The Murder of Otis Newsome

A Legal History

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I. INTRODUCTION

My family would have never…my daddy woulda’ never known…none of us woulda’ ever known…because he died when my daddy was what…ten?...thirteen?...years old, he was young, so he didn’t ever really know his father. His father was in the military and he got killed, so I’m proud of my grandfather and I want to be part of changing because we gotta’ do something as parents, grandparents and adults because when we pass we leavin’ something behind, we leavin’ a generation behind…it’s either gonna’ get better or it’s gonna’ get worse, but at least the people that care can start makin’ it better for our kids and our grandkids. And educating them like this here? It’s a start…

- Odisteen Newsome, Granddaughter of Otis Newsome, Community Meeting at Wilson Public Library (July 25, 2013).

In a weathered sepia photo of thirty parishioners dressed in their Sunday best, a couple stands out against the backdrop of stoic expressions. The woman has a round, face with a glowing, thoughtful smile. Her hair is piled in a crown upon her head, her hands are folded on her lap. Next to her sits a young man with a grin spread across his face. He is dressed in a soldier’s uniform, a reminder of his time spent in the Army Air Force, 316th Airborne. The man’s hands clasp his wife’s and he stares affectionately at her profile.

This photo is one of two that the Newsome family posses of the “granddaddy” and namesake for at least four children of younger generations. As full of loving youthful optimism the first photograph is, the second is a sobering counterpart. Three children, one boy and two girls in formal dresses and pigtails stand at the side of their father’s casket, draped with an American flag. Next to the casket, a G.I. stands expressionless maintaining vigil over the American Legion services, at Otis Newsome’s internment.

On March 27, 1948 Otis Newsome was shot and killed while he was attempting to purchase brake fluid at a filling station near his home in Wilson, North Carolina. Within a day of the shooting, police chief A.A. Privette arrested U.C. Strickland, the station attendant, on charges
of first-degree murder. He was held over without bail until the probable cause hearing. Despite the court’s order for remand, Strickland was released on $10,000 bail three days later. Strickland’s initial case ended in a mistrial, and was re-tried a year later. In the second trial, the jury returned a verdict of not guilty by reason of self-defense, after just two hours of deliberation.

The Newsome family was given almost no information about the case. Although his death was a difficult and mostly silent family subject, over the past sixty years Otis Newsome became a family name. At least three grandsons were named Otis Newsome, and one granddaughter was named Odisteen. Odisteen Newsome speaks freely about her sense of pride in carrying the name of her grandfather, a man she never met. Her father, also Otis Newsome, has not spoken of his father’s death in nearly five decades, but indicated that he felt it was time for the painful past to be uncovered. Beyond the family’s personal healing, Odisteen expresses a desire to pass on a legacy to her children and grandchildren of fighting to resist racism and racial violence.

The Newsome case is far from an isolated incident in Wilson’s history of racial violence. White supremacy has a long history in Wilson, a history that was reinforced by the economic and political structures and bolstered by the booming bright-leaf tobacco industry. Despite the hegemonic white power structure, Wilson also has a vibrant history of African-American leadership and community organizing. At present, there are a number of well-connected African-American families in positions of power in the community. There is also a small museum dedicated to African-American history in Wilson.

This essay chronicles the life and death of Otis Newsome, and provides a brief historical context of Wilson in the 1940s. It also details the trials of U.C. Strickland that followed the murder of Newsome. Section II provides an historical and economic picture of racial violence in
Wilson. Section III chronicles the life and death of Otis Newsome. Section IV gives an account of the trial of U.C. Strickland, Newsome’s killer, and section V concludes with reflections on how the Newsome case may be commemorated and used to further restorative justice efforts in Wilson.

II. WILSON: SIMPLY WONDERFUL

The drive to Wilson from Raleigh is short and pleasant. Open roads and towering Southern pines give way to fields of tobacco plants, their leaves turning crispy in summer sun. Passing from Nash County into Wilson the fields grow larger and the landscape is dotted with townships, most with only one blinking traffic light. Wilson City, the county seat, is located at the center of this small county, a chip carved out of Edgecombe and Nash Counties in the late 19th century to facilitate transportation in commerce and political participation.¹

In the 1940s Wilson County was the largest bright-leaf tobacco producer in the world. Europe had provided robust competition in the decades leading up to the Second World War, but by the mid-1940s North Carolina and its neighboring states had a monopoly.² The boom in the tobacco industry provided an influx of wealthy white businessmen, and Wilson adopted a “Simply Wonderful” public relations campaign. The campaign marketed the formerly rural county as a suburban utopia for young, white, venture capitalists and their families.³ North Carolina, and particularly the area surrounding Raleigh, projected itself as a refined, “Northern” version of the South, deliberately distancing its image from the more abject racial tensions of the Deep South.⁴

¹ Wilson’s Founding Families.
³ Id.
⁴ Id.
As professor Charles McKinney of Rhodes College notes, Wilson may have been located in the “progressive” northern South, but the farther east one traveled in North Carolina, the more the economy, culture and attendant white power structures began to look like those of the Deep South. It is no wonder then, that when the African-American G.I.s began to return from the war, having gained much more worldly experience than the local whites who never left, racial violence, which may have been dormant for a time, was re-awakened.

III. Otis Newsome

Otis Newsome was born in Greene County, North Carolina on February 21, 1922 to James Newsome and Dollie Ward. He married Cleo Newsome and she gave birth to their first child, Otis Jr. in 1938. Two years later in 1940 their first daughter, Betty Jean, was born. And two years after that in 1942 they had their third child Earline Newsome. In 1944 Otis Newsome enlisted in the United States Army at Fort Bragg. He served in the 316th Airborne, a troop transport battalion that carried soldiers between Japan and the Philippines. He achieved the rank of Private First class in the Army Air Force and was honorably discharged December 11, 1945.

5 Death Certificate, Otis Newsome, obtained Wilson County Clerk’s Office (Mar. 27, 1948).
7 Id.
8 Id.
11 Id.
In the late afternoon on March 27, 1948 Otis Newsome and James Williams entered a filling station near downtown Wilson City to purchase brake fluid. According to Williams, an eyewitness to the shooting, Newsome requested that the attendant, U.C. Strickland, put the brake fluid in the car for them or lend the two men a funnel to do it themselves. Williams testified at trial that Strickland appeared very intoxicated. Strickland refused and demanded, “All I want from you is eighty-five cents for the fluid.”

Newsome responded that the service of putting the brake fluid in the car was included in the price. Newsome is alleged to have said, “If I can’t get it into the car I don’t want it.” Before Newsome or Williams could pay for the brake fluid, Strickland allegedly pulled out a gun and shot Newsome in the right abdomen. Otis Newsome was transported to Mercy Hospital where he died shortly thereafter.

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12 There are conflicting accounts of where the filling station was located. An article in the Wilso Daily Times describes the location as the corner of Tarboro and Kenan Streets. In an interview, Otis Newsome Jr. indicated that the station where his father was killed is located at the corner of Nash Street and Raleigh Road. Mr. Newsome now resides several blocks away from the service station (which still functions as an auto body shop) and recalls that Strickland lived in the same neighborhood at the time of the murder. See, Station Operator Shoots Negro in Saturday Afternoon Fracas, WILSON DAILY TIMES, Mar. 28, 1948; Interview with Otis Newsome Jr, son of Otis Newsome, in Wilson, N.C. (Jul. 25, 2013).


14 Kills Carolina Funeral Director, PITTSBURGH COURIER, Apr.10, 1948.

15 Id.

16 Conflicting factual accounts of the shooting were presented at trial by eyewitnesses James Williams and Robert Deans, a white man of Middlesex township. Id.; see also, Strickland Case Continues Today with Arguments, supra note 9.

17 See Death Certificate, supra note 1.

18 An African-American hospital in Wilson that was later merged with the “white” hospital to form Wilson Medical Center, several decades later. No records remain from the original Mercy Hospital. Phone Interview with Records Department, Wilson Medical Center (June 25, 2013).

19 The medical examiner concluded the cause of death to be “aortic damage and abdominal hemorrhaging from a .38 caliber special bullet wound.” Death Certificate, supra note 1.
IV. LEGAL ACTION

On March 29, 1948, two days after the shooting of Otis Newsome, an arrest warrant was issued for U.C. Strickland. Strickland appeared in the Town of Wilson Recorder’s Court on March 30, 1948 for a probable cause hearing before Recorder Chas B. McLean.

Otis Newsome’s family and friends appealed to the Wilson branch of the National Association for the Advancement of Colored People (NAACP), who assigned a “special prosecutor,” Herman L. Taylor to assist on the case. Taylor was present for the Probable Cause hearing in the Recorder’s court, but the record of his involvement is sparse after this initial hearing. Instead, it seems that W.D.P. Sharpe, a local white attorney, assisted the prosecutor for the remainder of the case.

The court found Probable Cause on the charge against Strickland for murder in the first-degree, and bound him over to Superior Court without bond. Strickland was committed to the county jail. Despite the Recorder’s Court Order that Strickland would be held over without bond, a Bond for Appearance was issued by the Wilson County Superior Court on April 3, 1948.

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22 See Kills Carolina Funeral Director for 85 Cents supra note 14; Letter from Attorney Herman L. Taylor to T.V. Mangum, President of North Carolina Conference of the National Association for the Advancement of Colored People (Apr. 8, 1948), in PAPERS OF THE NAACP, microformed on Papers of the NAACP, Part 26, Reel 16 (Harvard University).
23 Id.
24 It appears from the NAACP files that he may have been called to address voting rights issues in Raleigh stemming from the Democratic primary of 1948, and that the Newsome murder may have fallen by the wayside. Negro Registration Planned, RALEIGH NEWS AND OBSERVER, September 8, 1948 morning edition, in PAPERS OF THE NAACP, microformed on Papers of the NAACP, Part 26, Reel 16 (Harvard University).
25 Interview with Bill Sharpe, Son of W.D.P. Sharpe, in Wilson, N.C. (July 25, 2013).
26 Recorder’s Court Docket supra note 21.
27 Id.
just four days later. J.L. Boykin posted bond in the amount of $5,000 for Strickland and
Strickland was released pending trial.\(^{28}\)

Strickland faced a grand jury indictment for charges of first-degree murder in the May
1948 Special Term of the Wilson County Superior Court.\(^{29}\) The Grand Jury returned an
indictment to the effect that Strickland “feloniously, willfully and of his malice afore-thought did
kill and murder one Odis Newsome.”\(^{30}\)

Several months later, in July, Strickland appeared in the Recorder’s court again, this time
on charges of possession of un-tax ed liquor (i.e. “bootlegging”).\(^{31}\) Despite Strickland’s pending
murder trial in Superior Court, the court found him guilty of the liquor law violation but did not
revoke his bail. He was ordered to pay one hundred fifty dollars in fines and court fees, and was
again released.\(^{32}\)

**Trial 1: September 1948**

The State’s case against U.C. Strickland for the murder of Otis Newsome went to trial on
September 8, 1948. Both parties subpoenaed a number of witnesses.\(^{33}\) The case was heard before
Judge Walter J. Bone in the Wilson Superior Court. The trial lasted for a day and a half. During

\(^{28}\) Bond for Appearance, State v. Strickland, No. 23270, Wilson County Superior Court, available via North
\(^{29}\) Indictment, State v. Strickland, No. 23270, Wilson County Superior Court, available via North Carolina
State Archives (May Special Term 1948).
\(^{30}\) Id.
\(^{31}\) Recorder’s Court Docket, State v. Strickland, No. 24062, Town of Wilson Recorder’s Court, available via
\(^{32}\) Id.
\(^{33}\) For the State: A.A. Privette (Chief of Police and the arresting officer), James Williams (eyewitness), F.H.
Boykin, Garland Williams, R.E. Boyette, Dr. Tilghman Herring (a prominent white doctor), Mrs. Emma Pate,
Roy Hortis and Dr. R.E. Goudy (coroner).

For the Defense: W.A. Weathersby, R.L. Smith, Dr. T.G. Bradshaw, Elmo Walls, Calvin Jones, Aaron Nichols,
J.W. Benson, M.B. Nichols, Albert Lancaster, A.M. Batchelor, George Warren, Jimmie Whitehead, Herman
the trial the testimony\textsuperscript{34} of Robert Deans, a white man from Middlesex Township, made a case for self-defense on the part of Strickland. The \textit{Wilson Daily Times} reported:

Robert Deans told the jury that Strickland was attacked by Newsome, who at the time, was carrying a knife in his right pocket. Deans said that he recalled the shooting clearly because he saw Newsome put his hand into his pocket and withdraw an object which he at first thought was a gun. Deans said that Strickland shot Newsome and as he fell to the floor the knife came out of his pocket and also landed on the floor near his body…Deans further testified that the knife was picked up by James Williams who left the local service station shortly after the shooting occurred. During the trial it was also brought out that Deans left the store hurriedly saying, “I don’t guess there’s anything I can do so I’d better go. I gotta catch a bus.”\textsuperscript{35}

James Williams, who was with Newsome at the time of the murder, offered the jury a very different account of what happened:

According to the testimony of James Williams, an eye-witness to the slaying, he and Newsome stopped at the filling station operated by Strickland and asked for some brake fluid…he and Newsome went back into the station and asked Strickland to either lend them a funnel or put the fluid in for them…Strickland refused to do either…Newsome is alleged to have said then, “If I can’t get it into the car then I don’t want it.” Williams told the court that Strickland, standing behind the counter, then demanded eighty-five cents for the fluid and before either he or Newsome could pay him, Strickland pulled out a gun and shot Newsome in the left\textsuperscript{36} side felling him to the floor.\textsuperscript{37}

After the close of arguments on September 8, 1948 George Fountain, the Solicitor, announced that the state was not asking for a verdict of murder in the first-degree. Instead he asked for a verdict of murder in the second degree or manslaughter.

\textsuperscript{34}Dean’s testimony is cited in the \textit{Wilson Daily Times} but Deans was not listed in any of the subpoenas or court records obtained from the North Carolina Archives.


\textsuperscript{36}Autopsy found that Newsome was shot in the right side. Death Certificate \textit{supra} note 1.

\textsuperscript{37}Kills Funeral Director Over 85 Cents \textit{supra} note14.
The jury\textsuperscript{38} was empaneled and deliberated in a closed session for upwards of five hours.\textsuperscript{39} On September 9, jury deliberations continued for a second day. The \textit{Wilson Daily Times} reported that at the end of a record-setting fifteen hours of deliberations, “Judge Bone ruled the mistrial when the jury could not reach a decision and remained hung on a six to six vote for [Strickland’s] conviction or acquittal.”\textsuperscript{40} The court docket, however, indicates that a mistrial was declared after the “court order[ed] the withdrawal of a juror” on the second day of deliberations.\textsuperscript{41} Strickland was released pending a new trial.

\textbf{Trial 2: May 1949}

The second trial was continued several times in December 1948, and January and February of 1949. On April 13, 1949 a warrant was issued by the court for the detention of Strickland pending a second trial. Strickland was held in custody by the Wilson County Sheriff’s Office until he appeared in court on both the murder charge, and the liquor law violation during the May Special Session of 1949.

On May 5, 1949 Strickland appeared before the Honorable Judge Paul Edmundson.\textsuperscript{42} and his attorney submitted a motion to the court challenging the method of jury selection for the trial.\textsuperscript{43} When the jurors were selected, those who were “engaged in agricultural pursuits”—that is, all of the farmers, were released from duty. According to retired Magistrate Robert Smith, this

\begin{itemize}
\item[38] L.G. Mayo and W.H Smith were selected and sworn in as \textit{talis jurors}. The following were empanelled: Odell Howell, G.C. Speight, E.E. Little, Rufus Walston, W.L. Fulghum, W.H. Smith, John T. Raper, Bernice Pittman, Wiley R. Barnes, Cecil G. Watson, George W. Thompson, and L.G. Mayo. \textit{Id.}
\item[39] \textit{Jury Deliberates Strickland Case supra} note 38.
\item[40] \textit{Mistrial Ordered After Jury Fails Reach Decision: Strickland Case To Be Called Again Possibly In October, WILSON DAILY TIMES, Sept. 11, 1948.}
\item[41] Criminal Docket, State v. Strickland, No. 43, Wilson Superior Court (September 10, 1948).
\item[42] \textit{Strickland Case Continues Today with Arguments: Both Sides Hand Over Evidence To Jury This Morning, WILSON DAILY TIMES, May 10, 1949.}
\end{itemize}
practice was fairly commonplace during the growing season in rural areas.\textsuperscript{44} In any event, the Court held that “the jurors so challenged were not drawn under the requirements of the general statutes,” and ordered a special Writ of Venire to select a new jury in accordance with Section 3, Chapter 9 of the General Statutes of North Carolina.\textsuperscript{45}

The case was finally heard before Judge Edmundson on May 8, 1949. Witness testimony, as reported by the \textit{Wilson Daily Times}, was nearly identical to the previous trial with some additional details provided by James Williams. Williams testified that Strickland was intoxicated at the time of the shooting and that Newsome’s hand was bandaged in his pocket due to his fingers having been severed a few days earlier.\textsuperscript{46} Strickland denied that he was intoxicated at the time of the incident although he did admit that he had been drinking.\textsuperscript{47}

On May 9, the Solicitor again asked for a verdict of second-degree murder or manslaughter.\textsuperscript{48} Strickland pled not guilty and the jury of twelve\textsuperscript{49} was empaneled. The jury deliberated for two hours and nine minutes before returning a verdict of not-guilty by reason of self defense.\textsuperscript{50} “Strickland walked out of court a free man.”\textsuperscript{51}

\textsuperscript{44} Interview, Magistrate Robert Smith, Brother-in-law to the Newsome children, Wilson, N.C. (Jul. 25, 2013).
\textsuperscript{45} Order for Special Venire, State v. Strickland, Wilson County Superior Court, available via North Carolina State Archives (signed by the Hon. Paul Edmundson May 6, 1949).
\textsuperscript{46} This detail was confirmed by the Newsome family, apparently the fingers had been severed while Newsome was doing some work for the railroad several days earlier. Interview, Otis Newsome Jr., Wilson, N.C., July 24, 2013; see also, \textit{Strickland Case Continues Today with Arguments: Both Sides Hand Over Evidence To Jury This Morning} supra note 46.
\textsuperscript{47} Strickland had a history of public intoxication and had been charged and convicted of Driving Under the Influence after hitting the car of one, Harry Doty exactly one year to the day before the shooting of Otis Newsome. Arrest Warrant, State v. Strickland, No. 20612, Town of Wilson Recorder’s Court (Mar. 29, 1947).
\textsuperscript{48} Criminal Docket, No. 60, Wilson County Superior Court (May 9, 1949).
\textsuperscript{50} \textit{Strickland Freed of Murder Count Here Yesterday: Verdict returned after jury studies case for two hours}, \textit{WILSON DAILY TIMES}, May 11, 1949.
\textsuperscript{51} \textit{Id.}
V. Conclusion

The death of Otis Newsome is only one of three deaths of young African-American Veterans who fell victim to racial violence upon returning home to Wilson and nearby Johnston County. Of the three cases, the Newsome case received the most publicity and attention from the local prosecutor’s office. Perhaps a contributing factor here was the apparent lack of social standing of the killer, U.C. Strickland. The early involvement of the NAACP was also key, as was the support of W.D.P Sharpe, a local white attorney who assisted the prosecution. It is difficult to single out one reason why the Newsome murder received more attention than the others, but in the end the result was the same: Otis Newsome’s family was faced with the traumatic loss of their beloved father and husband while the killer was set free.

Despite Wilson’s checkered history of racial violence, and the existence of a large African-American community to the present day, little has been done to bring these stories to light or to heal past harms. An event held by the Civil Rights and Restorative Justice Clinic at the Wilson County Library was apparently the first in thirty years to focus exclusively on African-Americans in Wilson. After this long silence, the Newsome family and community leaders have expressed interested in bringing some justice to these cases through remembrance and recognition of the victims of racial violence.

\[52\] J.C. Farmer a nineteen year-old vet was shot and killed by Alcoholic Beverage Control officers following an altercation with the self-appointed constable in Sims, Wilson County in 1946. Dan Carter Sanders was shot and by a sixteen year old boy and left to bleed out in a field in nearby Johnston County, also in 1946. The sixteen boy turned himself in to the Sherriff shortly after who phoned Sander’s wife to tell her to “go retrieve the body” from the field where Sanders was shot. Interview with Howard Jones, Witness to the Farmer Murder, in Wilson, N.C. (July 26, 2013); Another Lynching Revealed, PITTSBURGH COURIER, Dec. 28, 1948.