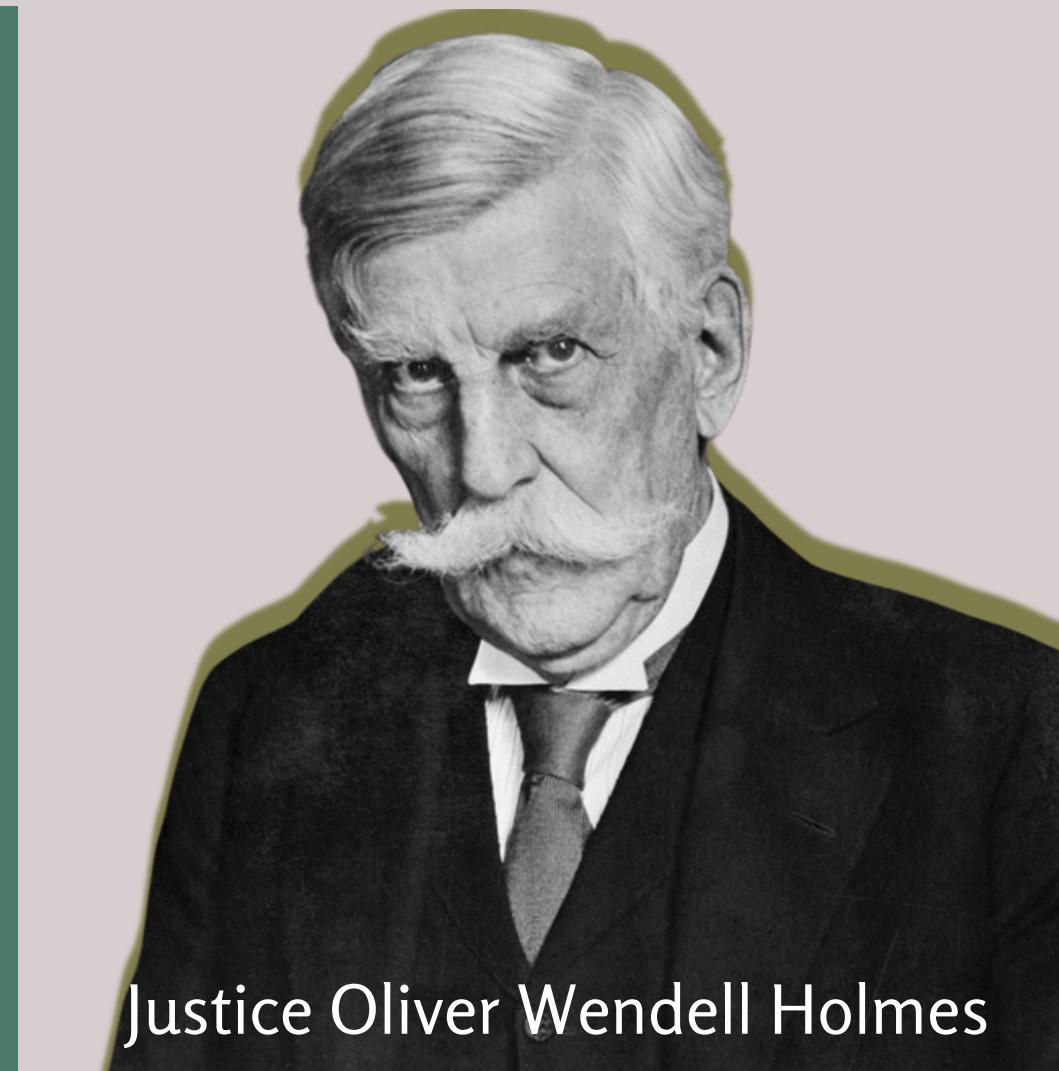


CONTEMPT OF COURT

POST-INVESTIGATION

After the investigation of the lynching had concluded, the next order of business was to decide how Sheriff Shipp and members of the mob would be prosecuted. The Department of Justice and the Supreme Court argued over the best course of action and what charges should be brought against those implicated by the report. It was decided that the Justice Department would bring charges of contempt of court in the Supreme Court. The Justice Department would prosecute the case. The trial proceeded in the Supreme Court.



Justice Oliver Wendell Holmes

"The fact that the petitioner was entitled to argue his case shows what needs no proof, that the law contemplates the possibility of a decision either way, and therefore must provide for it."

U.S. v. Shipp, 203 U.S. 563 (1906)

SUPREME COURT JURISDICTION

Before prosecuting contempt charges, the Court needed to address if it had jurisdiction over the case. After hearing arguments from both sides, the Court decided it did in fact have the jurisdiction to prosecute Shipp and the other defendants. In the Court's opinion, authored by Associate Justice Holmes, the Court justified its position by finding that the Court's previously-ordered stay of execution for Ed Johnson had been directly disobeyed by those implicated in the investigation.

THE FULLER COURT



The Fuller Court as composed in 1907, Collection of the Supreme Court of the United States
Front row, left to right: Associate Justice Edward Douglass White, Associate Justice John Marshall Harlan, Chief Justice Melville Fuller, Associate Justice David J. Brewer, Associate Justice Rufus W. Peckham
Back row, left to right: Associate Justice William R. Day, Associate Justice Joseph McKenna, Associate Justice Oliver Wendell Holmes Jr., and Associate Justice William Henry Moody*

*Due to Justice Moody's previous position as Attorney General, he did not participate in argument or deliberation for *U.S. v. Shipp* (1909).

CONTEMPT TRIAL

With jurisdiction settled, the trial of contempt charges was able to proceed. Over 30 witnesses testified in the trial. Sheriff Shipp's cook testified that Shipp knew a mob was forming, and that she overheard Shipp discussing it with his family the evening of the lynching. During his testimony, Shipp remained unshakable. It took a spearing cross-examination by Edward Sanford to cast doubt on Shipp's credibility. Closing statements were given March 2-3, 1909. Chief Justice Fuller presided over the Justices' conference. The Court announced its decision two months later on May 24, 1909, with a 5-3 majority. In the end, Shipp and five other defendants were found guilty of contempt of court. Shipp and a deputy were sentenced to 90 days in prison, while the remaining four were sentenced to 60 days.

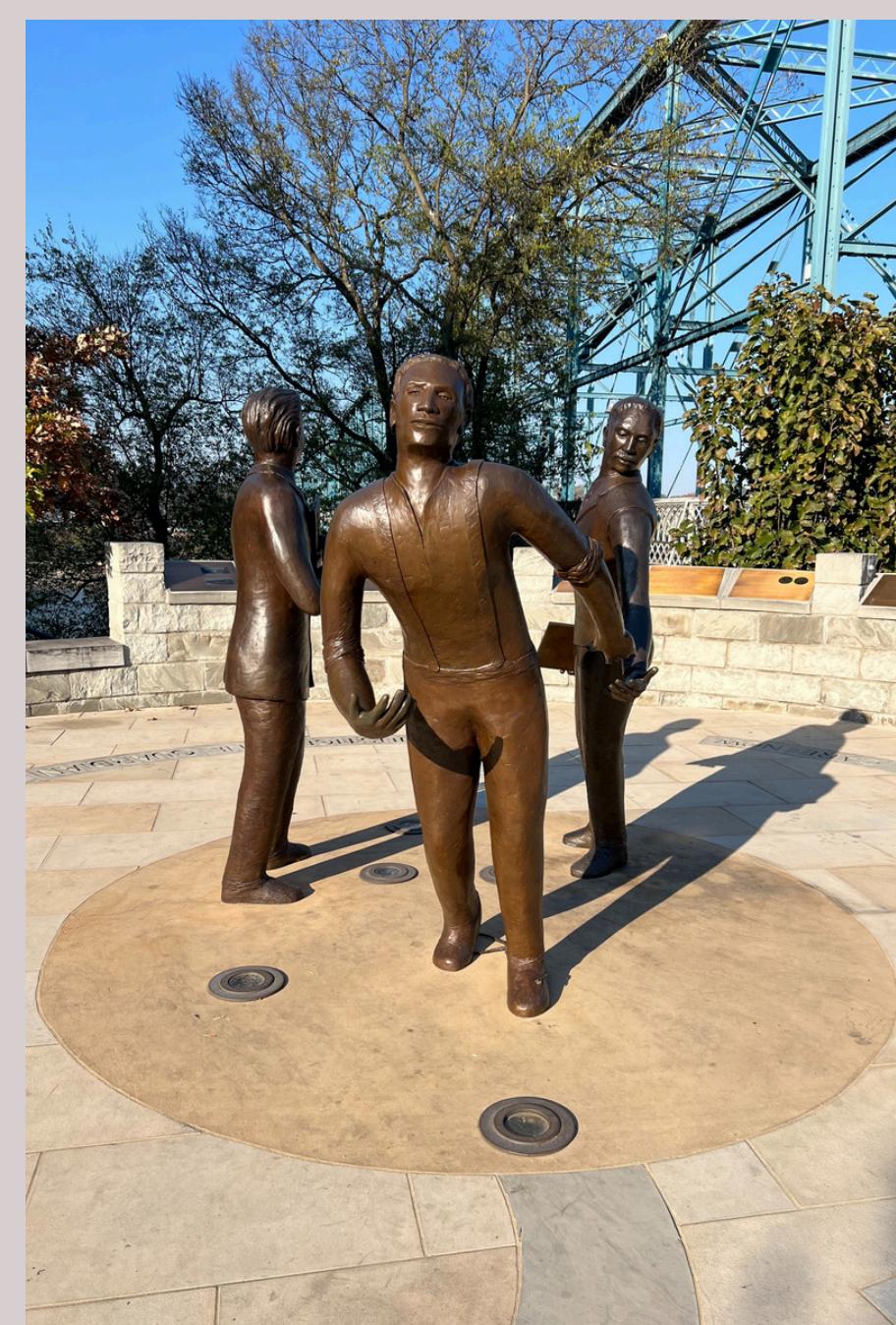


Chattanooga, Tennessee, Market Street, 1906

Library of Congress

IMPACT

- Sheriff Shipp was released from prison after 60 days on good behavior.
- After release, Shipp returned to a hero's welcome but did not win the next election.
- The Supreme Court's acceptance of Ed Johnson's appeal signaled the Court's authority over state criminal cases.
- The contempt trial set precedent that federal courts could enforce their own orders.
- Shipp's prosecution marked the first time the U.S. government condemned mob lynchings.
- Parden and Hutchins left Chattanooga for their safety and continued their careers in different cities in Illinois.
- Judge Shepherd went on to run a respected legal practice while Judge McReynolds was later elected to Congress; they never spoke again.
- Ed Johnson was not exonerated until 2000, 94 years after his death. He was later immortalized in the Ed Johnson Memorial in 2021, next to the bridge where he was murdered.
- He was an innocent man.



Sculptures of Ed Johnson, Styles Hutchins, and Noah Parden, *Ed Johnson Memorial*

Created by the 2024 "Supreme Court and My Hometown" Students
Vyra Agee, Myles V. Farr, Lauren "Lola" Lawless, Kathryn Mikel, and Isabella Craig

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