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– Railroaded –
Race Relations in Twentieth-Century Oregon

Between the Great Depression and the end of World War II, two black railroad employees were convicted of murder in Oregon. Two violent murders; one linked to money and one to illicit sexual relations. Both deaths occurred in Oregon, both were linked to the railroad and, in both cases, authorities prosecuted black men, Theodore Jordan and Robert E. Lee Folkes, for the respective crimes. In the end, while both Jordan and Folkes were sentenced to the death penalty, Jordan was eventually exonerated. What historical forces allowed for Jordan to have his sentence commuted during the Great Depression, while Folkes, accused of the murder of a white woman a full decade later, faced the gas chamber? The recent studies in the past few decades into black history have made it possible to explain why the two cases ended so differently in light of the Civil Rights movement that was gaining a foothold in the nation and had only grown stronger from the 1930s to the 1940s. I will argue that the contrast between these two cases demonstrates that the organization of Oregon’s black population into unions and other political groups, like the NAACP and the Communist Party, was vital to the success of garnering attention for – and ultimately overturning – legal discrimination, at least in the case of Jordan.

These two cases are notable not only because of how they progressed during the trials, but also because of the times in which they happened, and how outside issues factored in. Both cases began in similar ways. Jordan and Folkes were both from California and traveled up and
down the West Coast working for the railroads. Once convicted, both men had their cases taken up by the National Association for the Advancement of Colored People (NAACP) and the local Oregon chapter of the Communist Party as well as many black unions and individual activists across the nation. In Jordan’s case, the national attention proved to be enough for him to get a separate investigation into his trial and for his sentence of hanging to be commuted to life in prison in 1934. Folkes’ case, on the other hand, did not garner near the same amount of attention during his trial and was executed as scheduled in the Oregon State Penitentiary gas chambers in 1945.

The cases of Jordan and Folkes reflect the racial issues that had been brewing in Oregon for many years before the cases happened. The West Coast, especially Oregon, saw an increase in the black population due to the economic opportunities of the railroads and later, the shipyards being operated for the war effort.¹ When blacks went west in search of jobs, racial attitudes were questioned and in some instances, forced to change. No matter how few blacks moved to an area or how smooth the integration was, more often than not, white citizens insisted that it was blacks who were causing all the problems.²

Beginnings

It has only been in the past thirty-five to forty years that historical research on blacks in Oregon has moved beyond the questions of slavery and freedom and into examining both the legal and informal modes of discrimination that occurred after the Civil War.³ Beginning in

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³ Elizabeth McLagan, A Peculiar Paradise: a History of Blacks in Oregon, 1788-1940 (Oregon: Georgian Press Co., 1980), 170-173. Of the three West Coast states, Oregon was by far the most restrictive and discriminatory towards blacks and minorities of any kind. California became a state in 1850 at first passed many of the same exclusion laws and restrictions that Oregon was. However, by 1863, California was taking small steps to pass civil
1948, D.G. Hill argued that the “social inheritance” of the combined customs, prejudices, and habits of early American settlers in Oregon Territory decided the racial issues surrounding Oregon from territory to statehood. Hill’s article examines the social and political context of Oregon’s original exclusion laws when admitted to the Union as a free state. Using letters from prominent members of communities and newspaper articles, Hill shows how white citizens were conflicted about the presence of blacks in Oregon. The years from 1857 to 1868 were a tumultuous time when the issues of race and slavery that rocked the North and the South were replicated on a smaller scale in Oregon. Hill’s analysis ends at the point where the exclusion laws were passed, he does not examine whether Oregon officials or residents actually enforced them.

Picking up where Hill left off, Franz Schneider expounds on Hill’s themes in his 1970 thesis The “Black Laws” of Oregon spanning the years from 1843 to 1927. Schneider likewise argues that the politics of Oregon derived from the sentiments of the rest of the nation. However, through using an array of primary sources, such as Oregon measures and public documents, Schneider completely revises Hill’s interpretation of Oregon as an overwhelmingly anti-black state to argue that while white citizens verbally professed to be anti-black, when it came down to actually enforcing the discriminatory laws, many were largely ambivalent and refused to do anything about it.

The first substantial book to address the topic, Blacks in the West, by W. Sherman

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rights legislature and by 1948 had elected black legislators and ruled the ban of interracial marriages unconstitutional. Washington became a state in 1889 and had repealed the ban on interracial marriage even before becoming a state. By 1890, just forty years after becoming a state, a civil rights law was passed. Oregon was behind its neighbors from the start and many blacks often moved to either California or Washington after being denied a life in Oregon due to the many exclusion laws and the hostility found there. Oddly enough, Oregon would later prove to be the best of the three states in terms of economic advancement and availability of work.

Savage, only partially agrees with the theses of Hill and Schneider.\(^6\) Savage agrees with Hill that many of the Oregon settlers brought their already established prejudices about slavery and race, but counters that the West, no matter how restrictive, provided better opportunities for blacks to make a better life for themselves than almost anywhere else in the country. Using state statuses, newspaper articles, personal accounts and state histories Savage compares aspects of life in the Southern and Midwestern states with the opportunities for blacks on the West Coast. Even more so than Schneider, Savage examines the social history of black life in the West, including Oregon and shows how black communities overcame or worked around the obstacles that came with Western prejudices and discrimination.

While Savage’s argument about Western opportunities completes a social history of blacks in the West more generally, Elizabeth McLagan’s 1980 book, *A Peculiar Paradise*, offers the first in-depth study of blacks in Oregon.\(^7\) McLagan claims that the only way to understand the racial issue in Oregon is to know all the components: social, economic, and legal. This is completely different from the works of Hill, Schneider, and Savage, who only identify legal restrictions as evidence of racial tensions between the white and black populations; McLagan, by contrast, states that many factors played a role in the racial issue. As such, McLagan draws upon a much wider evidence base than previous studies, including manuscripts held in the Oregon State Archives, oral interviews, newspaper accounts and government documents, to track race relations from the inception of Oregon as a territory, through the exclusion laws and the subsequent years when blacks formed a racial minority, up to WWII and the sudden expansion the black population.

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\(^7\) McLagan, preface to *A Peculiar Paradise*, vii. McLagan was contracted for a one year research project with the Oregon Black History Project to write a history of blacks from the discovery of Oregon up to, and through World War II.
McLagan’s work supports Savage’s thesis that blacks benefited from the economic opportunities the West provided, especially during WWII, when their increased presence sometimes forced positive changes in their treatment and what jobs they could hold. Oregon was unprepared for the sheer number of workers, the majority of whom were black, who immigrated to the West Coast to work on the railroad lines and the shipyards in the 1930s and 1940s; it was at this time that Portland became Oregon’s epicenter for blacks. McLagan states that economic expansion in the West, more than anything else, created changes in the racial relations of Oregon.

Manly Maben’s 1987 book, *Vanport*, draws closely upon McLagan’s work as Maben looks specifically into the history of the town of Vanport – a dense housing project built rapidly at the edge of the Columbia River to house all the shipyard workers during WWII. Maben argues that, due to the concentration of black migrant workers, Vanport became a place where blacks felt a sense of community and hope for the future. It was there, at the largest shipyard base in the United States, that blacks began forming the first black unions and were able to get rights at the job site. The eventual destruction of Vanport by flooding changed many social aspects of the community. After the elimination of a large area of cheap housing blacks were forced to move elsewhere. This meant that many neighborhoods that were once white only became black ghettos with the whites moving on to other places.

Maben uses city records and files, newspaper articles, shipyard and census records to write a social and gendered history of the greater Vancouver-Portland area. He shows that both men and women were able to get jobs at the shipyard, that the city of Portland integrated the blacks in a relatively calm and welcoming way. At the same time however, Maben argues that there were still racial tensions and many whites blamed blacks, not the rise in population, for the

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8 Maben, foreword to *Vanport*, xi.
steep rise in crime. Maben provides a strong argument about how the shipyards led to the creation of a better life for African Americans and how many of the black unions and organizations that were created played an important role in the shaping of society in Portland and beyond. By tracing the steps taken by blacks through Oregon’s short history, it is clear that the West offered a clear contradiction for blacks. On the one hand, the West provided plenty of jobs, opportunities for growth and a better life, while at the same time many whites attempted to discourage blacks from western settlement.

In an attempt to understand how the wider national events affected the Jordan and Folkes trials, I sifted through judicial records to find the legal and appeal cases of the murders, located original copies of the Organic Laws of Oregon, and looked through various archive databases, such as those of the Oregon Historical Society and the Oregonian, to locate both local and national newspaper articles written about the cases. I also located and searched bound volumes of the NAACP records for evidence of the help given to the defendants and also of the International Labor Defense journal *Equal Justice* to find information on the role of the Communist Party in the two cases.

**Blacks in Oregon**

In order to fully understand the Jordan and Folkes cases, as well as the national attention directed towards them, it is important to review the problems blacks faced in Oregon, such as the Exclusion Laws and Ku Klux Klan activities, and what steps they took to overcome those problems, such as the creation of organizations and unions promoting black unity and activism, in the late nineteenth and early twentieth centuries.

Blacks have been present from the beginning of American expansion into Oregon
While first migrating as slaves, as the idea of Oregon as a free territory spread, blacks traveled of their own accord to seek a better life in a region free of slavery. However, black settlers proved to be a contentious issue for the white population as Oregon was being settled by a majority of white immigrants from the South and East of the country and many still retained the same attitudes and sentiments toward slavery and race. Even though many white citizens in Oregon did not like the idea of slavery; neither did most welcome the idea of blacks in the territory. In fact, when Oregon achieved statehood, it became the only state to ratify the State Constitution with a specific clause stipulating that while Oregon was not a slave state; no people of color were allowed.\(^9\)

Even before Oregon became a state though, legislators were taking steps in the form of the Exclusion Laws to not only restrict black rights, but to also prevent the migration of any more blacks to Oregon.\(^11\) The first law, passed in 1843, limited voting to only free white men of at least 21 years. Just one year later in 1844, an additional law was created stipulating that all blacks had three years to voluntarily leave the territory.\(^12\) This law became more commonly known as the Lash Law due to the required whipping of any black man or woman every six months until he or she finally left. The third and final exclusion law in 1849 allowed only the black settlers who were already established in Oregon to remain, and attempted to restrict the immigration of any more blacks to the territory.\(^13\) Due to pressure from the black community and

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\(^10\) Eugene Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana, University of Illinois Press, 1971), 95. While other states such as Illinois and Ohio also had exclusion laws, only Oregon built the law into the State Constitution.


\(^12\) La Fayette Grover, *The Oregon Archives: Including the Journals, Governors’ Messages and Public Papers of Oregon,* (Salem: Asahel Bush, 1853), 29.

Oregon citizens, the Exclusion Laws began to be repealed in 1854 and then again in 1857. It would not be until 1926 that the last Exclusion Law would be removed from the Oregon Constitution.\textsuperscript{14} Unofficially, this marked the start of a new era for black citizens of Oregon. The Exclusion Laws had been repealed, and in 1927, blacks in Oregon won the right to vote and were beginning to own property at a rapidly increasing rate.\textsuperscript{15} During this time, also known as the Roaring Twenties, events arose that would shape the lives of many black citizens in Oregon and would become, through the Great Depression, the needed change that the black community had been waiting for.

The creation of unions, groups, leagues and other organizations to promote civil rights and black activism proved vital to being able to provide needed and necessary legal and public help to the black community. Many blacks at the turn of the twentieth century believed that unions only helped the whites and did not want to join or make any unions of their own. This belief also extended to most black organizations as a whole.

Among the first of the black organizations to form nationally was the Afro-American Council (AAC) in the late 1890s. Though the AAC created local chapters, including in Oregon, to promote economic and political help for blacks it did not see much popularity and would later be disbanded.\textsuperscript{16} The National Association for the Advancement of Colored People (NAACP) was formally established nationally in 1909 to address several key problems. Among them being the


\textsuperscript{15} Ibid. When Oregon was still a territory in 1844, provisions were passed that excluded blacks from the entire area, these exclusion laws were reaffirmed twice more in the next fifteen years. Once when Oregon was made an official territory and then again when statehood was achieved in 1859. Though these exclusion laws were only very minimally enforced over the next seventy years, they still prevented blacks from owning land or voting. The last exclusion law blocking the owning of land was repealed in 1926 and the black suffrage movement of Oregon was passed the following year in 1927.

\textsuperscript{16} Ibid.
segregation problem in both housing and schools, voting, and employment rights.\textsuperscript{17} Though the Portland chapter of the NAACP was established in 1914, it was a full decade before the chapter became accepted by the black community and established a permanent foothold. The Colored Women’s Club was entirely different however.\textsuperscript{18} The group was officially established on the West Coast about 1915 and worked towards the advancement and welfare of women in schools and in the workplace. The children and young adults of the black community also had their own organizations. The Young Men’s Christian Association (YMCA) and the Young Women’s Christian Association (YWCA) were formed as church groups where children could gather and play together.\textsuperscript{19} All of these organizations were founded long before the creation of any labor unions; yet, it was not until the formation and acceptance of unions that these organizations were also accepted and became popular.

In addition to the leagues and organizations formed by blacks, there were also several newspapers circulating on both the state and national level. The best known of these were the \textit{New Age} and the \textit{Advocate}. The \textit{New Age} was a black weekly publication owned and published by A.D. Griffin from 1896-1907 and reported general news of the United States at the national level in addition to news important to the black community.\textsuperscript{20} The \textit{Advocate} was created in 1903 by a number of prominent black citizens in Portland. The \textit{Advocate} differed from the \textit{New Age} in that while the \textit{Advocate} published a weekly that had all the information that the local black community would want to know, it also printed examples of current racial discrimination and examples of where life in Oregon was good and advancing for blacks.\textsuperscript{21}

\textsuperscript{17} McLagan, \textit{A Peculiar Paradise}, 122.
\textsuperscript{18} Flamming, \textit{African Americans in the West}, 113.
\textsuperscript{19} Ibid., 121.
\textsuperscript{20} Ibid., 109.
\textsuperscript{21} McLagan, \textit{A Peculiar Paradise}, 112.
The development of unions proved a turning point in the advancement of black rights, specifically, the creation of the Brotherhood of the Sleeping Car Porters (BSCP) in 1925. Since becoming an established part of the economy in the mid-nineteenth century, railroads had consistently been one of the largest places of employment for black workers. The Pullman Porters were formed in the early 1870s by George Pullman, founder of the Pullman Railroad Company. Pullman purposely chose blacks for the role of porters when he created the Pullman Sleeper Cars due to the already established connection between blacks, slavery and domestic service. Though being a Pullman Porter meant good money and a higher status among fellow blacks, the work was not easy and forced many porters to be away from their families for extended periods of time.

Pullman worked hard to make the porters one of the greatest assets he had for his company. One of the biggest draws for the sleeper cars was the image that the name porter brought to mind for the white passengers. A porter was constantly on call for anything that the passengers might be in need of. Pullman wanted the porters to provide service reminiscent of the old servant style of the south to his patrons. Porters did not wear nametags either, every Pullman porter went by the name of George, both in honor of the founder and to make things easier on the patrons. Though being a porter meant a steady job and good money, work as a porter was not the best job. Blacks were not allowed to get hired for any position other than as low railroad workers and porters and once hired into one position by the company, there was no

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22 Ibid., 116.
25 Bates, *Pullman Porters*, 20. From the start of the Pullman Rail line and the use of porters on the sleeper cars, the link between blacks and servants were perpetuated. Porters immediately brought to mind black men. The term porters and their uniform also became synonymous with the luxury and decadence of the sleeper cars and the quality of service given. By requiring all Porters to answer to the same name, George Pullman also reinforced the prevalent sentiment that blacks were a sub-servient race by taking away their individuality and forcing them to become, in essence, a faceless group answering to one name.
advancement. A porter remained a porter and the long hours, lower pay rate than that of their white peers, and the conditions that they were forced to accept finally pushed things to the point where even though their jobs were on the line for it, the porters of the Pullman Railroad Co. formed a union in 1925 to help combat the unfair situations they were facing. Known as Pullman Porters, the group first organized in secrecy as knowledge of the union could cost the members their jobs. The porters asked A. Philip Randolph, an already established member of the black community in Harlem, New York as an editor of the black magazine Messenger, to be the leader of the union. Randolph accepted and would eventually be responsible for the spreading of the organization and the admission of many of the porters who worked across the country into the BSCP. The biggest things that the union lobbied for was increased wages and lessened hours for the porters and maids working on any of the cars. Randolph made the union into “the key to unlocking the door of a nationwide struggle for Negro rights.”

While some Americans were working hard to form organizations to advance black equality, others were organizing to maintain their segregation, subordination and exclusion. Though small groups of Ku Klux Klan (KKK) had formed in Oregon throughout the late 1800s, there was not an official chapter until 1921, as part of a general rise in Klan activities throughout much of the United States during the early 1920s. The KKK rapidly achieved a strong foothold throughout the state due to the fact that they promised “to restore law, order and 100% Americanism to the nation”, something that many white citizens favored. They also kept alive the belief that black men everywhere had evil and adulterous thoughts toward innocent white

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28 Ibid., 39.
29 Ibid., 87; McLagan, A Peculiar Paradise, 135.
30 Xing et al., Seeing Color, 88.
women and promoted the idea that they were looking out for women everywhere.\textsuperscript{31} During the brief reign of the Klan in the 1920s, there were multiple lynchings of blacks and hundreds of mock lynchings all designed to scare blacks into leaving the state. This influence was most strongly felt in rural areas where blacks tended to be more isolated and farther away from any help.\textsuperscript{32} The popularity and activism of the KKK during the 1920s undid much of the work that the black community had worked hard to establish. However, not all was lost. The NAACP worked hard to counter Klan influence in Oregon and although the KKK and the advent of the Great Depression produced new levels of white hostility and discrimination towards blacks, it was also at this time that there was a rise in black nationalism and politics and that life in general for blacks began to shift and change.\textsuperscript{33}

The Great Depression hit the United States in 1929, and blacks – at least as much as whites – were hit full force in terms of jobs and employment security.\textsuperscript{34} Many survived only through the continuation of domestic labor to the whites.\textsuperscript{35} Women working as maids in the white households and men doing what they could to scrounge up odd jobs were common during the early days of the Depression as the railroad jobs that the men held previously had either been cut or given back to white men who now wanted the jobs.

Ironically, it was the resurgence of Klan activities in Oregon during the 1920s that played a key role in the black community finding a common cause to gather together and finally unite.

\textsuperscript{31} Ibid., 29. In 1866, Oregon legislators proposed a bill that would prohibit any white citizen from marrying any type of “Negros, Chinese, Native Hawaiians or Indians”. This new Miscegenation Law expounded on the already in place law which stipulated that only blacks were unable to marry whites. Two of the most prominent reasons behind the creation of the law was that it was to be one more layer of protection for white women against the sexual threats posed to her by men of any type other than white and to protect any inheritance that might arise from such a union from leaving the white lineage. Protecting innocent women against blacks would later become a popular lynching excuse for the Ku Klux Klan in the 1920s to get rid of troublesome blacks.

\textsuperscript{32} Ibid., 89.

\textsuperscript{33} Douglass Flamment, \textit{African Americans in the West} (Denver: ABC-CLIO, 2009), 136.

\textsuperscript{34} Flamment, \textit{African Americans in the West}, 130.

\textsuperscript{35} McLagan, \textit{A Peculiar Paradise}, 125.
The success of unions like the Brotherhood of the Sleeping Car Porters changed the minds of many blacks who then realized how much an organization or union would be of help in gaining better working conditions, and political rights and protections. The advent of organizations and newspapers created by and ran by blacks kept the black community together and connected about what was happening on a larger scale in the state and nation, and finally, the unions allowed them a chance to fight for and achieve legal rights.

**State v. Jordan**

One black man that lived through these changes was Theodore Jordan. Jordan was born around 1906-1908 in New York to a black father and French mother. While still in his teens, like many other blacks seeking economic opportunities, Jordan moved to Oakland, California and worked at hotels and railroads. When Jordan got a job at the Southern Pacific Railroad (SPR) in Oregon, he won the job over a white applicant who happened to be the nephew of the SPR’s Special Agent William G. Chandler. Jordan claimed that this set Chandler against him and why Chandler “railroaded” him later on two separate occasions on false charges of robbery. Once, when Jordan attended a party with Chandler’s nephew, they got into a skirmish. These charges resulted in Jordan being sent to the San Quentin State Prison and the Oregon State Penitentiary for a total of about five and a half years. Jordan was released in early 1932 at the age of 24.

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36 Flamment, *African Americans in the West*, 111.
38 Flamment, *African Americans in the West*, 164. California had a large black population, several times the size of Oregon and Washington put together. Though California still had its share of racial problems, the overall climate towards blacks was much friendlier and areas such as Oakland and Los Angeles saw several booms in the black population in the 30’s even before Henry Kaiser built a shipyard in the Richmond area in the early 40’s.
In between his terms in jail, Jordan had moved to Klamath Falls, Oregon, and upon his release from prison in 1932, he returned there. However, Jordan did not stay out of trouble for long. On June 3, 1932, Jordan left the home of a local woman who sometimes cooked for him and that he called “mother”, a Mrs. Callie Timms, and the next morning was arrested for the brutal beating of a white SPR steward, F.J. Sullivan.\(^{40}\) When Jordan was arrested he was taken to see Agent Chandler where he is quoted as telling Chandler he “had the wrong man this time”.\(^{41}\) Over the course of the next two days Jordan was questioned at length and alternatively taken to restaurants to eat and then be interrogated. The result was a confession signed in front of the court reporter Dewey Powel, the district attorney T.R. Gillenwaters, the deputy district attorney Hardin Blacker, and Rex McMillan, the deputy county sheriff from Jordan, stating that he had premeditated the whole incident. Since he confessed that he knew where the money was kept from precious experience working on the train Jordan confessed under duress that he went to the railcar with plans to rob the money from the steward. When Jordan failed to find the money near the person of the steward, he took out the pipe that he had brought with him and violently hit the sleeping steward multiple times. Upon leaving the train, Jordan went to a street burner and tossed his bloody gloves and coat in it and went to another location where he had stashed a set of clothes in the event that something were to happen.\(^{42}\)

After signing the confession and while he was waiting in jail for the trial, Jordan began to claim that he was innocent and that the confession had been coerced out of him before he had been given an attorney. After W.P. Meyers was brought on to represent him, Jordan told the judge that Chandler had had it out for him for years and proceeded to tell the judge that Chandler had beaten, burned and scarred him, and on one occasion, even shot him while having Jordan in

\(^{40}\) State v. Jordan, 5.
\(^{41}\) Ibid., 4.
\(^{42}\) Ibid., 5.
his custody. After looking into the accusations and questioning Chandler, Judge W.M. Duncan rejected Jordan's claims and the written confession was kept as part of the case. The trial was over in only a few short days and Jordan was found guilty on all counts and sent to jail.

The steward Sullivan would never recover from the beating. Four months later, on October 15, 1932, Sullivan died of his injuries and the prosecution brought a murder indictment against Jordan. Jordan unsuccessfully tried to commit suicide in jail by stabbing himself with a sharpened penholder. While Jordan was being transferred to Salem to await hanging, on February 3, 1933, his attorney filed an appeal for a new trial which was granted. As the appeal was launched, Jordan's case was championed by many state and national groups, including the Communist Party of Oregon, the International Labor Defense. On November 10, 1933, Justice Bean of the State Supreme Court pronounced Jordan guilty and sentenced him to death. Jordan's hanging was set for August 1, 1934 at the Oregon State prison.

By the time that the sentence was pronounced, Jordan's case had become widely known. Letters poured in from all over the country and pamphlets were being distributed by the local Communist party magazine Voice of Action with Jordan’s face on it saying ‘Jordan Must Not Hang!’ Due to all the interest and action surrounding the case, Governor Julius Meier appointed a three-man committee to review the case once more. The committee’s verdict was that there were too many gaps in the evidence and therefore the death penalty should be commuted to life in prison. Jordan began his life sentence at the Oregon State Penitentiary in the summer of 1934.

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43 Ibid., 9.
44 "Date for Hanging Set," The Morning Oregonian, December 15, 1932, p.10.
46 "Execution Date Fixed," The Morning Oregonian, June 27, 1934, p.15.
47 "ILD Carries Case of Condemned Negro to Oregon Supreme Court," Voice of Action, September 11, 1933.
Jordan’s defense and the events leading to his commuted sentence were the results of the black community unifying together to realize that they could make a difference and the efforts of already established organizations, such as the NAACP and the International Labor Defense of Oregon, on behalf of Jordan. Although Jordan’s life was spared, he was still sentenced to live the rest of his life in prison.

**World War II and Blacks in the West**

Conditions were changing dramatically for blacks with the ending of the Great Depression. President Franklin Roosevelt believed that it was not a matter of if, but of when the United States would enter the war and so encouraged the start-up of factories.\(^{49}\) The President wanted the factories to begin production right then without waiting for the United States to enter the war because factory production would jumpstart the economy and begin to bring the country out of the last vestiges of the Great Depression. By early 1940 factories were beginning to produce needed materials for the war effort.\(^{50}\) With war on the horizon, blacks were experiencing a new level of discrimination as both blacks and whites vied for jobs and new blacks immigrated to the West Coast for job opportunities.\(^{51}\) The United States entered World War II as a result of the attack on Pearl Harbor on December 7, 1941.

Companies were given huge contracts for a variety of goods and materials; among these contractors was Henry Kaiser, a steel manufacturer. Kaiser took the contracts and opened up seven shipbuilding yards on the West Coast. Three were in California, three in Oregon and one in Washington.\(^{52}\) From the outset, Kaiser opened up the factories not only to workers of all

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\(^{49}\) Flannery, *African Americans in the West*, 162.

\(^{50}\) Ibid., 159.


\(^{52}\) Ibid., 163.
minorities; blacks, Chinese, and Hawaiians all worked at the shipyards with the whites, but also
to women as well. This influx of people to the Portland/Vancouver area to work in the factories
led to a drastic shift in how the blacks of Oregon changed how they approached the issue of
black civil rights.

The already settled black population of Oregon did not initially like the new blacks
arriving any more than whites did. There was plenty of well-grounded fear that what little
progress had been made towards the advancement of the black community could be wiped clean,
or worse, that setbacks would be caused by the new arrivals. It did not take long however, for the
black community to see the potential of joining with and growing stronger with the thousands of
new blacks now living in the city.

With so many people, both black and white, moving into the area to work in the
shipyards, there was an immediate need for active legislation on the behalf of the blacks for basic
rights such as housing, bathrooms that blacks could use, and amenities. There was also a
prevailing problem with the unions already set up for the companies that were hiring all of the
black workers. Unions such as the Boilermakers were a strictly white-only union that required all
factory workers to pay dues into the union. What this meant was that blacks were paying into a
union that they could never join but to refuse to pay would be to forfeit their jobs. To fight
against this, unions and organizations were set up to protest the actions against the black
community and delegations were sent to Washington to bring awareness and try and hurry along
a resolution to the problem. The resolution came in the form of an executive order form the

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53 Xing et al., Seeing Color, 21.
54 McLagan, A Peculiar Paradise, 173.
55 Flaming, African Americans in the West, 168.
56 Ibid., 176.
president in June of 1941. The Fair Employment Practices Committee was set up by the President to monitor racial discrimination in the federal workplace.

Though in reality this measure did not do much and many of the companies and white unions continued to ignore the directive, it was a victory nonetheless because it showed that the blacks were using political weight to get things accomplished. Black workers also began to form independent groups at factories to protest white-only unions and unfair working conditions. One of the groups formed called itself the Shipyard Workers Against Discrimination and joined together with another group called the United Negro Labor Council to protest and strike. Again, though these groups and unions made few significant changes at that time, they were instrumental in showing how collective organization might improve civil rights and how the advancement of blacks in the workplace was an important site for change.

As a result, both the national and local scenes at the time of the State v. Folkes trial had changed. Unfortunately for Folkes, as the following case study shows, the ability to focus on a single individual or happenstance was overshadowed by the national war effort. The years leading up to World War II changed how blacks approached civil rights, no longer focusing as much on individual issues, as with the Jordan case, but rather on wide, far reaching issues that would have an impact on the black community as a whole.

**State v. Folkes**

Robert E. Lee Folkes, the eldest of three children, was born the son of black parents, Robert and Clara (Leach) Folkes on June 20, 1922 in the small town of Newark, Arkansas. When Folkes was thirteen, in the middle of the Great Depression, the entire family moved to Los

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57 Ibid., 172.
58 Ibid., 176.
Angeles, California.\textsuperscript{59} Los Angeles would remain Folkes' official address until his death in 1945.\textsuperscript{60} When he was 17, Folkes became a cook on the West Coast Limited of the Southern Pacific Railroad Co. and at some point in his early adulthood entered into a romantic, live-in relationship with a black woman by the name of Jessie Wilson. Folkes had been working on the train for three years, and had advanced to the position of 2\textsuperscript{nd} cook when on January 23, 1943, the 21 year-old passenger Martha James in Pullman Sleeper Car-D, en route from Seattle to Los Angeles to join her husband, Navy Officer Ensign Richard James, was murdered in her berth.

As the train Folkes was working on passed through Tangent, Oregon, Martha James was accosted in her sleeping berth and died almost immediately upon having her throat slit when she tried to call out for help. According to the testimony of fellow Car-D passenger Harold Wilson, a private in the Marines, a "tall, dark looking" man was seen exiting the train car. The train continued without stopping until Eugene, Oregon at which point the body of Mrs. James was released to the Lane County coroner, Dr. Joseph Beeman, and Investigator John Huber boarded for the remainder of the trip to Klamath Falls, Oregon where C.W. Champlin, an investigator employed by the Southern Pacific Railroad, was waiting.\textsuperscript{61} As the train continued on to California, Investigator Huber and Agent Champlin thoroughly searched the train and discovered that there was no one who came close to matching the vague description provided by Wilson. However, they soon began to suspect Folkes due to his appearance and nervous behavior.\textsuperscript{62} Almost immediately following the arrival of the train in Los Angeles, Folkes was taken into custody and placed under arrest for the murder of Martha James.

\textsuperscript{60} State v. Folkes, 12.
\textsuperscript{61} Clarence Champlin, Autobiography of Retired Chief Special Agent C.W. Champlin, Dictated to secretary Lillian Quant, (San Francisco, California, 1984), 4.
How was Folkes so easily identified as a possible suspect? While he was the only dark-skinned person who might fit Wilson’s vague description, stereotypes about black men’s lust for white women almost surely played into the investigator’s accusations. White men had long propagated the idea that black men were all rapists at heart and possessed uncontrollable urges of violence against white women in an effort to undermine and to keep blacks in their place, that is, subservient to whites.  

63 Black men, seen as natural predators over the exceptional white rapist, almost always suffered a much harsher punishment than white men who were accused of the same crime.  

64 Many black men accused of rape ended up being hanged, sometimes without a trial. These sentiments lingered on well into the nineteenth century, and were in evidence during Folkes’ trial.

Released into the custody of the Los Angeles Police Department, Folkes was interrogated by Lieutenant E.A. Tetrck and Captain Verne Rasmussen for a confession. Tetrck and Rasmussen would later have their investigation’s validity questioned because they had provided whiskey to Folkes to aid his confession and in addition, possibly beat him up to force the confession.  

65 Nancy Lyman, secretary of the Homicide Bureau, later transcribed Folkes’ oral confession.  

66 Following his initial testimony, investigators transferred Folkes to Albany, Oregon for further questioning. Dr. Joseph Miller of the Oregon State Police Crime Lab took the lead in Albany on the questioning of Folkes. Acting as Miller’s witnesses were Lieutenant Howard, also of the Oregon State Police and Linn County District Attorney Harlow Weinrick, court reporter Kathleen Miller transcribed the investigation into shorthand.

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64 Ibid., 472.

65 State v. Folkes, 9.

66 Ibid.
Folkes initially named Maurice Gleeson as his lawyer, but never ended up getting
represented by Gleeson.\textsuperscript{67} Leroy Lomax of Portland took over and remained Folkes' lawyer for
the duration of the trial. Lomax began his defense by citing several errors on the part of the
officers in how Folkes' confession was procured.\textsuperscript{68} The first was that the initial questioning was
taken as Folkes confession rather than as simply statements, and that the testimony had been
coerced out of Folkes rather than being voluntary, and finally, that no efforts had been made to
verify the truth of the confession provided by Folkes. Lomax formally submitted a request for a
rehearing, citing the three errors as reason but was denied based on further questioning of Cpt.
Rasmussen and Lt. Tetrick, whereupon it was decided that no breach had been made.\textsuperscript{69} Lomax
then filed a motion requesting a postponement of the trial on the grounds that his client was
being deprived of a fair trial due to the fact that Lomax had not been provided copies of either
his client's confessions from District Attorney Weinrick or of the autopsy report from Dr.
Beeman.\textsuperscript{70} Judge Guy Lewelling again rejected the motion and the trial proceeded as scheduled.

When the case went to trial on April 8, 1943, District Attorney Weinrick depicted Folkes
as a ruthless Negro rapist on the trail of an innocent white woman.\textsuperscript{71} According to Weinrick,
Folkes singled out his victim in Seattle and, when night came, made systematic trips through the
Pullman sleeper car in order to unbutton the curtain one by one. When James awoke and
discovered Folkes in her bunk, he held the knife to her throat and cut her when she refused him.
James managed one single scream that woke the rest of the passengers, causing Folkes to run
from the car. Weinrick's repetitive use of anti-black stereotypes may have played a part in the
unanimous conviction given by the jury.

\textsuperscript{68} State v. Folkes, 6-7.
\textsuperscript{69} Ibid., 11.
\textsuperscript{70} Ibid.
\textsuperscript{71} Barker, “Murder on Train 15,” 285.
Folkes himself never took the witness stand during the trial. With little evidence offered to contradict the testimony and evidence supplied by the prosecution, Folkes’ defense was weak. The trial was short, only fifteen days total, and resulted in a unanimous guilty verdict by the all-white jury who sentenced Folkes to the death penalty. Sentences that carry the death penalty in Oregon are automatically appealed to the State Supreme Court. Subsequently, in March of 1944, Folkes appealed his conviction to the Oregon State Supreme Court where Chief Justice Bailey presided over Associate Justices Belt, Rossman, Kelly, Lusk, Brand and Hay. Once again, the court found Folkes guilty as charged of the same year. On the advice of Defense Attorney Lomax, Folkes appealed immediately to the United States Supreme Court, but the high court refused to hear the case in July of 1944 and Folkes was sent to the Oregon State Penitentiary to await his execution.

Folkes’ case did not go entirely unnoticed by potential allies. Articles about the trial and what Folkes was facing were printed and circulated throughout the country. Organizations such as the NAACP tried to raise awareness of what was happening, the BSCP and multiple churches became involved and tried to petition for the life of Folkes, much as had happened with Jordan. Unlike ten years before though, when the outcome of a single man’s trial represented the racial discrimination of a minority and became a rallying point for civil rights and labor organizations, now it was simply another case of justice withheld.

Black American men had been fighting against the rapist stereotype of blacks preying after and being unable to control their lust for innocent, white women, for years. In the case of Folkes, the prejudice of that stereotypy may have been too great to overcome. Thus, it is easy to

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73 State v. Folkes, 23.
75 “Negro Under Death Verdict Made Oregon Cause Celebre,” The Morning Oregonian, May 3, 1934, p.4
see how Folkes’ case ended in the death penalty when it was a full decade later than Jordan’s, even though civil rights had advanced considerably. The wartime effort had taken away the possibility of Folkes receiving the same amount of attention as Jordan because there simply was not enough spare effort to be lent to the case. On January 5, 1945, Folkes was gassed to death just short of two years after the murder.\footnote{76 “Fight Marks Folkes Case,” p.2.}

Reprieve

After the war, the American economy continued to expand, and many African Americans organized to challenge both the laws and practices of segregation and discrimination throughout the United States. This Civil Rights Movement would ultimately help to exonerate Theodore Jordan.

After Jordan had been in prison for seventeen years, new evidence came to life that proved to have huge implications for the case. A woman living in Chicago came forward early in 1951 and named her deceased husband, a former friend of Jordan’s, Sears Gilbert, as Sullivan’s killer. Another investigation began and it started to look as if Jordan would be paroled. Even though the woman, a Mrs. Alice Gilbert Borden, was considered incompetent by Chicago authorities and her answers were jumbled together, there was enough information that the investigation continued and the case reviewed again. This time, investigators cited underlying racial prejudices throughout the case and claimed that the trial was unfair.\footnote{77 Monypenny, L. and Turner, W., “Chicago Police Report Blasts Hope of Oregon Prisoner For Freedom,” The Oregonian, September 16, 1951.}

Three years after the reinvestigation began into Jordan’s case, Jordan was recommended for parole in early May of 1954 by the officials at the Oregon State Penitentiary and a review
board was set up to go over the terms of the parole. H.M. Randall, the director of the state parole board, described Jordan as a man who gave trouble the first several years that he was in prison but who had become a model prisoner and a trustee on the prison farm while gaining a higher education via correspondence. On May 25, 1954, Theodore Jordan spent his first day on parole walking around Salem and having dinner at a restaurant. After having a meal at a restaurant, Jordan planned to head straight to Oakland, California where his parents and six siblings lived. He stated that he was hopeful that he could put to use some of the learning that he had done while in prison and possibly become a civil engineer. After being released, Jordan only had one more run in with the law, this time in the early 1960’s. Accused of stealing toothpaste, Jordan went back to court, represented by attorney Chuck Paulson. After winning the suit of wrongful arrest, Jordan and Paulson decided to go back and try to get all charges against Jordan dropped. They won the suit and in 1964 Jordan became a legally innocent man for the first time in thirty years.

**Black Activists Use Media to Achieve Justice**

Jordan’s case garnered national attention because at the time that it began in 1932, many black organizations and labor unions were really getting a good footing and promoting black rights. The Depression was in full force and many people were suffering from lack of jobs. Jordan’s trial proved the perfect opportunity for all the groups and organizations to gather together in a common effort to fight the problems facing the black community by gathering enough attention to their cause.

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80 *Paulson Coletti Blog, The.*
Jordan was seen as a black man who had fallen prey to the vindictive white justice system who needed someone to blame for the death of a white man, eventually chose Jordan and then altered the facts to fit the circumstances to find him guilty. The black community was outraged at the way that Jordan was being treated and how the trial was unfair. The BSCP gathered together in support, the NAACP took the case on and began to raise money for the defendant and then the local communist chapter took the case over. Recent publications by the Communist Party of Oregon, the Portland Alliance and the Socialist Worker website, are providing continued research into uncovering the story behind the racial factors leading up to the beginnings of the civil rights movement and how the communist party, the International Labor Defense, was involved.\textsuperscript{81} Black newspapers across the country began circulating the story and thousands of people wrote letters to the governor. The combined weight of all of these groups created enough pressure to get the governor to look into Jordan’s case once again. Jordan was not hanged, but he was not freed either. Decades later, thanks to the Civil Rights movement, he was finally released and exonerated, though there is no doubt that he suffered for the unjust accusation. Jordan’s case proved to be a huge victory for Oregon’s black community by showing what they could accomplish when they worked together towards a common goal.

When Robert Folkes was accused of murdering Martha James, he faced two problems. First, the wartime influx of blacks to the West had heightened many whites’ fears of blacks; Folkes proved a convenient scapegoat for the murder on the train. Perhaps more importantly, the crime of attempted rape and murder of a white woman fell too easily into anti-black stereotypes

\textsuperscript{81} The Communist party of the West Coast played a significant role in the advancement of the blacks. Black people did not view Communism the same way as the white population did due to the fact that the Communist party was actively trying to help the black achieve rights and become full members of the community. The International Labor Defense chapter led by a black activist in the Party, Revels Cayton, actually took over the case of Theodore Jordan from the NAACP and continued to help until the final verdict of the case. Shelly Pinckney, “Race and Civil Rights: the 30’s and 40’s,” \textit{Communism in Washington State}; the 24\textsuperscript{th} Annual Report of the N.A.A.C.P., 1933.
that had been repeated for centuries. Even though some members of the NAACP tried to rally support to his cause, Folkes cause was lost to the prosecutor’s racist insinuations and society’s general distraction by wartime headlines.

The contrasting outcomes of these two cases demonstrates not only the importance of political organizing to resist injustice and improve economic conditions, but also the power of stereotyping and the dangers that isolation can bring. In the decades after WWII, many blacks would take these lessons to heart and press for fundamental legal, social and cultural equality.