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IN THE DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF MISSISSIPPI

JACKSON DIVISION

NOVEMBER, 1942 TERM

UNITED STATES OF AMERICA	:	
	:	
V.	:	NO. 343 Criminal
	:	
LUTHER HOLDER	:	INDICTMENT
NATHANIEL SHOTTS	:	
ALLEN PRYOR	:	
BARNEY JONES	:	
WILLIAM OSCAR JOHNSON	:	

COUNT ONE

THE GRAND JURORS OF THE UNITED STATES OF AMERICA, duly and legally impaneled, sworn and charged, at the term aforesaid of the court aforesaid to inquire in and for the Southern District of Mississippi, upon their oaths present:

1. That on the 28th day of June, 1942, the State of Mississippi arrested Howard Wash, negro, charging him with a crime against the laws. Howard Wash was then, and was at all times mentioned herein, a citizen and inhabitant of the State of Mississippi and the United States. To the end that Howard Wash should be accorded due process of law and those other rights, privileges, and immunities secured and protected by the laws and Constitution of the State of Mississippi and the United States to all persons held in the custody of that state on accusation of crime, the State of Mississippi set in course of execution the processes of its laws, and pursuant thereto Howard Wash was indicted by a grand jury, for the murder of a white man, was arraigned, and thereafter, on the 16th day of October, 1942, was tried, by a jury and found by it guilty without capital punishment. On the 16th day of October, 1942, and after the return of said verdict, Howard Wash was committed to the custody of the Sheriff of Jones County, Mississippi, and his deputies, and was confined

and held as a prisoner of the State of Mississippi to await sentence of life imprisonment as required by said verdict and the laws of that State.

2. That on October 16, 1942, and at all times mentioned herein, J. Press Reddoch was Sheriff of Jones County, Mississippi, Luther Holder was deputy sheriff and jailor of said County, Louis L. Welch, John R. Hilton, and Inmon O. Fowler were deputy sheriffs of said County, all of whom are hereinafter referred to as "state officers", and each of whom was duly selected and acting under the laws of the State of Mississippi, creating their several respective offices as aforesaid and prescribing the duties thereof. On the evening of October 16, 1942, and in the early hours of the morning of October 17, 1942, the said state officers were charged by the laws of the State of Mississippi with the duty of keeping, maintaining, supervising, and guarding the jail of Jones County, located at Laurel, Mississippi, in which Howard Wash was then and there confined and held as a prisoner, and were charged by the laws of said state with the safe custody of all persons committed to and confined in the said jail under the laws of said state; and with the duty of protecting persons committed to and confined in the said jail from mob violence and from any unlawful injuries, assaults, and attacks by any person.

3. That then, and at all times mentioned herein, it was further the duty of the said state officers under the laws of the State of Mississippi to quell riots, routs, and unlawful assemblages and to prevent lynchings and mob violence, and whenever necessary to call to their aid the power of the county.

4. That on the evening of October 16, 1942, and in the early hours of the morning of October 17, 1942, at Laurel, Mississippi, and within the jurisdiction of this court, the said state officers, LUTHER HOLDER, and NATHANIEL SHOTTS, ALLEN

PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and other persons to the Grand Jurors unknown, hereinafter referred to as "defendants" did in the Hattiesburg Division of the Southern District of Mississippi unlawfully, wilfully, and feloniously conspire, combine, confederate and agree together and with each other to injure and oppress Howard Wash in the free exercise and enoyment of rights, privileges, and immunities, secured to Howard Wash by the Constitution and laws of the United States and because of his having so exercised the same, to-wit, the right and privilege secured to Howard Wash not to be deprived of life and liberty without due process of law, the right and privilege not to be denied the equal protection of the laws, and the right and privilege not to be subjected to different punishments, pains, and penalties by reason of his color and race than are prescribed for the punishment of citizens, in the manner and by the means hereinafter set forth, to-wit:

5. That it was the plan and purpose of the said conspiracy that the defendants, NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and other persons to the Grand Jurors unknown, on the evening of October 16, 1942, and the early hours of the morning of October 17, 1942, in Jones County, Mississippi, would form a lynch mob and would repair to and unlawfully congregate at and about the jail of Jones County, Mississippi, located at Laurel, Mississippi, and would then and there release, seize, and remove Howard Wash from the said jail and from the protection and the judicial and penal processes, custody and confinement of the State of Mississippi, and would lynch Howard Wash;

6. That it was further a part of the plan and purpose of the said conspiracy that the defendant LUTHER HOLDER, being a deputy sheriff and the jailer of Jones County, Mississippi, and being at all times mentioned present at and in charge of said jail would withhold the protection which he was then and

there required to afford Howard Wash, and would neglect, refuse, fail and decline to perform his duties aforesaid, and would open the said jail and relinquish the keys to the said jail, and deliver over Howard Wash to the other said defendants in order that they might lynch Howard Wash, and thus injury and oppress Howard Wash in the exercise and enjoyment of the rights and privileges secured to him by the Constitution and laws of the United States as aforesaid, and because of his having so exercised said rights and privileges;

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States. (18 U. S. C., Sec. 51).

COUNT TWO

AND THE GRAND JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT:

1. That all of the allegations contained in paragraphs numbered one through three of Count One of this indictment are here incorporated by reference as though fully set out.

2. That on the evening of October 16, 1942, and in the early morning of October 17, 1942, a mob of private individuals repaired to and congregated at and about the said jail of the said county at Laurel, Mississippi, and then and there did unlawfully counsel, command, persuade, urge, induce, and call upon the said state officers, and the said state officer LUTHER HOLDER in particular, to deliver up the person of the said Howard Wash to the mob in order that the said members of the said mob might lynch Howard Wash.

3. That on the evening of October 16, 1942, and in the early hours of the morning of October 17, 1942, in Jones County, Mississippi, and within the jurisdiction of this court, the said state officer LUTHER HOLDER did in the Hattiesburg Division of the Southern District of Mississippi wilfully, and unlawfully, and under color of law, statutes, ordinances, regulations and customs, and acting under and pursuant to the laws creating his office and defining its duties as aforesaid, subject and cause to be subjected Howard Wash to a deprivation of rights secured to him, Howard Wash, by the Constitution and laws of the United States, to-wit, the right and privilege secured to Howard Wash not to be deprived of life or liberty without due process of law, the right and privilege not to be denied the equal protection of the laws, the right not to be subjected to different punishments, pains, and penalties by reason of his color and race than are prescribed for the punishment of citizens, that is to say;

4. That the said state officer LUTHER HOLDER, being

then and there a deputy sheriff and the jailor of Jones County, Mississippi, residing and being actually present in the jailor's quarters in the said jail of Jones County, did wilfully, and unlawfully fail, refuse, and decline to protect Howard Wash from the said mob and did fail to take any steps to secure the said jail and Howard Wash which was his duty and within his power to do by locking a single mob-proof steel door, the only access to the said jail and to the prisoner Howard Wash, with the key to said door which said key was then and there in his, the said Luther Holder's possession, and did wilfully fail to make any show or offer of resistance to the requests, demands and threats of the mob knowing that his failure so to do would encourage, incite, and invite, which it did, the said mob to seize and remove the prisoner Howard Wash and did yield up the premises of the jail and the keys thereof, and surrendered, turned over, and delivered up the person of Howard Wash to the said mob, which said mob he, Luther Holder, well knew intended to lynch Howard Wash, and the said mob did then and there lynch Howard Wash.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that at the time and places aforesaid NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and other persons to the Grand Jurors unknown, being members of the said mob, well knowing all the premises aforesaid did in the said Hattiesburg District unlawfully, and wilfully, by word and act, aid, abet, counsel, command, induce and procure the commission of the said offense described in this count by said State Officer Luther Holder.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of

the United States of America. (18 U.S.C., Sec. 52).

Tony Hall

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF MISSISSIPPI

A TRUE BILL:

FOREMAN OF THE GRAND JURY