

Douglas County Law Library E-Mail Newsletter



Vol. 10, No. 10; October 2013

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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 11th.

The October Douglas County Bar Association Brown Bag CLE program will be on Thursday, October 17, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Adam Hall will present *Breaking Bad: Aggressively Defending Protection From Abuse (PFA) and Protection From Stalking (PFS) Cases Filed Concurrently*

With Criminal Action. Handout material can be downloaded from the [DCBA website](#).

Current Art Gallery Exhibition



The October/November 2013 Law Library and Division IV art gallery exhibitions are oil pastels by Susan McCarthy.

The exhibitions will run through the end of November 2013.

The December 2013/January 2014 exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be fabric art by Carol Jones. More information on these exhibitions will be in the December 2013 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact

the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:9 (Sept. 2013).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 297:1/v. 48:7 (July 2013).

Juvenile Justice Update, v. 19:4 (Aug./Sept. 2013).

Search and Seizure Bulletin, v. 50:8 (Aug. 2013) and v. 50:9, (Sept. 2013).

Supreme Court Bulletin, v. 34:5 - v. 35:9 (Feb. 2012 - June 2013).

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

September's entry was:

The Law Library is cancelling some periodical subscriptions whose usage did not justify the considerable expense of continuing to subscribe to them.

This Month In Legal History

October 24, 1957 - Johnnie Rae Washington shoots her new husband nine times.

George Washington was born in Virginia in 1840. He married a woman whose name is

unknown, who was born in Missouri no later than the early 1850s. Given the time and location of their births, there is all likelihood that they were both born as slaves. They were parents of at least four children, Henry, born August 1870, Lewis, born July 1874, Albert, born January 1879, and Mary, born September 1885, and who, according to census records, were all born in Kansas. Exactly when Washington and his wife came to Kansas, and whether they were married before coming there or met after their arrival is not known. Since their eldest son was born there in August 1870, it is obvious that they were together in Kansas prior to that. Kansas itself had been born out of the struggle over slavery that had culminated in the Civil War, and because it had been a hotbed of antislavery sentiment prior to and during the War, many ex-slaves moved there after the War ended with the hope of finding freedom. Washington and his wife were likely two such migrants. Washington's wife apparently died not too long after their daughter Mary was born, as census records indicate that sometime in 1889, Washington married a woman named Julia, who was born in Kentucky in September 1861. Census records also show that by 1900, the Washingtons were farmers living in Clinton Township in Douglas County, in an area where a number of other Black families farmed, many of whom were likely also ex-slaves. George's son Albert married a woman named Lavetta¹, last name unknown, sometime before 1908, the year their first child was born. Albert and Lavetta eventually had a large family of at least ten children. Their third child was a boy born in 1913 who they named George Howard Washington. He lived with his parent's family on their farm until 1930, when things began to go wrong in the young Washington's life. He had dropped out of high school after two years, and on December 8, 1930, he passed a forged check for \$6.75. He was arrested and charged with second

degree forgery. On February 2, 1931, Washington pled guilty, and four days later was sentenced to an unspecified term in the Kansas State Industrial Reformatory in Hutchinson, Kansas. He must have been released from the Reformatory sometime after his 18th birthday, as he was arrested again in 1933 on charges of violating the liquor control act. If he was convicted on this charge, he must not have spent much time in prison, as he was free to be arrested twice for vagrancy, once in 1935 and once in 1937. Sometime during this period, his name was linked to two separate assault and battery cases. In one, he was reported to have "cut up a girl in Lawrence, Kansas,...by the name of Marie Hampton, and after this act left the State so that he was never tried for this cutting." Washington eventually returned to Lawrence, where he was reported to be a "pretty bad...boy," and that "the colored people around Lawrence are afraid of him." At some time he acquired a wife, Ernestine Elsie Washington, with whom he fathered three children. The local Welfare Office was reported to have had trouble with Washington, "because he wouldn't work," and partly through their efforts he was induced to join the military. On April 8, 1944, Washington enlisted in the United States Army at Fort Leavenworth, Kansas. On his enlistment papers, his civilian occupation was categorized as unskilled construction occupations. After training, he was sent overseas and served in the European Theater during the remainder of World War II. He was mustered out of the Army around February 1946, and returned to Lawrence. Early in the morning of April 14 that year, Washington's wife Ernestine was driven to the office of the Wright Brothers Taxicab Company at 735 ½ New Hampshire Street by William "Bill" Nelson, a cab driver who worked for the company. Washington went looking for his wife, and brought along a large butcher knife. He arrived at the cab company office around 2:30 a.m., and alt-

hough the door was locked, he was admitted. Washington's wife Ernestine, Nelson, another driver, and a woman telephone operator were inside the office. Washington attacked Nelson, stabbing him in the chest with the butcher knife. The wounded Nelson ran from the building. Ernestine came at her husband with a small paring knife. Washington stabbed her in the center of the chest with the butcher knife, killing her instantly. He then left the building, walked to the police station, and turned himself in, telling the desk attendant what had happened. Nelson was found at the home of a friend soon after the incident and was taken to the hospital for emergency treatment. He left, but returned later for further treatment. He had suffered a collapsed lung, but recovered from the wound. Washington was held in jail without bond on the charge of first degree murder of his wife, and on \$2,500 bond on the charge of assault with intent to kill in the attack on Nelson. Trial began in Douglas County, Kansas, District Court at 9:50 a.m. on May 14, 1946, in front of Judge Hugh Means. The State argued that the killing was premeditated, and the defense argued that it was done in self-defense. The case went to the jury at 2:40 p.m. that same day. Deliberation was recessed at 6:00 p.m., and recommenced at 9:00 a.m. on the 15th. At 11:00 a.m., the jury came back with a verdict of guilty of second-degree murder. The defense immediately filed for a new trial. On May 18th, Judge Means found that there were no grounds for a new trial for Washington, and then sentenced him to 27 years at hard labor in the Kansas State Penitentiary. Two days later, Robert Oyler, the county attorney, sent the Warden of the State Penitentiary his impressions of Washington, advising him of Washington's history of run-ins with the law. Washington was not tried for the assault on Nelson, but Oyler decided not to dismiss the charges in case future events warranted prosecution. On November 23, 1954, Washington's sen-

tence was commuted from 27 years to 14 to 27 years. On June 5, 1956, Washington was granted parole, and after his release, he returned to Lawrence. He was hired by Gomez Hamilton to repair the roof on 1331 New York Street in Lawrence. As he worked, he noticed the residents of the neighboring house to the south, 1333 New York Street. That house was owned by Johnnie Rae² Hamilton, who lived there with her son Bruce Starks, Bruce's wife Kellma, and their baby daughter Stacey. Johnnie was born on July 15, 1917, in Kerns, Texas, to John and Lula Fields Starks. She moved to Lawrence in 1950, and found work as a cook in a fraternity at the University of Kansas. She married Theodore "Ham" Hamilton, Gomez's eldest brother, and lived with him in his house at 1333 New York Street until he died in 1955. Hamilton owned a number of properties in the 1300 block of New York Street, and Johnnie inherited all of them. Many of them were rentals, and she did not want to be responsible for all the trouble that managing rentals would entail, so she sold all of them except 1333 New York to Gomez, including the house that Washington was later hired to work on. Johnnie was an attractive young woman in her late 30s with a good job, money in the bank from the sale of the properties to Gomez, and owner of a fine house on a big lot. Washington was apparently attracted to this, and he soon began trying to establish a relationship with Johnnie. Having a relationship with Washington may not have been welcomed by her, and his pursuit was definitely not pleasant for her, as he was abusive. She later reported that when he came to visit her he would "beat me." He began pressuring her to marry him, eventually threatening to kill her if she did not. He had told Johnnie of his criminal record, so she said that she believed him capable of carrying out his threats. They married on September 7, 1957, and Washington moved in with Johnnie and her family. The mar-

riage did not stop Washington's abuse, and he continued to beat and threaten her. She later recounted that, "I told him let's stay apart if we can't get along. He said nobody run out on him, and if I tried it he'd kill me. And had told me if a woman ever turns me into the police, she might as well dig her own grave first." Around the first of October, Johnnie bought a nine-shot .22-caliber Harrington and Richardson revolver and two boxes of ammunition, "to protect myself." She went out into the country and practiced firing the weapon. One area of contention between the newlyweds was Johnnie's son and his family. Washington did not want her son, daughter-in-law and grand-daughter living with them, and tried to get her to have them move out. On Thursday afternoon, October 24, 1957, Johnnie and her daughter-in-law Kellma went downtown. When they returned, Washington demanded to know where they had been. He pulled a switchblade knife out of his pocket and began pushing and choking Johnnie, all the while cursing her. He reportedly told her that he would kill her. Washington paused in his assault for a short time, and then began again, first by slapping her three times, and then resuming his choking of her. This apparently was occurring in the second floor bedroom that Johnnie shared with Washington. He eventually stopped choking her, and when he did, she asked if she could leave the room. He consented, and she quickly went to her daughter-in-law's room where she retrieved the .22 revolver from a drawer. She immediately went back into the bedroom where she found Washington lying on the bed. Johnnie aimed and fired at him, the bullet striking him in the chest. He fell off the side of the bed, and said "Johnnie, you've killed me." She continued to fire at Washington, emptying all nine chambers into him. He died almost immediately. The authorities were called and the police arrived. County Coroner Byron W. Walters examined Washington and reported that all

nine bullets had entered his body. Johnnie recounted to police all the abuse and threats that Washington had inflicted upon her, and how she had feared for her life. She said that he had never pulled a knife on her before that day, and she believed that Washington would kill her if she didn't kill him first. She was arraigned on a charge of first-degree murder and jailed without bond. Johnnie's trial in Douglas County District Court began on December 2, 1957, presided over by Judge Frank R. Gray. Johnnie plead self-defense, and her attorney pointed out the continued abuse and threats that she had received from Washington. The case went to the jury on the 3rd, with deliberation continuing past 5:00 p.m. The jury returned a verdict later that evening. They had considered first-degree murder with the death penalty, first-degree murder with life in prison, second-degree murder, second-degree manslaughter, and third-degree manslaughter, but they found Johnnie not guilty on all charges. The testimony by the witnesses for the defense must have been compelling to have had a Black woman be acquitted on all charges after having shot her husband nine times, in an era of significant racism and decades before the Battered Woman Defense became widely accepted. In spite of all the notoriety surrounding the killing of Washington, Johnnie was able to go back to a more normal life after her acquittal. She married Calvin "Jack" Gillum in 1961, and continued to work as a cook at the University until she retired in 1970. Gillum died on April 21, 1972, and Johnnie never remarried. She lived the rest of her life in her house at 1333 New York Street. She died on September 7, 1991, and was buried in Oak Hill Cemetery in Lawrence.

¹ One source has the name as Cavetta, but this is the result of misinterpreting the first letter in her name as a "C" instead of as the correct letter "L."

² Some sources spell it "Ray."

From: 1900 U.S. Census, Clinton Township, Douglas County, Kansas, 6/20/1900; 1920 U.S. Census, Clinton Township, Douglas County, Kansas, 1/12/1920; State of Kansas vs. Johnnie Rae Washington, Case no. 4576, Douglas County, Kansas, District Court Records; 1930 U.S. Census, Clinton Township, Douglas County, Kansas; Official Statement by the County Attorney to the Warden of the Kansas State Penitentiary, May 26, 1946, by Robert B. Oyler; George H Washington, "United States World War II Army Enlistment Records, 1938-1946", FamilySearch website; Lawrence Daily Journal-World, v. 90, no. 90 (April 15, 1946), p. 1; Lawrence Daily Journal-World, v. 90, no. 115 (May 14, 1946), p. 1; State of Kansas vs. George H. Washington, Case no. 3962, Douglas County, Kansas, District Court Records; Unpublished research by Shannon Hodges; Lawrence Journal-World, v. 133 no. 252 (September 9, 1991), p. 11A; Lawrence Daily Journal-World, v. 99, no. 256 (October 25, 1957), pp. 1 and 2; State of Kansas vs. Johnnie Rae Washington, Case no. 4576, Douglas County, Kansas, District Court Records; and, Lawrence Daily Journal-World, v. 99, no. 290 (December 4, 1957), p. 1.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library -

for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the “Volunteers” page on the Law Library’s website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library’s mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library’s e-mail address is: info@douglascolawlibrary.org. The Law Library’s telephone number is: 785-838-2477.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.



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Published monthly by:
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