THE WEATHER
Fair today and Wednesday, rain or snow in east portion.

Chattanooga Dai

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"GOD BLESS YOU ALL---I AM INNOCENT"

Ed Johnson's Last Words Before Being Shot to Death By a Mob Like a Dog

MAJESTY OF THE LAW OUTRAGED BY LYNCHERS

Mandate of the Supreme Court of the United States Disregarded and Red Riot Rampant.

Terrible and Tragic Vengeance Bows City's Head in Shame

Johnson Taken From County Jail Last Night, Marched to County Bridge and Hung While Red Rioters Complete Their Hideousness By Riddling Body With Bullets.

NIGHT OF WICKEDNESS AND WOE

Practically No Resistance Offered the Lynchers Who Numbered Less Than One Hundred Men.

below had secured the keys from Jailer Gibson. They rushed upstairs and tried to turn the bolt but the sledge hammer had made keys useless.

Then began the work of battering the two heavy doors down. Man after man took his turn with the hammer and axe and rivet after rivet was knocked out. Men streaming with perspiration yielded their implements to others as their strength gave out and the work went on steadily. At 10:30 the first of the two doors was torn out, and the workers began on the second. It took only about five minutes to batter and pry the second door open and then the way to the negro was clear.

The systematic manner in which the mob did its work was shown by the fact that when the doors were broken open only a half dozen men entered the corridor. One of these had the key to cell No. 7, the one in which Johnson was confined, and he opened the door slowly and calmly. His helpers in the corridor seized the negro and bound him with a rope which one of them carried and the doomed man was led outside and down the stairs.

As Johnson was brought out of the corridor and to the head of the stairs there was a cheer from the crowd awaiting him. About half of this crowd was made up of idle spectators who had done no work at all. Some of these became wildly excited at sight of the negro and some of them began howling "Kill him now!"

charged the negro was seen to move his head slightly. "He's not dead!" yelled men close to him, and this was followed up with demands for another gun. Then a big, broad-shouldered man, who had done much of the work, slowly refilled the chambers of his revolver. When his weapon was loaded to his satisfaction, he walked up to the negro, stood directly over the body and fired five shots into it. This ended the work of the lynchers and they left the bridge so rapidly that the idly curious hardly knew they were going.

Dr. Cooper Holtzclaw reached the bridge a few minutes after the lynching. He said the negro had been shot fifty times, and any one of the shots was sufficient to produce death. The body lay on the bridge for about an hour, Chapman finally sending a wagon for it.

WITHOUT OPPOSITION

The Lynchers Take Two Hours to Reach the Prisoner, Meeting With Little Resistance.

It was near the hour of 8:30 when a company of men—many of them extremely youthful—gathered at the jail. An organization had been formed with silent thoroughness that insured to the participants from the start the final grim success. The young men came principally from the suburbs, Alton Park being most largely represented. Neighbors of Miss Taylor were there in considerable numbers to aid in carrying out the purpose of alleged revenge for the outrage committed upon her. The Ninth ward and Sherman Heights had their representation with a sprinkling of men attracted from the street when vague hints of something doing began to be whispered about town.

In three separate parties the crowd made its way to the jail, junction of them all being formed at the corner of Seventh and Walnut. There were not more than thirty men all told. They were not openly armed to any great extent, only two or three Winchesters being in sight.

Arriving at the jail there was no person in sight. Night Jailer Gibson was alone in charge of the jail and he had gone inside for some purpose, locking himself in according to his custom. It was at the door that shut in the jailer that the mob met its first repulse. It is a steel door, the rods of which extend into the stone cements and are fastened there by means of a heavy lock.

A few heavy strokes with a sledge hammer and a few attacks with a large crow-bar removed this barrier to the interior halls. Every man seemed familiar with the location of the ward in which Johnson was a solitary prisoner, for without any hesitation or inquiry they made their way up the steps to the third floor and at once began an attack upon the door leading into the circle by which entrance could alone be made

(CHATTANOOGA DAILY TIMES, *MARCH 20, 1906)*

"God Bless You All—I Am Innocent": Sheriff Joseph F. Shipp, Chattanooga, Tennessee, and the Lynching of Ed Johnson

by Michael D. Webb

Ed Johnson's final words were "God Bless You All—I Am Innocent."[1] Moments later he lay dead at the feet of his executioners. Lynched from the County Bridge in Chattanooga, Tennessee (later renamed the Walnut Street Bridge), his body riddled with more than fifty gunshot wounds, Johnson fell victim to a fate all too common to southern blacks in the early twentieth century. He was twenty-four years old. His death, during the evening of March 19, 1906, came within hours of the United States Supreme Court's decision to stay his execution. Completely indifferent to the high court's ruling, a small band of vigilantes assumed the role of judge, jury, and executioner.

Two months earlier Nevada Taylor, a nineteen year old white woman, notified police that she had been robbed and sexually assaulted in a cemetery near her home during the early evening of January 23, 1906. The crime, vilified in a local newspaper as one "which heat[s] Southern blood to the boiling point and prompt[s] law-abiding men to take the law into their hands," was allegedly perpetrated by a young black man.[2] It was for this crime that Johnson had been accused, convicted, and sentenced to death in a Chattanooga court. The Supreme Court's last minute intervention had seemingly spared him the hangman's noose. But the locals, demanding swift and deadly retribution, had taken it upon themselves to carry out his execution. Such groups were rarely punished during this time in our history. Indeed, between 1900 and 1929 various local and state courts presided over eight cases that involved 54 accused lynchers. The legal system's unwillingness to punish those who were convicted is evident by the outcomes of these cases. While only a small number of those accused were actually convicted of participating in lynch mobs, their punishments ranged from meager fines to short jail terms.[3]

Those who participated in Ed Johnson's murder must have been confident that they would also avoid punishment for their actions. If the circumstances of this lynching had been similar to the hundreds that preceded it, they would have been correct. Ed Johnson's name would have become just another entry into the numerous lists of faceless lynching victims, lists that today remind us of a particularly violent period in our history. Johnson's death became significant because it marked the first time in American history that the United States Supreme Court would involve itself in a lynching case. United States Attorney General William H. Moody declared that "for the first time we now have a national lynching, one which the federal government must and will punish."[4] When Hamilton County sheriff Joseph F. Shipp was notified by the Court of its decision to hear Johnson's case and stay the death sentence, responsibility for the incarceration and safety of his prisoner assumed a different dimension. Ed Johnson was now a federal prisoner and his death, in the face of blatant disregard for the Supreme Court, would not quietly fade away. The circumstances surrounding Johnson's murder presented the federal government with its first opportunity to prosecute a lynch mob. It set in motion a chain of events that kept Chattanooga in the national headlines for the next three years.

When Trinity University President John C. Kilgo commented on the 1906 Atlanta race riots, he remarked that the pervasiveness of lynching was traceable to the race demagoguery practiced by southern newspaper editors.[5] During the investigation, incarceration, trial, and subsequent lynching of Ed Johnson, various articles published in Chattanooga newspapers supported Kilgo's blanket indictment of southern editors. The Chattanooga *News* called the assault of which Johnson was accused "a crime without parallel in [the] criminal

annals of Hamilton County." The article brazenly predicted that "had the brute who committed the crime been caught or if he is yet caught his life would hardly be his for more than a minute in the hands of these men."[6] The men to which the article referred were those private citizens who had organized themselves into search parties within hours of learning of the assault. Known for their reputations as mobs that "hang first and inquire afterward," these search parties, or posses, often formed the first link in a chain of events that resulted in most lynchings.[7] Still another article had threatened that when the "brute" was brought to justice, "he shall suffer death in the most frightful form the human mind can conceive. This seems to be the sentiment, which has impregnated St. Elmo, and not that suburb alone, but the entire city and vicinity."[8] These responses were typical of southern newspapers when reporting the rape of a white woman, especially if the alleged perpetrator was a black man. At this early juncture, even before a suspect was arrested, the inflammatory rhetoric expressed in these articles effectively sanctioned violent retribution. These newspaper accounts provided a clear validation of Arthur Raper's conclusion that lynching "is but a product of community standards, and consequently will not be condemned by that community."[9]

Nevada Taylor was assaulted in the Forest Hills Cemetery at about 6:30 p.m. on January 23, 1906. Her father, William Taylor, a popular and respected member of the St. Elmo community, was the caretaker of the cemetery. It was widely known that Taylor walked the same route through the cemetery upon her return home from work each evening. She told police officers that upon approaching the cemetery gate, she "heard footsteps behind her and turned only to be caught in the powerful arms of a negro man, whom she cannot identify." She was choked into unconsciousness with a leather strap as the rapist "accomplished his terrible purpose." Because it was dark when the assault occurred, Taylor could only provide officers with a vague description of the assailant: a black man, five feet eight or slightly taller (about her height), wearing dark clothing and a black hat. In fact, Taylor would never positively identify her attacker. The leather strap, two feet in length with a slit in one end, was left at the scene by the assailant. Aside from the minor injuries to Taylor's neck, this strap was the only physical evidence of the assault.[10]

On January 24, James Broaden was arrested as a suspect or as someone who knew "something of the perpetrator of the St. Elmo crime." Answering the victim's sketchy description, Broaden's criminal reputation was known to the local police. Through his former employment with R.F. Fowler Grocery, a business located near the crime scene, police surmised that "his knowledge of the 'lay of the land' about the spot where the crime was committed . . . might easily have [allowed him to] become possessed of the knowledge that his intended victim reached her home at a certain hour each evening." But the search did not end with the arrest of Broaden, for information had been received by the sheriff's department which led to the investigation of another suspect. Ed Johnson, an illiterate, twenty-four year old manual laborer and "well known as a hanger on at various saloons in South Chattanooga," was arrested the following morning.[11]

Because police records are no longer available, an interview granted to the *Daily Times* by Sheriff Shipp provides the most reliable record of events leading to Johnson's arrest. Shipp stated that shortly before Taylor's train arrived at the St. Elmo station, a witness, Will Hixson, had observed a black man answering Johnson's description loitering in the vicinity. Hixson claimed to have recognized the suspect because he remembered asking him for a match on the previous day. He also told police that the suspect was nervously twirling a leather strap. Accompanied by Hixson, the police searched the downtown "red row" district before locating Johnson on Whiteside Street, near a pool room he was known to frequent. Citing the need "to protect him from a mob that was forming [more] than on account of belief in his guilt," Shipp immediately took Johnson into custody.[12]

The most challenging task confronting Shipp and his department was protecting the two prisoners from an enraged community. In the aftermath of the arrests, rumors circulating throughout Chattanooga convinced Shipp that a lynch mob was planning to kill Johnson and Broaden. In fact, he was warned by several citizens that plans were underway for an assault upon the jail that very evening. After con-

THE NEWS, CHATTANOOGA, WEDNESDAY, JANUARY 24, 1906

BRUTAL CRIME OF NEGRO FIEND

Details of Which Shock Entire Community.

UNKNOWN NEGRO CHOKES VICTIM WITH LEATHER THONG.

ST. ELMO GIRL ASSAULTED NOT FAR FROM HER HOME..

A Crime Without Parallel In Criminal Annals of Hamilton County. No Clue as to Whereabouts or Identity of Dastardly Assailant.

An unknown negro man committed the most fiendish crime in the history of Chattanooga last night at 6:30 o'clock, when he attacked Miss Nevada Taylor, the 18-year-old daughter of William Taylor, keeper of the Forest Hills cemetery, and after choking his victim into insensibility by means of a leather strap drawn tight about her throat, accomplished the terrible purpose for which he had waited in the dark for the young woman. The crime was committed within sight of the victim's house, inside the triangular enclosure occupied as a marble yard, and strewn with marble shafts and tombstones.

Miss Taylor was returning to her home last night at 6:30 o'clock, having left her work in the office of W. W. Brooks' grocery a half hour earlier. The lights of her home could be seen from the point where she left the car, shining through the windows of the keeper's cottage on the inside of the cemetery. The car swung around a curve on Georgia avenue, leaving the girl walking toward her home in the darkness.

Story of Crime.

Miss Taylor crossed the car track and started in a southeasterly direction along the marble yard fence. She heard footsteps behind her and turned only to be caught in the powerful arms of a negro man, whom she cannot identify. A leather strap was quickly thrown over her head and drawn tight to hush her screams. The young lady was so frightened at first that she could not defend herself, and it was not until she felt the leather thong tighten about her neck that she screamed. The negro instantly jerked the strap tight.

He then tucked his victim from the ground and hurled her over the fence into the marble yard near the southeastern point of the triangle. There he accom-

perfect gems, and were exquisitely rendered. The singer graciously compelled the composer to join in the acknowledgements of their pleasure at the continued applause for these numbers.

"The Irish Folk Song," with its weird

PURSE SNATCHER IN ST. ELMO

UNKNOWN NEGRO RELIEVES LADY OF $10 AND DISAPPEARS IN DARKNESS.

The terrible crime of last night in St. Elmo was preceded by one of the night before in which the crime was not so grave, but one which would undoubtedly have resulted seriously for the perpetrator had he been captured. Mrs. Gamble who resides in Mountain Junction, south of St. Elmo, was going to her home at a late hour on Monday night, when a negro man approached and after asking her several questions regarding the direction of St. Elmo from the point where they were standing, suddenly lunged forward and snatched Mrs. Gamble's purse from her hand and ran off into the darkness. The lady made an effort to hold to her purse, but the threat of the negro that he would kill her made her relinquish her grasp.

Mrs. Gamble ran to her home, where she told her husband and son of the occurrence and a number of the neighbors took the matter up at once and spent several hours in trying to locate the negro man. Their efforts, however, were unavailing, as any one of a dozen negroes stopped and questioned, might have been the assailant of Mrs. Gamble. The purse contained approximately $10 in money.

The purse-snatching was reported to the county jail at midnight, and later the St. Elmo drugstore was called up by a deputy sheriff, who wanted particulars. These were not forthcoming, however, as no report of the matter had reached St. Elmo at that hour. Yesterday afternoon, however, the full report of the theft was given out.

THE EVENING ATTACK ON NEVADA TAYLOR IN FOREST HILLS CEMETERY WAS DESCRIBED IN VIOLENT DETAIL IN THE NEXT DAY'S PAPERS. SHE WAS "CAUGHT IN THE POWERFUL ARMS OF A NEGRO MAN WHOM SHE CANNOT IDENTIFY." (CHATTANOOGA NEWS, *JANUARY 24, 1906)*

sulting with Criminal Court Judge Samuel D. McReynolds, Shipp ordered Johnson and Broaden transported to Nashville for safekeeping. Unaware that Johnson and Broaden had been taken from the city, a mob of 3,000 men descended upon the jail at nightfall. Not only did they demand the suspects in the Taylor assault, two other black prisoners — Floyd Westfield, accused of murdering police officer Lon Rains, and Ed Smith, accused of assaulting a white girl at the Vine Street Orphanage — were objects of the mob's rage. Over the course of four hours the jail was barraged with gunfire, rocks, and sledge hammers while the bloodthirsty mob screamed "bring them out" and "kill the niggers." A metal battering ram was used to break down the jail's front door, while random gunshots injured three spectators and destroyed every window in the building. The intensity of the attack prompted Governor John I. Cox to order the local militia into service to protect the jail and the officers inside. Marching quickly from its drill site, an armory within three blocks of the jail, Captain James Perry

Fyffe had the militia assembled in front of the mob within minutes. Although the presence of 500 armed troops quickly brought the disturbance under control, the somewhat calmer mob remained unconvinced by Judge McReynolds's assurances that Johnson and Broaden were not in the jail. They continued threatening police officers and engaging in sporadic violence until McReynolds found a way to placate them.[13]

Upon hearing the commotion at the jail, members of the chamber of commerce adjourned their meeting and hurried to McReynolds's aid. Several notable civic leaders from Chattanooga's past were counted among the chamber members. John A. Patten, president of the Chattanooga Medicine Company, Demitrious M. Steward, noted manufacturer and entrepreneur, T.C. Thompson, Chattanooga's first mayor following the enactment of commission government in 1911, and Milton B. Ochs, managing editor of the *Chattanooga Daily Times*, were among those who assisted McReynolds in negotiating with the mob. The mob leaders and chamber members successfully forged an agreement which allowed a small group of mob members access to the jail so they could ascertain for themselves that the prisoners were absent. After a tour of the jail satisfied them that Johnson and Broaden were not there, the frustrated mob, amid further threats to have their way with the prisoners, began disbanding by 11:30 p.m.[14] If Johnson and Broaden had been in the jail during the attack, it is doubtful the mob have abandoned their intentions to kill them. Shipp's decision to remove them from Chattanooga not only saved their lives, but probably the lives of Westfield and Smith as well.

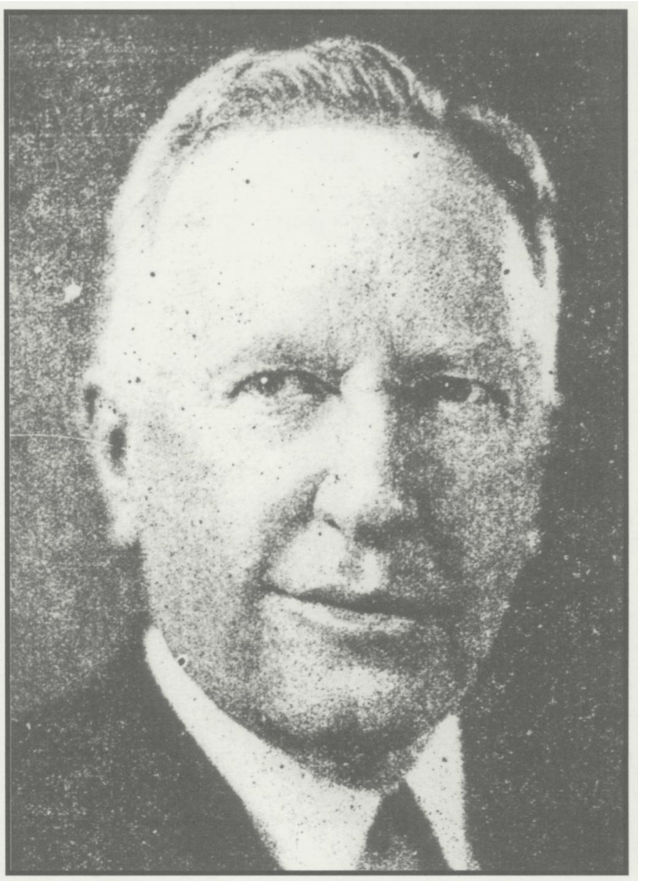
Immediately following the attack, the *Chattanooga Daily Times* used a scathing editorial to denounce the mob. Claiming that Chattanooga had been "shamed by the riotous demonstrations of the ugly mob," the editorial demanded the arrest of those who had engaged in the attempt to lynch the prisoners and in the wanton destruction of property. The *Daily Times* asserted that "they ought to be haled before the grand jury and punished, for it is impossible that at least some of them were not identified."[15] Judge McReynolds responded to the riot by charging the grand jury with the responsibility to investigate the mob and to summon before the court those who could be identified as participants. It was this same grand jury that in only a few days would hand down a criminal assault indictment against Ed Johnson. But the *Daily Time's* condemnation and McReynolds's grand jury charge eventually proved to be nothing more than empty rhetoric. No charges were ever filed against any of the participants. Not only did private citizens refuse to identify members of the mob, both local newspapers, despite having eye-witnesses on the scene, refused to come forward with information. Even if some of them had been identified and brought into court, securing a conviction would have been unlikely. Community silence, typical in the aftermath of mob violence, had already taken root in Chattanooga.

Which of the two suspects would be indicted for the assault? This dilemma was resolved when at the request of Sheriff Shipp, Nevada Taylor traveled to Nashville for the purpose of identifying her attacker. Upon arriving, Taylor was ushered into a darkened interrogation room thought to resemble the conditions she had experienced on the night of the assault. It was here that she confronted Johnson and Broaden for the first time. Shipp ordered both men to speak alternately; first using their normal voice and followed with lower, menacing voices. They were also ordered to move about the room so that Taylor might observe their silhouettes in the darkness. Despite earlier statements that she was unable to identify her attacker, Taylor showed little difficulty in accusing Johnson. She told Shipp that "from that negro's general figure, height and size; from his voice, as I can distinctly remember it; from his manner of movement and action, and from the clothing he wears, it is to my best knowledge and belief that the man who stood on your left [Johnson] was the one who assaulted me." She added that she believed in Johnson's guilt because he deliberately tried to disguise his voice — just as Shipp had requested! This "almost positive identification"of Ed Johnson, coupled with testimony from a "well known white man [Will Hixson], whose word is regarded as the very image of truth by his friends," proved sufficient for the grand jury to indict Johnson. Following the indictment, Judge McReynolds appointed local attorney Robert T. Cameron to the unpopular task of representing Johnson. It was "with great reluctance, [that

Cameron] finally agreed to do the best he could under the circumstances." Attorneys W.G.M. Thomas and Lewis Shepherd were also appointed to assist with Johnson's defense.[16]

Still concerned for his safety, the sheriff's department implemented a series of measures to protect Johnson during what was sure to be a trial charged with emotion. Shipp enlisted the additional officers that were required to secure the courthouse grounds and the designated courtroom. Judge McReynolds also ordered that the general public be excluded from viewing the trial. With the exception of those directly involved in the proceedings, only the local press were to be permitted access to the courtroom. Furthermore, asserting an interest in preventing any further mob violence, McReynolds determined that Johnson's trial would proceed expeditiously. "It is the 'law's delay,'" the judge declared, "that brings about the mob spirit, and this court is determined that there shall be no delay in enforcing the law in this instance." Anticipating a defense motion for a change of venue, a move viewed by McReynolds as a way to delay the trial, prompted him to state publicly that such a motion would be denied.[17] As a result of McReynold's public posturing, Johnson's attorneys would never broach the issue in open court. On February 6, 1906, within hours of his secret return to Chattanooga, the highly publicized trial of Ed Johnson was underway.

Led by Tennessee Sixth District Attorney General Matt Whitaker, the prosecution opened the trial by calling Nevada Taylor as its first witness. Taylor's testimony contained significant contradictions with regard to her ability to identify the assailant. Despite having told police that she had been unable to secure a clear view of her attacker, she testified that she saw him "face to face" during the attack. When asked specifically if Johnson was the assailant, she merely replied that "I believe he is the man." Frustrated with Taylor's inability to offer a positive identification of Johnson as her assailant, the jury recalled her to the stand during the third day of the trial. During a period of direct questioning by the jury foreman, Johnson, wearing dark clothing and a black hat, was ordered to stand directly in front of Taylor. Neither Johnson's attorneys nor Judge McReynolds objected to this unusual request. With the defendant standing less than three feet



Criminal Court judge Samuel D. McReynolds oversaw the February 1906 trial and conviction of Ed Johnson, sentencing him to death. McReynolds later served eight terms in the 1920s and 1930s as U.S. Congressman from the third district. (Ca. 1930 photograph, Chattanooga-Hamilton Co. Bicentennial Libaray)

from her, Taylor once again stated that she "believed" him to be the assailant. C.E. Bearden, one of the jurors, became so frustrated with Taylor's response that he, "became more and more nervous and began to weep, and almost rising to his feet, cried, 'Miss Taylor, as God sees you, can you say that is the negro, the right negro?'" Taylor calmly responded that, "I would not take the life of an innocent man, but I believe that is the man."[18] Despite prodding from the jury, she never offered positive identification.

Will Hixson, the only witness placing Johnson near the crime scene prior to the attack, provided the most damaging testimony to Johnson's case. He testified to not only seeing Johnson near the crime scene, but that he observed him twirling the leather strap presumably used in the assault. When asked if

he might be mistaken about the defendant's identity, Hixson claimed that he was certain because not only did he know Johnson worked at the St. Elmo Rock Church, he had observed him there on several occasions. But when he allegedly began searching for Johnson on the day following the assault, Hixson testified, "I hunted over Mountain Junction, Alton Park, St. Elmo, Whiteside street, East and West Ninth streets and I finally saw him at the rock church talking to a negro."[19] Why did Hixson not begin his search at the St. Elmo Rock Church if he knew that Johnson worked there? In fact, St. Elmo was located closer to his own place of employment, the Chattanooga Medicine Company, than the first areas he searched.

Successfully defending Johnson necessitated a dual strategy. The defense needed to mitigate the damage done by Hixson's testimony and they needed corroborating witnesses to support Johnson's claim that he was at the Last Chance Saloon on Whiteside Street when Taylor was attacked. When they began presenting their case on the afternoon of the second day, the defense immediately attacked Hixson's credibility. They asserted that Hixson's testimony was not only fabricated, but motivated by greed. He had in fact resigned from the Chattanooga Medicine Company on the day prior to notifying Sheriff Shipp that he had knowledge of the assailant's identity. Hixson, they argued, was sufficiently motivated to accuse Johnson, or in fact any black suspect, because it would entitle him to claim the $500 reward that had been offered for the assailant's capture. Harvey McConnell, a black laborer, was called as the first defense witness. McConnell, it was hoped, would undermine the veracity of Hixson's statement that he previously knew the defendant and his place of employment. McConnell testified that he had in fact spoken with Hixson concerning various black laborers employed at the church. When Hixson asked for their names, he replied that the only one familiar to him was Ed Johnson. Upon receiving this information, Hixson told McConnell that it was Johnson who was suspected of assaulting Taylor. What he failed to mention, however, was that at this particular time it was only he who suspected Johnson. In further testimony, McConnell stated that as he spoke to Hixson he noticed Ed Johnson standing directly across the street. When he summoned Johnson to join them, Hixson promptly left the scene. Upon being recalled to respond to McConnell's testimony, Hixson simply denied having spoken with him concerning either Ed Johnson or the Taylor assault.[20]

Johnson's alibi rested upon his claim that he was in South Chattanooga at the Last Chance Saloon between 4:30 and 10:00 p.m. William Hunnicut, an employee of the Chattanooga Packing Company, was among several witnesses called to corroborate his claim. Hunnicut testified that at approximately 6:00 p.m., he saw Johnson "sitting by the stove in the pool room, which is under the saloon proper." Two other witnesses, J.G. Groves and John Jackson, both "frequenter[s] of the Last Chance Saloon," also testified to having seen Johnson at the tavern during the time the assault occurred.[21]

The prosecution attempted to undermine Johnson's alibi by raising a question concerning the exact time that he was supposedly at the saloon. The prosecution's strategy centered upon the question of whether the clocks in the tavern were reliable. According to witnesses, two clocks were in the saloon, each hanging on opposing walls of the establishment. The clock located on the south wall "was a small 'crazy' one, which when wound up usually ran less than an hour before becoming tired and stopping."[22] The clock that hung on the north wall was thought to be more reliable. Which of the two clocks did defense witnesses use to establish the time they saw Johnson? The prosecution's argument could only be valid if all of the defense witnesses had used the same slow clock. But would all of them have used the same clock to support Johnson's alibi, on the same evening, and at about the same time? The answers to these questions never surfaced during Johnson's trial. Eight witnesses, five black and three white, testified under oath that Johnson was at the saloon when the crime occurred.

The replacement of the clock, shortly after Johnson was taken into custody, broaches another questionable aspect of the case. J.G. Brooks, the "mysterious clock man," testified that he when replaced the clock in the saloon, he also destroyed both the old clock and the "memorandum in regard to the clock" because he "had no further use for it."[23]

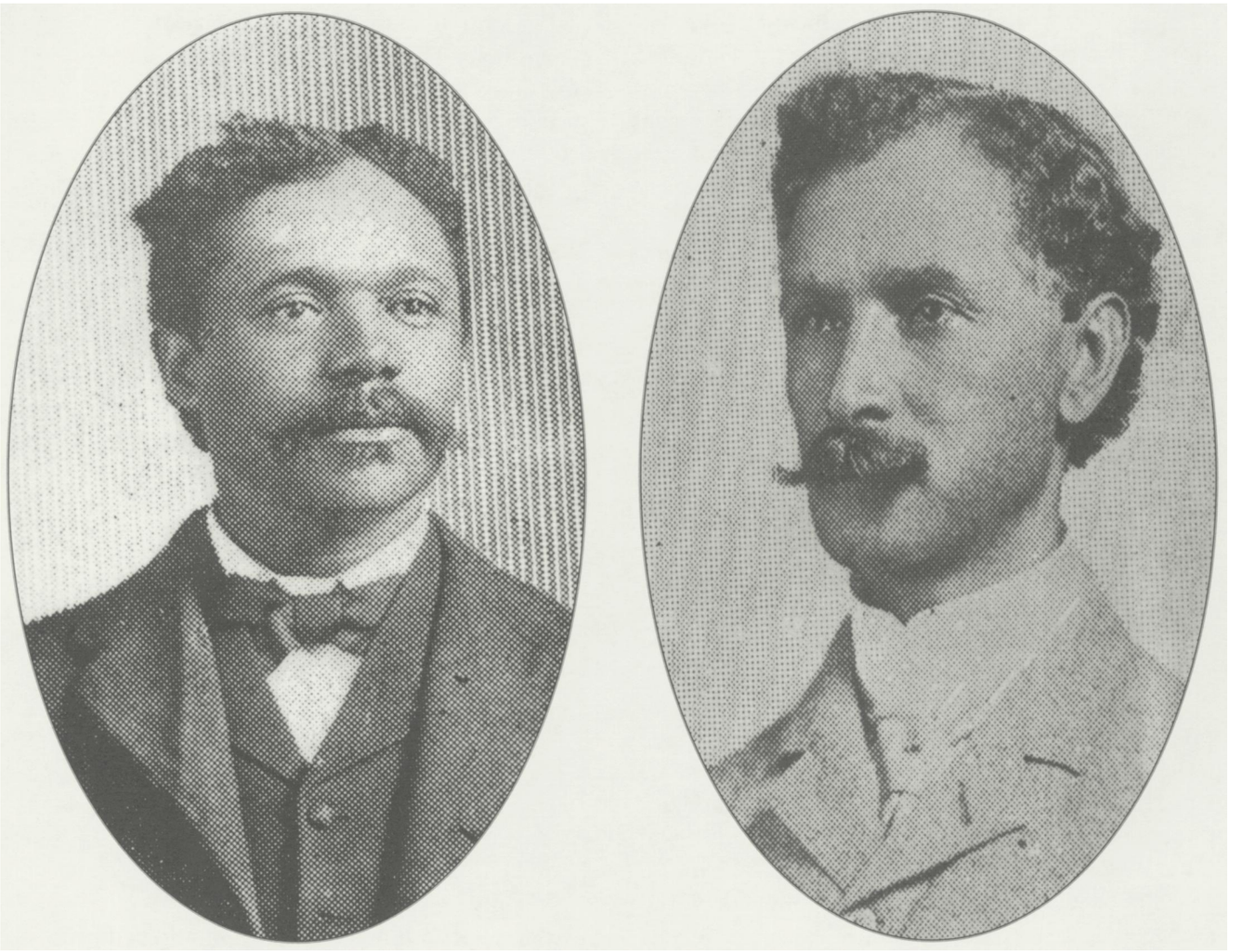
During the time he replaced the clock, Brooks was in the company of three deputies of the Hamilton County Sheriff's Department. This action becomes significant by virtue of when the clock replacement supposedly occurred. Apparently, the clock was replaced following Johnson's arrest and subsequent statements that he made regarding his alibi. Did a faulty clock really exist? If not, testimony from defense witnesses would have been more difficult to undermine and Johnson's alibi would have been more compelling. If the clock did exist, why did the police department allow the destruction of a piece of evidence that could have essentially made the prosecution's case? In the end, despite their being unable to either confirm or deny the existence of a faulty clock, the jury sided with the prosecution's version of events. Unfortunately for Johnson, the jury was more willing to accept the faulty clock theory than the testimony of eight eyewitnesses.

On Friday morning, February 10, 1906, the jury returned a guilty verdict against Ed Johnson. Accompanying the verdict was their recommendation that he be sentenced to death by hanging. Upon hearing the verdict, Johnson exhibited the same stoic persona that had become his trademark throughout his highly publicized incarceration and trial. When he was permitted to address the court, Johnson once again proclaimed his innocence. And perhaps because he did not know what else to say, the convicted man closed with a muffled "thank you."[24]

In the hours prior to Johnson's official sentencing a committee of six Chattanooga lawyers took under advisement the question of whether the jury's verdict would withstand the scrutiny of appellate review. Robert Pritchard, Foster V. Brown, and J.H. Cantrell joined Cameron, Thomas, and Shepherd in comprising the committee. In fact, Thomas, an inexperienced criminal lawyer, had previously voiced misgivings about the trial and hoped that the committee would in some way enable them to share in the burden of deciding Johnson's fate. But in the end it was Foster Brown, not Thomas, who displayed the most concern for Johnson's right to appeal the verdict. Brown was unable to persuade the other members that the only way to guarantee fairness for Johnson was through the appeals process. But when his argument fell on deaf ears, he acceded to the majority opinion. The committee unanimously concluded that Johnson had received a fair and speedy trial, was convicted by a jury of his peers, and was represented by competent legal counsel. Furthermore, they believed that the verdict would withstand appeal. They also agreed that nothing more should be done in defense of Johnson because they feared that an appeal would lead to further mob violence. Later that afternoon, Thomas and Cameron laid aside their sworn obligation to defend their client when they addressed Judge McReynolds prior to his passing sentence:

> We feel, your honor, that we have performed our duty as far as we have been able to see it. A jury composed of the citizens of this county, all of whom are known, and many of whom are my friends and acquaintances, have heard all of the proof on both sides; have looked at it, and viewed it impartially and those twelve men have said upon their oaths that this defendant is the right man; and after this conference with Messrs. Brown, Pritchard, and Cantrell we feel that we should acquiesce in the action of the jury, if it is your honor's judgment that the jury's verdict is the correct verdict. We leave that question for your honor to decide.[25]

Only minutes before, Thomas and Cameron had convinced Johnson that he should acquiesce to the committee's findings, that pursuing further legal recourse would serve neither his nor the community's best interest. Indeed, they painted a bleak picture of his situation: "If you are an innocent man, you . . . were found in bad company. . . . [A]nd it looks like you must lose your life on [that] account. The jury would not believe your bad company. If you die, Ed, and you are innocent, your bad company will be the thing that kills you, because the jury refused to believe anything they said." Fearing death at the hands of a lynch mob if the verdict was appealed, Johnson took the advice of his attorneys and resolved to accept punishment for a crime that he still denied committing. Johnson's attorneys, under the absurd pretense of protecting him from a mob during his final days, had effectively persuaded him to die legally! When Judge McReynolds set Johnson's execution date to occur within thirty days, the condemned man once again accepted the



Attorneys Noah W. Parden (left) and Styles L. Hutchins (right) undertook the appeal of Johnson's trial after Johnson's abandonment by his original representation. Their case was accepted by the U.S. Supreme Court, but Johnson would be lynched before their arguments could be heard. (Chattanooga-Hamilton Co. Bicentennial Library)

news without emotion. Asked if he wished to make a final statement to the court, Johnson, in a solemn and almost inaudible voice, muttered, "I haven't got much to say, only I am an innocent man. I reckon [sic] I'll have to suffer, and it's all right."[26] He was immediately remanded to the Knox County Jail to await his execution date.

Notwithstanding the committee's recommendation and Johnson's own resignation to his fate, his case was immediately taken up by Noah W. Parden and Styles L. Hutchins, two highly regarded black attorneys. Their intervention, at the behest of Johnson's father, was met with mixed sentiments among Chattanoogans. Although Parden and Hutchins claimed to have heard from several whites who supported their effort to win a new trial for Johnson, the *News* reported that such efforts were "deplored by the better element of the race." One editorial noted that "Johnson is a convicted man and resort to the Federal arm in the hope of saving his neck, or prolonging his life is ill advised and calculated to bring about more trouble than his miserable neck is worth." On February 13, Parden notified Judge McReynolds that he intended to file a motion seeking a new trial and stay of execution. Included among the several points contained in the motion was their assertion that Johnson was convicted solely upon circumstantial evidence that failed to warrant a guilty verdict, that the jury overstepped its authority when the foreman compelled the defen-

dant to provide self-incriminating evidence, and that both Johnson and his attorneys had been subjected to a systematic pattern of intimidation throughout the trial. These trial errors, they asserted, provided sufficient proof that Ed Johnson had been deprived of a fair trial.[27]

Two obstacles restricted the new defense team from winning a new trial. First, inasmuch as they had not been retained by Johnson's father until after passage of the death sentence, they could not file their appeal immediately following the conviction. Second, and for the same reason, they were unable to file an official new trial motion within the legally allotted three day period. With Johnson officially sentenced on Friday and the motion not being heard until Tuesday, the inclusion of Sunday meant that four days would elapse. Owing to this special circumstance, only Judge McReynolds could grant the necessary waivers to clear the path for a new trial. But the judge quickly proved unsympathetic to their plight. On Monday morning, February 13, when Parden notified him of his intention to file an official motion the next day, Judge McReynolds immediately responded that since the motion would be one day late, Parden was simply wasting the court's time. Furthermore, he noted that in his opinion the trial errors that the defense intended to use as the basis of their motion failed to establish sufficient grounds for granting a new trial. Undeterred by McReynolds's open opposition to their cause, and because he and Styles had not been retained by Johnson's family until very late in the proceedings, Parden pressed his request for special consideration. Were not Sundays, he inquired of McReynolds, usually excluded when fixing the time allowed for filing appeals? It was hopeless. Despite his authority to waive this technicality, McReynolds was unmoved. Soon after disposing of the remaining docket, McReynolds dismissed his court and departed Chattanooga for an extended Florida vacation.[28]

With McReynolds absent from the city, the possibility of the defense securing a writ of mandamus to compel him to hear the motion was indeed remote. Therefore, the next avenue open to them was to file a writ of error with the Tennessee Supreme Court. The merits of Johnson's appeal prompted the court to review the case even though its next term would not convene until September. A favorable ruling for the defense would temporarily stay Johnson's death sentence and require Judge McReynolds to hear their motion upon his return from Florida. On March 4, the state supreme court dealt a serious blow to the defense. Yet another legal technicality, the absence of Judge McReynold's signature on the bill of exceptions contained in the writ, compelled the court to vote for its dismissal. Despite Parden's argument that he had been unable to obtain McReynold's signature because he had left the city, the court would not be swayed from its decision.[29]

With Johnson's time quickly ticking away, the defense filed a writ of habeus corpus in federal court that enumerated six violations of his constitutional rights. They maintained that Johnson had been compelled to provide self-incriminating evidence, was soon to be deprived of his life without due process, had been denied a public trial by a jury of his peers, was deprived of adequate counsel in the final stages of his trial, equal protection under the law, and the right of appeal pursuant to the Tennessee criminal code. It was, declared Parden, "the most remarkable trial ever witnessed in a court of justice." The charges set forth in the writ proved so compelling that federal Circuit Judge C.D. Clark decided to hear the supporting evidence. On March 7, upon his arrival in Knoxville to take custody of Johnson, Sheriff Shipp received notification of Judge Clark's decision. He was ordered to have Johnson in Clark's courtroom on the following Saturday, during which time evidence pertaining to the writ would be heard.[30]

First, the writ alleged that Johnson had been compelled to give self-incriminating evidence during his trial. Parden argued that his client's right to avoid self-incrimination under the fifth amendment was violated at the moment the jury required him to stand before Taylor in open court while wearing a hat and dark clothing. And, during the questioning, when one of the jurors shouted, "If I could just get at him, I would tear his heart out," Parden told Judge Clark that McReynolds "did not rebuke him by word or jesture [sic] or disapproving look." This intimidation, he noted, exemplified what Johnson and his attorneys were forced to endure throughout the trial proceedings and clearly undermined his ability to receive a fair trial.[31]

Second, the writ contended that Johnson was within days of losing his life absent the due process guaranteed him under the fifth amendment. Two elements in Johnson's trial were at issue: the supposed surrender of his right to appeal the verdict, and the court's refusal to grant a change of venue for the highly publicized trial. Parden noted that Johnson's lawyers had intimidated him so effectively that he felt compelled to accept a death sentence. Their assertion that the verdict had been fairly rendered and immune from error, when coupled with veiled threats of mob retaliation, managed to persuade Johnson that appeals would be useless. The outbreak of mob violence following Johnson's arrest sent a clear signal that his trial necessitated removal to another city. Parden admonished Johnson's attorneys for failing to file the motion simply because public statements by Judge McReynolds indicated that he would refuse to hear it. In fact, Parden continued, McReynold's decision was not likely arrived at by thoughtful deliberation, but was the product of an intimidating *Chattanooga Daily Times* editorial that predicted more mob violence if a change of venue were to be granted.[32]

Third, Parden presented evidence showing that Johnson had been deprived of a public trial by a jury of his peers. Despite more than 3,000 blacks living in Hamilton County who were eligible for jury duty, none were selected. Parden claimed to have information leading him to believe that the names of potential black jurors had been deliberately removed from the jury selection box. Therefore, he continued, the jury that sat in judgment of Johnson was illegally constituted. Deputy Court Clerk J. P. Pemberton denied Parden's allegation. He testified that at the time of Johnson's trial, the names of between 200 and 500 blacks were among the 4,000 contained in the jury pool. He insisted that at no time were the names of potential black jurors removed from the selection box. It is interesting to note, however, Pemberton's admission under oath that since 1899 only two black men had ever been summoned for jury duty in Hamilton County. Johnson's defense team had in fact pleaded unsuccessfully for a reconstituted jury prior to the trial's commencement. In denying the defense motion, McReynolds cited as the reason his opinion that reconstituting the jury would lead to Johnson's murder at the hands of a mob. This ruling clearly demonstrated, Parden contended, that intimidation played a controlling role in the trial. Furthermore, Johnson's right to a public trial had been violated when the courthouse and the courtroom designated for the trial had been cordoned off by police officers. The general public, including Johnson's immediate family, had been denied access to the proceedings.[33]

Finally, the defense would argue that Johnson had been denied the assistance of effective counsel during the sentencing phase of his trial. Evidence presented by Parden suggested that some of the committee members who deliberated on Johnson's fate were intimidated by several unnamed citizens who did not want an appeal of the case. At least two of them, Thomas and Brown, were told by a "leading citizen and property owner," that although he was opposed to mob action, if Johnson's case was appealed, he would personally "organize and head a mob to break the jail and hang the petitioner that night." Their open acknowledgment of these threats demonstrated that sufficient motivation existed for Johnson's lawyers to induce him to forego his right of appeal. When Johnson's lawyers chose to abandon him at the time he most needed them, community pressure and intimidation carried the day. "Like a lamb led to the slaughter," declared Parden, "he [Johnson] was dumb."[34]

Despite the compelling case advanced by the defense, Judge Clark ruled in favor of the state. His decision noted that Johnson had received a fair trial, that the charges made against the court were unfounded, and that there were no errors in the trial proceedings that constituted a breach of his civil liberties. "In the course of his decision," declared the *News*, "Judge Clark exonerates Judge McReynolds and Attorney-General Whitaker of the charges laid at their door in the petition."[35] Anticipating an appeal to the United States Supreme Court, Clark's final ruling contained his recommendation that McReynolds petition a stay of execution to ensure that the defense would be allowed sufficient time to prepare their motions. Governor Cox agreed to grant Johnson a stay of execution for seven days.

While Parden and Hutchins hastily prepared a writ of habeus corpus for submission to the United States Supreme Court, the prevailing opinion

among the Chattanooga legal profession held that the Court would refuse to hear the case. Lewis Shepherd, one of the original lawyers for Johnson's defense, gave voice to such sentiment when he remarked that "the supreme court of the United States will not interfere in any way with the schedule as now outlined, and I believe the hanging will take place on next Tuesday as now arranged."[36] He was wrong.

On March 19, 1906, when Sheriff Shipp received a telegram from Washington, D.C., officially notifying him of the Supreme Court's decision to hear the merits of Johnson's case, he became accountable for the protection of a federal prisoner. The Court's ruling, while superseding all previous state and local actions, would lead to one of only two possible legal outcomes. If the habeus corpus motion were to be dismissed, Johnson would immediately be returned to criminal court for resentencing. However, if the Court found that Johnson's civil rights had in fact been violated, he would be ordered released from custody. As the result of such a ruling, the state would be left with the task of securing a new indictment and conducting a new trial.

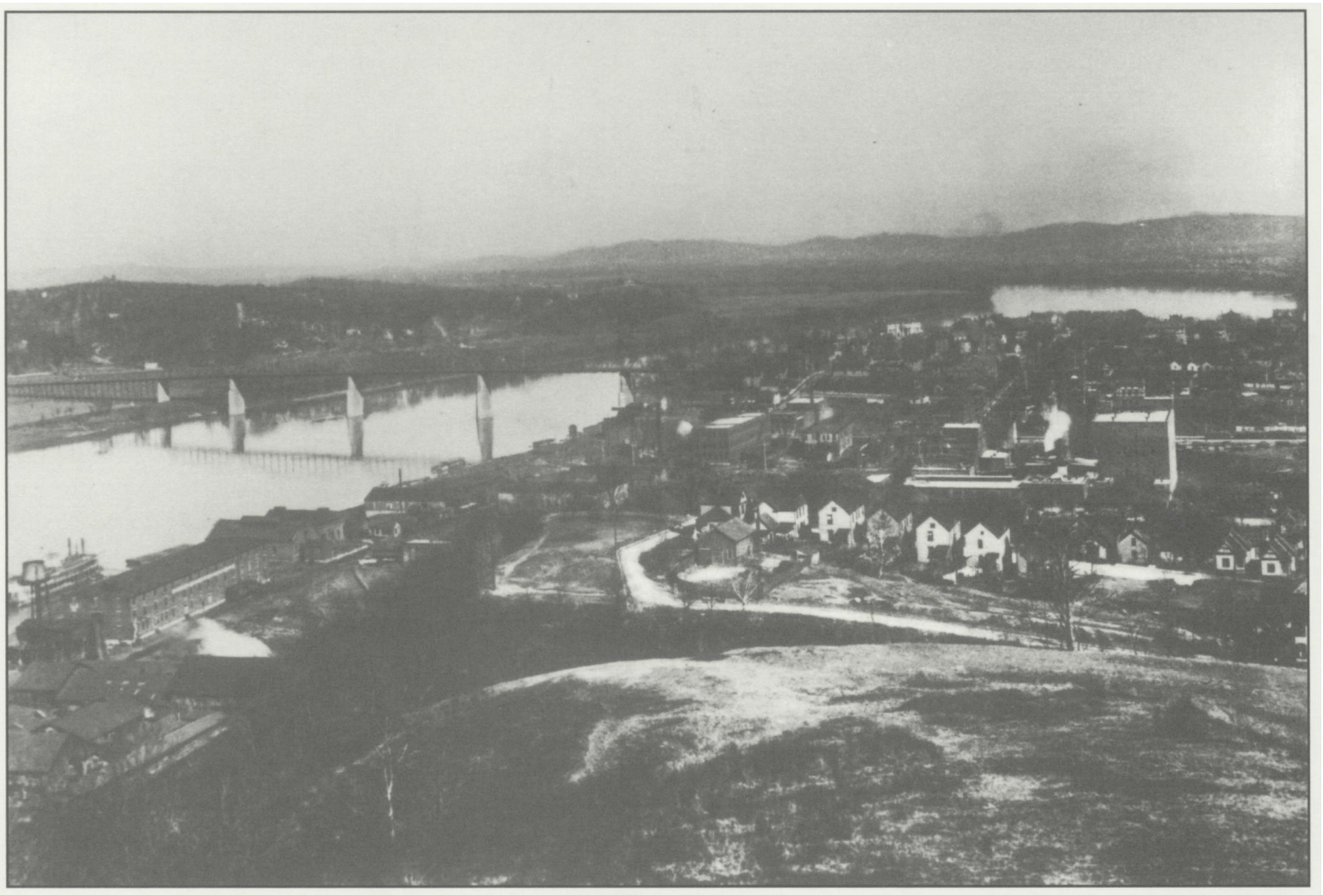
News of the Court's decision spread swiftly throughout the community. And in the midst of all the open hostility toward the decision, the *News* published an editorial that portended the night's violence:

> All of this delay is aggravating the community. The people of Chattanooga believe that Johnson is guilty, and that he ought to suffer the penalty of the law as speedily as possible. If by legal technicality the case is prolonged and the culprit finally escapes, there will be no use to plead with a mob here if another such crime is committed. Such delays are largely responsible for mob violence all over the country.[37]

Even as the news of Johnson's successful appeal circulated during the afternoon of March 19, small groups of men were observed assembling at several sites near the jail. Comprised mostly of young men from the "suburbs, [with] Alton Park being the most largely represented," the mob's numbers grew steadily throughout the afternoon, their ferocity intensifying as the time for murder approached. Their opinions, heard on the streets and reported in the newspaper the next day, were typical of those voiced by lynch mobs who would so readily assume for themselves the role of judge, jury, and executioner. The Supreme Court be damned! As they openly and loudly denounced what they perceived as the Court's interference in a strictly local matter, they were clearly, to a man, committed to nothing less than seeing Ed Johnson dead.[38]

At approximately 8:00 p.m. the mob sprang into action. About a dozen men, some "with handkerchiefs over the lower part of their faces," confronted deputy Jeremiah Gibson inside the front entrance of the jail and demanded that he deliver Johnson over to them.[39] Within minutes, the jail was occupied by more than twenty men engaged in taking turns swinging a sledge hammer against the doors enclosing the cell block entrance. Offering virtually no resistance to the mob, Gibson managed to telephone Sheriff Shipp within minutes of losing control of the jail. Despite living within blocks of the jail, more than an hour elapsed before Shipp finally arrived. He did arrive on the scene, however, prior to the mob taking Johnson from his cell. According to the eye-witness account of *Chattanooga Daily Times* reporter Joseph R. Curtis, the sheriff offered only perfunctory objections to the mob's activity. Shipp, he claimed, "appeared on the stairs accompanied by several members of the mob and entered the room amid more or less scuffling and jostling and wordy contention, seemingly of an amicable nature." When several onlookers asked him how he was going to prevent the lynching, Shipp replied simply, "What can I do, we are overpowered." Shipp was allegedly forced into a first floor bathroom where he remained until Johnson was taken from the jail.[40]

After the incensed mob finally gained entry to the cell block, they proceeded directly to Johnson's third floor cell where they finally came face to face with the man they so desperately wanted to kill. But they did not find a man cowering in fear. Instead, they found a calm and dignified man, seemingly at peace with his fate. Johnson "was the calmest person in the jail. Not a quiver of the lip or utterance of a sound betrayed the slightest fear or terror." After tying his arms against his body with a cotton rope, the mob ushered Johnson from the building through the main entrance where he was confronted by more



The middle span of the County Bridge in downtown Chattanooga was used by the lynch mob to hang Johnson within hours of the news that the Supreme Court had accepted his appeal. (ca. 1906 photograph, Chattanooga-Hamilton Co. Bicentennial Library)

of the frenzied crowd. As shouts of "kill him now," and "to the county bridge with him" echoed through the crowd, Johnson walked steadily, his face emotionless. Within minutes he would become another victim of vigilante justice in Chattanooga.[41]

As the quiet and resolute mob went about their task in "workmanlike fashion," a large crowd of spectators following them "yelled at the top of their voices and pushed each other from one side of the street to the other." Within minutes, as the crowd reached the County Bridge, one of the spectators shouted that Johnson should be hung from the second span since the first had already been used to lynch a previous victim.[42] Upon discovering that the rope they had used to secure their victim was too short to hang him with, they quickly discarded it for a trolley car cable. Forcing Johnson to stand beneath the menacing noose, his solemn figure illuminated by a single electric light, the mob demanded that he confess to the crime for which he was about to die. Protesting his innocence until the end, Johnson told the mob that they were about to kill the wrong man:

> I am going to tell the truth. I am not guilty. I have said it all the time that I did not do it and it is true. I was not there. I know I am going to die and I have no fear to die and I have no fear at all. I was not at St. Elmo that night. Nobody saw me with a strap. They were mistaken and saw somebody else. I was at the Last Chance Saloon just as I said. I am not guilty and that is all I have to say. God Bless You all! I am innocent.

Within seconds the cable was pulled tight around Johnson's neck as two men viciously hoisted him into the air. Their bloodthirsty emotions now uncontrollable, several of the mob fired their weapons into Johnson's suspended body and when an errant bullet struck the cable, his lifeless body fell to the bridge floor. Unsure that their victim was dead, several men approached him as they contin-

ued to fire into his body. One man, who was later identified as Luther Williams, made a show of standing over Johnson as he reloaded his weapon and fired all five shots into his corpse. It was over within minutes. With their deadly task accomplished, the mob "proceeded to disperse as quickly as it had gathered." When Dr. Cooper Holtzclaw inspected Johnson's body within minutes of his death, he stated that at least fifty gunshot wounds had been inflicted. "Any one of the shots," he noted, "was sufficient to produce death."[43] During the three hours it took for the mob to carry out Johnson's murder, Sheriff Shipp was the only police officer summoned to the scene.

Community reaction following a lynching typically adhered to a pattern of immediate condemnation followed by silence. Chattanooga was no different. On the day after Johnson's death, the *News* expressed its outrage by calling mob law "one of the greatest foes of orderly government. It is anarchy with a rope instead of a bomb." But as rumors of a federal investigation into Johnson's murder began to surface, this same newspaper rushed to absolve Sheriff Shipp and his department of any wrongdoing. At once, the editorial assailed the federal government's intervention in the case while refusing to acknowledge that the mob should be punished. Sheriff Shipp, the editor insisted, "was no more to blame for that lynching than the man in the moon."[44]

By placing the blame for mob violence on outside interference, Chattanooga adhered to another pattern consistent with most lynchings. The *News* immediately laid the responsibility for Johnson's murder at the feet of the federal judiciary. The *News* "deems it timely to mention . . that this community, to a man, was content to let the law take its course provided there was no unnecessary delay. It was the appeal to the federal courts that revived the mob spirit and resulted in the lynching. This fact should be a lesson in the future." And anticipating that Johnson's lynching would soil the city's reputation, the editorial closed with an appeal for understanding: "If there are those who would heap their anathema upon this community because a few men took the law into their own hands and executed the brute that perpetrated this outrage, we merely ask them to study the picture that we have imperfectly drawn. It is a sad picture, and it is a true picture." A sad picture indeed. The editorial, in appealing to the community's present emotional state, recounted yet again the sordid chain of events that led to Johnson's murder. By once again reminding readers of Nevada Taylor, the other victim of this tragedy, the editor shifted the focus of Johnson's death away from moral outrage and toward justification. It seemed irrelevant that Johnson may have been innocent of the crime or that his constitutional rights may have been violated. Quite simply, someone had to pay for the crime and Ed Johnson was the most accessible target. As evidenced by an article published on the second day of Johnson's trial, this same newspaper had weeks before essentially laid the groundwork to justify the mob's behavior. Had the mob successfully gotten to Johnson during the January 25 attack, the writer commented, "he would have been lynched. However, they were acting under the excitement of the time — when the whole community was stirred by the enormity of the crime."[45] Nothing had changed.

The *News* accurately predicted that Johnson's lynching would engender national condemnation of Chattanooga. *The New York Times* wrote that the Chattanooga mob's "open defiance of the Supreme court," had shocked [its] members beyond anything that has ever happened in their experience on the bench." The national publication, *The Outlook*, was so outraged by the lynching that it publicly appealed to the Supreme Court to take action against the mob. Another article, printed in the *New York Journal*, proved especially embarrassing to Chattanooga. Reprinted in the *Chattanooga Daily Times*, the article erroneously described the city as the scene of an uncontrollable race riot. Blacks from surrounding counties "are pouring into" the city, several people were killed as a result of the rioting, "incendiary fires have been set by the negroes," and "dynamite bombs have been exploded in the streets." This national humiliation proved to be more than the *Daily Times* could bear. "List, ye lynchers," decried the editorial, "to the outrageous libel perpetrated by the *New York Journal* in its 'Tenth Edition—Night Special' of last Wednesday and realize the enormity of the damage your madness has perpetrated upon the city whose honor, morality, and chivalry you claim to have vindicated."[46]

The Supreme Court assumed a confrontational stance with the city and state courts immediately upon learning that its ruling had been defied by the Chattanooga mob. One justice in particular, unidentified by *The New York Times*, publicly castigated the parochial courts:

> Johnson was tried by little better than mob law before the state court. . . . There was abundant proof that there was intimidation of witnesses and counsel, and the reason why the court did not allow an appeal or a plea in abatement was the fear that if any such consideration was shown the mob would lynch the prisoner. There was reason to believe that the man was innocent. Some of the leading white people of the place gave money for his defense. But be that as it may, whether guilty or innocent, he had the right to a fair trial.[47]

Johnson's death raised immediate questions relating to violations of sections 5508 and 5509 of the *Revised Statutes of the United States* which granted the federal government the authority to prosecute members of the Ku Klux Klan or others who disguised themselves while conspiring to deprive citizens of their constitutional rights. Within days of Johnson's murder, several court justices met with President Theodore Roosevelt to discuss possible recourse by the federal government. From this meeting came the decision to investigate the lynching and bring the full power of the federal government to bear upon the mob. When Justice Department agents E.P. McAdams and Henry C. Dickey arrived in Chattanooga to conduct the investigation, it soon became clear that Sheriff Shipp would be the primary target of their inquiry.

While police forces gained influence in northern cities during the late 1800s, southern police officers resisted the trend. Their resistance, notes Fitzhugh Brundage, was traceable to a belief that their personal authority as "the law" would be undermined. Police complicity during lynchings became a disturbing byproduct of this resistance. Police involvement with mobs was manifested in two ways: by offering only passive protection for their prisoners and by their own participation in the lynching. "[T]he sheriff we have to fear," noted Butler, "is the sheriff who 'winks the other eye' when he orders a mob to disperse." Indeed, it was local police officers who "sometimes served as the master of ceremonies in the application of gasoline and torch or in adjusting the rope around the victim's neck."[48] A portion of the evidence compiled during the Johnson murder investigation suggested that such complicity had occurred in Chattanooga. The agents found that not only had the sheriff's department been derelict in protecting Johnson, but that some of the officers had actually participated in the lynching.

From the outset, the Justice Department had intended that its inquiry should proceed under a veil of strict secrecy. James R. Penland, United States Attorney for the Eastern District (Knoxville), had cautioned Attorney General Moody that he would delay coming to Chattanooga as his "presence would suggest an investigation." By virtue of the national attention suddenly thrust upon Chattanooga, the investigation would not remain secret for very long. Even before it was officially underway, Penland received an anonymous note mailed from Knoxville warning him that his department should refrain from investigating the Johnson matter: "If you know yourself, you will let that thing alone. That nigger," the note continued, "was guilty and had made a confession that he was, and what do you want to interfere for? The state courts, like that in Knox County, that of the whole state and of the United States, are corrupt and the people have got to take the affair in their hands."[49]

Chattanooga was the scene of an intense federal inquiry lasting about three weeks. Using information gathered from dozens of interviews, the government built what was in its view a strong case against Shipp and twenty-six other defendants. Police negligence notwithstanding, substantiating a conspiracy between Shipp's department and the lynch mob became the focus of the government's case. In Penland's view, agents McAdams and Dickey had been successful. Based upon information contained in their final report, he wrote to Moody that Johnson's death "reveals one of the wickedest plots to murder a helpless defenseless man I have ever known." Penland was "clearly of the opinion that Sheriff Shipp of Hamilton County, who had the negro Ed Johnson in his custody, was responsible for the death of said Johnson."[50]

Shipp's own actions prior to the mob assault on January 25 contributed to the government's contention that a conspiracy between the mob and sheriff's department had contributed to Johnson's murder. Rumors of an impending attempt on Johnson's life had prompted Shipp and McReynolds to have him transported to Nashville for safekeeping and prepare the jail so that the remaining prisoners would be adequately protected. As a result of their actions the jail was protected by a full complement of well armed officers during the assault. With almost identical circumstances present on the night of Johnson's death, why would Shipp not take similar protective measures? In light of rumors that plans were afoot to kill Johnson, why didn't Shipp remove him to a safer location immediately after receiving the Supreme Court's notification? What the government perceived as Shipp's deliberate failure to protect Johnson, despite his status as a federal prisoner, provided compelling evidence in substantiating a conspiracy case against him.[51]

The investigators concluded that the mob plans were common knowledge throughout the city and had in fact been openly planned throughout the day. Ellen Baker, one of the prisoners that night, told investigators that during the afternoon of March 19, Deputy George Brown told her that a mob was planning to lynch Johnson that night. During their conversation, he was engaged in transferring several prisoners to another floor, a move that left her and Johnson alone on the third floor. When another prisoner, Arthur Waller, asked Deputy Brown if he expected a mob that night, he replied that "he did not know, [but] that things were looking pretty damned warm." The jail cook, Preston W. Walker, who was himself black, was so distressed by the rumors that he asked Shipp if his own life might be in danger. Walker stated that Shipp responded with "no, they have cool heads and know what they want." Special deputy W.M. Logan told investigators that Deputy Charles A. Baker had alerted him to the mob's plans as early as 11:00 a.m. And seventeen year-old prisoner William Tarpley claimed that several groups of people had visited the jail throughout the day. They reportedly spoke in loud, argumentative voices proclaiming that Johnson would be taken forcibly from the jail and killed that night. Allegedly, the metal chains securing the cell block had also been removed sometime during the day. Although the mob was forced to use a sledge hammer to break the door, McAdams and Dickey doubted that they would have gotten to Johnson had these chains been in place. They surmised that, "it would have taken the mob hours to have effected an entrance."[52] Had the chains been purposely removed to make it easier for the mob to enter the cell block? In the government's view they had.

On the night of the lynching, jail operations were not typical of what McAdams and Dickey had established as normal procedure. Deputy Brown, who with his family resided at the jail, left earlier in the day to visit friends in Hill City, because he allegedly knew of the mob's plans. In fact, upon Gibson's arrival to relieve him that evening, Brown told him that a mob was expected later that night. Since it was well known that the jail was usually "made a loafing resort by the Sheriff and his Deputies and that rarely a night passed without some of them being there," the fact that Gibson was the lone officer on duty that night was immediately suspicious to the investigators. According to Penland, Gibson, an "old man," not only failed to resist the attack, "he was incapable of offering resistance."[53]

Not only had the lynching been planned throughout the day, further evidence revealed that despite having ample time because of the mob's slow formation, Gibson and Shipp purposely failed to summon additional officers. Carl Rowden and Frank Spurlock, two private citizens, provided affidavits stating that adequate time was available to summon additional officers to the scene. Rowden, watching the mob forming from his home next door to the jail, expressed surprise that additional officers were not called. Spurlock testified that the mob was so slow to form that he walked by it three times within a span of two hours. When Dr. Howard Jones, a Baptist minister, petitioned Shipp to summon officers to "suppress the gathering," his request went unheeded. Furthermore, Judge McReynolds and District Attorney Matt Whitaker were allegedly across the street from the jail listening "at the whole performance, and took no steps whatever to prevent the mob in carrying out its purposes."[54]

Perhaps the government's most disturbing evidence dealt with the allegation that Johnson's death came as the result of Shipp's need to strengthen his

political standing for an upcoming election. Agents McAdams and Dickey pointed out that Shipp was running a difficult race for reelection against a "popular competitor for the nomination of his party in one Sam Bush." During the Democratic primary for Hamilton County Sheriff, the most hotly contested campaign of the 1906 political season, Shipp found his popularity waning. When former sheriff Sam Bush and former chief of police Fred W. Hill attacked the incumbent sheriff by using the event of Johnson's lynching as the principal issue of the campaign, Shipp, his campaign faltering and his frustration mounting, declared in a local newspaper that "never in the history of this county has any one [sic] been forced to make a campaign under such embarrassing circumstances."[55] But was it Shipp's actions on January 25 or March 19 that made him vulnerable? Would saving Johnson's life or contributing to his death prove to be Shipp's downfall? Shipp maintained that his actions in protecting Johnson and Broaden on January 25, actions that were met with disdain among some of his supporters, had resulted in the race being closer than anyone had anticipated. During a January 28, 1906, interview, Shipp declared that

> I have heard that the fact of my having taken away the negro Johnson, in order to save him from Thursday night's mob, would cost me a defeat in my race for re-election. I want to say that when I entered the sheriff's office I did it under an oath to enforce the law. Had I let Johnson remain in the jail over Thursday night I have no doubt that the building would now be a wreck, and no one knows how many negro prisoners, innocent or guilty, would have been hanged without authority.[56]

Shipp's comments, though admirable, were made at a time when he enjoyed immense support among the community and local press. Both local newspapers had published glowing accounts of Shipp's actions on January 25. In fact, a week later Shipp was lauded for preventing another attack by a mob determined to lynch Floyd Westfield. Did Bush's surprising challenge prompt Shipp to view his actions through a different lens? The Justice Department believed that it had. The federal investigation named twenty Chattanooga citizens, all of whom were willing to testify that Johnson's death was the result of Shipp's attempt to shore up his faltering campaign.[57]

When the Democratic primary was held on March 29, 1906, the *Daily Times* noted that "various circumstances within recent days combined to change apathy in activity and culminated in the recording of over 3,000 votes," the largest primary voter turnout to that point in Hamilton County history. The race thought too close to call ended in victory for the beleaguered Shipp. His 500 vote majority was far and away a wider margin than anyone expected. The *Daily Times* asserted that Shipp won the election because his supporters wanted to ensure that he was not defeated because of the Johnson affair — an affair for which they considered him blameless. Bush, on the other hand, simply used "too much Johnson."[58] He was defeated because he focused his campaign on an issue that the community would rather forget.

David H. Barker, a thirty-five year old Republican and former deputy sheriff, was Shipp's opponent in the general election. During a campaign conducted with an intensity rivaling the primary, the incumbent's renewed popularity proved too great an obstacle for the Republicans to overcome. Shipp won in the outlying districts of Hamilton County, where slightly more than half of the votes were cast, with a 53% majority. But his reelection was secured on the strength of his performance in the eight city wards. By carrying all but the predominately black fourth and seventh wards, Shipp won 62% of the vote. His 1,518 vote victory was the widest margin for the office to that point in the county's history.[59]

In the end, McAdams and Dickey concluded that Johnson's life had been sacrificed to advance Shipp's political fortunes. Although Johnson was a federal prisoner in his charge, Shipp did not feel compelled to protect him if it meant undermining his prospects for reelection. In fact, when previously warned that saving Johnson from the first lynching attempt would cost him the election, Shipp responded that, "he wished the mob had got him [Johnson] before he did." Why was it, inquired an anonymous letter writer, that Shipp "made a round to the various factories on the day following the lynching asking the voters if they were going to vote for him now."[60]

On May 28, 1906, United States Attorney General William Moody presented the government's case to the Supreme Court. In doing so, he solicited a ruling from the Court that would require the parties named in the investigation to show cause why they should not be charged with contempt of the Supreme Court. Moody asserted that Shipp and his deputies, in conspiring to murder Ed Johnson, had willfully defied a federal court order. The defendants, he added, "connived at the work of the mob, aided and abetted in the hanging, and committed numerous acts evincing a disposition to render it less difficult and dangerous for the mob to do its work."[61] The Court granted Moody's request, executing a show cause ruling that directed Shipp and twenty-six other defendants to appear before the Court during the October 1906 session. The burden of proof now rested with the defendants. In the eyes of the Supreme Court they were considered guilty of contempt until such time as they proved their innocence. Along with Shipp, several other sheriff's department officers were named in the rule. These included Jeremiah Gibson, Matthew Galloway, George Brown, John Varnell, Charles Baker, and Fred Frawley.

Appearing before the Supreme Court on October 16, 1906, the defendants were confident that the charges would be dismissed. From among the several Chattanoogans who attend the proceedings, it was Judge McReynolds who showed the most interest in dispelling what he believed to be the primary issue underlying the Supreme Court's pursuit of Shipp — his alleged political motivation. During an interview for *The New York Times*, McReynolds stated that

> The impression seems to be that the people of Chattanooga are doubtful about the guilt of Johnson and that they condemn Sheriff Shipp. This is not so. That the electors of Hamilton County are loyal to Shipp and believe he did his full duty on the night Johnson was hanged is evidenced by the fact that last August he was re-elected Sheriff by a majority of 1,500, the greatest ever given by a candidate for the office. There was no reason to believe an outbreak would occur the night Johnson was hanged. Inasmuch as no violence had been attempted in the week or more that Johnson had been in Chattanooga, the Sheriff did not take any extraordinary precautions.[62]

McReynolds knew that the conspiratorial aspect of the government's case against Shipp could be undermined if the political element (Shipp's campaign) was eliminated. Later testimony, however, would reveal that his statement claiming that prior knowledge of the lynching did not exist was in fact inaccurate. The judge's rationale is flawed in yet another respect. Indeed, Shipp was not required to exercise "extraordinary precautions" because the community was satisfied that Johnson, under a death sentence, would be punished. Having shown no inclination toward violence since the sentence was passed, there was no reason to expect any unless circumstances would intervene to prevent Johnson's sentence from being carried out. But circumstances did intervene, and the government contended that Shipp must be held accountable for failing to protect Johnson when they did.

Was Shipp at all motivated to resist the lynch mob? The sheriff's own answer to this very important question was revealed during an interview with the *Birmingham Age-Herald* on the very day that the Court ordered the show cause ruling. "I am frank to say," stated Shipp "that I did not attempt to hurt any of them [the mob], and would not have made such an attempt if I could." The Supreme Court, he continued, "was responsible for this lynching," that "not allowing the case to remain in our courts was the most unfortunate thing in the history of Tennessee." The citizens of Chattanooga would not wait several years to have the case heard by the Supreme Court, and this he concluded, "I do not wonder at."[63]

Judson Harmon, former Tennessee Attorney General, served as lead attorney for the defendants. In arguing for dismissal Harmon asserted that the Supreme Court had overstepped its jurisdiction by allowing the stay of execution in Johnson's case. The Supreme Court, he maintained, was precluded from intervening in the case because the state appeals process had not been exhausted. In fact, continued Harmon, Judge Clark's ruling must also be set aside because it was rendered prior to exhausting local appeals. The stay of execution was therefore, "not binding, and failure to obey could not involve contempt." Furthermore, Harmon claimed that the telegram notifying Shipp of the Court's decision did not constitute proper notice nor

provide adequate time for him to guarantee Johnson's safety.[64] Harmon's argument was compelling enough that the Court decided to undertake further consideration of its constitutional authority in the case. The decision on Harmon's motion for dismissal would not be rendered until December. The defendants remained confident that the Court would dismiss the case.

On Christmas Eve, 1906, the defendants made their second appearance before the Court. In an opinion delivered by Justice Oliver Wendell Holmes, the Court held that despite the merit of Harmon's argument, it possessed the constitutional authority to hear this case. Furthermore, Holmes continued, the actions of these defendants did in fact constitute a contempt of the Supreme Court, and because the result was the murder of a federal prisoner, they would not be permitted to avail themselves of the common practice of denial through affidavit. They would be required to prove their innocence to the Court's satisfaction upon the basis of the evidence. The Court ordered the Justice Department to proceed with hearing the testimony of all defendants and witnesses named in the investigation. "If they do not succeed in exculpating themselves," Holmes concluded, the defendants "are at the mercy of the court, and any penalty can be inflicted."[65]

From February through July 1907, Supreme Court Commissioner James D. Maher presided over three sessions of testimony in Chattanooga. The final transcript, with the accounts of more than 100 witnesses contained therein, was delivered to the Supreme Court for its examination during the fall term of 1907. Citing insufficient evidence and questionable testimony, mostly obtained from jail prisoners and impeachable witnesses, the government dismissed its case against seventeen defendants including George Brown and deputies Varnell, Baker, and Frawley. Those who remained, Joseph Shipp, Jeremiah Gibson, William Mayes, Nicholas "Nick" Nolan, Luther Williams, Henry Padgett, Matthew Galloway, Bart Justice, and Frank Ward, were ordered to post a $1,000 bond to guarantee their appearance in May 1909.

In May 1909, the government also dismissed its cases against Bart Justice and Matthew Galloway. Shipp and Gibson, the only officers known to be present during the lynching, remained as the only officers still named as defendants. They, along with private citizens William Mayes, a carpenter, Henry Padgett, a bricklayer, and saloon keepers Nick Nolan and Luther Williams, were ordered to reappear in November. On November 15, 1909, as these six defendants prepared to depart Chattanooga for what would be their final appearance before the Supreme Court, they stood among an estimated crowd of 500 supporters who had gathered to see them off. The emotional ex-sheriff was moved to express his appreciation. "With the good wishes and kindly spirit of such a gathering," Shipp told the crowd, "I feel I am ready to face anything."[66] After more than three years of rulings and legal maneuverings, these six men would at last learn their fate.

By a five to three majority, the Supreme Court found Shipp and his five co-defendants guilty of contempt. Justice William Moody, recently appointed to the Court by President Theodore Roosevelt, abstained due to his close attachment to the case as Attorney General. Dissenting votes were cast by Justices Rufus Peckham, Edward White, and Joseph McKenna. Chief Justice Melville Weston Fuller delivered the Court's opinion on November 16, 1909. The Court agreed with the government's assertion that despite being notified of the Court's decision to stay the proceedings against Johnson, Shipp knowingly and willfully failed to protect him. He neglected to do so in light of "current reports and rumors conveyed to them" which indicated that a mob was planning to abduct Johnson and kill him. Furthermore, the Court found Shipp and Gibson to be "in sympathy with the mob while pretending to perform their official duty of protecting Johnson, and that they aided and abetted the mob in prosecution and performance of the lynching." Their actions constituted an "utter disregard [for] the above mentioned order of this court." The Court dismissed the defendants' fallacious assertion that they were neither prepared for a mob nor expected a mob that night. In fact, Shipp had previously acknowledged in the aforementioned *Birmingham Age-Herald* interview that his department did not expect a mob uprising until the following day! Their flimsy excuse was viewed by the Court as "practically conced[ing] the allegation of the information

that they were informed" of the impending mob violence.[67]

The Court also concluded that Shipp's political motivations provided compelling evidence of his guilt. By utilizing his remarks from the same *Age-Herald* article, the Court asserted that Shipp's "reference to the 'people' was significant, for he was a candidate for re-election, and had been told that his saving the prisoner from the first attempt to mob him would cost him his place, and he had answered that he wished the mob had got him before he did." The Court interpreted his actions as the product of his resentment of it "as an alien intrusion, and that the court was responsible for the lynching." Shipp, the Court concluded, had been successful in manipulating public emotions and ingratiating himself with "the people" by using the interview as a public forum to blame them for Johnson's death.[68]

For the first time in American history, defendants were incarcerated for being convicted of contempt of the Supreme Court. Of the original 27 defendants, Shipp and five others, Luther Williams, Nick Nolan, Henry Padgett, and William Mayes, were convicted of contempt of "the Supreme Court of the United States in murdering a prisoner under the sentence of death."[69] For the murder of Ed Johnson, Shipp, Williams, and Nolan were sentenced to ninety days, while Gibson, Padgett, and Mayes received sixty day terms.

The investigation into Ed Johnson's murder proved to be a very arduous undertaking for the federal government. Three years and eight months elapsed between the time of Johnson's death and the Supreme Court's decision. Because of Shipp's popularity in the community, the Justice Department feared that as time elapsed a significant portion of their evidence would be undermined. McAdams and Dickey noted that "owing to the hostile atmosphere surrounding our witnesses, threats, intimidation, the fear of assassination, in short, all the obstructions that a diseased public sentiment can invent, being employed, their statement on the stand may vary from the original as reported by us."[70] Indeed, the conspiracy of silence, a phenomenon common to most communities in the aftermath of a lynching, frustrated federal investigators at every turn. As time passed, witnesses became increasingly difficult to locate, threatening letters were received by witnesses summoned to testify against Shipp, and the black community became the subject of intimidation and harassment.

Despite Sheriff Joseph E. Shipp's conviction for contempt of the Supreme Court in allowing Johnson's murder (perhaps for his political gain), many Chattanoogans viewed him as a hero. Posed here with his wife, the couple seems to portray the virtues of the early Republic. (Chattanooga-Hamilton Co. Bicentennial Library)

While Shipp served his sentence in federal prison, the citizens of Chattanooga came to view him as a hero. Upon his return, several thousand people turned out to participate in a parade to welcome and honor him. Until his death on September 18, 1925, he continued as an active and highly visible member of the community. While holding various public offices, he was a founding member of the Confederate Veterans Association and was active in restoring the Silverdale Confederate Cemetery. Upon his death, thousands of Chattanoogans turned

out to pay their final respects. Clothed in his Confederate Army uniform, he was laid to rest in Forest Hills Cemetery under full military honors. His obituary only briefly mentioned his involvement in the Ed Johnson affair.[71]

Judge Samuel D. McReynolds, while representing Tennessee's third district in the United States House of Representatives for eight terms, enjoyed a distinguished national political career. McReynolds was instrumental in passing legislation that led to erecting the Chickamauga Dam in Hamilton County — a major undertaking of the Tennessee Valley Authority. At the time of his death on July 11, 1939, at the age of 63, he served as chairman of the influential House Foreign Affairs Committee. Senators Harry S. Truman of Missouri and Richard Russell of Georgia were among the twenty congressmen who attended his funeral in Chattanooga.

Following more than three years of turmoil, life in Chattanooga was normal once again. But Ed Johnson was dead. Ed Johnson, murdered by a mob that refused to allow him the constitutional protections that Americans hold dear, is now an all but forgotten man. His final resting place — Pleasant Gardens, a long neglected and overgrown black cemetery known only to a handful of local citizens. His grave — marked by a fallen tombstone that proclaims his innocence for the crime that cost his life. His epitaph — the grim reminder of a dark period that echoes from the voices of Chattanooga's past: "God Bless You All, I Am 'A' Innocent Man."[72]

1. "God Bless You All — I Am Innocent," *Chattanooga Daily Times*, 20 March 1906.
2. "A Horrible Crime," *Chattanooga News*, 24 January 1906.
3. Cash, Wilbur J. *The Mind of the South* (New York, 1941), 302.
4. "Federal Power after Slayers of Ed Johnson," *The Atlanta Constitution*, 23 March 1906. At this juncture it is necessary to clarify that those who were eventually convicted of Johnson's death were not charged with murder. They were charged and convicted of contempt of the Supreme Court for not ensuring Johnson's safety when the Court notified Sheriff Joseph F. Shipp of Hamilton County, Tennessee, that it would hear the case. Johnson's murder presented the federal government with its first opportunity to legally respond to a lynching. The contempt charges filed against Shipp and 26 other defendants provided the means by which the federal government pursued its investigation.
5. Sosna, Morton, *In Search of the Silent South: Southern Liberals and the Race Issue* (New York, 1977), 31.
6. "Brutal Crime of Negro Fiend," Chattanooga *News*, 24 January 1906.
7. Butler, Charles C. "Lynching," *The American Law Review* 44 (1910): 212.
8. "Negro Now in County Jail; Suspect of St. Elmo Crime," *News*, 25 January 1906.
9. Raper, Arthur F., *The Tragedy of Lynching* (Chapel Hill, 1933), 46.
10. "Brutal Crime of Negro Fiend," *Chattanooga News*, 24 January 1906.
11. "Suspect Arrested and Rushed to Knoxville," *Chattanooga Daily Times*, 26 January 1906; "Negro Now in County Jail," *News*, 25 January 1906.
12. "Wheels of Justice Turn Fast in St. Elmo Assault Case," *Chattanooga Daily Times*, 28 January 1906. Several attempts were made to secure the Chattanooga Police Department's investigation records of Taylor's assault. According to the Chattanooga Police Department, the condition and location of these records, if in fact they still exist, are in such a state of damage and disarray that they are not conducive to examination at this time.
13. The *Chattanooga Daily Times* estimated the crowd to be between 500 and 1,000, 26 January 1906.
14. "Fierce and Frenzied Mob Foiled by Brave and Determined Officers," *News*, 26 January 1906. The agreement restoring order that night was reminiscent of a similar incident in May 1892. Frank Weims, another black prisoner, had been arrested for the attempted assault of a white woman in Hill City. Fearing mob retribution, Sheriff John Skillern ordered Weims removed from Chattanooga. When a mob of Hill City citizens stormed the jail intending to lynch Weims, they were unconvinced of the sheriff's statement that he had been taken from the city. Only after a committee of their members inspected the jail and found Weims absent, did the mob disband without further violence. See James W. Livingood, *A History of*

Hamilton County, Tennessee (Memphis, 1981), 338.
15. Editorial, *Chattanooga Daily Times*, "Last Night's Mob," 26 January 1906.
16. "Wheels of Justice Turn Fast in St. Elmo Assault Case," *Chattanooga Daily Times*, 28 January 1906; "Grand Jury Indicts," *News*, 27 January 1906.
17. Editorial, *Chattanooga Daily Times*, "Judge McReynolds and the Mob," 29 January 1906.
18. "Johnson's Trial Is Progressing Rapidly," *Chattanooga News*, 6 February 1906; "Dramatic Incidents at Johnson's Trial," *News*, 8 February 1906.
19. "Johnson's Trial Is Progressing Rapidly," *News*, 6 February 1906.
20. "Johnson Trial Hinges on Alibi for Defendant," *News*, 7 February 1906.
21. Ibid.
22. "Dramatic Incidents at Johnson's Trial," *News*, 8 February 1906.
23. Ibid.
24. "Jury Finds Ed Johnson Guilty; He Will Hang for His Fiendish Crime," *News*, 9 February 1906.
25. *Ed Johnson, Appellant* vs. *State of Tennessee*, Supreme Court of the United States, October Term, 1906. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee, 18; "Ed Johnson Sentenced," *News*, 10 February 1906.
26. "Ed Johnson Sentenced," *News*, 10 February 1906.
27. "Action Deplored by Colored People," *News*, 15 February 1906; Editorial, *News*, "The Johnson Case,"10 March 1906; "Effort to Save Johnson's Neck," *Chattanooga News*, 13 February 1906.
28. "Effort to Save Johnson's Neck," *News*, 13 February 1906.
29. "Negro Dies on Day Set," *Chattanooga Daily Times*, 4 March 1906.
30. *Ed Johnson, Appellant* vs. *State of Tennessee*, 3.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Editorial (untitled), *News*, 12 March 1906.
36. "Last Effort for Johnson," *News*, 14 March 1906.
37. "Justice Harlan Allows Appeal of Ed Johnson," *Chattanooga Daily Times*, 19 March 1906; Editorial, *News*, 19 March 1906.
38. "God Bless You All — I Am Innocent," *Chattanooga Daily Times*, 20 March 1906.
39. Ibid.
40. Eye-witness account of Joseph R. Curtis, 28 May 1907. Department of Justice memorandum to Edward T. Sanford, Assistant Attorney General. *General Records of the Department of Justice*, Record Group 60, subfile 116684, 2. College Park, MD.
41. "God Bless You All," *Chattanooga Daily Times*, 20 March 1906; "Johnson Hanged," *News*, 20 March 1906. Johnson was the fourth victim of Hamilton County lynch mobs. Preceding him were Charley Williams (September 1885), lynched inside the Hamilton County Jail; Alfred Blount (February 1893), lynched on the County Bridge; and Charles Brown (1897), lynched from the Chickamauga Creek Bridge near Soddy, Tennessee. For a brief synopsis of these lynchings, see Livingood, *Hamilton County*, 337-341, and John Wilson, *Chattanooga's Story* (Chattanooga, 1980), 218-220.
42. "God Bless You All," *Chattanooga Daily Times*, 20 March 1906. On 14 February 1893, Alfred Blount, accused of assaulting a white woman in her Chattanooga home, was lynched by a group of 100-150 men on the first span. See Livingood, *Hamilton County*, 339-340.
43. "God Bless You All," *Chattanooga Daily Times*, 20 March 1906.
44. Brundage, Fitzhugh N., *Lynching in the New South: Georgia and Virginia, 1880-1930* (Chicago, 1993), 32; Editorial, *Chattanooga News*, "The Mob and What Caused It," 20 March 1906; Editorial, *News*, "Sheriff Shipp," 24 March 1906.
45. Editorial, *News*, "The Mob," 20 March 1906; Editorial (untitled), *News*, 7 February 1906. Emphasis mine.
46. "Lynching Mob to Fell Supreme Court's Anger," *The New York Times*, 21 March 1906; "An Insult to the Nation," *The Outlook*, 31 March 1906, 721; "Aftermath of Lynching—Yellow Peril of Journalism Adds to Our Troubles," *Chattanooga Daily Times*, 25 March 1906.
47. "Lynching Mob to Feel Supreme Court's Anger," *The New York Times*, 21 March 1906;

"Re-Elect Sheriff Shipp to Indorse [sic] Lynching," *The New York Times*, 3 August 1906.

48. Brundage, *Lynching in the New South*, 4; Butler, "Lynching," 217; Cash, *Mind of the South*, 302.

49. Penland to Moody, 24 March 1906. Department of Justice, subfile 77618, 1; "Federal Power After Slayers," *The Atlanta Constitution*, 23 March 1906; "Action In Washington," *Chattanooga Daily Times*, 23 March 1906.

50. Hoyt, acting Attorney General to Penland, 31 March 1906. Department of Justice, subfile 78772, 1; Penland to Moody, 1 May 1906. Department of Justice, subfile 80598, 1.

51. McAdams and Dickey to John E. Wilkie, U.S. Secret Service. Final Report, 21 September 1906. Department of Justice, subfile 30820R, 6. Johnson officially became a federal prisoner on March 19, 1906, upon criminal court Judge S.B. McReynolds's acceptance of United States Supreme Court telegram stating that it would hear Johnson's appeal. Department of Justice, subfile 77473.

52. See Emery Gill to Moody, 18 September 1906, O. Gunerius to Bonaparte, 15 January [1907], and O. Johnson to Bonaparte, 10 April 1908. Department of Justice, subfiles 89735, 98075, 135248 respectively; Interview with Ellen Baker, McAdams and Dickey to Wilkie, 21 September 1906, subfile 116684, 6-7; Affidavit of Arthur Waller, subfile 116684; Interview with Preston W. Walker, subfile 116684, 10-11; Interview with W.M. Logan, subfile 116684, 12; Interview with William Tarply, subfile 116684, 9-10. McAdams and Dickey based their opinion upon an interview with John Roach, a prisoner incarcerated on the night of the lynching. McAdams and Dickey to Wilkie, 21 September 1906, subfile 30820R, 16.

53. Penland to Moody, 17 October 1906, Department of Justice, subfile 91658, 2; McAdams and Dickey to Wilkie, 21 September 1906, subfile 30820R, 4; Penland to Moody, 29 March 1906, subfile 78772, 1.

54. Penland to Moody, 29 March 1906, Department of Justice, subfile 78772, 1.

55. McAdams and Dickey to Wilkie, 23 September 1906, Department of Justice, subfile 116684, 17-18; "Democratic Primaries Are On in Earnest Today," *Chattanooga Daily Times*, 29 March 1906.

56. "Wheel of Justice Turn Fast," *Chattanooga Daily Times*, 28 January 1906.

57. Editorial, *Chattanooga Daily Times*, "Sheriff Shipp's Admirable Conduct," 31 January 1906. Such prominent individuals as Milton Ochs, Foster Brown, Chancellor T.M. McConnell, and County Judge, Judge Walker were among those named as witnesses by McAdams and Dickey.

58. "Sheriff Shipp the Nominee in Yesterday's Primaries," *Chattanooga Daily Times*, 30 January 1906.

59. Campaign advertisement, *Chattanooga Daily Times*, "To The Voters of Hamilton County,"1 August 1906; Editorial, *Chattanooga Daily Times*, "David H. Barker," 2 August 1906, "Shipp's Landslide," *Chattanooga Daily Times*, 3 August 1906. Shipp's reelection did not fail to be noticed outside of Chattanooga. According to an unflattering article in *The New York Times*, the county vote was cast along racial lines with almost all of those against him coming from black citizens. Of further significance, the article contended, was the role that white women played in helping Shipp win the election. "Almost without exception," the article claimed, they "beseech[ed] the men of the county to re-elect him as a vindication of the stand he took in the Johnson case against negro criminals of Johnson's type." Indeed, Shipp was soundly defeated in the black wards of the city; however, Barker's strength in the predominately white county districts appears to dispel *The New York Times* assertion that the election was determined strictly upon racial lines. See "Re-Elect Sheriff Shipp to Indorse [sic] Lynching; Chattanooga Campaign Turns On Race Issue and Negro's Death," *The New York Times*, 3 August 1906.

60. *United States of America* v. *Shipp et al.* 214 U.S. 386, 644; Anonymous letter to Sanford, date unknown. Department of Justice, subfile 116684.

61. "Supreme Court Seeks Tennessee Lynchers," *The New York Times*, 29 May 1906.

62. "Chattanooga Lynching Before Supreme Court," *The New York Times*, 16 October 1906.

63. *United States of America* v. *Joseph F. Shipp et al.* 214 U.S. 386, 643. Reprinted from *Birmingham Age-Herald*, May 1906.
64. "Chattanooga Lynching Before Supreme Court," *The New York Times*, 16 October 1906.
65. "27 Held for Lynching; Supreme Bench Decides It Has Jurisdiction in Chattanooga Case," *The New York Times*, 25 December 1906. See also Transcript of Record, Supreme Court of the United States, October Term, 1908. No. 5 Original. *The United States of America* vs. *Joseph F. Shipp et al.*, 128-131.
66. "Shipp off to Washington," *The New York Times*, 15 November 1909.
67. *United States of America* v. *Joseph F. Shipp et al.* 214 U.S. 386, 638-639, 644.
68. Ibid., 643-644.
69. "Sheriff Shipp Now in Washington Jail," *The New York Times*, 16 November 1909.
70. McAdams and Dickey to Wilkie, 21 September 1906. Department of Justice subfile 30820R, 2. Several witnesses did in fact recant or modify their testimony, others simply failed to appear in court, while still others were impeached by the defense. In the end, the government's case was weakened to the extent that charges were dismissed against several of those participants who might have been punished. Two such examples were charges dropped against deputy sheriffs Matthew Galloway and Joseph Clark, both of whom testimony revealed had been active in the mob. Police officer John Varnell was also acquitted despite testimony that he participated in the lynching and actually cut off Johnson's finger as a souvenir. See also McAdams and Dickey to Wilkie, 23 September 1906. Department of Justice, subfile 11684, 13-14. Several additional letters are contained in the Justice Department record. Most notable are those of John N. Stonecypher who claimed to have received in excess of fifty such letters. His nephew was allegedly murdered by John Pogue shortly after Johnson's lynching, and Stonecypher insisted that it was the result of his agreeing to testify against Pogue.
71. "Funeral Rites for Capt. Shipp Set for Monday," *News*, 19 September 1925.
72. "Gone But Not Forgotten," *Chattanooga News-Free Press*, 13 April 1997.