

Voice of the Negro January 23, 1906 (Newspaper)

"The Case of Ed Johnson" BY N. W. PARDEN. [*Mr. Pardon was one of Johnson's lawyers for his appeal*]

Miss Nevada Taylor claimed that she was raped by some one; but who it was she could not say. On the night the outrage was committed several officers were called to the home of the young woman and the first question propounded to her was if she knew who her assailant was. She said she did not know. Then she was asked if he was white or black, and she said that she did not know, as it was too dark for her to tell. A few days later a reward of \$50 was offered by Sheriff Shipp for any information leading to the arrest of the guilty party. This reward was increased to \$250 by the governor. On the morning of the 25th of January Ed Johnson was arrested and charged with the crime, also James Wyatt, a young preacher, and the two were rushed to Nashville, Tenn., for protection. A few days later the sheriff took Miss Taylor to Nashville to identify one of the two Negroes. Miss Taylor was put in hiding and the two Negroes were brought out where she could see them; but she was not seen by the Negroes. There they were made to talk where she could hear them. The men were sent back to their cells; the sheriff then called her in and asked if either of the two men was her assailant. She said she believed Johnson was because he had a soft, sweet voice like the man who outraged her. She returned to Chattanooga and the grand jury indicted Johnson as her assailant. He was a poor young man and not able to hire counsel. The Court appointed Mr. Robert Cameron, W. G. M. Thomas and Judge Lewis Shepherd, white, to represent Johnson. And it was one of the most remarkable trials known in criminal history. The above named lawyers are men of ability, and they claim that the reason they could not conduct the trial as it should have been is that they were told that if they should undertake to file a plea to the array of jurors that Johnson would be lynched; then they thought, that, under the circumstances, they should file a motion for a change of venue, and they were again informed that Johnson would be lynched. They also thought that at that time prejudice in Hamilton county was at such a pitch that the case should be continued until the next term of court, and again they were informed that any dilatory plea would again cause the mob to make another attack on the jail. Johnson was forced into trial. The young lady was asked to tell her story. Then she was asked if the defendant Johnson was the man. She looked at him for sometime, and then she said: "I believe he is the man." Others testified to immaterial facts. Johnson declared that he was not the man and ten or twelve others swore as to where he was at the time the young lady said she was raped. The young lady was called back to the witness stand by one of the jurors named Wrenn. Then Johnson was ordered to come around where she could look at him. He was then ordered to put on his hat. Then the juror Wrenn said: "Miss Taylor, look at this man, and say if he is the man that assaulted you." She turned her face towards the prisoner and said, "I believe he is the man." Then it was that Breeding, a juror, arose from his seat, and in a frantic manner, cried aloud: "My God, Miss Taylor, will you swear that he is the man?"

362 THE VOICE OF THE NEGRO At that time every one arose and crowded around the prisoner. Juror Breeding jumped from his seat and started towards the prisoner with both hands up. He was caught by two of his fellow jurors and remonstrated with. Then he cried aloud: "O! If I could only get to him, I would tear his heart out." While the trial was going on no one was admitted except the witnesses and a few favored lawyers. A cordon of police patrolled around the court house; at the head of each stairway leading in the court rooms stood two officers heavily armed to keep out the public. Johnson's father, mother, sisters and brothers were excluded with the rest of the public in general. February 7th the jury returned a verdict of guilty and fixed his punishment by hanging until dead. The above named lawyers gave notice that they would file a motion for a new trial. Then it was that an advisory committee of the Court was appointed to confer with the lawyers in the case and see if any errors had been committed. This committee and the lawyers went over the facts in the case and they came to the conclusion that it would not be wise to appeal the case to the Supreme Court of the State, as the mob was only waiting to hang Johnson in case he should appeal. This committee and his lawyers agreed to let him hang. Johnson was brought into open court and informed as to what had been done. He was then asked by the Court if he had anything to say why sentence of death should not be passed. Johnson raised his head and in a clear voice said: "I am not guilty, but I see somebody will have to die for this crime, and it might as well be me as anyone." February 10th, N. W. Parden and S. I. Hutchins, Negro lawyers, were employed to appeal the case to the Supreme Court of Tennessee. A motion for a new trial was presented by N. W. Parden and the Court and Assistant Attorney-General became frantic and wanted to know by what authority did he appear as counsel for the defendant. The Court among other things said: "That the defendant had the very best counsel the bar afforded; and what can you do?" The judge refused to allow the motion for a new trial, which was in violation of the defendant's constitutional rights. Then it was that the fight began as never before. Parden and Hutchins prepared a bill of exceptions, but the Judge left the state in order to keep from hearing it. Parden presented the bill of exception to the Supreme Court at Nashville, praying for a writ of error and supersedes. The case was taken under advisement but Chief Justice Bearden granted a writ of error but not a supersedes. A writ of habeas corpus was then prepared and N. W. Parden went to Knoxville, Tenn., where Judge C. D. Clark was holding the Federal Court and where Johnson was also confined in the Knoxville jail. Sheriff Shipp and Parden went on the same train, and an order by Judge Clark preventing Shipp from removing Johnson from the Knoxville jail was the first sign that trouble was on hand. The Attorney-General was notified to appear on the following Saturday and show cause why the writ should not be granted. In the meantime the Southern white newspapers and lawyers were laughing at the Negro lawyers and saying that the Federal Courts had no jurisdiction in such cases, but they, the Negroes, worked harder and harder. At the trial [in Knoxville, Tenn., white lawyers and people for a hundred miles around attended the trial. Judge C. D. Clark, after hearing the proof in the case, denied the writ of habeas corpus. Then an appeal was prayed for, but Judge Clark refused to grant an appeal, but

did grant a 363 stay of execution for ten days in order that Parden and Hutchins could carry the case to the Supreme Court of the United States on writ of error. On the eighth day Parden was in Washington, D. C., and presented it to the Court which granted his writ of error and appeal. When this news was heralded to the world, the mob formed in Chattanooga, Tenn., and in violation of the law and in defiance of the Supreme Court of the United States, took Johnson from the jail and hung him to the county bridge and fired over two hundred shots into his body. Then it was that they called aloud for Judge Harlan and N. W. Parden, the Negro lawyer that went to Washington. Before Johnson died, he said: "God bless you all, I am innocent." The cause mentioned in the writ of habeas corpus why Johnson was deprived of his constitutional rights are too numerous to mention at this time, but the Supreme Court was of the opinion that the causes mentioned were sufficient reasons and supported by proof that caused them to believe that every allegation in the writ was true. Yet the white men of the South claim that the Negro is the only criminal. In this case, the Negro fought on the higher plain, while the white man depended on his brutality. Never before in the history of this country has lynching been brought so plainly within the power of the Federal government to punish the perpetrators. Johnson at the time of his death was a Federal prisoner. It is now up to the government to deal out justice. The following Sunday after the lynching Rev. Jones, pastor of the First Baptist Church (white), preached a very strong sermon against lynching. He was notified through several letters that if he did not retract the statements made in that sermon that the mob would call on him. This he refused to do. The following Saturday night his house was set on fire. The lawyers have been threatened and the city is in an uproar, as bedlam reigns.

- Voice of the Negro: The newspapers report that Mr. Roosevelt gave an enthusiastic reception to the accused Chattanooga sheriffs, even being so cordial as to grasp Sheriff Shipp, the head devil of the whole group, by both hands. Silence here is better than comment. Let us hope that these are only blazing indiscretions.