



Northeastern University  
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*Civil Rights and  
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## **Posthumous pardon hearing to be held in Joe James case**

A legal team from Northeastern University School of Law and Northwestern Law School has filed a petition in a historic Springfield Race Riot case

One hundred and fifteen years after the execution of Joe James in Springfield, Illinois, lawyers and law students from the [Northeastern University School of Law's Civil Rights and Restorative Justice Project \(CRRJ\)](#) in Boston and [Northwestern Pritzker School of Law's Center on Wrongful Convictions \(CWC\)](#) in Chicago have filed a petition seeking a posthumous pardon for Mr. James.

Although he maintained his innocence, Joe James, a Black man, was tried, convicted, and executed for the murder of Clergy Ballard, a white man in Springfield in the immediate aftermath of the Springfield Race Riot of 1908.

The Illinois Prisoner Review Board will hear arguments on Joe James' petition in Chicago on April 11-13, 2023. The Board will then make a confidential, non-binding recommendation to Gov. JB Pritzker, who will decide whether to pardon James.

The petition argues that Joe James was denied a fair trial when he was forced to appear before an all-white jury in the same city and county in which, just weeks prior, two Black men had been lynched and hundreds of Black businesses and residences were razed by an angry white mob.

Although hundreds of white rioters were indicted for their role in the lynchings and destruction, Sangamon County's white jurors repeatedly acquitted them despite powerful evidence of their guilt.

After Joe James' motion to move the trial outside of Sangamon County was denied, he was convicted on the basis of circumstantial evidence by an all-white jury. On October 23, 1908, just two months after the riot, James was hanged at the Sangamon County Jail.

Northwestern's CWC and Northeastern's CRRJ hope that this petition will not only increase public awareness of Springfield, Illinois, and America's history of racial violence, but will also shine a spotlight on James who they view as a casualty of that history.

"James' factual innocence is not the focus of this petition, because the passage of time and the destruction of evidence have made it impossible to prove conclusively that James was innocent," says [Steve Drizin](#), co-director of Northwestern's CWC and a lawyer whose work, alongside his students, has led to more than a dozen exonerations.

Instead, the case rests on two arguments:

First, given the racial animus in Springfield following the riot, the prejudicial pre-trial publicity, which blamed James for the riot, and the threats of future violence if James was not convicted, it was impossible for James to receive a fair trial in Sangamon County.

Second, recent developments suggest that now is the right time for Gov. Pritzker to act. In the past decade, two Illinois governors have issued posthumous pardons.

In 2014, Gov. Pat Quinn pardoned three white abolitionists convicted for helping runaway slaves in the 1840s. In 2019, Gov. Bruce Rauner pardoned Grover Thompson, a Black man wrongfully convicted of murdering a white woman in 1981. Moreover, in recent years, governors across the country have posthumously pardoned Black men whose criminal convictions were tainted by racism during the period after Reconstruction and before the Civil Rights Act of 1964 was enacted.

"Throughout history, we have seen white juries not only convict and execute Black men and women on scant evidence but acquit whites who murder Black people in the face of overwhelming evidence of guilt," says [Margaret Burnham](#), Distinguished Professor of Law, civil rights lawyer, author, and founding director of Northeastern University School of Law's Civil Rights and Restorative Justice Project. "This double standard operated in Springfield in 1908, infecting Springfield's criminal justice system and depriving James of a fair trial." Burnham added that the Joe James case "is particularly significant because it played a pivotal role in the formative years of the NAACP."

### **Additional background on the Joe James' case**

James, a talented musician who earned money playing the piano in Springfield's saloons, arrived in Springfield from Birmingham, Alabama, in search of work a month before the incident involving Ballard. He was accused of breaking into Ballard's home late in the evening of July 4, 1908. When Ballard's 16-year-old daughter screamed that there was a stranger in her room, Ballard fought with the man, sustaining fatal knife wounds during the altercation.

The following morning, Ballard's sons, who did not witness the attack, discovered James sleeping in a nearby park. They savagely beat him before he was arrested. No property had been taken from the Ballard residence and so local newspapers surmised that James' motive for the break-in was to sexually assault Ballard's daughter. Prosecutors gave fuel to this slander, charging James with burglary and

alleging during his indictment that James had entered Ballard's home with the intent to "ravish and carnally know and abuse" the girl.

In the Jim Crow era, no allegation was more likely to incite race-based violence than the claim that a Black man had sexually assaulted a white woman.

The riot began when a mob of whites — angered by the arrest of another Black man, George Richardson, for allegedly raping a white woman, Mabel Hallam — gathered outside the Sangamon County Jail and demanded that the sheriff turn over both James and Richardson. When the mob, which soon numbered in the thousands, learned that the sheriff had surreptitiously moved the men to another jail outside of Springfield, violence targeted at Springfield's Black community erupted.

Two weeks after the riot, while Springfield's Black community still lay in ruins, Hallam admitted she had lied about the attack, clearing Richardson but leaving James as the sole target for white rage in Springfield. In the days leading up to James' trial, angry whites hung effigies of James near the courthouse and anonymously threatened to kill James and run Springfield's Black residents out of town unless "Joe James was hung."

James' case received little scholarly attention until Roberta Senechal, now Professor Emeritus at Washington & Lee University, released "The Sociogenesis of a Race Riot: Springfield, Illinois 1908" in 1990.

Interest in James' case resurfaced in 2008, on the 100th anniversary of the riot. In addition, James' case was featured prominently in historian Carole Merritt's "[Something So Horrible: The Springfield Race Riot of 1908](#)," an article prepared to accompany an exhibition at the Abraham Lincoln Presidential Library and Museum in 2008. Since that commemoration, efforts to create a national monument in Springfield at the site of the riot have been stalled in the U.S. Congress.

James' story returned to the footnotes of history until journalist Beanie Barnes worked tirelessly in tracking down original sources to shed new light on what happened to him. Barnes created a comprehensive [Wikipedia page](#) on the 1908 riot and brought the case to Professor Burnham and CRRJ in 2018. Members of CRRJ then sought assistance from Northwestern's CWC in filing this petition.

"It's such an honor for us to get to partner with Professor Burnham and attorneys from the CRRJ," said Drizin. "The Joe James case remains an open wound in Springfield's history, a stain that needs to be cleansed ... While a pardon cannot save James' life, it can correct the record and change his legacy and perhaps give residents of Springfield and Sangamon County the opportunity to reflect on their history and prevent history from repeating itself."

*Journalists interested in more information on the petition should contact Steven Drizin via e-mail at [s-drizin@law.northwestern.edu](mailto:s-drizin@law.northwestern.edu) or Olivia Strange at [o.strange@northeastern.edu](mailto:o.strange@northeastern.edu).*

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