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Dec 13 2023

IN THE DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF MISSISSIPPI

JACKSON DIVISION

NOVEMBER, 1942, TERM

UNITED STATES OF AMERICA

V

NATHANIEL SHOTTS
ALLEN PRYOR
BARNEY JONES
WILLIAM OSCAR JOHNSON

No. 341 Criminal

INDICTMENT

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 its 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 andprotected 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 Reddock 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 from on or about May 18, 1942, to and including October 17, 1942, in Jones County, Mississippi, and within the jurisdiction of this Court, NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON,

hereinafter referred to as the "defendants", and others to the Grand Jurors unknown, well knowing all the premises aforesaid, did in the Hattiesburg Division of the Southern District of Mississippi unlawfully, wilfully, and feloniously, combine, conspire, confederate, and agree together and with each other to commit an offense against the United States of America 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 said defendants would unlawfully counsel, command, induce and procure the said state officers under color of the laws of the State of Mississippi aforesaid, wilfully to subject and cause to be subjected Howard Wash, he being then and there in the custody and safe-keeping of the said state officers, to a deprivation of rights, privileges, and immunities secured to 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 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, that is to say;

6. That they, the said defendants, and other persons to the Grand Jurors unknown, would band together on the night of October 16, 1942, and the early hours of the morning of October 17, 1942, in Jones County, Mississippi, would solicit the aid of other individuals and would proceed as a mob to and congregate at and about the said jail of Jones County; and then and there would by words and acts counsel, command, persuade, induce and procure the said state officers to withhold the protection which said state officers were required to afford to Howard Wash; and would further counsel, command, persuade, induce and procure the said state officers wilfully to neglect, refuse,

fail, and decline to perform their duties aforesaid and to open the said jail, and to relinquish the keys to the said jail, and to deliver over Howard Wash to the said defendants and the said other persons to the Grand Jurors unknown, in order that the said defendants and the said other persons to the Grand Jurors unknown might lynch Howard Wash.

OVERT ACTS

That in pursuance of said unlawful conspiracy, and for the purpose of effecting the object of the same, the said NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and other persons to the Grand Jurors unknown, did in the Hattiesburg Division commit, among others, the following overt acts:

1. On the late evening of October 16, 1942, they, the said NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and the said other persons congregated at the jail of Jones County, located at Laurel, Mississippi.

2. On the late evening of October 16, 1942, and early morningof October 17, 1942, they, the said NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, and the said other persons, did by word and act, at the jail of Jones County, located at Laurel, Mississippi, counsel, request, and endeavor to persuade, induce and procure the said state officers to turn over and relinquish to them, the said defendants, the keys to the said jail and the prisoner, Howard Wash, and did then and there shout instructions and commands to the said Luther Holder, Inmon O. Fowler, and John R. Hilton, who were in the jailor's quarters and office in the said jail.

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., Secs. 88, 550, 52).

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 and two of Count One of this indictment are here incorporated by reference as though fully set out.

2. That from on or about May 18, 1942, to and including October 17, 1942, in the Hattiesburg Division of the Southern District of Mississippi, in Jones County, Mississippi, and within the jurisdiction of this court, NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES, WILLIAM OSCAR JOHNSON, hereinafter referred to as the defendants, and other persons to the Grand Jurors unknown, unlawfully, wilfully, and feloniously, and with the intent to interrupt and halt the processes of law aforesaid by which the State of Mississippi was then and there seeking to accord Howard Wash due process of law and the other rights, privileges, and immunities as aforesaid, and with the intent to prevent and forbid the courts of the State of Mississippi and of the United States from affording and providing Howard Wash any further and other appellate and corrective process, secured, provided and permitted by the laws and Constitution of the State of Mississippi and the United States, and to forbid and prevent Howard Wash from thereafter resorting to said processes, and with the intent and purpose to take the punishment of Howard Wash for the crime charged as aforesaid into their own hands, and to inflict upon Howard Wash therefor death by lynching in lieu of life imprisonment or other punishment by the State of Mississippi, did conspire, combine, confederate, and agree together and with each other to injure and oppress Howard Wash, in the free exercise and injoyment of the 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, and to cause the State of Mississippi to deprive Howard Wash of, and to deny him, those said rights, privileges, and immunities, to-wit: (1) the right, privilege, and immunity secured to him under the Constitution and laws of the United States to be tried by due process of law, under the laws and Constitution of the State of Mississippi, and, if found guilty, to be sentenced in its courts in accordance with the laws of that state, and to be punished in accordance with the laws of that state; (2) the right, privilege, and immunity, when he was in the custody of officers of the law of the State of Mississippi, to have the State of Mississippi acting by and through its officers afford him full and complete judicial determination of his guilt or innocence by due process of law upon the accusation of crime preferred against him, and to be punished if guilty, only after a full and complete judicial determination in the courts of that state of his guilt or innocence; (3) the right and privilege to enjoy immunity against the lawless acts of white men, intended to deprive him of the enjoyment of civil equality before the law with the white race, as to a sentence to be imposed by due process of law in the courts of the State of Mississippi, as enjoyed by white men under the laws of that state when accused and convicted of crime against its law; (4) the right to the full and equal benefit of the laws of the State of Mississippi for the security of his person while in the custody of state officers as is enjoyed and exercised by white citizens thereof, and the right not to be deprived of his life while in such custody without due process of law, on account of being a citizen of African descent and of color; (5) the right not to be denied, on account of his race, the full and equal benefit of the laws of the State of Mississippi for the security of his life and person when convicted by state authorities and awaiting sentence upon the charge against him, and for the making of an appeal to the appellate courts of the state; and (6) the right and privilege secured to the said Howard

Wash by the Constitution and laws of the United States, to petition to the federal courts for a writ of habeas corpus, and, after final determination of his case by the State of Mississippi, to resort to such appeals, reviews, writs and other corrective processes as are afforded, provided, and permitted by the Constitution and laws of the United States in the Courts of the United States.

3. That it was the plan and purpose of said conspiracy that the defendants, NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES and WILLIAM OSCAR JOHNSON, and other persons to the grand jurors unknown, would on or about the night of October 16, 1942, and in the early hours of the morning of October 17, 1942, in Jones County, Mississippi, recruit and form a mob and would repair to and unlawfully congregate at and about the jail of Jones County, located at Laurel, Mississippi. It was the further plan and purpose of the said conspiracy to then and there counsel, persuade, command, induce, intimidate, threaten, force and coerce the said J. Press Reddoch, Luther Holder, Louis L. Welch, John R. Hilton and Inmon O. Fowler, the state officers in charge of said jail and the prisoner Howard Wash to surrender up to the defendants and the mob the person and body of Howard Wash, and, if necessary, to 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 by using force and violence. It was also the purpose of the said defendants and the mob to lynch and murder Howard Wash immediately after having obtained the possession and control of his person and thus to injure 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.

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).

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF MISSISSIPPI

A TRUE BILL:

FOREMAN OF THE GRAND JURY.

Nathaniel Shotts
BOND
Amount $1500 00
Sureties
T B Perry
L E Ford

Allen Pryor
BOND
Amount $1500 00
Sureties
C L Houston
Morgan Holyfield

Barney Jones
BOND
Amount $1500 00
Sureties
T B Perry
L E Ford

William Oscar Johnson
BOND
Amount $1500 00
Sureties
Morgan Holyfield
G L Hamilton

APR 19 1943

Form No. 195

APR 12 1943

342 + 24.3 Consolidated

No. 342

UNITED STATES DISTRICT COURT

SOUTHERN *District of* MISSISSIPPI

HATTIESBURG *Division*

THE UNITED STATES OF AMERICA

vs.

NATHANIEL SHOTTS, ALLEN PRYOR, BARNEY JONES and WILLIAM OSCAR JOHNSON

INDICTMENT

Conspiracy and
Violation of Secs. 51 and 52, T. 18,

United States Code

A true bill,

Foreman.

Filed in open court this ..... *day*

of ..... *A.D. 19*

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
JAN 12 1943
B. L. TODD, JR., Clerk
By ..... Deputy

Clerk.

Bail, $

U. S. GOVERNMENT PRINTING OFFICE 7—433

E. Ringo Ed Franklin
Andrew Scott
Ellen Cooper
Represented all Defts.

NAME Nathaniel Shotts

SENTENCE:- Date APR 12 1943

PENALTY OK APR 21 1943

B. L. Todd, Jr. Clerk

Not held for fine

NAME Allen Pryor

SENTENCE:- Date APR 12 1943 Not Guilty

PENALTY OK APR 24 1943

B. L. Todd, Jr. Clerk

Not held for fine

Not Guilty

NAME Barney Jones

SENTENCE:- Date APR 24 1943

PENALTY OK APR 24 1943

B. L. Todd, Jr. Clerk

Not held for fine

Not Guilty

NAME William Oscar Johnson

SENTENCE:- Date APR 12 1943

PENALTY OK APR 21 1943

Not held for fine