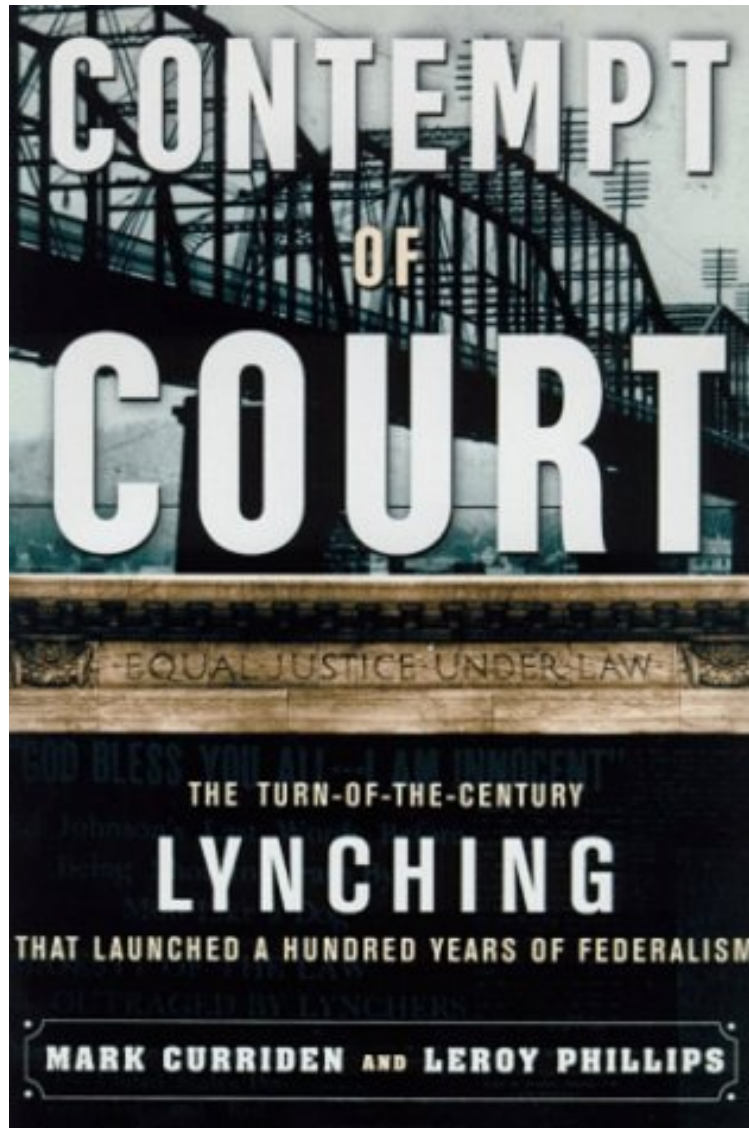


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Contempt of Court: The Turn Of-The-Century Lynching That Launched 100 Years of Federalism

Mark Curriden, Leroy Phillips
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Kindle Customer This is a book that stays on your mind for a long time. 4 of 7 people found the following review helpful. Justice lives, even though a citizen died. By Eric V. Moyer A wonderful book, which chronicles a painful time in our Nation's history. Curriden and Phillips have taken the events which led to the death of just one more poor Black man (one of far too many during that era) and explained how this incident rekindles and reaffirms the notion of the supremacy of Federal law. A book for normal people, not just lawyers or those interested in the law or civil rights. It makes a potentially dry concept (the relationship between the states and the Federal government) come to life. More importantly, it shows just how essential the concept of Federalism can be. Should be required reading for anyone who decries the "meddlesome, activist Federal judges".

The case by which the U.S. Supreme Court declared itself the highest court in the land. When Ed Johnson, a black man, was wrongly convicted in 1906 of rape and sentenced to death in Tennessee, Supreme Court Justice John Marshall Harlan issued a stay of execution, declaring that Johnson's right to a fair trial had been violated and that he had been railroaded through the criminal justice system. The interference of the Supreme Court was not well received back in Chattanooga. A violent mob answered this federal "interference" by dragging Johnson from his jail cell, beating him, and hanging him from a bridge. Local police did nothing to prevent the lynching, nor were any members of the mob arrested. For the first and only time in history, an enraged Supreme Court conducted a criminal trial to enforce its authority. It brought criminal contempt of court charges against the sheriff, his deputies, and members of the lynch mob. The first book written about these highly charged events, *Contempt of Court* raises issues of federalism versus states' rights that are as timely today as they were ninety years ago. Johnson's case led to a precedent-setting criminal trial that is unique in the annals of American jurisprudence. Mark Curriden and Leroy Phillips's riveting tale will prove essential reading for all interested in understanding how American justice works.

.com Prior to 1906, the U.S. Supreme Court had never tried a criminal case--and the high court had yet to assert its power over state criminal courts. That was all to change after the events of a cold January night earlier that year in Chattanooga, Tennessee. Blond, beautiful, 21-year-old Nevada Taylor had hopped on one of Chattanooga's new electric trolleys after work. Before she could reach home, the young woman was waylaid and raped by an unknown assailant. At first Taylor couldn't describe her attacker to town sheriff Joseph Shipp, as she hadn't seen the man clearly, but she soon became convinced he was "a Negro with a soft, kind voice." In just 17 days, a drifter dubbed a "Negro fiend" by the Chattanooga News had been hastily arrested, tried, convicted, and sentenced to hang. Two idealistic black lawyers intervened, filing appeals to the state and ultimately the U.S. Supreme Court, citing the numerous rights denied the most-likely innocent Ed Johnson. (One of the attorneys said of the suspect, "But for the will of God, that is me.") The high court agreed to hear the appeal, staying the Tennessee execution. But back in Chattanooga, the politically minded Sheriff Shipp looked the other way as a bloodthirsty crowd of hundreds broke Johnson out of jail, beat him brutally, and lynched him on the county bridge. Mark Curriden, a legal writer for the Dallas Morning News, and Leroy Phillips, a Chattanooga trial attorney, have painstakingly researched and vividly recounted the events of this oft-overlooked but significant episode in America's legal history, from the details of the original crime to the eventual federal conviction of Shipp and members of the lynch mob for contempt. A superb combination of journalistic storytelling and academic rigor. --Paul Hughes From Publishers Weekly A little-known chapter in American legal history gets expert, well-deserved treatment by Curriden, legal affairs writer for the Dallas Morning News, and Phillips, a Tennessee trial attorney. The exciting narrative concerns the legal and social aftermath of the 1906 trial of Ed Johnson, a black man, for the rape of Nevada Taylor, a white woman, in Tennessee. Intimidated by threats of social unrest, the local court and law enforcement officers railroaded Johnson through an unjust trial and sentenced him to death by hanging. After Johnson's conviction, a team of local lawyers rushed to the Supreme Court for an appeal and stay of execution. In a little-used proceeding that allows for an interim decision by just one of the justices, Noah Parden, a black attorney, made the argument to Justice John Marshall Harlan and won the stay. But the local Chattanooga population became so enraged by what they saw as federal interference in local affairs that, with the assistance of the local sheriff, they stormed the jailhouse and lynched Johnson. The Supreme Court then held its first criminal trial, with the justices sitting as jurors in the case against the lynchers. The book succeeds on two levels: as an analysis of a legal precedent that paved the way for the Supreme Court, many years later, to find that the Bill of Rights applied to the states; and as a dramatic story, written with novelistic flair, of a few brave individuals who refused to be cowed by mob rule. 20 pages bw photos not seen by PW. (Sept.) Copyright 1999 Reed Business Information, Inc. From Library Journal In 1906, Ed Johnson, a black man in Chattanooga, was arrested for the rape of a white woman. A mockery of a trial ended in his being sentenced to hang. After his court-appointed lawyers abandoned him, advising accepting the verdict and dying in an orderly fashion or appealing and being lynched, two black lawyers, asserting that Johnson's constitutional rights had been violated, sought to appeal to the U.S. Supreme Court. In an unprecedented move, the Court intervened in the state's case, staying Johnson's execution until it could hear the appeal. Nevertheless, as predicted, a mob took him from an unprotected jail and lynched him. In another unprecedented move, the Justice Department indicted the Tennessee sheriff, his deputies, and members of the mob for

contempt of court, and the U.S. Supreme Court for the first time sat in judgment of a criminal case. Journalist Curriden and Chattanooga attorney Phillips offer an intriguing look at a largely forgotten case that set historic precedents. Recommended for all larger libraries. A Jim G. Burns, Ottumwa P.L., IA Copyright 1999 Reed Business Information, Inc.