small Bay Area town reached the national spotlight and achieved unprecedented infamy. Undoubtedly the murder-lynchings that took place in the depression-ridden year of 1933 in San Jose have been forgotten by most. In fact, locating individuals who recall the incident is a difficult task indeed and those few who do remember in many cases, care not to discuss it. What follows is a tale of striking horror. California was, in the 1930's ostensibly a civilized state, under the control of civilized authorities. The lawless days of the Old West had supposedly passed into oblivion, pushed aside by the advances of modern man in a modern society. Incidents such as this have undoubtedly led to the present day methods of criminal prosecution. The lynchings showed a need for tighter control by the authorities and, if only in a small way, influenced the manner in which criminals today, subsequent to apprehension, are handled.

All that now remains is the tale itself - along with many shocking memories and the hope that such a situation will never arise again.

Located approximately in the center of California's burgeoning metropolis of San Jose is a rather typical and seemingly innocuous park, christened Saint James Square in 1848 by Chester S. Lyman, a Yale trained preacher, mathematician, and scientist who conducted the first accurate survey of the then infant city. Today the park, which is dissected by a major downtown thoroughfare, is a popular concourse for lunching businessmen on their midday break, exhausted shoppers who seek relief under the shade of majestic palm or elm trees, and on weekend evenings, for local car and motorcycle clubs that convene there in order to vie for the prestigious title of "fastest wheels in San Jose" on adjacent streets. However, if the vast majority of these present-day habitues of the park were presented with an inquiry regarding the infamous lynchings that took place there on November 26, 1933, one would quickly discover the almost unbelievable ignorance of the incident held by most people. It seems difficult to believe that such an appalling occurrence that carried such wide-spread repercussions would be so rapidly forgotten. Indeed, no visible reminders of the lynchings of Thomas H. Thurmond and John M. Holmes, the convicted abductor-slayers of San Jose department store heir Brooke L. Hart, exists today that testify to the event and many of those who were present to witness this brutal manifestation of mob violence have either passed away or are reluctant to stir ancient and, in many cases, deliberately obfuscated memories. Nevertheless, some individuals remain with vivid memories of what may be considered one of the most opprobrious crimes in California

history, and these shunned recollections will forever linger about Saint James Park and never cease to haunt the city of San Jose.

Prior to 1933, the park's principal brush with fame came when President William McKinley spoke there on May 13, 1901.¹ Subsequently, a statue of the President was erected as a memorial to the park's "golden hour" and for a long time it served as the park's only conspicuous landmark. But in the turbulent year of 1933, Saint James Park would acquire a new, albeit well obscured aspect; a new "claim to fame" that would take precedence over any event in San Jose history.

An uneasy atmosphere enshrouded the city of San Jose in the late fall of 1933. Economic depression had reached its peak. The town had recently undergone a grueling murder trial in which a prominent Stanford alumnus, David Lamson, was brought to the stand for the murder of his wife.² Santa Clara county had become intensely involved in the hearings and the people were split in two over the issue of his guilt or innocence. In addition, the Lindbergh kidnapping, as if ominously foreshadowing the abduction of Brooke Hart, had taken place the previous year. Then at 5:55 P.M. on November 9th of 1933, Brooke L. Hart, son of Alex Hart, a prestigious San Jose merchant, was abducted by Thurmond and Holmes. Shortly thereafter, the twenty-two year old Hart was brutally murdered by his abductors and hurled into the Bay from the San Mateo Bridge. Later that day, Hart's parents, who were growing worried over their sons disappearance, received a \$40,000 ransom demand along with some rather nebulous instructions over the telephone. Several nerve-wracking days of waiting followed and during this period, the Hart family's correspondence with the apprehensive kidnappers was jeopardized by numerous false callers who claimed to be the abductors.³ Despite the issuance

¹ Palo Alto Times, June 9, 1956, pp. 14, 27.

² San Francisco Sunday Examiner and Chronicle, Nov. 26, 1968, pp. 20-21.

³ San Francisco Sunday Examiner and Chronicle, Nov. 26, 1968, p. 21.

of a direct appeal to the kidnappers, the situation became more precarious as the Hart's received only one more set of disconcertingly threatening instructions from the actual criminals who, because of the publicity the incident was commanding, were becoming a bit alarmed. Meanwhile, the police and F.B.I. were engaged in an extensive search for young Hart and precautionary measures were taken to safeguard the Hart family. Also, the F.B.I. had to make certain that news of tapped phones in the Hart home would not be divulged to noisy crowds of sympathizers that now daily gathered about the Hart estate. As the search continued, anxiety grew to almost unbearable levels.

The F.B.I. had hypothesized that professional kidnapping organizations from Detroit or Chicago were responsible for the abduction. But the amateurishness of the kidnappers was soon made obvious as Thurmond and Holmes left behind them a trail of egregious blunders. Finally, at 7:20 p.m. on November 15, the diligence of Deputy Sheriff Hicks, who had been concealed in the Hart home, paid off.⁴ Thurmond was calling Alex Hart to provide him with explicit instructions regarding the ransom money and Hicks was able to trace the call while listening in on another instrument. It was soon discovered that Thurmond's call was being placed from the Sabette Bros. Plaza Garage at 222 South Market Street.⁵ This precious information was immediately relayed to Sheriff William Emig who, along with several deputies, sped to the garage without a moments hesitation. Surprisingly enough, Emig was able to apprehend Thurmond just "as he was hanging up the receiver."⁶ In the subsequent interrogation, the rather pusillanimous Thurmond implicated his accomplice John Holmes and on November 16 Holmes was uncereemoniously roused from his bed in the California Hotel at 3 a.m. Both men were persuaded to confess and the egotistical

⁴Karen Van Dyke, The Hart Kidnapping of November, 1933, (Leland, 1970-72), p. 5.

⁵Van Dyke, p. 6.

⁶San Jose Mercury Herald, Nov. 17, 1933, p.13, as cited by Van Dyke, p. 6.

Holmes attempted to sound nonchalant by making facetious and impertinent remarks. However, despite Holmes unconcerned disposition, the population of San Jose became incensed as news of the murder began circulating and indignant crowds accumulated outside the jail. At this time, the farsighted authorities in San Jose had the kidnappers rushed to San Francisco,⁷ as they could sense the vehement mood of the crowd and feared impending violence.

The next several days witnessed an intensive search for the body of Brooke Hart, but only clues were found. Several days later, on November 22, Sheriff Emig, determined to see justice carried out in Santa Clara County courts, swore out formal complaints charging Thurmond and Holmes with kidnapping with bodily harm to the victim, an offense punishable by death under California's newly enacted Little Lindbergh law. The Federal government gave preference to Emig's demand, even though the retribution motive behind it must have been obvious, and the two nervous killers were escorted back to San Jose for their arraignment.

More than a week had now expired since the apprehension of the infamous pair and the Sheriff erroneously surmised that the temper of San Jose's angry and horrified population had cooled down. This conclusion was arrived at despite strong rumors of lynch law and vigilante justice that dominated practically every conversation and regardless of the fact that California had experienced lynch terror as recently as 1920, when three San Francisco hoodlum rapists were strung up in Santa Rosa. Also, in 1901, five alleged livestock rustlers were lynched by a mob in Modoc County. But California in 1933 had ostensibly outgrown its propensity for impulsive and irrational frontier-style justice, and the authorities felt reasonably sure that their criminals would be safe despite the growing tempestuousness of emotions in San Jose.

However, the authorities had not anticipated the quick recovery

⁷Palo Alto Times, June 9, 1956, pp. 14, 27.

of Hart's gruesome remains.

At 9 a.m. on the Sunday morning of November 26, two Redwood City duck hunters, Harold E. Stevens and Leonard L. Dalve,⁸ while out on a hunting trip on the Bay, ran across the ghastly, emaciated corpse of young Hart. They wrapped the body in a sheet of canvas, brought it to shore and at 10:00 a.m. telephoned their discovery to the constable at Hayward.

Inevitably, news of this shocking find spread throughout the city. Upon hearing this, the indignation of San Jose's residents rose to fever pitch. As emotions flared and nightfall drew near, intimations of impending mob violence steadily gained momentum. Furious crowds congregated outside the inadequately defended jailhouse and soon, as the moon rose in the chill autumn night, this mob would become an uncontrollable thousand-headed beast, thirsting for revenge on the two murderers. Despite the efforts of Sheriff Emig and his men, the mob would not be denied its retribution and before the stroke of midnight, the bodies of Holmes and Thurmond would hang limply on the ends of vengeance's ropes. It was a tragic culmination of a tragic story.

* * * * *

The fact that San Jose reacted so strongly and with such unanimity of enragement to the murder of Hart cannot be fully comprehended unless the popularity and influence of the Hart family in 1930's San Jose is considered.

San Jose, which at that time had only a fraction of its present population, was as far as business is concerned, dominated by Hart's Department store. Practically all of the town's citizenry relied on this relatively large enterprise for every type of commodity imaginable, and the store prospered. Alex Hart Sr., the proprietor

⁸ San Jose Mercury Herald, Nov. 27, 1933, p. 2. (Microfilm).

of the store was an exceedingly popular individual who was renowned for his community philanthropy. The entire Hart family was an admired and respected group and they were avowed leaders of San Jose's well organized social circles.

Brooke Hart was perhaps the most prominent of the Hart's four children. He is reported to have been an enormously popular young man⁹ whose virtues included an amiable gregariousness and the harmless nonchalance and general apathy of the rich boy. Even during the brief period of captivity with his abductors, "Young Hart seemed to take it all as a joke, telling his abductors that it was his first holdup."¹⁰ Brooke's popularity was manifested even through his father's lucrative business. Any contemporary San Jose newspaper was covered with Hart's department store advertisements. In fact, these ads were probably the paper's most conspicuous single aspect. One of the most frequently presented commodities in these advertisements was a line of "Brookhart" wearing apparel. Named after the young Hart, the clothing sold very well and was extremely popular.¹¹

Brooke entered the public spotlight and increased his prominence on November 4, 1933, when he assumed the Vice Presidency of his father's firm. The newspapers compassionately headlined this moment of tenderness between father and son and depicted the event with some kind words about the dutiful and industrious new businessman.¹² This dreamed of appointment, however, only exacerbated the irony of the later kidnapping and added more fuel to the fire of public indignation. The kidnapping of the twenty-two year old Hart came as a tremendous shock to both the Hart family and the public and, as with most such tragic affairs, the entire nation expressed its profound sorrow and anger. Even when

⁹ Joe Acquistapace, Interview with author, San Jose, Calif., April 4, 1975.

¹⁰ San Jose Mercury Herald, Nov. 17, 1933, p. 13, as cited by Van Dyke, p. 3.

¹¹ Joe Acquistapace, Interview with author, San Jose, Calif., April 4, 1975.

¹² San Jose Mercury Herald, Nov. 10, 1933, p. 2. (Microfilm).

the criminals were being held in the San Francisco jail, threats of lynching were heard, but the old Hall of Justice proved too tough a citidel to crack. Vengeance-intent mobs would have to wait for the criminal's return to San Jose and a more "favorable" opportunity before "justice" would be accomplished.

The whole story evolved into a classic tragedy. The propitious future of a leading citizen was shattered forever by a pair of unscrupulous malcontents. The essence of this tragedy was felt deeply by all San Jose and human emotionalism would ultimately overwhelm the people as they were motivated to tragic action in St. James Park.

The story's two villians, Thomas Thurmond and John Holmes, seemed emphatically unsuited to their roles of abductor-murderers. In the first place, their individual personalities were not in the least bit compatable and they were anything but the ideal criminal team.

Thurmond was said to have been a rather inhibited and timorous young man¹³ of twenty-eight whose pusillanimity allowed him to be subjugated and controlled by the more audacious and extraverted Holmes. Several sources quote Thurmond's background as being one of respectability and reverence.¹⁴ Even his police record was unblemished. But subsequent to his apprehension, he admitted several previous service station holdups during a conversation with his horrified and incredulous family. He confessed to his parents that he was desperate for money and that he had been behaving irrationally since his girlfriend had stopped seeing him. He even talked of committing suicide.

Thurmond's very character betrays the villianous frame in which he was placed and during the awkward time between the murder and his apprehension, he almost disclosed his identity in, of all places, a barber shop:

¹³Van Dyke, p. 1.

¹⁴Vincent Troisi, interview with Karen Van Dyke, San Jose, Calif., May 18, 1972, as cited by Van Dyke, p. 1.

"Thurmond's barber was Joe Saroni, and one day he entered the barbershop and asked to see the paper. Joe asked why he wanted it and Thurmond said he wanted to read about the kidnapping. Joe looked at Thurmond and said 'You're damned nervous, I wouldn't be a bit surprised if you weren't the kidnapper'." 15

Also, the way he broke so easily under the pressure of interrogation and readily incriminated his partner perhaps indicates a remorseful desire to expiate the whole terrible ordeal. Perhaps it was Holmes that motivated Thurmond and convinced him that an abduction would bring him quick money in a country ridden with depression. And perhaps this pressure from Holmes, which came at a time when Thurmond was most susceptible to such temptations, was the principal reason for Thurmond's participation in this opprobrious crime.

On the other hand, Holmes manifested an impetuous and, to many of his friends, an agreeable personality. He is reported to have been a promiscuous but likeable fellow whose "father was a prominent tailor of San Jose and high up in the Masonic Circles."¹⁶ Contemporaries who were acquainted with Holmes recall him as being a "prankster" who frequently carried "his pranks a little too far."¹⁷ But to many he was ostensibly "the kind of man that would have given you his last dollar if he thought you needed it more than he did. Jack was the type of person that if he saw you across the street, he would run across the street just to shake hands with you."¹⁸ However, under this innocuous facade must have seethed a perverted criminal mind and although his official arrest record was clean, he was suspected of a number of holdup jobs which he

¹⁵Vincent Troisi, interview with Karen Van Dyke, San Jose, Calif., May 18, 1972, as cited by Van Dyke, p. 1.

¹⁶Vincent Troisi, interview with Karen Van Dyke, San Jose, Calif., May 18, 1972, as cited by Van Dyke, p. 1.

¹⁷Robert Diepen, interview with Karen Van Dyke, San Jose, Calif., May 23, 1972, cited by Van Dyke, p. 1.

¹⁸Robert Diepen, interview with Karen Van Dyke, San Jose, Calif., May 23, 1972, cited by Van Dyke, p. 1.

was never compelled to admit. It has also been established that Holmes, at twenty-nine, was an incorrigible ladies' man who had just deserted his young wife and two small children. In addition, he was ostensibly attempting to persuade a friend's wife to run away with him, using the \$40,000 ransom as a lure

Meticulous investigation bore out cocky Jack's mastermind role in the crime. He had made Thurmond his dupe, using him to phone the Hart home and write the ransom notes, while circumspectly devising alibies for himself. Holmes surprisingly showed no overt apprehension or nervousness after the murder. In fact, less than an hour after Brooke Hart was tossed into the swirling waters of San Francisco Bay, Holmes and his wife drove over to his clandestine girl friend's house to play bridge. Neither woman had noticed anything peculiar or unusual in Jack's demeanor. He even seemed more ebullient and self-assured than ever. Although Thurmond exhibited disquietude and perturbation, as the barber shop incident elucidated, Holmes apparently felt no compunction for his scandalous deed. His composure remained undisturbed even days after the murder, when correspondence with the Hart family was precarious and San Jose brimmed with government police. On November 15, Deputy Sheriff Diepen, a personal friend of Holmes, encountered Jack in the Bank of America. But Holmes indicated no distress upon seeing the badge and Diepen "detected nothing wrong, Jack appeared to be as happy-go-lucky as ever."¹⁹ Even during the rigorous questioning after their arrest, while Thurmond "sobbed out a complete confession," Holmes was described as "presenting an attitude of bravado and attempting to wisecrack."

Holmes never mitigated his recalcitrance, right up to the moment when he audaciously faced his lynchers and struggled with them to the end. Holmes, who was powerfully built, fought with the determined mob in a rather courageous manner and twice he cheated death as the first two attempts to string him up were unsuccessful. Unlike Thurmond, who meekly submitted to the inevitable, Holmes

¹⁹Robert Diepen, interview with Karen Van Dyke, San Jose, Calif., May 23, 1972, cited by Van Dyke, p. 1.

struggled like a cornered animal, trying desperately to hold on to life. As the lynchers stormed the jailhouse and began searching for their victims, Holmes prepared for his last stand. In desperation as the mob broke into his cell, he threw up his arms and attempted to deny his identity shouting: "I'm not Holmes, I'm not Holmes."²⁰ But Holmes, who had so mercilessly slain young Hart, could not deceive his fate long. Soon, he would join his partner Thurmond in a macabre dance of death at the end of a rope.

Although in retrospect it would seem as though Holmes was more culpable than the weaker nerved Thurmond, the undeniable fact remains that they were both accomplices in a horrible crime, and many who witnessed the mob's gruesome vengeance will maintain emphatically that justice's purpose was adequately served.

* * * * *

Bringing the convicted murderers back to San Jose proved to be a fatal error. It almost seems as though fate's ominous call was summoning the two malcontents to their horrible end. Although San Jose authorities took some precautionary measures - Sheriff Emig cancelled all leaves and holidays and maintained a double guard at the jail - nobody really expected any trouble. Still they relied on the passage of time to douse the flame of anger within the city's population. But instead, their logic worked against them. Perhaps the fact that the case's sequence of events transpired in so short a time can explain the intense emotionalism that lingered on. Rather than cooling emotions, this short time period merely allowed anger to grow and flourish.

What finally ignited the torch of bloody revenge that lay smouldering within the hearts of many San Joseans came on the Sunday morning of November 26, when news of the discovery of Hart's mortal remains spread like wildfire throughout San Jose. At 10:00 a.m. the Redwood City hunter phoned the authorities in Hayward:

²⁰ San Jose Mercury Herald, Nov. 27, 1933, p. 2 (Microfilm).

"My pal and I were out hunting ducks near the bridge and we've found something - a body. It looks pretty bad."²¹

Half an hour later Sheriff Emig, Alameda County Sheriff M. B. Driver, and Coroner Grant D. Mills were staring down at the corpse, which had been immersed in the water for 17 days and ravaged by crabs and fish. Above the waist there remained nothing but the spine, the rib cage, and a shattered skull. Grotesquely, a fragment of shirt collar clung to the neck. It bore a laundry mark which, together with some adhesive tape on the stump of the right foot - the work of Hart's Chiropodist - and a pearl-handled pocket knife in the trouser pocket made identification positive.

By the time Sheriff Emig and his deputies returned, it became evident that the mobs slowly congregating around town were inspired by renewed and even more profuse determination to see their kind of justice done. For several days prior to November 26, crowds gathered around the jail and nearby courthouse to taunt and threaten the imprisoned kidnappers,²² but these mobs were lacking sufficient motivation to make the decisive assault on the jailhouse. Sheriff Emig had shown that he was prepared to repulse an attack. Tear gas bombs were stockpiled and other measures were taken, but he had reportedly locked up his precinct's guns²³ and because of this maneuver, rumors had been conjured up implicating him in the plot with the lynchers. Indeed, Emig and his associates embodied a rather unbelievably naive attitude in their preparations and anticipation. But Sheriff Emig conclusively exculpated himself during his courageous battle with the mob against overwhelming odds. He and several deputies sustained serious injuries.

Nevertheless, at any rate, precautions were flagrantly neglective despite the almost obvious inevitability of the lynching.

²¹San Jose Mercury Herald, Nov. 27, 1933, p. 2.

²²Joe Acquistapace, interview with author, San Jose, Calif., Apr. 4, 1975

²³Joe Acquistapace, interview with author, San Jose, Calif., Apr. 4, 1975.

It was suggested to the then Governor of California "Sunny Jim" Rolph that he dispatch a contingent of National Guardsmen to augment the San Jose Sheriff's force. But the governor refused, saying: "Let the Sheriff handle it. He can appoint as many deputies as he wants. He has the power. I refuse to call out the guard to protect two kidnappers who killed a fine upstanding youth." Again, events seemed to be creating opportunities conducive to the lynching and the doors of the jail were practically opened for the mob because of ignorance and negligence on behalf of the authorities. And now, enraged at the discovery of young Hart's corpse, San Jose had resolved in its mind to, for a few brief hours, regress from government under law to anarchy under men.

The taverns around the old jailhouse were jammed with men, women, and even children drinking heartily in celebration of impending prohibition repeal. This profusion of liquor enhanced the moment's favorite topic for conversation - lynching those "deplorable" murderers - and the inner circles of San Jose society prepared for action. An organized group was forming, which consisted of about 50 or 60 citizens, mostly youths, some close friends of Hart's, who called themselves Vigilantes. A confidential pledge sheet was circulated to ensure the carrying out of "justice" and a plan of action was set forth.²⁴ As reports of the discovery of Hart's corpse began to reach all concerned, the first crowds began to assemble in the alley between the courthouse and the jail. Initially, the crowd was in a surprisingly good-natured, "holiday" spirit.²⁵ In fact, some of the people were laughing and joking with the deputies and policemen who stood guard. But soon the throng's mood turned grim. Large, graphic photographs of Hart's gruesome skeleton in the mudflats that somehow had found their way out of newspaper offices and into public hands, were passed around in the bars. Early extras of the San

²⁴ Joe Acquistapace, interview with author, San Jose, Calif., Apr. 4, 1975

²⁵ Palo Alto Times, June 9, 1956, p. 27.

Francisco paper carried the photos and correctly prophesied what would follow. Men paled and women shrieked when they saw what had befallen handsome young Brooke Hart.

Gradually however, the foreboding talk turned on the "disgustingly" slow justice in the Lindbergh case, in which Bruno Hauptman was still awaiting trial. As Thurmond's lawyer announced he was going to plead insanity and as Holmes intimated he might retract his confession and use an alibi defense, the vehement crowds began to fear that justice would never be accomplished. "They'll never hang 'em," was the talk. "They'll end up by giving 'em a medal. Let's go get the dirty rats now while they're right here!"

By nightfall Sheriff Emig and Police Chief Black realized that the unthinkable was actually going to happen. At least 5,000 shouting people were milling in the streets and alleys around the jail and courthouse and overrunning Saint James Park. The mob's temper was getting uglier by the minute. In the vanguard were young hoodlums of the town, many of them thoroughly intoxicated and pretentiously claiming rights to "first swings" at the doomed prisoners. But there were other people as well. Men, women, children, young and old, anxiously awaited the moment when the despised murderers would emerge from the jail, hounded mercilessly by the mob. In addition, the crowd's size was augmented by hundreds of itinerant agricultural workers who were drawn to downtown San Jose by all the excitement.

Hourly the assemblage grew, as did restlessness, and initial hesitance and vacillation soon gave way to emphatic decisiveness; whispers to shouted threats. The situation became so tense that authorities finally took emergency measures. Barricades were thrown up across the three alleys leading to the jail entrance.²⁶ Emig reiterated his plea to Sacramento for help and Chief E. Raymond Cato of the state highway patrol ordered all his peninsula squads to the scene. The tear-gas bombs were placed in readiness as authorities listened to the swelling chorus of bloodlust.

²⁶San Jose Mercury Herald, Nov. 27, 1933, p. 2.

Thurmond and Holmes listened with horror to the mobs threats. Holmes dared to shout back at the mob, stimulating its desire for action.

The police were undeniably cognizant that this would occur. The first direct intimation of the night's events was given to Undersheriff Hamilton early that day. E. O. Enos, advertising manager of the store owned by Hart's father, appeared at the jail door. He openly defied an order issued by the elder Hart threatening dismissal to any employee who engaged in any demonstration. Enos calmly surveyed the assembled deputies by the jail and said: "You'd better lay down those guns when we move in."²⁷ And now, it was about to happen.

By 9:00 p.m. on that grim 26th of November, the mob had swelled to approximately 6,000 (some exaggerated accounts claim 15,000) and the first overt acts began. Under the cloak of darkness, the mob began to hurl a fusillade of bricks and stones at the old jail. But these first assailants were not the "elite corp" Vigilantes. The latter arrived a little after 9 o'clock, infiltrating the crowd and bringing with them a 10-inch iron pipe from a nearby post office construction site.²⁸

By now the fury and strength of the bloodthirsty mob was incredible and like an avalanche it charged toward the sparsely defended barricades. The old jailhouse reeled under the blows of thousands of rocks, bottles and pieces of broken cement - soon not a window remained. As Thurmond and Holmes cowered in their cells, Chief Black and his officers fought through the mob with clubs, trying to eliminate its leaders. But they were hopelessly outnumbered and overpowered.

As the uncontrollable lynch rabble poured through the breached defenses and surged against the jail door, the deputies inside let loose with tear gas grenades. The attack was repulsed -

²⁷San Francisco Examiner, Nov. 27, 1933, p. 2.

²⁸Palo Alto Times, June 9, 1956, p. 27.

temporarily.²⁹

Meanwhile, Emig made yet another frantic call for help and the Oakland and San Francisco police departments agreed to send some men. But these reinforcements would never arrive in time.

Although the mob was momentarily driven off by the tear gas, it was lashed to a new frenzy of action by an unidentified youth of 17, who declared he was a university student. Brandishing a crowbar, he stood in Saint James Park and exhorted the mob. He pleaded for volunteers: "Men with guts enough to follow me, while we go in and get those -----."³⁰ Shielding themselves from the tear gas with handkerchiefs, they again assaulted the jail, this time with increased determination and more "artillery" support from rock and bottle throwers.

They hurled themselves into the charge, meeting clouds of tear gas with the showers of rocks. One rock smashed the jail-house's courtyard lamp, leaving the battlefield in an eerie darkness. The Vigilante group urged the mob on and sensing victory, they fought all the more ardently.

Five casualties occurred at this stage of the fierce fighting. Nick Lader, highway patrolman, was seriously burned by a tear gas bomb. Patrolman Elliot Marrs of the city police was painfully bruised by a rock. Three newspapermen, caught in the courtyard between the defenders and attackers, were also struck by flying missiles.³¹

For two solid hours the battle raged on. The jail yard had become a no-man's land, littered with debris and reeking with tear gas. Inside, the gas-filled jail was almost untenable. Realizing that he could not withstand the attack much longer but wanting to avoid needless bloodshed, Sheriff Emig, in a rather controversial maneuver, had his harried men hand over their guns,

²⁹San Jose Mercury Herald, Nov. 27, 1933, p. 2.

³⁰San Francisco Examiner, Nov. 27, 1933, pp. 1-2

³¹San Francisco Examiner, Nov. 27, 1933, pp. 1-2

which he locked in a closet. This was the action that aroused suspicion about Emig as being a possible accomplice in the lynching, but this allegation held little water and in no way could be corroborated. Perhaps in that tumultuous moment Emig surmised that the lesser of the two evils would be to allow the lynching rather than have many citizens shot. This must have been his reasoning because by disarming his men, he, for all practical purposes, was conceding victory to the mob. Outside, 20 determined lynchers began battering down the jail doors with the pipe.

In desperation, the defenders resorted to every conceivable expedient to repulse the mob. Emig hoped that as a last ditch method, he could turn them back with a stream from a fire hose. But the fire officials refused to accept the responsibility of using the apparatus for that purpose.³²

Finally, the doors of the jail gave way under the unrelenting pressure of the pipe. Meanwhile the thousands of the assaulting party were forcing the meager defense forces to diverge, as various areas of the jail were attacked - thereby forcing a small detachment of the defenders to the threatened sector.³³ Accompanied by hideous cries of bloodlust such as "We want a touchdown," "Block that kick," and "Hold that line," the spearhead of the assault force poured into the jail and began a systematic search for their prizes.³⁴ Soon only a small contingent of grim-faced county officers stood between the kidnappers and the barbarous mob,

"Don't do it, fellows," Sheriff Emig pleaded with the assailants. "Let the law take its course." But it was like trying to halt a stampede of buffalo as 20 or 30 men and boys charged up the narrow stairs that led to the cells of Holmes and Thurmond.

"String 'em up!" the frenzied mob howled. A brick hit Emig

³²San Jose Mercury Herald, Nov. 27, 1933, p. 2.

³³San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

³⁴San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

on the head. As the lynchers overran the guards, the Sheriff tumbled headlong down the stairs, seriously injuring his back. Two youths jumped on him and searched him for the cell keys, but couldn't locate them. The mob, after defeating Sheriff Emig and his men, faced only one more pitifully weak line of defense.

Deputies Earl Hamilton, Howard Buffington, and John Moore stood at the top of the stairs leading to the third floor felony cells where Thurmond and Holmes were being held.³⁵ The lynchers, beginning now to taste the blood of vengeance, rushed toward the three officers. The deputies fought valiantly protecting the murderers but were swept aside by sheer weight of numbers. Buffington was knocked down as he attempted to fight it out. Hamilton and Moore were seized as they vainly attempted to dissuade the attacking party that was now drunk with success. The mob found the keys in Moore's pocket. They charged down the cell block and finally found Holmes cowering behind his lavatory. In desperation, Holmes attempted to deny his identity, but the lynchers recognized him. He was quickly knocked down and a brutal beating commenced.

"Give me a chance boys!" he pleaded as he writhed bleeding on the floor. "You didn't give Brooke Hart a chance, you ---!" was the reply.

Someone then came forward with a noose. They looped it around Holmes' neck and dragged him out and down the stairway, his head banging on every step.

Meanwhile another group had found Thurmond clinging like a monkey to the ceiling grating in his cell. As the mob grabbed the cowering, gibbering criminal, deputy Buffington forced his way through the mob. "Just pray that you've got the right man," he cautioned them, hoping to slow them.³⁶ But the deputie's efforts were useless as several youth's pounced on Thurmond, beat and kicked him unconscious, and dragged him out of the jail.

³⁵San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

³⁶San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

Both Thurmond and Holmes endured terrible beatings, as well as menacing diatribe, while they were forced out of the jail house, across First Street, and into their appointment with death in Saint James Park. Holmes particularly experienced the mob's wrath as he made futile attempts to escape his captors. Thurmond however, apparently fainted from fright and was not handled as harshly by the lynchers.³⁷ Both men, snatched and pounded at by hundreds of hands, were practically stark naked by the time they reached their hanging trees. Holmes wore only his socks while Thurmond wore only his shirt and jacket. The angered mob intended to make these two murders suffer, and they did a grimly efficient job.

The two victims seemed to have no defenders in the crowd. Only one man tried to obtain mercy for the doomed kidnappers. But his pleas were drowned out by sardonic cries of "string 'em up." The crowd cheered ecstatically as Holmes was delivered up to preassigned lynchers (the San Jose newspaper, either trying to protect the lynchers or ignorant of the fact, claimed that there was no preassignment).³⁸ His face had been pummeled into an unrecognizable bloody mess as he was manhandled into place beneath an overhanging limb. He begged for mercy. "For God's sake," he sobbed, "give me a chance. I admit I'm Jack Holmes, but for God's sake give me a chance to explain my part in this thing."³⁹

Meanwhile, 100 yards away at 11:20 p.m., Thomas Thurmond offering practically no resistance, was hanged from an ancient mulberry tree. His feet hung no more than five feet from the ground and the crowd, dissatisfied with Thurmond's "lack of spunk," remained mostly silent.⁴⁰

Holmes however, gave them a show they would never forget. Weakened by the ferocious beating that marked his progress to the

³⁷San Jose Mercury Herald, Nov. 27, 1933, p. 2.

³⁸San Jose Mercury Herald, Nov. 27, 1933, p. 2.

³⁹San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁴⁰San Jose Mercury Herald, Nov. 27, 1933, p. 2.

square, Holmes was lifted to the shoulders of the mob so that he might see his hanged partner. But his battered head hung limply at his shoulders and he caught no glimpse of Thurmond's body. Although Holmes had preceded Thurmond into the park, his execution came six minutes later than his submissive partner's. The delay was caused by the inability of his captors to find a suitable limb over which to toss the rope.⁴¹ Even when the mob located a decent limb and prepared to hoist their victim's body skyward, Holmes, still managing to resist, delayed his fate even longer. In their haste to see "justice" done, the crowd neglected to tie their victim's hands and twice Holmes reached back and grabbed the rope above his head - lifting himself up and relieving the pressure from his neck as he was jolted off the ground.⁴² But the third attempt was successful and at 11:26 p. m. John Holmes dangled limply from the noose under a tall elm. At last, the holiday of hatred, violence, and death was over.

For almost an hour the two forms swayed in the slight breeze that swept the park while car headlamps and a spotlight illuminated them in ghastly clarity. It was a macabre scene as the mob celebrated their victory with frenzied glee under the two swinging bodies. Teen-age schoolboys leaped and pranced back and forth on the grass, brandishing whiskey bottles and yelling triumphantly. Women held their wide-eyed little children aloft to give them a good look.⁴³ Laughing couples danced and embraced beneath the slowly dangling feet. Daring individuals, hoisted on the shoulders of others, attempted to apply lighted matches to Holmes' feet. Another group, led by a woman, tried to set fire to Thurmond's leather jacket with a flaming gasoline soaked mop but the fire wouldn't catch.⁴⁴

Finally at around 12:15 p. m. part of the promised reinforcements arrived. But by then they could only aid the San Jose

⁴¹San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁴²San Jose Mercury Herald, Nov. 27, 1933, p. 2.

⁴³Palo Alto Times, June 9, 1956, p. 27.

⁴⁴San Jose Mercury Herald, Nov. 27, 1933, p. 2.

officers in cutting down the bodies.

Holmes had been hanged with an expertly contrived noose and the deputy coroners were unable to untie it. They were compelled to hack through the rope. As they sawed, the mob sent forth cries of "Throw him in the Bay. Let the sharks get him. Treat him as he treated Hart." And as the rope parted, dropping the body to the ground, men and women fought their way to its side, kicked and punched and spat upon it. With a section of rope still dangling from the neck, the body was placed in an ambulance.⁴⁵

The cutting down of Thurmond required much less effort. The rope with which he had been hanged was merely tied into a simple slip knot. The knot was easily loosened and the body placed next to that of Holmes' in the ambulance.⁴⁶

The ambulance, pursued by jeers and whoops, forced its way through the sea of maniacal humanity and delivered its cargo to the morgue where the disfigured bodies of Thurmond and Holmes were positioned next to the ravaged corpse of their victim.⁴⁷ The grim finale of the kidnapping drama had finally come and the mob, taking its thoughts with it, finally dissolved.

The aftermath of this shocking event was almost as significant as the lynching itself. It was later revealed that the mob, while inside the jail looking for Holmes and Thurmond, threatened to lynch a third victim. Their thirst for vengeance carried them to the cell of Tony Serpa, a convicted murderer. The mob, however was dissuaded by the pleas of Deputy Sheriff Moore. Serpa was spared, and to ensure his safety, a group of deputies spirited him out of the jail and rushed him to San Francisco city prison.⁴⁸

Casualties and damage were surprisingly minimal for such a

⁴⁵San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁴⁶San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁴⁷San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁴⁸San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

violent incident.

The post-office building from which the 10-inch pipe and numerous miscellaneous weapons, missils, etc. were obtained suffered several thousand dollars worth of damage, as did the jail house.⁴⁹ But hardly anything else was touched.

No casualties were reported among the attackers, although many are believed to have suffered from the tear gas and from the clubs swung by the defenders.⁵⁰ At any rate, injured people would probably be reluctant to seek aid as they might then be interrogated and exposed or apprehended for their participation in the lynching.

The defenders, on the other hand, suffered numerous casualties from flying rocks and bottles. Also, the tear gas which filtered back into the jail claimed several victims.⁵¹

Emig's condition was so serious that he was taken to O'Connor Sanitarium for treatment.

The grass in Saint James Park didn't fare so well, either.

San Jose's bloody Sunday raised a cyclone of national controversy. Outspoken and flamboyant old Governor Rolph, added to this controversy when, after being awakened by newspapermen in the early hours of the morning and asked for a comment, he said that the lynching:

"was a fine lesson to the whole nation. Its the best thing that ever happened in California. If anyone is arrested for that job, I'll pardon them all. In fact, I'm thinking of paroling all convicted kidnappers to those fine patriotic citizens of San Jose who know how to handle such a situation."⁵²

Many others condoned or even praised the lynching, saying that it would put an end to the crime of kidnapping. A California University instructor had her class applaud for one minute "in honor

⁴⁹San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁵⁰San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁵¹San Francisco Examiner, Nov. 27, 1933, pp. 1-2.

⁵²The Nation, (Dec. 1933), p. xxxvii.

of justice rendered." And two days after the San Jose affair, undoubtedly drawing inspiration from it, a lynching took place in St. Joseph, Missouri.

However, the majority ruled against the lynching as being a deplorable and inexcusable act. Millions assailed Rolph and excoriated the lynchers. Clergymen and newspapers throughout the country condemned the San Joseans who had uninhibitedly revelled in the novel experience of dissipating their pent-up frustrations and hatreds on two insensate corpses - with the sanction and benediction of mob law.

Former President Herbert Hoover joined a group of prominent citizens who signed a statement denouncing lynching and President Franklin Roosevelt branded the San Jose horror as a "vile form of collective murder."⁵³ He also expressed his indignation at the manner in which Rolph had reacted to the incident. Rolph later issued a statement in which he explained that he didn't approve of lynching every day, but only on special occasions.

District Attorney Thomas announced that the lynching would be investigated and the mob leaders prosecuted if they could be identified. He appealed to the citizens of San Jose for information and the Grand Jury went through the motions of an inquiry, but San Jose was too anxious to forget the whole affair and none testified. Gradually, San Joseans expressed regret for the lynchings and desired to cover them up. The two giant trees from which Thurmond and Holmes were hanged, stripped and hacked by morbid souvenir hunters, were felled the day after. Several days later, life went on as usual in the city and memories of the nightmarish event faded into the deepest caverns of 6,000 minds.

The San Jose lynchings were a manifestation of a latent, innate primitive barbarism in man that, when brought to the surface, resulted in a situation unimaginable in the present day. It was an event so horrible that its repercussions were felt throughout

⁵³Palo Alto Times, June 9, 1956, p. 27.

the United States. Its irony constituted not only a terrible lynching, but the fact that a respectable, fine young man, Brooke L. Hart, would be remembered not for his community prominence, but for the terrible lynchings performed in his name.

It was a horrifying example of anarchy under men, and only the flaws of human nature can serve to exculpate these ministers of vengeance.

It was an unmitigated orgy of drinking, violence, death - and an unexpiable stain on the history of a city.

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