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**ORIGINAL ARTICLE**


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## **STONEWALL PRITCHETT: AMERICA'S FIRST CIVIL RIGHTS LAWYER**

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### **INTRODUCTION**

With the arrival of the Coronavirus pandemic and now the protests about injustice, there is more concentration on what matters most. Clinical priorities are clearer with shared danger and there is more room for professional elasticity. My practice, like most, has taken additional measures toward safety and also has issued a statement about our commitment toward human rights.

In my career's fourth decade and now facing two crises simultaneously, a more authentic approach seems appropriate. Also, as my uncertainty and doubt about professional competence has slowly evolved into confidence and expertise, it seems reasonable to share limited personal details, such as the life of a forbearer.

#### Lynching of Blacks in the Southern Ozarks

On the night of August 18, 1901, a black man named French Godley and two other black men were dragged from their homes by a mob and lynched in Pierce City in Lawrence County, Missouri. That morning, a 23-year-old white woman, Gesele Wilde, had been brutally beaten and murdered as she walked home from Sunday School. A black man was suspected, despite the fact there were no witnesses or other evidence. After killing the three black men, the mob

burned down their homes.<sup>1</sup> The coroner determined their deaths as homicides on August 19, 1901.<sup>2,3</sup> No arrests were made and no criminal charges were brought against any member of the all-white mob. Sarah Godley, the widow of French Godley, met with attorney Stonewall Pritchett but he was unable to interest local authorities in taking further investigative action.

Lawrence County was known for its unfavorable legal climate and poor political treatment of blacks. In 1902, John Rogers, one of the lynch mob leaders, moved to Carthage, Missouri, in neighboring Jasper County. Stonewall Pritchett had a very successful legal practice in both Joplin and Webb City in Jasper County. He filed a civil claim against the mob leaders on behalf of Sarah Godley asking for \$5,000 in damages.<sup>3</sup>

The defense filed four separate motions with the court for dismissal of the case. The first challenged the validity of her marriage based on her failure to obtain a divorce from a previous husband. The second challenged the venue. The third challenged her marriage again, citing a prior divorce proceeding with French Godley in 1884 based on cruelty and marital mistreatment. The fourth dismissal motion claimed immunity for the actions as a necessary police action. Each dismal motion was argued and defeated by attorney Pritchett. Only a single pretrial

deposition was taken after the court determined that each witness could attend the testimony of other witnesses. This would benefit the defense by facilitating a unified defense strategy.

Stonewall Pritchett and Sarah Godley proceeded to trial on February 18, 1903 before Judge Hugh Dabbs in Jasper County Circuit Court. The Jasper County Daily Globe covered the trial. The plaintiff named four defendants including J.A. Legrande, a leader of the mob who was a Deputy Marshal sworn “to preserve the peace and quiet of the city.”<sup>1,4,5</sup>

Sarah Godley was born into slavery and later worked as a washerwoman. She had watched helplessly as the mob killed her husband and son and then fled as her home was burned to the ground. She applied to sue as a poor person and was represented without fees or costs. Blacks had gained significant rights during and after the Civil War in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments to the United States Constitution. However, these rights were eroded by court decisions such as *Plessy v. Ferguson* (separate but equal 1896), poll taxes, and grandfather laws codifying segregation.<sup>6</sup> Lynching also served as an effective tool in subordinating blacks; from 1882 to 1902, there were 1,941 known lynchings of black men and women.<sup>7</sup>

Missouri entered the Union in 1821 as a slave state. The majority of the slaves were held in Central Missouri along the Missouri River in an area known as Little Dixie. Southwest Missouri had strong Union sentiments but also guerilla activity from Confederates. After the war, bitter ex-Confederates and Union veterans migrating from the north with limited prior contact with African Americans combined to create a climate of racial disharmony, particularly in Pierce City, which was later described as “White Man’s Heaven.”<sup>5-7</sup>

**Stonewall Pritchett** was born on April 4, 1867 in Fayette, Missouri. He was educated in the common schools of Missouri and attended Central College in Fayette. He graduated from Vanderbilt University Law School in 1890 and was admitted to the bar by Judge John A.

Hockaday in 1891. He served two terms as the city attorney in Fayette in the heart of Missouri’s Little Dixie region. He served one term as a Democratic State Representative and two terms as the prosecuting attorney in Joplin, Missouri. He was hailed as a “young man of fine ability and more than ordinary eloquence.”<sup>8</sup>

Stonewall Pritchett was known as genial and affable by his friends and courteous to everyone with a manner that inspired confidence. He defended 17 consecutive capital cases against his clients without a single conviction. He also appeared as a prosecutor in three murder cases attaining guilty verdicts in all three (Fig. 1).



Fig. 1. Stonewall Pritchett, 1898.

Stonewall Pritchett married Maggie Waters on June 21, 1893. They had three children. His representation of Sarah Godley was unpopular in the community but also among his friends and clients. There were threats and security concerns. During the 3 weeks of motion hearings, Stonewall Pritchett was escorted to and from the trial each day by Capt. James Waters, his father-in-law. Captain Waters was known for his military bearing. He was called by his military title until his death in 1916.

**Captain Waters** commanded Company L of the 5<sup>th</sup> Virginia Regiment of the Union Army. The “Fighting Fifth” was called to Harpers Ferry, Virginia, in 1859 to secure the Armory that had been seized by abolitionist John Brown, his followers, and sons. The 5<sup>th</sup> Virginia Regiment had been formed during the Mexican-American War. It became part of the Confederate Army in April 1861. L Company was victorious at the 1<sup>st</sup> Battle of Manassas (called the Battle of Bull Run by the Union). The “Fighting Fifth” sustained 120 casualties at Chancellorsville and lost 16% of its men at Gettysburg. Captain Waters was commissioned again in the United States Army after 1865, retiring in 1884. Later in his career, he served primarily in the Western Territories, where he was known for his progressive and

compassionate views of the American Indians. He did not endorse slavery. Captain Waters was very close with his son-in-law, Stonewall Pritchett, who named his first son James Waters Pritchett. James Waters Pritchett served with distinction in the infantry in France during WWI (Fig. 2).



Fig. 2. Stonewall Pritchett and James W. Pritchett, 1941.

### Trial 1903.

Stonewall Pritchett was

effective in filing and arguing effective motions preserving his client's right to trial but also in questioning the defendants. Deputy Legrande denied all culpability and claimed he was friendly with Sarah Godley and also that "he did not know a single soul in the mob" that night. When Pritchett cross-examined Deputy LeGrande about how he planned to stop the mob with just a handful of deputies, the defendant replied with the dismissive "persuasion." Pritchett delivered the closing argument as he stalked the courtroom packed with people from Pierce City. There were also a sizeable number of African Americans in the audience. Pritchett turned on defendant LeGrande, seated close to the Jury Box. They locked eyes. Pritchett thundered, "Why did you not attempt to protect the colored people from the mob?" The Joplin Daily Globe remarked it was an excellent address.<sup>15</sup>

The next morning, February 20, 1903, the all-white, all-male jury reached its verdict in favor of the defendants. Stonewall Pritchett filed a motion for a new trial. The motion alleged errors in jury instructions, juror misconduct, and racial prejudice. The motion stated, "the verdict against Sarah Godley was the result of passion and prejudice against her because of the fact she is Negro, that her husband was a Negro, and that her witnesses were all Negroes." Nonetheless, Judge Dabb ruled the trial had been fair. In response to the Pierce City lynchings and the trial verdict, Missouri's most favorite son **Mark Twain** remarked, "And so Missouri has fallen."<sup>10</sup>

**After 1903.** Stonewall Pritchett continued his legal career. He won more than three dozen appellate-level cases, making new law including describing the meaning of Judicial Discretion.<sup>11-17</sup>

This meaning is still used today. Discretion means it is never the arbitrary will of the Judge. Discretion must be guided by law. The changing humor of the Judge cannot be substituted for discretion. Judicial discretion is distinguishable from the discretion of others. Others have the right to act according to their own conscience.<sup>11</sup> Stonewall Pritchett also made new law surrounding Contributory Negligence in injury cases.<sup>12</sup>

Stonewall Pritchett's practice in Joplin and Webb City did not do as well after the Godley case. He moved to Tucumcari, New Mexico, and practiced there as both an attorney and Judge until 1939. He was a consultant to the NAACP after it formed in 1909 and he provided service in furtherance of black rights for more than 50 years. He consulted with Thurgood Marshall about the Brown v. Board of Education case from Topeka, Kansas in the early 1950s. In 1940, he moved to Seattle where he continued his consulting law practice for 64 years until his death in 1955. Between 1946 and 1955, he worked closely with the wife of his grandson James W. Pritchett Jr.,<sup>18</sup> who provided many of his papers to legal scholars through the 1960s. He was visited on more than one occasion while living in Seattle by Supreme Court Justice William O. Douglas. He liked to play cards and pool with the Commander of the Sand Point Naval base in Seattle where his grandson served. He is shown in front of the family home at 6030 Princeton Ave. holding his great grandson James Waters Pritchett, III (Fig. 3).



Fig. 3. Stonewall Pritchett and Lela holding infant James W. Pritchett, III, 1954.

Stonewall Pritchett was America's first civil rights lawyer. The Godley case was unique at its time as a case of a black victim pursuing legal action against her white attackers. Stonewall Pritchett rarely, if ever, had a corporate client. He was fond of people, was naturally charismatic, and liked to

tell jokes and stories. He was known to take a drink and loved baseball. Stonewall Pritchett's uncle was Henry Smith Pritchett, the president of Massachusetts Institute of Technology and the Carnegie Institute for the Advancement of Teaching.

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