

The Lynching of John C. Jones and the Ordeal of Albert Harris, Jr.



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Introduction

Uprooted from a small southern town in Northern Louisiana, Albert Harris, Jr. was in for the fight of his life. Harris was joined in his ordeal by his first cousin, World War II veteran John C. Jones. Unlike Harris, Jones would not survive to tell his horrific story and seek justice.

The jailhouse lynching in Minden, Louisiana that took the life of an American soldier and forever displaced Harris, Jr. was not an uncommon story. This brand of vigilantism plagued the South for many decades before 1946, but in this case the response from law enforcement was different. The United States Department of Justice added unprecedented support to the NAACP's efforts in the case when it conducted its own thorough investigation. The resulting federal prosecution of alleged members of the lynch mob was the first of its kind in Louisiana, and it marked the first time that the FBI had sent its agents to Louisiana to investigate a lynching.¹

The trial failed to achieve any prosecutions. Yet, in the end it was not the federal government that lost the case, but Jim Crow and the southern strategy that, won once again.

The Lynching of Jones and the Kidnapping of Jones and Harris

Albert Harris, Jr. was 17 years old in the summer of 1946. He had lived his whole life in Cotton Valley, Louisiana, about 40 miles northeast of Shreveport. Albert had been educated through the seventh grade and was literate.² To close acquaintances he was known as "Sonny Man." On Wednesday, July 31, 1946, Harris, Jr. was accosted at his home, in the presence of his

¹ Fairclough, p.116. For a discussion of the first federal lynching prosecution, *see* Dominic J. Capeci, Jr, "The Lynching of Cleo Wright: Federal Protection of Constitutional Rights during World War II," *The Journal of American History*, Vol. 72, No. 4 (Mar., 1986), pp. 859-87.

² Testimony, p. 81-82.

family, by a carload of men, including two Webster Parish deputy sheriffs.³ The two officers arrested Harris, Jr. and took him to jail.

The car also included two civilians, Samuel C. Maddry, Sr. and Harry Edward Perry.⁴ The night before, the pregnant wife of Maddry, Sr.'s son, Samuel G. Maddry, Jr., had been disturbed, she claimed, by a prowler in her yard while Maddry, Jr. was working a night shift at Southern Craft Paper Mill in Springhill, several miles north of Cotton Valley.⁵ According to Maddry, Jr.'s testimony later on, he found his wife startled and nervous when he returned home from work at 11:00pm; she told him that "somebody had been prowling around the house" and she claimed "it was a Negro." Apparently, the Maddrys' puppy began barking at around 10pm, which was something unusual. When Mrs. Maddry heard the dog, she went to the front of the house and looked outside but could not see anything. She then walked to the back of the house to turn on the floodlight that shone on the rear of the house. With the floodlight on, she looked through the glass panel on the rear door and claimed to have seen a shadow move into the garage. A second later, she claimed that the shadow came running out of the garage and at that point, "she saw then that it was a Negro."⁶

The next morning, Maddry, Jr. inspected the area around his house for clues. The Maddry house and the Harris house were separated by about 150 yards. While inspecting, Maddry, Jr. noticed Harris, Jr. standing in the front door of his home watching Maddry, Jr. At that point, Maddry, Jr. suspected that Harris, Jr. might have been involved in the incident the night before.⁷

³ Testimony, p. 86

⁴ Testimony, p. 87

⁵ Testimony, p. 24

⁶ Testimony, p. 35-36

⁷ Testimony, p. 39-40

Maddry, Jr. decided to talk with his father, who owned a gun, about his wife's report. Maddry, Sr. suggested that they let law enforcement handle it.⁸

However, later that afternoon, deputy sheriffs Oscar Henry Haynes, Jr. and Charles Melvin Edwards, along with Harry Edward Perry and Sam Maddry, Sr., showed up at the home of the Harrises to arrest Sonny Man. When the four arrived, Harris, Jr. was on the porch writing a letter for his father who was sitting alongside him. Edwards came to the front of the house and Haynes through the back. Edwards asked Harris, Jr. if he was "Sonny Boy" and he replied, "No sir, they call me Sonny Man." Satisfied enough, Edwards then apprehended Harris, Jr. over the objections of his father. When Albert Harris, Sr. asked what his son had done, Edwards refused to provide a reason or cite any charges.⁹

Harris, Jr. was driven to the paper mill where Maddry, Jr. was working so Maddry, Jr. could identify him. After some discussion about a shirt that Harris, Jr. may have been wearing the night before, they drove back to the Harris home in Cotton Valley to look for a green plaid shirt that Harris, Jr. occasionally wore. Harris, Jr.'s sister found the shirt and gave it to the men, who then took Sonny Man off to the jail in Minden.¹⁰

At the jail, Albert Harris, Jr. was placed in a cell without a charge or explanation. It was Wednesday evening. After letting him sweat in jail for several days, Deputy Sheriff Haynes, Jr. finally questioned Albert about going into Sam Maddry, Jr.'s yard. Albert denied the allegations and insisted he had done nothing wrong.¹¹

At around 8pm on Friday, August 2, Haynes, Jr. returned to the cell to release Albert. He told Harris, Jr. that he was driving to Dixie Inn and that Albert could ride with him that far to get

⁸ Testimony, p. 44-45

⁹ Testimony, p. 86-87, 162-163

¹⁰ Testimony, p. 88-89, 164

¹¹ Testimony, p. 90

home. At Dixie Inn, Haynes, Jr. dropped Albert on the side of the road as planned. To Albert's surprise, two men drove up beside him and ordered him at gunpoint to get in their car. In the car were Sam Maddry, Sr. and Willie Drayton "Slim" Perkins, among others. The group of men drove north in the direction of Cotton Valley and veered off into the woods to conduct their interrogation.¹²

The men tied Harris, Jr. to a pipe face down and beat him while they quizzed him about the alleged prowler in Maddry, Jr.'s yard. The men insisted that Harris, Jr.'s first cousin, John C. Jones, was the true culprit. Albert denied his own involvement and that of Jones, but the mob finally broke him. Threatened with his life, Harris, Jr. eventually stated that Jones was the man in Maddry's yard that Tuesday night.¹³

Released at around 10pm, Albert made his way back home. When he finally arrived, he fell on the floor in front of his father, bloodied and beaten. When Harris, Jr.'s mother came home that night, the two drove Sonny Man to Henderson, Texas to stay with an uncle.¹⁴

The next day, August 3, deputy sheriffs Haynes, Jr. and Edwards returned to the Harris home looking for Sonny Man. Albert Harris, Sr. informed them that his son had been taken to a doctor by the white men for whom Harris, Sr. worked. Haynes, Jr. and Edwards rushed off to find out where Sonny Man had been taken. When they discovered that Harris, Sr. had lied to them, they quickly returned to the Harris home. Edwards asked, "How come you told a lie?" Harris, Sr. responded that he did not want his boy hurt. Exclaiming, "Don't tell me no lie," Edwards struck Harris, Sr. in the mouth, knocking out his bottom bridge. Harris, Sr. then revealed Sonny Man's whereabouts and the two deputy sheriffs demanded that he bring him

¹² Testimony, p. 91-93

¹³ Testimony, p. 94-96

¹⁴ Testimony, p. 167-168

back to the jail in Minden. At 11pm that evening, Harris, Sr. and his wife drove back to Henderson to retrieve their son.¹⁵

On August 4, Harris, Jr.'s father and mother delivered their son to the jail.¹⁶ John C. Jones had been arrested on the previous day and was already in the jail when Harris, Jr. arrived.¹⁷ Jones was 31 years old at the time and regarded by whites in the area as "uppity." He had just returned home after serving in World War II. An army corporal and a veteran of the Battle of the Bulge, Jones prized the German automatic pistol he brought back from Europe. His white neighbor once remarked that he would kill Jones for the gun and Jones retorted with equal bluster that only "over his dead body" would the neighbor get his pistol.¹⁸

Jones and Harris, Jr. were held on the second floor of the jail from Sunday to Thursday. After a day or two, Haynes, Jr. and Sam Maddry, Sr. removed the two men from their cells and questioned them out of sight of the other prisoners. They demanded the truth about the incident in the yard but each man denied any wrongdoing. Haynes, Jr. then beat them both with a rubber hose and put them back in their cells. During the conversation, Maddry, Sr. had ordered Haynes, Jr. to "[l]et us have them in the night; we will make him talk."¹⁹

On August 8, at around 8:30 pm, Haynes, Jr. announced to Jones and Harris, Jr. that he was going to release them. The two left their cells and proceeded down the stairs of the jail. At the time, a portico-like structure with several small pillars hung over the jailhouse door, creating a porch effect. The jail yard was fully enclosed by a fence. As the men exited the jail, an armed mob was waiting for them on the porch. About five men grabbed Jones and another five grabbed

¹⁵ Testimony, p. 170-173

¹⁶ Testimony, p. 174

¹⁷ FBI, Section 2, Part I, p. 3

¹⁸ Death Certificate; TIME magazine article; Fairclough article; Dan E. Byrd, Report of Investigation of Lynching of John C. Jones, August 17, 1946, NAACP 4

¹⁹ Testimony, p. 97-100

Harris, Jr., Jones screamed and hollered until one of the aggressors beat him over the head and knocked him down. Haynes, Jr. helped to pick Jones off the ground and put him in one of two cars that were waiting at the scene.²⁰

With Jones dazed and Harris, Jr. in a separate vehicle, the two were driven from the jail to a wooded area along Dorcheat Bayou, about three miles southwest of Minden. Harris, Jr. was placed in the back seat of the lead car while Jones was in the second car. The men in the lead car—that included Sam Maddry, Sr.—forced Albert to keep his head between his legs so as not to alert him to where they going. After about fifteen minutes, the two cars stopped and the mob pulled Harris, Jr. and Jones from the vehicles. The two were taken about a quarter of a mile from the cars, stripped and forced to lie down near the creek. Harris, Jr. and Jones were not far from each other as the mob proceeded to pummel their naked bodies. As several members of the mob beat Albert with a strop and a stick, they again demanded that he confess that Jones was the alleged intruder in Maddry, Jr.'s yard.²¹

At some point Harris, Jr. regained consciousness. He heard Jones lying on the banks of the creek moaning in pain. Jones asked Albert to retrieve some water for him. Harris, Jr. used one of his own shoes to fetch the water. Jones drank the water and, as he was dying, he told Harris, Jr. to tell his brother-in-law to take care of his gun. Jones, the elder of the two men, likely endured a more violent beating. Harris, Jr. held Jones for about five minutes until his cousin eventually died in his arms.²²

Left there alone after Jones's death, Harris, Jr. found his pants and began to walk towards Minden. On his way into town, Harris, Jr. passed several cars but each time, he dove into the woods to avoid being seen. He did speak with an officer in a police car at one point. Seeming to

²⁰ Testimony, p. 100-102

²¹ Testimony, p. 105-107

²² Testimony, p. 108-109

know what had transpired, the officer asked Harris, Jr. where “the other boy” was and Albert told him that he was back in the woods. Harris, Jr. finally made his way to the home of his uncle, Jones’s father, in Minden. He stayed there for two nights. Harris, Jr. eventually returned to Cotton Valley to find his father gone; he had already fled north. Along with his mother, Albert, Jr. fled to Camden, Arkansas where they stayed for several days. From Arkansas, they traveled to Chicago and ultimately reunited with Albert Harris, Sr. in Detroit, Michigan on August 18.²³

At 4pm on August 9, the day after the lynching, deputy coroner Dr. Thomas A. Richardson received a phone call from the sheriff’s office indicating that several fishermen had found a body on the edge of Frank Treet’s pond along Dorcheat Bayou. Dr. Richardson promptly drove to the scene of the incident to examine the body. The Certificate of Death signed and issued by Dr. Richardson on August 13 named John C. Jones as the decedent. Cause of death: “Shock—multiple bruises & abrasions due to wounds received while being beaten by unknown persons.”²⁴

The Investigation

News media did not report the Minden lynching immediately, but once the press got ahold of it, the story exploded on the national scene. While the coroner’s report of death was issued on August 9, the report was not publicized until August 15. The story hit the news wire and newspapers everywhere were picking it up. The New York Times reported scant details and no clues about perpetrators, due to the lack of information from authorities. Local law enforcement refused to commit to any arrests or prosecutions. TIME Magazine accused

²³ Testimony, p. 109-111

²⁴ Testimony, p. 397-398; Louisiana State Department of Health, Division of Public Health Statistics Certificate of Death.

authorities of covering up, and Minden of dozing “complacently” after a lynching that was “nothing the folks in Minden felt was really worth talking about.”²⁵

Elsewhere in Louisiana, the story attracted attention immediately. On August 15, the Bogalusa *Daily News* ran the story. Daniel Ellis Byrd, Executive Secretary of the NAACP New Orleans Branch was in Bogalusa that day. He saw the one inch article reporting the coroner’s statement and immediately decided to investigate, sensing right away that it had been a lynching. On his way back to New Orleans from Bogalusa, Byrd asked his colleague, Attorney A.P. Tureaud, and journalist John E. Rousseau to accompany him to Minden. They left the following day alongside several other *Pittsburgh Courier* reporters . That night, they stayed in Shreveport, gathering contacts for the next day when they would travel to Minden to begin their investigation.²⁶

Byrd's group was the first to put boots on the ground. In no time at all, they pieced together details of the story and sent them back to the national office of the NAACP in New York. Byrd produced a thorough report the following day. His August 17 report detailed the facts of the incident and provided a handful of names of possible suspects. In particular, the memo provided a full account of the condition of Jones’s body when it was found. One of their sources, local embalmer Ozie Pierce, reported that Jones had been “burned about the face and body with a blow-torch; that he was mutilated and that his wrists were gouged out with a cleaver and his eyes popped out of his head.” This report was the basis of the NAACP Press Service release from Byrd’s group on August 19 that described a tortured body of Jones. The sensationalism played

²⁵ Coroner’s report of death, Aug. 9, 1946, FBI file, Section 2, Part 1, p. 20; New York Times, Aug. 16, 1946; TIME magazine article, Aug. 26, 1946

²⁶ Daniel E. Byrd, Report of Investigation of Lynching of John C. Jones, Aug. 17, 1946, Byrd Interview by Legendre, ARC, p. 5-6

well in the press around the country as the Minden lynching became known as the “blowtorch lynching.”²⁷

On August 18, Byrd wrote to Madison Jones, administrative assistant at the national office of the NAACP, informing him that there was sufficient information for the U.S. Department of Justice and federal investigators to step in. Byrd concluded the letter by casting doubt on the coroner’s statement that Jones had been found with “lewd pictures and poetry” in his clothes. Byrd signed the letter, “P.S. No white female pictures were discovered on the body of John C. Jones, if so they were planted there.” This would become a highly contentious issue later at the trial.²⁸

While Byrd’s investigation was taking place, NAACP Secretary Walter White was forwarding the reports to Assistant Attorney General Theron Lamar Caudle, Chief of the Criminal Division at the U.S. Department of Justice under Attorney General Tom C. Clark. White and Caudle maintained close contact with each other over the course of the NAACP’s investigation, speaking by phone several times a day at one point. Through these communications, the NAACP supplied the Department of Justice early on with the names of suspects and informants. In particular, White had information that Byrd had obtained from Max Johnson, an African-American restaurant owner in Couchwood, Louisiana, who claimed to have seen the lynch mob celebrating at his restaurant. Johnson added more names to Byrd’s initial August 17 report, including Maddry, Jr., Maddry, Sr., Perkins, Perry, Edwards, and Haynes, Jr.²⁹

With wheels already in motion, the Department of Justice was ready to proceed with the case despite high-level resistance to federal civil rights investigations, most notably from J.

²⁷ Daniel E. Byrd, Report of Investigation of Lynching of John C. Jones, Aug. 17, 1946; NAACP Press Service, Aug. 19, 1946; Byrd Interview by Legendre, ARC, p. 5-6

²⁸ Daniel E. Byrd letter to Madison Jones, Aug. 18, 1946

²⁹ Two letters on Aug. 19, 1946 from White to Caudle; Aug. 19 Office Memo on phone conversation with Caudle; NAACP Memos for the Files, Aug. 21, 22 by Madison Jones; Aug. 26 letter from Byrd to White

Edgar Hoover himself. After race riots in Columbia, Tennessee in February 1946, Attorney General Clark instituted a department policy to “devote special attention and investigation” to civil rights problems. He concluded that “[a]gents of the Federal Bureau of Investigation will be used unsparingly to affect this end.” After the lynching of two couples in Monroe, Georgia on July 24, 1946, the FBI began to object to the civil rights policy. In part, Hoover’s primary objective of protecting the reputation and prestige of the FBI would be threatened if the Bureau was “charged in the public mind and in the press with the responsibility for the solution of the cases.” As he saw it, appeasing minority groups was not worth the considerable risk that the cases could not be won at trial.³⁰

Moreover, Hoover believed federal intervention discouraged state and local prosecutions. There is some evidence that this was the case in Minden. Shortly after the crime, Webster Parish assistant district attorney R. Harmon Drew wrote to Caudle expressing his desire to refer the case to the Department of Justice and the FBI. He wrote, “I must frankly admit that [the case] is much too big for me and the few who are actively helping me. Your assistance is needed and will be greatly appreciated.”³¹

At the time Hoover was the subject of severe criticism from special counsel Thurgood Marshall over the Bureau’s record with regard to racial violence. Once the Department of Justice made the decision to go ahead with a federal prosecution, it named United States Attorney Malcolm E. Lafargue as the prosecutor. Marshall wrote to Caudle demanding that the Department of Justice assign a special prosecutor instead. Walter White wrote to Attorney General Clark requesting the same. Marshall accused Lafargue of “extreme prejudice against Negroes.” Several years earlier, Lafargue had prosecuted three African-American soldiers for

³⁰ Elliff, p. 619-621

³¹ Letter from Drew to Caudle, Aug. 1946

rape, despite advice from superiors that the federal court had no jurisdiction over the alleged crime. Marshall represented the defendants on appeal. The convictions were overturned by the United States Supreme Court in 1943 on jurisdictional grounds. Nevertheless, Caudle informed Marshall and White that Lafargue would remain on the case.³²

The Charges

With the Department of Justice involved, local prosecutors bowed out. The local prosecutors were not eager to intervene forcefully when they could easily defer to the federal government to appease those calling for action. According to an October 4, 1946 memo between the Department of Justice and the FBI, assistant district attorney Drew had even admitted that the case he presented to the Webster Parish grand jury on September 25 was merely “a superficial presentation.” Local prosecutors were not inclined to challenge the social structures that kept them in place, and their meager showing was enough to alleviate whatever local pressure was brought to bear on them. The local grand jury had requested “further investigation,” which was tantamount to a “no bill.” The state prosecution was effectively dead.³³

On the other hand, Lafargue, a native of Louisiana and later a candidate for the United States Senate, surprisingly had taken an interest in the case early on. Despite Marshall’s doubts that he would be aggressive enough in prosecuting the case, Lafargue made plans to present the matter to a federal grand jury in Monroe, Louisiana in October 1946.

On October 12, the Harrises, accompanied by a chief deputy of the United States Marshal and an armed guard, left Muskegon, Michigan and met Edward M. Swan of the NAACP Detroit

³² Elliff, p. 627-628; Letter from Marshall to Caudle, Nov. 7, 1946; Letter from White to Clark, Oct. 24, 1946; Letter from Caudle to Marshall, Nov. 15, 1946; Letter from Caudle to White, Oct. 31, 1946; *Adams v. United States*, 319 U.S. 312 (1943).

³³ Letter from the Director of the FBI to Caudle, Oct. 4, 1946

branch in Chicago to board a bus to Monroe. In the face of reports of threatening activity in the area, the Harrises testified before a federal grand jury on October 14 and left immediately thereafter. On October 16, the grand jury returned indictments against six men: Oscar Henry Haynes, Jr., Charles Melvin Edwards, Samuel Clinton Maddry, Sr., Willie Drayton “Slim” Perkins, Harry Edward Perry, and Benjamin Geary Gantt. The defendants were arrested the next day.³⁴

The grand jury charged the defendants with violating two federal civil rights statutes—Sections 51 (Count One) and 52 (Count Two) of Title 18 of the United States Code, and with conspiring to violate the latter under Section 88 (Count Three) of Title 18 of the United States Code.

The statutes underlying these charges have an interesting history. Section 51 of Title 18 of the United States Code is now Section 241 of Title 18. This criminal conspiracy statute was first enacted by Congress on May 31, 1870 as Section 6 of “An Act to enforce the Right of Citizens of the United States to vote in the several states of this Union, and for other Purposes.” The Act is commonly referred to as the Enforcement Act of 1870 and was one of the several laws passed in the wake of the ratification of the Fourteenth Amendment to the United States Constitution in 1868. Its purpose was to legislate and enforce the guarantees of the Reconstruction Amendments, especially as they applied to African-Americans. Section 6 read:

That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court,—the fine not to exceed five thousand dollars, and

³⁴ Fairclough, p. 182; Letter from the Director of the FBI to Caudle, Oct. 4, 1946; Report of Louisiana Trip, NAACP, Oct. 16, 1946; FBI Report, Oct. 30, 1946, New Orleans File No. 44-150.

the imprisonment not to exceed ten years,—and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States.³⁵

The Revised Statutes of the United States was the first official codification of the Acts of Congress. In 1874, Congress approved the codification of laws in effect as of December 1, 1873. In this first version, Section 6 of the Enforcement Act of 1870 was enacted as positive law under Section 5508 of the Revised Statutes of the United States, which read:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.³⁶

The revisers here reordered the original clauses as passed by Congress in 1870 and chose to begin the statute in more general terms. The clause about going in disguise on the highway dropped into a subordinate position below the more general prohibition against depriving citizens of their rights and privileges.

On account of the incompleteness and inaccuracies in the Revised Statutes, Congress established a commission in 1897 to revise and codify the criminal and judicial laws of the United States once again. This process produced a criminal code that was enacted on March 4, 1909. Section 5508 of the Revised Statutes of 1870 became Section 19 of the 1909 criminal code. The language remained unaltered.

In 1926, Congress enacted the first comprehensive code of United States law. In this preliminary version of the United States Code, Section 19 of the 1909 criminal code became

³⁵ 16 Stat. 141.

³⁶ R. S. § 5508.

Section 51 of Title 18, where it remained until 1948 when Congress revised Title 18 and renumbered Section 51 as Section 241. Section 241 remains in effect today.

Section 52 of Title 18 followed a similar history. However, this criminal statute known as the “color of law” statute was enacted four years earlier than Section 51. It was the first civil rights criminal legislation ever adopted by Congress. The Act titled “An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication” was passed on April 9, 1866, exactly one year after General Robert E. Lee and the Confederate States Army surrendered to the Union and ended the American Civil War. Section 2 of that Act read:

That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.³⁷

This section was eventually amended by the Enforcement Act of 1870. However, Section 17 of the Enforcement Act of 1870 did not significantly alter Section 2 of the Act of April 9, 1866.

In 1874, the revisers introduced the statute as Section 5510 of the Revised Statutes of the United States and amended it to expressly incorporate constitutional protections:

Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens,

³⁷ 14 Stat. 27.

shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both.³⁸

With the adoption of the new criminal code by Act of Congress in 1909, Section 5510 of the Revised Statutes became Section 20 of the criminal code. Arguably, the statute underwent its most significant alternation in the process. The word “willfully” was added to require a willful and intentional violation:

Whoever, under color of any law, statute, ordinance, regulation, or custom, *willfully* subjects, or causes to be subjected, any inhabitant of any Slate, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.³⁹

This language became Section 52 of Title 18 in 1926 and eventually Section 242 in 1948, where it remains today.

These landmark criminal statutes to protect the civil rights of African-Americans were subjected to fundamental challenges from the outset. They presented significant legal questions that the courts worked through slowly beginning with the *Civil Rights Cases*, in which the Court fashioned the state action requirement.⁴⁰

Hence, in 1946, Section 51—now 18 U.S.C. § 241—was limited to three distinct classes of cases: 1) where one has been deprived of an express *statutory* right- and there were very few to enforce; 2) where a constitutional right is protected against individual wrongdoing as well as state action- a very narrow class of rights; and 3) where the constitutional right is protected against official action only- such as Fourteenth Amendment rights. In addition, as a conspiracy statute, Section 51 was not available for non-conspiratorial conduct. A charge under this section

³⁸ R. S. § 5510.

³⁹ 35 Stat. 1092 (emphasis added).

⁴⁰ 109 U.S. 3, 13 (1883).

required at least two participants in the criminal activity. This limitation rendered the statute difficult for prosecutors to apply. Early applications of Section 51 sought to target slavery, fraud and intimidation in federal elections, intimidation of federal witnesses, and homestead cases.⁴¹

In *United States v. Classic*,⁴² the Supreme Court set forth the basic principles governing the interpretation of Sections 51 and 52. In that case, several election commissioners tampered with ballots cast in a congressional primary in Louisiana. At issue was the constitutional right to vote under Article I, Sections 2 and 4. Promisingly, the Court found both Sections 51 and 52 constitutional as applied, enhancing their utility against official deprivations of civil rights. The *Classic* Court went even further to define precisely the nature of state action required under Section 52: “[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ‘under color of’ state law.”⁴³ Whether private collaboration with public officials constituted state action punishable under Sections 51 and 52 was resolved by two cases decided on the same day in 1966, long after the *Minden* case was put to rest.⁴⁴ Notwithstanding, in the *Minden* matter, the Department of Justice had already assumed such an application, as evidenced by Count One of the indictment in that case.⁴⁵

Also, in *Classic*, the Supreme Court confirmed that Section 52 criminalizes two separate offenses: “[t]he one is willfully subjecting any inhabitant to the deprivation of rights secured by

⁴¹ Elliff, p. 607.

⁴² 313 U.S. 299 (1941).

⁴³ 313 U.S. at 326.

⁴⁴ See *United States v. Guest*, 383 U.S. 745, 755-56 (1966) (“This is not to say, however, that the involvement of the State need be either exclusive or direct. In a variety of situations the Court has found state action of a nature sufficient to create rights under the Equal Protection Clause even though the participation of the State was peripheral, or its action was only one of several co-operative forces leading to the constitutional violation.”); *United States v. Price*, 383 U.S. 787, 794 (1966) (“Private persons, jointly engaged with state officials in the prohibited action, are acting ‘under color’ of law for purposes of the statute. To act ‘under color’ of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents.”).

⁴⁵ Memo from Department of Justice Civil Rights Section to President’s Committee on Civil Rights, Jan. 15, 1947, p. 14.

the Constitution; the other is willfully subjecting any inhabitant to different punishments on account of his color or race, than are prescribed for the punishment of citizens.”⁴⁶ This dispelled any notion to the contrary created by two cases decided earlier. (?)

In another landmark case decided one year before the Minden lynching, the Supreme Court considered a challenge to Section 52 on grounds of vagueness. In *Screws et. al. v. United States*,⁴⁷ the Court held that the statute’s requirement of willful action was not unconstitutionally vague. The Court concluded that for purposes of Section 52, willful action means “a specific intent to deprive a person of a federal right made definite by decision or other rule of law” and that the willfulness requirement set a clear standard of guilt.⁴⁸

Count Three of the indictment charged a violation of 18 U.S.C. § 88, which was the general federal conspiracy statute at the time. It read:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the action of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.

In contrast to Sections 51 and 52, punishable offenses under that statute had to include the commission of an “overt act” in furtherance of the plan or scheme, a common requirement of conspiracy statutes. Accordingly, Count Three of the indictment alleged several overt acts committed by the defendants.

The Trial

Once the federal grand jury returned the indictment, the defendants immediately began to mount their defense. After more than a month of FBI agents investigating in the area, the

⁴⁶ 313 U.S. at 327.

⁴⁷ 325 U.S. 91 (1944).

⁴⁸ 325 U.S. at 103.

defendants were in no position to take the charges lightly. By then, they were aware that the Department of Justice was fully engaged with the case and would not be turned away easily.

The Department of Justice first decided to dismiss charges against Minden Police Chief Benjamin Geary Gantt. It sought a *nolle prosequi*, asserting that it did not have enough evidence against Gantt to prosecute him. However, Lafargue likely wanted his testimony at trial.⁴⁹

On learning the news that Lafargue had dropped the indictment against Gantt with Attorney General Clark's approval, Thurgood Marshall sent a furious telegram to Clark. The NAACP issued a vigorously worded press release on December 6, 1946 admonishing the Department of Justice for its retrenchment after the NAACP had done so much in the case.⁵⁰

The five remaining defendants were jointly represented by four well-known local attorneys. In an astonishing turn of events, one of them was former Judge Harmon C. Drew, Sr., the father of R. Harmon Drew, the assistant district attorney of Webster Parish who had presented the case to the local grand jury to no avail. The other attorneys included another Judge Drew—Allen S. Drew, Harry V. Booth, and Whitfield Jack.

At the outset of the case, the defense counsel filed thirteen pre-trial motions seeking to quash the indictment and dismiss the charges, primarily challenging the sufficiency of the indictment and the constitutionality of the Reconstruction statutes underlying the charges. But many of the issues had been settled in the *Classic* and *Screws* cases. On these questions of law, it appeared that the defendants were fighting an uphill battle. The defense counsel's procedural tactics reflected enduring Southern hostility towards federal law and federal intervention in civil rights enforcement.

⁴⁹ Testimony, p. 310-11.

⁵⁰ NAACP Press Release, Dec. 6, 1946.

Perhaps most creatively, the final motion to dismiss filed on December 17, 1946 challenged the indictment on the grounds that the federal grand jury included no women.⁵¹ Lafargue sent a letter to Assistant Attorney General Caudle requesting assistance on the matter. Caudle responded that the Supreme Court had decided a case days earlier, on December 9, in which it held that the exclusion of women from grand juries in the federal courts in California, where women were eligible for service, violated federal law.⁵² The question was whether women in Louisiana had filed the requisite papers with the clerk to be eligible for federal juries. On January 29, 1947, the Honorable Gaston L. Porterie, United States District Court Judge for the Western District of Louisiana, denied the motion, along with the other pretrial challenges.⁵³ However, the grand jury motion attracted the most attention, especially since in a grand display of irony the trial jury was comprised of twelve men. All white.

The trial began at 10am on Monday, February 24, 1947. The defense counsel arrived fully prepared to execute a two-fold attack—prey on the racial prejudices of the jury and discredit the federal government, particularly the FBI. By casting and recasting the lens on Northern involvement and federal intervention, the defense counsel planned to frame the prosecution as an attack on the South. With that context permeating every strategic move, the defense counsel sought to inspire a backlash and embolden the jurors to protect their community and way of life.

Albert Harris, Jr. and his father made a second heroic trip back to Louisiana to testify as the government's star eyewitnesses at trial. Lafargue called nineteen witnesses as part of the government's case-in chief, although one was withdrawn. After an opening statement, he first called Sam Maddry, Jr. to the stand to explain his theory of what had transpired outside his home

⁵¹ Trial Record Minden 22, p.51-52

⁵² Letter from Caudle to Lafargue, Dec. 20, 1946; *Ballard v. United States*, 329 U.S. 187 (1946).

⁵³ Chicago Defender, Feb. 1, 1947

on Tuesday night, July 30, 1946.⁵⁴ Maddry, Jr.'s testimony was predictable and largely uneventful, riddled with uncertainty and damaging to neither side. Lafargue primarily used Maddry, Jr.'s testimony to set the stage for the Harrises' forthcoming testimony and likely preempt any effort by the defense counsel to allege an attempted rape.

Not yet 18 years old, Albert Harris, Jr. was the second witness called in the state's first federal lynching prosecution.⁵⁵ On direct examination, Lafargue asked Harris, Jr. to recount both beatings from beginning to end, including the moment he watched his cousin die in his arms. Harris, Jr. testified with incredible composure in a hostile and unfamiliar environment. His testimony was gripping in detail despite the violence he described and the intervening seven months since it had happened.⁵⁶

On cross examination, the defense counsel immediately honed in on the NAACP's involvement in the case. The first prong of the defense counsel's strategy was to portray the NAACP as the architect and orchestrator of a southern smear campaign to drum up African-American sympathy and promote the media blitz that ensued after news of the lynching spread. Harmon Drew opened his cross examination by asking Harris, Jr. about several photographs that pictured him at the NAACP headquarters in New York. With the intent to color Harris, Jr.'s story as the brainchild of the NAACP, Drew was determined to attack his credibility. Early on, Drew asked Harris, Jr. if he knew what the NAACP stood for. Drew empathically announced to the jury that it stood for the National Association for the Advancement of Colored People. Drew continued to press the issue, asking if Harris, Jr. had made any statement to anybody about the case until he arrived at the headquarters of the "Negro organization in New York." Harris, Jr. responded that he had not. Drew questioned him further about the affidavit that he had signed

⁵⁴ Index to Testimony; Testimony, p. 23

⁵⁵ Fairclough, p.116

⁵⁶ Testimony, p. 81-113

there several weeks after he had fled Louisiana. Drew asked if the statement was made “under their coaching.” Albert affirmed, to which Drew responded, “That’s what I thought.”⁵⁷

Lafargue called Albert Harris, Sr. as the government’s next witness. The defense counsel’s cross examination of Harris, Sr. was equally exacting. Again, the questioning focused on the Harisses’ visit to the NAACP headquarters in New York. Harmon Drew continued to portray the signed statements as activist concoctions made under the influence of a discrete Northern agenda. Drew asked Harris, Sr. if the NAACP members had treated him “royally”, Harris, Sr. responded that they had. Drew concluded his goading cross examination after Harris, Sr. testified that the NAACP had indeed helped him make his statement.⁵⁸

After Albert Harris, Sr. was dismissed from the witness stand, the defense counsel recalled Albert Harris, Jr. for further cross examination. The defense counsel was preparing to force a courtroom identification. Attorney Whitfield Jack immediately asked Slim Perkins to stand up. Jack then asked Harris, Jr. how long he had known Perkins. Harris, Jr. replied that he had known Perkins for several years. He then told Perkins to sit down and asked Harry Perry to stand up. Jack asked Harris, Jr. how long he had known Perry. Harris, Jr. said about a year and a half. Finally, Jack did the same for Charlie Edwards. After Harris, Jr. testified that he had known each of the three men for over a year, Jack made his case. He asked Harris, Jr. if Perkins, Perry, or Edwards had been at the jail on August 8, 1946. Harris, Jr. replied that they had not. Jack asked if any of the men had been outside the jail on August 8. Harris, Jr. replied that they had not. Jack asked if any of the men had been in the street or in the vehicles when he and Jones left the jail on August 8. Harris, Jr. replied that they had not. Finally, Jack asked Harris, Jr. if any of

⁵⁷ Testimony, p. 128-31

⁵⁸ Testimony, p. 179-189

the men had been in the woods on the night he was beaten and Jones was lynched. Harris, Jr. replied that they had not.⁵⁹

The defense counsel's tactic had dealt a significant blow to the government's case despite the fact that Harris, Jr. never alleged that he could identify all of his assailants from August 8. Rather, he had testified that he could only identify Maddry, Sr. and Haynes, Jr. among the mob outside the jail that night.⁶⁰ Not only had the defense counsel now successfully ginned up speculation that an African-American activist organization was meddling in Southern affairs, but the specter of doubt was thickening as Harris, Jr. could not place three of the five defendants at the scene of the crime.

After the dramatic testimony of Albert Harris, Jr. and his father, Lafargue called two prisoners to the witness stand who were in the jail at the time Harris, Jr. and Jones were released. C.L. Lummus and Steven Medford Register testified that they heard commotion that night and looked out of their cell windows and saw Oscar Haynes, Jr. among the members of the mob. Neither witness could identify any other members of the mob but each concluded that Haynes, Jr. had participated in hauling Harris, Jr. and Jones into the waiting vehicles.⁶¹

The government then called three members of the Robbins family: Charlie Robbins, Jr., Lizzie Mae Robbins, Charlie's wife, and J. Robbins, Charlie's brother. Lafargue called these witnesses to corroborate that Jones was playing dominoes at the home of J. Robbins on the night Sam Maddry, Jr.'s wife allegedly heard someone prowling in her yard. Each testified that the three of them were with Jones until approximately 11:15 in the evening on the night in question.⁶²

⁵⁹ Testimony, p. 190-92

⁶⁰ Testimony, p. 102-03

⁶¹ Testimony, p. 197, 205

⁶² Testimony, p. 226, 238, 245

On cross examination, the defense counsel initiated the second prong of its strategy— attack the credibility and independence of the FBI. The defense counsel repeatedly suggested that the FBI had specifically instructed the three Robbins’s to testify that they were with Jones on the critical night. In each instance, the defense counsel engaged in aggressive questioning of the witness. At one point, Whitfield Jack asked J. Robbins if he had a prepared statement in his pocket from which the FBI had told him to testify.⁶³

Subsequent government witnesses received similar treatment. The defense counsel continued to use the federal government’s intervention to discredit the prosecution and impeach the credibility of the witnesses. Clyde Capers testified that he was standing across the street from the jail and saw Oscar Haynes, Jr. outside the jail when Jones and Harris, Jr. were released and then forced into the waiting cars. The defense counsel focused on the fact that FBI agents had questioned Capers in the woods, suggesting duress and undue influence.⁶⁴

The defense counsel used a similar method in the cross examination of Baby Rae Morris, another prisoner who was in the jail on August 8, about his contact with the FBI. However, first they had to address Morris’s damaging direct testimony. Morris testified that he saw Haynes, Jr. and another white man take Harris, Jr. and Jones out of their cells and beat them in the hall of the jail a day before they were released. Morris also testified that the unknown man told Haynes, Jr. to release Harris, Jr. and Jones for a night so he could get them to tell the truth. On cross examination, the defense counsel directly attacked Morris’s recollection of the events in the hall. However, Morris not only reaffirmed his direct testimony but testified that Haynes, Jr. had whipped Harris, Jr. and Jones with a hose in the hall.⁶⁵

⁶³ Testimony, p. 234, 240-41, 247

⁶⁴ Testimony, p. 260, 276-77

⁶⁵ Testimony, p. 282-83, 287

While Morris's testimony may have added a new element to the conspiracy, the next witness revealed even more about the case and the defense counsel's legal strategy. Lafargue called Minden Police Chief B.G. Gantt. Gantt had been named as a defendant in the grand jury's indictment but the government later dropped the charges against him. Given his simultaneous position as police chief, former defendant, and now government witness, Gantt was immediately recalcitrant. As soon as he took the witness stand, Gantt asked Judge Porterie to be excused from the case. The judge informed Gantt that he had to assert a constitutional right to be excused from testifying at the request of the court. With no charges pending against him, Gantt could not make out a bona fide claim that he feared self-incrimination. However, at Lafargue's request, the judge allowed him to refuse any questions that might implicate a fear of self-incrimination.⁶⁶

Gantt eventually testified and delivered the testimony that Lafargue sought. Gantt told the jury that Deputy Sheriff Oscar Henry Haynes, Jr. had remarked to him the day after the lynching that the "S.B.'s told me they weren't going to harm that Negro." Lafargue asked Gantt to repeat the statement several times to reinforce its significance.⁶⁷

Despite Gantt's damning admission against Haynes, Jr., the defense counsel used Gantt's cross examination to buttress the second prong of its defense strategy. First, Harmon Drew began his cross examination by accusing FBI agents of coopting the case from his son, R. H. Drew, the assistant district attorney of Webster Parish. Gantt testified that the assistant district attorney was pursuing the case with due diligence before the FBI "took it out of his hands."⁶⁸ In reality, as noted above, the assistant district attorney had sent a letter to the Department of Justice shortly

⁶⁶ Testimony, p. 299-301

⁶⁷ Testimony, p. 305

⁶⁸ Testimony, p. 308

after the lynching essentially begging the FBI to intervene.⁶⁹ Larfargue never pointed out the inconsistency.

Second, the defense counsel continued to berate the FBI for a variety of its investigatory tactics. Harmon Drew repeatedly stated that FBI agents had threatened potential witness, including Gantt's deputies, with perjury charges if they did not testify in a manner consistent with the government's case.⁷⁰ Eventually, Lafargue objected, vehemently disputing the scope and nature of the cross examination. Allen Drew forcefully responded that the testimony was being offered "to show the political nature of this entire case."⁷¹ After Judge Porterie ordered the jury removed to convene a sidebar, Allen Drew unequivocally announced what had become apparent about the defense counsel's strategy from the very beginning of the case:

[T]his testimony is offered to show the political character of this case, where these agents of the Federal Government came down here from Washington with orders from a Government in Washington, seeking to cater to the political minority of a few negro voters scattered throughout the northern states to try to indict some white people down here without one scintilla of evidence to support it, and I think we have the right to show that.⁷²

Judge Porterie allowed Gantt to testify about his interactions with FBI agents but ordered the end of that type of questioning for the rest of the trial.⁷³ More importantly for Lafargue though, the Drews had likely previewed their closing argument and provided a revealing window into their strategy moving forward.

The defense counsel also used Gantt's cross examination to present one mysterious piece of evidence to the jury that may have been more damaging to the government's case than any other. At one point, Harmon Drew leadingly asked Gantt whether the deputy coroner had found

⁶⁹ *Supra*, note 32.

⁷⁰ Testimony, p. 314-16

⁷¹ Testimony, p. 317

⁷² Testimony, p. 318

⁷³ Testimony, p. 318

Jones with “a bunch of papers” on his body. Gantt told the jury that the deputy coroner had indeed found nude pictures of white men and white women in Jones’s pocketbook.⁷⁴ Gantt was the first witness to testify on this piece of evidence because the deputy coroner was not scheduled to testify until the end of the government’s case-in-chief.

The defense counsel’s discussion of the nude pictures was clearly an attempt to entice the fears of the twelve white men in the jury box. After all, the defense counsel wanted the case to be about whether two young African-Americans were hunting white women, rather than whether Jones and Harris, Jr. were unlawfully deprived of their civil rights. The defense counsel was aiming to portray Jones in particular as the one pursuing Maddry, Jr.’s wife. If the defense counsel could do this successfully, it reasoned that the jurors would be more sympathetic to the defendants in this case, regardless of whether the jurors thought Jones and Harris, Jr. were deprived of their civil rights.

As for their reliability, the nude pictures raised several inconsistencies that Lafargue eventually explored, but perhaps not rigorously enough. , The defense counsel seemed to ignore Harris, Jr.’s direct testimony that Jones was beaten naked and likely clothed again after he was lynched when cross examining Gantt.

Lafargue eventually called Dr. Thomas A. Richardson as the government’s final witness and addressed the discrepancy. On direct examination, Lafargue asked Richardson whether Jones could have suffered such fatal blows with his clothes on. Richardson flatly answered, no. Although Richardson did not conclusively opine that someone else put Jones’s clothes back on, he effectively corroborated Harris, Jr.’s testimony that Jones likely was dressed again after he was lynched. Lafargue then formally introduced into evidence the materials allegedly found in Jones’s pocketbook, since the defendants had not, and asked the jury to examine them.

⁷⁴ Testimony, p. 309-10.

Lafargue's hope was likely that the jury would draw the conclusion that the pictures had been planted on Jones's body.⁷⁵

Richardson's direct testimony dealt a major setback to the defense counsel's strategy to attack Jones's character and impugn his sexual propensities. Accordingly, the defense counsel immediately went back on the offensive when it had the chance to cross examine Richardson. Allen Drew first asked Richardson if there was any evidence that the body had been concealed. Richardson testified that the body was found in plain view. Drew quickly turned Richardson's attention to the pocketbook. Drew asked the deputy coroner if there was any evidence to indicate that the lewd pictures had *not* been in the pocketbook as long as the other articles found along with them. Essentially, Drew was asking Richardson to offer his opinion on whether the pictures were planted on the body, without using those words in front of the jury. Lafargue immediately objected on the grounds that the question did not call for the kind of expert opinion Richardson was qualified to offer. The court allowed the question regardless, reasoning that Richardson was one of the first examiners to the scene. Richardson eventually expressed his opinion that the materials on Jones's body did not appear to have been altered. Allen Drew did not stop there. He took his questioning another step further and decided to test his luck with Judge Porterie again. Drew proceeded to ask Richardson, "Doctor, as a physician, what would be your conclusion, as to a man's character, and also his physical makeup, if he carried pictures and poetry such as that in his pocket?" This time, Judge Porterie drew the line. The court sustained Lafargue's objection and chastised Drew for broaching a dead man's character and attempting to raise prejudice. Drew had asked one question too many. Nevertheless, Drew continued to question Richardson in an attempt to show that Jones's clothes were never removed. When asked whether Jones was

⁷⁵ Testimony, p. 408, 412

dressed unusually, Richardson testified that Jones was not wearing his underwear, raising even more suspicion about the nude pictures.⁷⁶

Lafargue's redirect examination was brief. He did not address Richardson's responses to his cross examination. Instead, Lafargue focused on the physical nature of the evidence. Lafargue demonstrated that two of the pictures allegedly found on Jones could not be bent to fit into the pocketbook.⁷⁷

Although the testimony of Gantt and Richardson dominated the latter half of the government's case, Lafargue had called several witnesses in between the two. Among them were two employees of Southern Bell Telephone Company who testified that they heard and saw the commotion outside the jail when Jones and Harris, Jr. were released, but that they did not recognize anyone involved. Larfargue also called two men who were in the jail when the two were released, however they could not conclusively identify anyone outside the jail.⁷⁸

Perhaps most significant was the testimony of Tommie and Jesse Wise. The brothers were traveling to Minden from Cotton Valley with their aunt on the night Jones and Harris, Jr. were released from the Minden jail. The Wises both testified that they first went to Cotton Valley that evening to pick up Jesse's car at a service station and witnessed Sam Maddry, Sr. with his car there. According to Jesse Wise, Maddry, Sr. told the attendant that he needed his car. After the Wises left the service station, they told the jury that they drove to a gas station in Cotton Valley and witnessed Slim Perkins with his car there. The Wises testified that they then saw Slim Perkins a second time that evening on their way to Minden from Cotton Valley. Jesse Wise testified that Perkins passed them on the road driving fast with a carload of passengers. Not

⁷⁶ Testimony, p. 413-18

⁷⁷ Testimony, p. 424-26

⁷⁸ Testimony, p. 324-25, 328-29, 335, 355

surprisingly, the defense counsel chose to cross examine the Wises about the FBI's influence over their testimony. However, neither witness yielded any ground.⁷⁹

Lafargue rested the government's case-in-chief after dismissing Dr. Richardson. The defense did not elect to transcribe its witnesses. Therefore, the trial transcript concludes with the judge's charge to the jury explaining the relevant law, the elements of the charges, and the burdens of proof for the government.

In the end, the verdict lacked all the drama and intrigue that the trial had supplied. Yet it arrived with as much haste and injustice as the lynching itself. The jury of twelve white men acquitted all five defendants.

Lessons Learned

Several weeks after the trial concluded, Assistant Attorney General Caudle wrote to Larfargue seeking an explanation for the acquittal. Lafargue attributed the outcome wholly to racial prejudice. Although Caudle's letter intimated that some of the defense counsel's tactics may have swayed the jury, Lafargue was insistent that if Jones and Harris, Jr. had been white, the outcome would have been different.⁸⁰

Larfargue's view seems to ignore the cumulative effect of the trial's nuances. Yes, the trial and acquittal demonstrated the durability of attitudes in the South in the 1940s. However, the federal and Northern interventions that marked the case sparked a backlash that doomed the federal government's efforts from the beginning. The desired effect of governmental power was never realized. The prosecution of the case only served to entrench existing social hierarchies and reinforce prevailing attitudes. Despite the federal government's best attempts to litigate civil

⁷⁹ Testimony, p. 363-68, 379-83, 393-95.

⁸⁰ Letter from Lafargue to Caudle, Mar. 11, 1947

rights enforcement, real change and the demise of legal lynchings would require attitudes to change.

Therefore, the moral of this tragic story may lay in our desire to avoid repeating history. The case shows the limits of legal remedies and the possibility for restorative justice to fill the void—to change attitudes and, perhaps, the course of history.