

JUDGE BRAND WARMLY DENIES RESPONSIBILITY FOR LYNCHINGS

Athens, Ga., June 27.—(Special.)—Judge Brand tonight made the following statement to The Constitution exclusively:

"The Constitution representative has presented to me a telegram from The Atlanta Constitution which states that Governor Brown has given to the press copies of his letters to me in reference to the Tom Allen rape case and says that it is up to me to give out copies of my letters to him. I note the evening papers of Atlanta quote Sheriff Starko stating in substance that I am responsible for the lynching of Tom Allen because I did not call out the military to accompany him from Atlanta to Monroe.

"From a hurried reading of today's evening papers it appears that the responsibility for this lynching is endeavored to be laid upon me and it seems that I am not only requested, but it is necessary in order for the public to form a fair opinion, that I should state the facts.

"I deny that I am responsible for the lynching of this negro, my conscience is clear before man and God. But to the facts.

"My Conscience Is Clear."

"My policy has been since I have been judge to have speedy trials of cases of this character, though always giving the defendant and his attorneys all the time necessary and requested after indictment had been returned. The constitution guarantees to every citizen charged with crime a speedy trial. In my judgment ordinarily a speedy trial is the only thing which will prevent a lynching.

"This has been demonstrated to my satisfaction several times while I was solicitor general and since I have been judge, notably in the Vanderford case in Gwinnett county where a white man was charged with raping a young girl, which occurred three or four years ago, and in the Jackson county case, which occurred recently, where the negro was charged and convicted on undisputed and satisfactory proof that he had violently assaulted a good white woman.

Called Grand Jury Together.

"Acting upon this policy as soon as I heard of the case in Walton county, I passed an order calling the grand jury in session to investigate the charge. I could not preside on account of a telegram from my wife, who was then at Johns Hopkins hospital under treatment, and Judge Park, of the Ocmulgee circuit presided for me. A bill of indictment was returned against Tom Allen for rape and Coloneis Felker and Roberts were appointed by him to defend the negro.

"I went to Monroe the day set by his order to try this case. Previous to that time I had heard threats of lynching. The sheriff so informed me. At the request of Governor Brown I notified him when the court was set for trial, giving in my letter to him extracts from the sheriff's letter telling him what I then believed the situation was. Acting upon the information then obtained, efforts were then made to put upon me the responsibility of calling the military to accompany the negro to Monroe. I declined to assume this responsibility then as I have consistently declined to do since for the reasons assigned in my letter to Governor Brown, a copy of which I have furnished to Mr. Bickers at the request of The Constitution under his statement that Governor Brown gave me permission to do so.

"Did Not Request Military."

"I did not request the military to be sent to Monroe on the first trial. On the day this case was first set for trial in Monroe, after the same was continued when on account of the military discipline the people were not allowed to enter the court room, I felt it my duty to let the people know the facts and why the case was continued and in a short public talk to them I gave the reasons why the case was continued.

"Some one in the crowd asked me if I ordered the military to Monroe. I replied that I did not, but the law made it the duty of the judge, if he was on the ground and knew the situation, to do so, if he thought it necessary, but that in his absence and when he did not know the situation, it devolved upon the sheriff, the city court judge and the mayor of the town to do so if they thought it was necessary. This was all I said about the presence of the military, notwithstanding the many false statements in the press and otherwise to the contrary.

"No Time to Ascertain Situation."

"As stated in my letter to Sheriff Stark, a copy of which I have also furnished to Mr. Bickers, I had no time on this day to ascertain the real situation in Walton county. I promised the people on that day in that open talk that when the lady was able to come to court that I would again pass an order convening the court to try the negro. Later on I heard that she was able to come to court and in compliance with my promise I passed an order calling the court for June 27, as it was the only day before August that I could try the case when Mr. Felker, one of the defendant's attorneys, could be present, as he was a member of the senate and his presence in that body was a lawful excuse from being at court.

Mailed Copy to Sheriff.

"I sent the original order to the clerk of the court. I mailed a copy the next day to the sheriff and the defendant attorneys. Not having received any acknowledgement from these officers of the receipt of this action on the part of the court, I again wrote the clerk and called his attention to what I had done, and stating therein that I did not know whether he had received this order or whether the sheriff had re-



JUDGE CHARLES H. BRAND. Who refused to call for troops.

ceived a copy of the order, and asked him to read and exhibit in person the original order to the sheriff.

"Later I received the letter from Sheriff Stark, a copy of which I have furnished Mr. Bickers. This was the only letter and the only message which I ever received from Sheriff Stark from the day this case was first set for trial until this good hour.

"I replied to this letter, a copy of which I have also furnished to Mr. Bickers, which is the only letter I have ever received since said case was first set for trial from any human being, officer or citizen in Walton county, except from one friend in Monroe, who wrote me he thought the people were going to allow the case to be tried without violence. Editor Camp wrote an article in The Walton Tribune of last week to the same effect.

Talked With Governor.

"On Tuesday, June 20, I met Governor Brown near the Phi Kappa hall, on the campus, and had a talk with him, which he began, about the situation in Monroe. And on June 23 I received a letter from him, a copy of which I suppose has been furnished to The Constitution. I replied to this letter promptly, a copy of which I have also furnished to Mr. Bickers, which briefly contains my position in this matter.

"In the meantime, one day last week Colonel T. W. Rucker called me up over the phone and told me that he had been employed with Mr. Felker to defend this negro, and that a change of venue would be asked. I told him then that I did not think that I had jurisdiction of the question in vacation. Later I received a petition for a change of venue signed by the negro Tom Allen himself, which was sworn to by him, and without the signature of any attorney's name asking for a change of venue. No evidence by affidavits or otherwise accompanied this petition. I passed an order declining to take jurisdiction of the matter. It could only be entertained while the superior court was in session and when the prisoner was present.

"Later on Mr. Rucker came to see me in person, to wit, Saturday afternoon last, and suggested that I allow the prisoner to waive his presence and that on today, and while I was at Monroe, that I could hear evidence on this question pro and con and decide whether I would change the venue. I took the matter under advisement, without giving him any definite answer. He returned to Atlanta on Sunday morning's train. Later, and during the day on Sunday, his son, Mr. Lamar Rucker, told me that his father had decided that he would have nothing further to do with the case, which he repeated on yesterday afternoon on my return from Jefferson, and therefore the request for this suggestion to be adopted was thus withdrawn, and was not thereafter made by any person whomsoever.

Heard Sheriff's Purpose.

"Sunday afternoon I heard that it was the purpose of Sheriff Stark to carry this negro to Monroe Monday night. Early Monday morning while at the depot waiting for the train to go to Jefferson I asked Mr. Knight, the court reporter, to phone his father, which he did, asking him on his own responsibility to suggest to Sheriff Stark not to start with the negro from Atlanta until Tuesday morning. On arrival at Jefferson we heard from Judge Knight stating that the sheriff had gone but that he had made this suggestion to his deputy, Mr. Gibson, who declined to communicate with the sheriff upon the subject. I then told my court reporter, the son of Judge Knight, as the latter said he knew where he could locate the sheriff in Atlanta, to make the suggestion to him. He agreed to do this and did do it over the phone, but the sheriff did not give him any satisfaction and certainly did not ask that I give my consent to do so.

"I thought then as I thought at the first trial that it would be better to carry the prisoner there and take him away in the day time. Later on about half-past 9 o'clock yesterday morning I saw the solicitor general, who lives in Monroe, and I told him that I heard that the sheriff intended to carry this negro to Monroe the night before and that it would be a wise thing on his part to communicate with him and suggest that he do not leave Atlanta before Tuesday morning.

Learns of Lynching.

"This morning while I was on the eve of going through the country to Monroe to try this case I received a message from Judge Knight stating that the negro had been killed at Social Circle. And later on today I have heard that another negro was taken from the jail at Monroe and killed. This is a plain statement in detail of the history of this whole matter since the last trial and my connection and knowledge of the situation. I do not want to be put in the attitude of criticizing any officer, but I contend that it was a mistake to carry the military to Monroe in the first instance, though the sheriff thought so and led me so

to think at that time. This irritated the people and the best and most law-abiding people in the county at that.

"If the sheriff had summoned from the people of the county, as he had a right to do under the law referred to in my letter to Governor Brown, which gave him the right to summon five hundred people and arm them with repeating rifles if he thought it necessary, it being a misdemeanor to refuse to serve or to protect the prisoner, I honestly believe that he would have been tried when the court was first called without any violence or any blood being shed. He and the local authorities were on the ground and knew the situation better than I did as it existed in Monroe during the last few days.

Sheriff Had Authority.

"The sheriff knew, or could have known, whether or not a compliance with the act of 1893, which gave him the right to summons and arm any number of citizens to accompany him to Atlanta and return with this prisoner, would have prevented any violence; and, if he thought that this procedure could not cope with the situation, he knew, and the local authorities knew, better than I could know whether it was necessary to call for the military or not.

"The duty was upon him not only under the act of 1893 as to summoning citizens, but also on him, in my absence, as to requesting the military to accompany the prisoner. Instead of that, he goes to Atlanta and, without adopting the suggestion to leave with him during the day on the morning train, at midnight he sends this negro with two or three balliffs to Social Circle, he remaining in Atlanta, arriving there at 2 o'clock last night, when the only people present, in all probability, were the people who had determined to take the law in their own hands and take revenge for the assault of this negro upon this good white woman.

"The offense was committed in this section of the county, and therefore the people in this section were more enraged than the people in any other section of the county, and, whether the sheriff meant to or not, he could not have selected a better time, place and opportunity to have allowed the negro to be taken in hand by the enraged people.

"I am opposed to lynching. I believe in letting the law take its course. These rape cases of negroes upon three good white women in the three counties of my circuit within 40 miles of each other and within two months' interval of each other have given me more trouble and concern and anxiety than anything that has ever happened during my public life. It has preyed upon my mind and heart day and night. I longed and prayed that, while justice might be meted out to the defendant in accordance with the facts, the law would be allowed to take its course.

"Duty Upon Sheriff."

"While I am against lynching, I am against rape. One cannot shut his eyes to the fact that if one of his own family is assaulted by a negro fiend and brute like these rades were that all the wrathful passions of a decent, respectable white man become aroused and uncontrollable. At the heart of every respectable white man judgment is debased and reason loses her sway. Under such circumstances the distress and the sorrow of the victim destroys obedience to the law among the people directly affected. I did not order the troops to be sent to Monroe with this prisoner, first because I was under no duty to do so. I did not order them sent there because I did not know there was any necessity to do so. I did not order them sent there because the law gave the sheriff ample authority to protect the prisoner without calling for the troops. I did not order them sent there because the duty was upon the sheriff and the local authorities in my absence and in my ignorance of the situation to call for them, if they thought it was necessary.

"I do not think that the troops ought to be called for until all other means have been exhausted, and, as stated, the law affords ample means before calling upon them, because when the home people are charged with a prisoner, those who would take the law in their own hands would be loath and slow to attack them, for fear of killing some of their own friends, and for this reason—the best reason in the world—the prisoner's life can be protected and a trial had. Whereas, if the military is sent in charge of a prisoner, a conflict is more liable to ensue and the lives of not only the soldiers, but of the home people, would be imperilled, and in all probability many sacrificed.

White Men or Negro Rapist?

"If I had called the military when I didn't know it was necessary, and when the law didn't devolve this duty upon me, and some young man among the soldiers was killed or some of the citizens of Walton county were killed, I would never forgive myself. The clouds falling upon the grave of such an one would ring in my ears as long as life lasted, and I would go to my grave reproaching myself for my folly.

"And, while I want to discharge and have performed every duty which the law imposes upon me, I don't propose to be the engine for sacrificing any white man's life for all the negro rapists in the country by assuming a responsibility that the law does not impose upon me, and in taking this position whatever other people may think about, I am in perfect accord with my conscience and my God."