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Deadly Censorship: Murder, Honor & Freedom of the Press by James Lowell Underwood

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Underwood, James Lowell. *Deadly Censorship: Murder, Honor & Freedom of the Press*. Columbia: University of South Carolina Press, 2013. xiii + 308 pages. Hardcover, \$39.95.

Speaking of the infamous killing of progressive journalist Narciso Gener Gonzalez in 1903, legal scholar James Lowell Underwood opens his history of the crime with a calibrated statement: “This killing initially gained notoriety because it took place in broad daylight in the shadow of the State House, on the busiest corner of the capital city, and the victim was an unarmed journalist of national reputation” (p. ix). He notes also that the shooter was none other than James Hammond Tillman, Lieutenant Governor of South Carolina who had only moments before closed the day’s sessions of the State Senate over which he presided. Yet even the sensational aspects of the murder trial are secondary to the question that frames this painstakingly developed study: “[H]ow did freedom of the press, not James H. Tillman, become the real, though not the legal, defendant in the case?” (p. x).

Working both as a jurist thoroughly familiar with the law and as a South Carolinian well versed in the state’s unique history, Underwood examines newspaper reports of the trial and the transcript records and other accounts of things that “made their way over the transom” of the jury room. Although quite a scholar, Underwood at times is less the professor and more the “country shrewd” lawyer, reveling in his good story before an appreciative courtroom. There is verisimilitude with his gracious plenty of specific information about state law and local practice of another era (such as the jury pool being drawn from a hat by a small child who certifiably could not read or write). And, for a state always dominated by race consciousness and family relations and connections (as he notes from political scientist V.O. Key’s 1949 classic, *Southern Politics*), Underwood pays appropriate attention to the dense tangle of cousins on both sides of the dispute as well as the nuances of the racial struggles at the heart of the political contests (everyone comes across as racist, but the supporters of Gonzales favored Jim Crow segregation to ensure peace and to stop lynching, while the Tillmanites favored sharper restrictions on black people, and hinted darkly at their own personal involvements in lynching).

Examining the strategies of the big teams of lawyers for both sides, Underwood shows that the physical evidence and the law are quite clear: Lieutenant Governor James Hammond Tillman planned to kill Gonzalez and calmly went about the task against a man he knew to be unarmed. The defense strategy put the press on trial rather than the murderer, and freedom of the press came away damaged. The jury acquitted Tillman of murder, not even giving him a day in jail for lesser crimes such as involuntary manslaughter. The national press expressed outrage; *The Washington Post* declared that “the pistol is mightier than the press in South Carolina” (p. 211), and even the state’s own presses were similarly shocked. Yet the careful and methodical Underwood also notes that, in the long sweep of things, the trial politically ruined Jim Tillman, who was discredited for his “unmanly” action in shooting an unarmed man. Furthermore, the *Columbia State* and the *Charleston News and Courier*, two dailies associated with Gonzalez, continued as careful watchdogs of the state’s politicians and were not censored when it was over. Indeed, Underwood concludes the sad and bloody story with the note that it is “futility” to attempt censorship, at least in the long run (p. 223).

Underwood draws heavily, and appropriately, on anthropological studies of violence in tribal societies in which men measure their worth by the honor accorded them by other men, largely on the basis of physical strength and physical prowess. He also cites the historian Bertram Wyatt-Brown, whose *Honor and Violence* describes in some considerable detail a “primitive” and “fighting” sense of honor that is “other-directed” (that is, responding to the

opinions of onlookers) rather than “inner-directed” (that is, based on parental and church training in right and wrong). Wyatt-Brown’s interpretive theory is both inspiration for Underwood’s thesis and solid and concrete proof that he is right.

Particularly useful is the way Underwood navigates class structure in South Carolina: Tillman is a man of the landed elite, and always had advantages of education and wealth; his followers by contrast were scratch ankle farmers and linthead millworkers, but they liked him much. At the level of command in communities wherein mill owners and landowners held all the offices and used control of credit and land to frustrate democratic processes, “the elite of the community readily resorted to violence as a means of dealing with a dispute” (p. 20). But those otherwise oppressed Tillman supporters were also accustomed to settling things with violence, and they reveled in the violent traditions of their so-called betters, the wealthy and prominent Tillman family members who were good with their fists and quick with their pistols. It is a must read, even if one lives in quieter states with less violence and more regard for law and order.

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