

The Charlie Howard Case

“You Can’t Call Me That!”



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I. Introduction

On a clear Saturday evening,¹ two men met in an alleyway behind a restaurant. The restaurant was in the 4th Avenue District, an area “notable as a center for Black-owned businesses which served Black customers.”² Only one of the men, however, was Black. His name was Charlie Howard, and he was 26 years old. He had recently returned home after serving overseas in the United States Army, and was having a fight with his wife, Lillie Mae.³ The other man was white, a police officer named Jesse Lambert who was in the restaurant and sought to intervene in the fight.⁴ What happened next is undisputed: Lambert used a racial slur, which prompted Charlie to respond saying “you can’t call me that.”⁵ Almost in direct response, Lambert shot at Charlie, hitting him in the chest. Although the officer reported having been severely hit in the head with a brick, he was immediately dismissed from the hospital.⁶ Charlie, however, was pronounced dead on arrival.

Charlie Howard had been killed for standing up for his own humanity and for being in the wrong place at the wrong time. The place was Birmingham, Alabama. The time was 1950. In many ways, the shooting of Charlie Howard was a sign of that time and of that place. It was a reflection of so many acts of violence, perpetuated by the social fabric of the Jim Crow South and condoned by the Alabama and Birmingham governments. When Charlie died, he left behind a family that loved him and talked about him for years afterward. He also left behind a city that was deeply entrenched in segregation and oppression, a police department that would perpetuate

¹ *Birmingham International Station, AL History*, Weather Underground (2018), available at <https://www.wunderground.com/history/daily/us/al/birmingham/KBHM/date/1950-3-18>.

² *4th Avenue Historic District*, BHAM Wiki (last modified October 9, 2018), available at https://www.bhamwiki.com/w/4th_Avenue_Historic_District.

³ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

race-based violence for many decades, and a police officer for whom killing Black men had become an all-too-regular occurrence.

II. The Life Of Charlie Howard

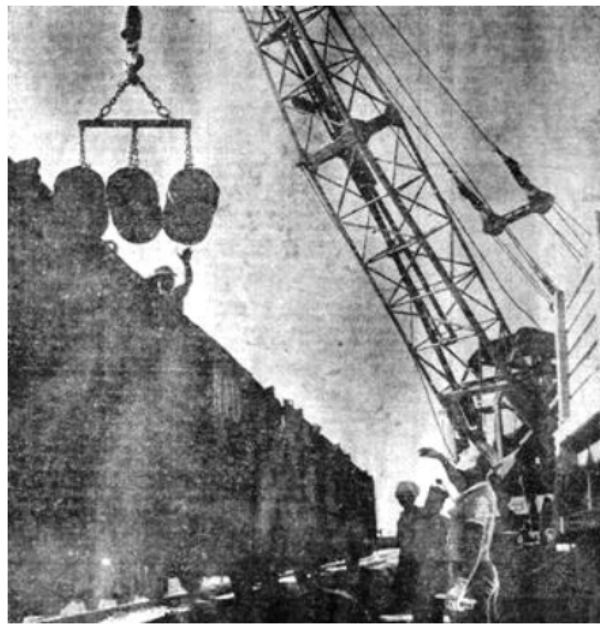
Charlie Louis Howard was a special and unique person who accomplished impressive things in his life. He was also, in some ways, emblematic of other Black men who were oppressed by the social fabric of the Jim Crow South, and who suffered death at the hands of the white-controlled state. Charlie was born to Charlie Howard and Annie Bell Ethoridge on June 9, 1924 in Hartford, Alabama in Geneva County, about 200 miles from Birmingham.⁷ By the time of the 1930 Census, he was six years old and living in Hartford with his grandparents Dan and Maggie Shade, his four aunts Mary, Luverne, Willie and Mabel, two uncles Cheeseboro and T.B., and his one-year old cousins Julia White and Espy Donald.⁸ Much of Charlie's family had already left Alabama for Detroit, and it is likely that his mother was living there with Charlie's brother, Robert.⁹

⁷ Marriage Record of Charlie Howard and Lillie Mae Madkins. The last name of Charlie's mother, Annie Bell, is spelled differently in different records.

⁸ 1930 Census.

⁹ Phone conversation with Linda Magwood, October 31, 2018.

By the time Charlie was a teenager, he had moved to Dothan, Alabama, in the far south-east of the state. He lived with his relative Maggie Efferage¹⁰ on Cherry Street. His cousin Espy had also moved to Dothan with him, and lived in the same house. As a teenager, Charlie worked in a café. On June 30, 1942, the same month he turned 18, he registered for the draft to fight in World War II.¹¹ His draft registration card lists him as 5'9½" tall, and weighing 162 pounds. His cousin Espy didn't register for the draft until 1945, about one month after V-E Day.¹² Charlie entered the Army in October 1943. He was likely trained as part of the segregated 39N Chemical Decontamination Company in Camp Sibert, Alabama, about 50 miles northeast of Birmingham.¹³ After Camp Sibert, the 39N trained at Camp Shelby in Mississippi, at the Louisiana Maneuver Area, and finally at Camp Van Dorn in Mississippi before being converted to the 241 Ordnance Ammunition Company on May 30, 1944.¹⁴ The 241st was a segregated company¹⁵ deployed to the China Burma India



At Makum Ordnance Depot, excess property starts its long journey to the Calcutta port. Pfc. Will Howard of the 241st Ordnance Ammo Co. stands in the boxcar waiting to direct the load as Lt. Leo J. Sobizak, 173rd Ord. Depot Co. (on the ground) signals the crane operator.

Figure 1 – depicting one of Charlie's company-mates working in the CBI Theater during World War II.

¹⁰ It is possible that Maggie Efferage is the same person as his grandmother Maggie Shade, with whom he was living at the time of the 1930 census. Efferage/Etheridge/Ethordige was a family name on Charlie's mother's side of his family.

¹¹ Charlie Howard Draft Registration Card.

¹² Espy Donald Draft Registration Card.

¹³ *Appendix H: Chemical Warfare Service, Unit Data, World War II, To Those Who Served* (last updated November 10, 2016), available at <http://tothosewhoserved.org/usa/ts/usatc01/appendixh.html>.

¹⁴ *Id.*

¹⁵ *Ordnance Corps Units, CBI Order of Battle Lineages and History* (last updated 3/25/2014), available at http://www.cbi-history.com/part_iv_ord.html.

(CBI) Theater, and likely was present both in Burma¹⁶ and in Raidang, now part of India.¹⁷ A major goal of America's involvement in the CBI Theater was "to support China by providing war materials and the manpower to get it where it was needed."¹⁸ As an Ordnance soldier, Charlie would have been instrumental to this goal, as the purpose of the Ordnance Corps is to supply combat units with weapons, ammunition, and equipment. By January 1946 the 241st was working at Makum Ordnance Depot in Assam, India, moving and shipping materials, both inward to the front and outward to the port at Calcutta.¹⁹ After the war ended, the Ordnance soldiers at Makum worked to prepare and ship Army property out of India.²⁰ The CBI Theater was anything but safe with more than 7,800 people being killed, wounded, captured, or going missing.²¹ Charlie, however, survived the war and the tough conditions and was able to return to America.

World War II effectively ended on September 2, 1945 when Japan surrendered, and Charlie was honorably discharged on March 25, 1946. In his two and a half years of service, he attained the rank of Sergeant.²² He was also awarded the Good Conduct Medal,²³ given to soldiers who, in addition to willingly complying with orders, exhibiting loyalty and supporting the goals of the Army, also "conducted themselves in such an exemplary manner as to

¹⁶ *Id.*

¹⁷ *Ordnance Corps Units*, CBI Order of Battle Lineages and History (last updated 3/25/2014), available at http://www.cbi-history.com/part_iv_ord.html.

¹⁸ *The China-Burma-India Theater of World War II*, CBI Theater (last updated October 31, 2004), available at http://cbi-theater.com/menu/cbi_home.html#SEARCH.

¹⁹ *India – Burma Theater Roundup*, Vol. IV No. 20 (January 2, 1946), available at <http://www.cbi-theater.com/roundup/roundup012446.html>.

²⁰ *Id.*

²¹ *U.S. Casualties in China, Burma, and India*, CBI Theater (March 24, 2016), available at http://www.cbi-theater.com/casualties/CBI_casualties.html.

²² Charlie Howard Application for Headstone or Marker.

²³ *Id.*

distinguish them from their fellow soldiers.”²⁴ When he was killed in Birmingham less than four years after being discharged, his family applied for a military headstone.

When Charlie returned to the United States, one of the first things he did was get married. He married Lillie Mae Madkins in Detroit on July 20, 1946. Lillie Mae had previously married a man named Mack Madkins in March 1938²⁵ and had a daughter named Dorothy. By 1940, Lillie Mae had been divorced from Mack and was living at 3517 1st Alley N in Birmingham with Dorothy, who was 3 at the time, and her mother Lula Mae Ross.²⁶ It is unclear whether she traveled to Detroit specifically to marry Charlie, but the couple did not stay in Detroit for long.²⁷ The couple moved back to Birmingham, but their marriage fell on hard times. They separated in May 1949, but by 1950 had been “seeing each other.”²⁸ While Lillie Mae continued to live at 1st Alley N., in March 1950 Charlie was living at a boarding house at 2619 4th Avenue S.,²⁹ about 1.5 miles away. Charlie was working as a truck driver for an electrical contractor,³⁰ but on Saturday, March 18 he went to Lillie Mae’s house to pick her up and head into town.³¹ The two took the bus into town and went shopping for a radio.³² While waiting for a taxi to take them home, they began fighting, or “fussing” as Lillie Mae told the newspaper. They were in an alleyway behind a restaurant called the Lincoln Inn, located on 4th Avenue³³ in the heart of the Black business district. The couple was approached by a police officer who came out of the

²⁴ 32 CFR § 578.37 (2008).

²⁵ Alabama Marriage Record for Lillie Mae Gray and Mack Madkins.

²⁶ 1940 Census.

²⁷ Death Certificate, Charles Howard (showing that Charlie had lived in Birmingham for four years prior to his death).

²⁸ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

²⁹ *Id.*

³⁰ Death Certificate, Charles Howard.

³¹ *Id.*

³² *Id.*

³³ *Id.*

restaurant and told them to “get out of the alley fighting.”³⁴ Within minutes, the officer had shot and killed Charlie Howard.

III. The Black Lives Taken by Jesse Lambert

The officer who killed Charlie Howard was named Jesse Edward Lambert. He was born in 1916 in Lynn’s Crossing, Alabama.³⁵ Lynn’s Crossing was a small community outside Graysville, Alabama, about 20 miles from Birmingham. By 1943, Lambert had moved to Birmingham, married a woman named Mattie Louise, and was working for Standard Oil.³⁶ Lambert’s draft registration card from 1943 lists him as 5’6”, 162 pounds, and as having a “ruddy” complexion.³⁷ There is no indication that he was drafted or served in World War II. He instead wore a different uniform, becoming a Birmingham Police Officer. On March 18, 1950, Lambert shot and killed Charlie Howard. But when he shot Charlie, it was not the first life he took while wearing that uniform.

On May 29, 1948,³⁸ Lambert and his partner, H.W. Brewer, were called to a house in southeast Birmingham³⁹ around 11:30 p.m.⁴⁰ Walter Weston Jr., a 36-year old Black man, lived there with his wife Mary. Officers were responding to a call that Walter had beaten Mary with an iron poker.⁴¹ When the officers arrived, they “found Weston lying on a bed. When they tried to arouse him, he cursed and drew an icepick, police said. Officer Lambert [reported that] he fired three times when Weston advanced toward him.”⁴² He hit Walter in his chest and abdomen.⁴³ The officers said that Walter had a “concealed” ice pick that he used to attack them when they

³⁴ *Id.*

³⁵ *Obituary for Jesse Edward Lambert*, The Birmingham News (February 13, 1975).

³⁶ Jesse Lambert Draft Registration Card.

³⁷ *Id.*

³⁸ *Quick-Trigger Cops Kill Pair During Last Week in Dec.*, The Pittsburgh Courier (January 8, 1949).

³⁹ *Officer Kills Negro; Says He Drew Pick*, Birmingham News (May 31, 1948).

⁴⁰ Coroner’s Report, Walter Weston Jr.

⁴¹ *Police Register Seventh Homicide Within 63 Days*, Birmingham World (June 4, 1948).

⁴² *Officer Kills Negro; Says He Drew Pick*, Birmingham News (May 31, 1948).

⁴³ Coroner’s Report, Walter Weston Jr.

tried to wake him up.⁴⁴ It is unclear if the ice pick was concealed in Walter's bed with him while he was sleeping. Walter was taken to the segregated Black hospital, Hillman, and was pronounced dead at 2:10 a.m.⁴⁵ The coroner, Joe Hildebrand, ruled the death a justifiable homicide.⁴⁶ Walter Weston became the seventh Black person killed by police in the Birmingham area in just 63 days. His death was reported in the *Atlanta Daily World*,⁴⁷ on the front page of the local Black-run newspaper, *The Birmingham World*, and on page 19 of the white-run newspaper, *The Birmingham News*.

Less than four months later, on September 5, 1948, Lambert killed again. This time, his victim was Charles Wright, a 35-year old Black man.⁴⁸ Charles had just left a store and was walking down the street when Lambert's new partner C.W. Milwee told Charles to stop. According to the officers, Charles, instead of stopping, 'whipped out a straight razor, disobey[ed] an order to drop it, then was fired upon.'⁴⁹ The police report, quoted in *The Birmingham World*, stated that Charles "had been drinking pretty heavy," and approached the officers with the razor drawn.⁵⁰ Both officers "fired four or five shots at Charlie hitting him once in the leg."⁵¹ It is unclear how the leg wound resulted in Charles' death, and there are no surviving coroner's records. The *World* reported that the coroner found a "justifiable homicide."⁵² When Charles was killed, the *World* reported it on the front page. The *News* didn't report it at all. There are no indications that anyone noted the connection between the killings of Walter Weston Jr. and Charles Wright. Charles Wright was the second Black man that Lambert killed in 99 days and

⁴⁴ *Police Register Seventh Homicide Within 63 Days*, Birmingham World (June 4, 1948).

⁴⁵ Coroner's Report, Walter Weston Jr.

⁴⁶ *Id.*

⁴⁷ *Police Register Seventh Homicide Within 63 Days*, Atlanta Daily World (June 4, 1948).

⁴⁸ *Charles Wright Killed By Officer; 10th Murder For '48*, Birmingham World (September 10, 1948).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

the tenth Black person killed in the Birmingham area by police in 151 days, but it wouldn't be long before both of those numbers rose again.

On January 1, 1949, Lambert made it to the front page of *The Birmingham News*. The first issue of the new year featured the massive head line, “Police Kill Night Prowler.”



Figure 2

Police had actually killed two Black people the previous night, but the “prowler” was 16-year old William Hudgins, who was shot and killed by Officer Milwee when he and Lambert responded to a call from a girl’s boarding house around 10:45 p.m. reporting that a Black man was at a bedroom window.⁵³ Lambert allegedly spotted William with his “hands on the screen of a first-story window” on the side of the house.⁵⁴ Lambert chased him into the backyard, where Milwee was waiting for him. The officers reported that Milwee was grazed by a brick, and that William jumped on top of him, “seizing [Milwee] by the neck.”⁵⁵ Milwee shot the 16-year old once in the stomach,⁵⁶ killing him instantly. The *Pittsburgh Courier* reported that “Hudgins is said to have attempted to attack the officer while being frisked.”⁵⁷ The *Courier* noted that William was the fourteenth Black person killed by police in the Birmingham area in 1948. The article lists the names, ages, and dates of death for the other thirteen people, including “Walter Weston Jr., 36, May 29,” and “Charles Wright, 35, Sept. 5.”⁵⁸ There was no indication that the newspapers

⁵³ *Boarding House For Girls Scene Of New Slaying*, Birmingham News (January 1, 1949).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Quick-Trigger Cops Kill Pair During Last Week in Dec.*, The Pittsburgh Courier (January 8, 1949).

⁵⁷ *Id.*

⁵⁸ *Id.*

reported that the same officer had been involved in three of the fourteen police killings, and no indication that Lambert was ever disciplined or held accountable for the deaths of any of the Black men he killed.

In the deaths of Walter Weston Jr., Charles Wright, and William Hudgins, Lambert's *modus operandi* emerges. In each of the three killings, the officers reported being attacked or threatened with a weapon; an ice pick, a straight razor, and a brick, respectively. In the cases of Walter Weston Jr. and Charles Wright, Lambert made instructions to both men not to proceed further.⁵⁹ Yet, both men, Black men living in segregated Birmingham, armed only with small handheld objects, aggressively approached white police officers who had guns drawn. These stories, however unlikely, were largely accepted by those who could have responded to the incidents. The policy of the Birmingham Police Department was evidenced by Police Chief Floyd Eddins'⁶⁰ statement that "[n]o officer has an order to shoot anyone at any time, but he has the authority to use what force he deems necessary to prevent the escape of a felon."⁶¹

While Lambert does not seem to have been reprimanded or held accountable for any of the three 1948 killings that he committed, the rampant violence committed by the Birmingham Police had not gone unnoticed by white society. An editorial published in the *Birmingham News* the same day as the "Police Kill Night Prowler" headline challenged two particular police killings. The editorial stated that "the life of a human being should not be taken without clear justification" and that people were "particularly concerned" about a shooting where a Black man was killed by police while running away from them having made no threats to their safety or to

⁵⁹ Information is not available as to whether similar verbal instructions were given to William Hudgins, but if it is true that he allegedly attacked Milwee while being frisked, it is likely that they were.

⁶⁰ *List of Birmingham police chiefs*, BHam Wiki (last updated June 15, 2018), available at https://www.bhamwiki.com/w/List_of_Birmingham_police_chiefs.

⁶¹ *Police and Shooting*, Editorial, Birmingham News (January 1, 1949).

the safety of others.⁶² Interestingly, the editorial noted that “[t]here have been several similar incidents in the last year in Birmingham. Many Birmingham citizens are disturbed at what has appeared to be too great a willingness on police officers’ part to shoot to kill.”⁶³ Even with these small rumblings of reform, Jim Crow Birmingham was a place where police could perpetrate great violence on Black people with little fear of penalty. Throughout 1948, Jesse Lambert learned how to use his status as a white city police officer to kill Black men at will, becoming a serial killer with a badge.

IV. “You can’t call me that!”

By March 1950, Lambert was 34 years old and hadn’t killed in over a year. On March 18th, he found himself in the Lincoln Inn on 4th Avenue North.⁶⁴ The block had about twenty businesses, about half of which were owned by Black people,⁶⁵ and primarily served Black customers.⁶⁶ Lambert was there with his partner, J.S. Isbell, another white man. It might seem strange that two white police officers would be casually present in a restaurant with a Black customer base, but this was a common practice during the Jim Crow era. Police would often have relationships with businesses where they would sit in local establishments and receive payoffs or handouts from business owners as a cost of “keeping the peace.”⁶⁷ While there is no evidence that Jesse Lambert was specifically receiving protection payments from the owner of the Lincoln Inn, he was certainly receiving such payments from other local business owners around this same

⁶² *Id.*

⁶³ The conclusion of the editorial suggests that “[i]f there were properly qualified [Black] officers on the force to patrol [Black] sections, the general problem might be better met.”

⁶⁴ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁶⁵ Records obtained by Urban Impact Inc.

⁶⁶ *4th Avenue Historic District*, Bhamwiki (October 9, 2018), available at https://www.bhamwiki.com/w/4th_Avenue_Historic_District.

⁶⁷ Phone conversation with Ivan W. Holloway, Executive Director of Urban Impact Inc. (October 9, 2018).

time.⁶⁸ On this particular evening, Lambert and Isbell were “summoned” to respond to a disturbance.⁶⁹ They were called into the back of the restaurant “to halt a fight.”⁷⁰ Lambert went to the alley behind the restaurant and saw a Black man and Black woman fighting.⁷¹ Exactly what happened next is not entirely clear; different people had different versions of events.

The Birmingham World interviewed Lillie Mae Howard in the days following the killing. She said that when Lambert approached the couple, he first said, “Y’all get out of the alley fighting.” The couple told him that they were waiting for a taxi. Lambert then said to Charlie, “I don’t like your “g.... d.... looks” and used a racial slur to refer to Charlie. Lillie Mae told *The World* that Charlie “resented” the use of the slur. Charlie responded by yelling “you can’t call me that” and cursed at Lambert. Charlie may have been emboldened by his time in the Army, or by alcohol, but it was a courageous response to a police officer in 1950 Birmingham. Lambert approached Charlie and began to search him from behind. Charlie told Lambert, “[I]et me turn around.” At that point Lambert went to his car, got his blackjack, and begin beating Charlie. Lillie Mae left the scene, leaving Charlie in the custody of the police. She walked approximately two blocks before she heard gunshots. She returned to the scene and saw Charlie lying on the ground. Officers told her not to go near him.⁷²

Lambert’s account differed from Lillie Mae’s. He readily admitted to using a racial slur, but said that once Charlie responded, “you can’t call me that,” he hit Lambert in the face. Only then did Lambert hit Charlie with his night stick, which he carried on his person. Lambert said

⁶⁸ Statement of J.E. Lambert with reference to reward paid by Mr. Don Fadley, Interrogation by Captain Haley (July 14, 1959).

⁶⁹ *Negro Slain, Two Policemen Hurt In Alley Fight*, Birmingham News (March 19, 1950).

⁷⁰ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁷¹ It is unclear whether the fight was physical or verbal. None of the accounts specify the nature of the fight.

⁷² *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

that once he hit Charlie, Charlie “jumped on [him], throwing [him] to the ground and picked up a brick.” Lambert then shot Charlie but didn’t remember how many shots he fired.⁷³

One bullet that Lambert fired hit Charlie in the right side of his chest, killing him.⁷⁴ Another one of the bullets ricocheted off a wall and hit a bystander, M.R. Kirkland who happened to be on the street. Kirkland, a fifty-year old white man, was walking to his car with his wife when a bullet struck him in the neck. Kirkland was also a Birmingham Police Officer,⁷⁵ but it is unclear whether he was in any way involved in the incident itself.⁷⁶ In addition to Kirkland’s injury, Lambert reported receiving a severe blow to the head. He and Kirkland were taken to the segregated white hospital, West End Baptist, for treatment but both were “immediately dismissed.”⁷⁷ The wound to Kirkland was only “a flesh wound.”⁷⁸ The extent of Lambert’s injury, if it existed at all, is unclear. Charlie’s body was brought to the segregated Black hospital, Jefferson Hillman, where he was pronounced dead on arrival at 6:45 p.m.⁷⁹ The next day, the shooting was reported on the front page of both *The Birmingham News* and *The Birmingham World*. Unlike news reports about the killing of William Hudgins, this time Lambert was featured as the killer, complete with his picture on the front page of the 130-page Sunday edition of *The News*.⁸⁰

On March 19th, Coroner Joe Hildebrand conducted an investigation into Charlie Howard’s death. He interviewed three witnesses: Officers J.S. Isbell, Jesse Lambert, and M.R. Kirkland.⁸¹ Unsurprisingly, his verdict was another “justifiable homicide,” like the verdicts in the

⁷³ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁷⁴ Coroner’s Report, Charlie Howard.

⁷⁵ *Negro Slain, Two Policemen Hurt In Alley Fight*, Birmingham News (March 19, 1950).

⁷⁶ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁷⁷ *Police Said To Have Shot To Death Charles Howard*, Birmingham World (March 21, 1950).

⁷⁸ *Killing Of Man By Officer Ruled Justified*, Birmingham Age-Herald (March 20, 1950).

⁷⁹ Admitting Report to the Coroner of Jefferson County, Charlie Howard.

⁸⁰ *Negro Slain, Two Policemen Hurt In Alley Fight*, Birmingham News (March 19, 1950).

⁸¹ Coroner’s Report, Charles Howard.

cases of Walter Weston Jr., Charles Wright, and William Hudgins. The coroner concluded that Charlie had attacked Lambert with a brick,⁸² giving Lambert justification for using deadly force. But then something happened to Lambert that had never happened before: he was ordered to appear before the grand jury. His case was put on the grand jury docket for March 28th, ten days after the killing.⁸³

| | | |
|-------------------|--------|-------------------|
| THE STATE | | Disposition _____ |
| vs. | | |
| J. E. Lambert (w) | Charge | homicide |
| | Time | March 18, 1950 |

The charge against Lambert was homicide,⁸⁴ and, unlike the coroner’s limited

Figure 3

investigation, seven witnesses were listed for testimony at the grand jury hearing. The listed witnesses included Kirkland, Isbell, and Hilderbrand [sic], but also included Detectives G.D. Evans and Henry Darnell who had investigated the case. Additionally, Lillie Howard and a man named Robert Terry Walker were listed as witnesses. The area where Charlie was killed was often crowded on Saturday evenings, so it is likely that there were more potential witnesses. However, it was common in Jefferson County that “[i]mmediately after a [Black person] is killed by a peace officer, all [Black] witnesses are customarily, immediately intimidated by the officers involved in the homicide and [...] driven from the scene with threats of beating and violence, including threats to kill them if they disclose any facts about the incident to anyone.”⁸⁵ It is impossible to know exactly how many Black witnesses were intimidated into silence. It is also possible that their cooperation would not have made a difference in a criminal proceeding. The

⁸² *Killing Of Man By Officer Ruled Justified*, Birmingham Age-Herald (March 20, 1950).

⁸³ Handwritten note on Coroner’s Report, Charles Howard.

⁸⁴ Form No. 5-3.42-6M, The State vs. J.E. Lambert.

⁸⁵ *Negro Groups Ask Probe Of Killings By Officers*, The Courier-Journal of Louisville, KY (June 16, 1948), p. 9.

outcome of the grand jury hearing is unclear since court records were not available. In all likelihood there was no indictment, if the hearing happened at all.⁸⁶

Charlie was buried in Dothan at the segregated North Highland Cemetery.⁸⁷ Eight months after he died, Lillie Mae Howard applied for a military headstone to mark his grave. She was still living in Birmingham, but the application requested the headstone be shipped to Espy Donald in Dothan. Espy was 23 years old when his cousin was killed and was living in Dothan married to a woman named Elnora.⁸⁸ While there are indications that the headstone was likely awarded and shipped to Dothan, the city administrators of the North Highland Cemetery have no record of Charlie being buried there, and no knowledge about whether his grave is marked.⁸⁹

Charlie Howard had traveled from his birthplace in southern Alabama across the country and across the world. He had family in the North and the South. His life likely was not an easy one, but he built a living for himself. He was not a perfect person. But whatever problems he had in his life became moot when he encountered Jesse Lambert. Lambert's life probably was not perfect either, but he had learned how to master the societal system that afforded him virtually unlimited power if he managed it properly. When Lambert saw Charlie Howard, he didn't see a man who had served the country bravely, or who had hopes and dreams. He didn't see a man who was struggling to put a broken marriage back together. He told Charlie, the investigating detectives, and the newspapers exactly what he did see. He used his power as a police officer and the white supremacy governing the South as a license to kill, just as he had done multiple times before. If anyone had held Lambert accountable before March 18, 1950, Charlie might have

⁸⁶ Phone Conversation with Jefferson County Clerk Records Employee (November 15, 2018). No case regarding Jesse Lambert was slated in the Grand Jury Log Book for March 28, 1950, and no other records were found in the Clerk's archive.

⁸⁷ Charlie L. Howard Application for Military Headstone.

⁸⁸ Alabama Marriage Index.

⁸⁹ Phone conversation with City of Dothan employee regarding North Highland Cemetery.

lived that day, but the violent oppression of Jim Crow was a power that Charlie Howard, even as a decorated military veteran, couldn't overcome.

V. Killings by Birmingham Police Officers, the Historical Context

The killing of Charlie Howard was a moment in Birmingham's history that, while tragic, was anything but unique. Birmingham police went on to kill three more Black men in 1950, and five more in 1951.⁹⁰ From 1948 to 1950, Birmingham police killed twenty-one Black people;⁹¹ Jesse Lambert was directly involved in four of those killings. Those deaths should be considered the predictable consequences of an apartheid society that constantly brutalizes Black communities.

By 1950, the Birmingham Police Department had already amassed a long history of racially motivated violence. During the Ku Klux Klan revival in the early twentieth century, Birmingham was a hotbed of Klan activity. The man who published *The Birmingham News* in the 1920s glorified the Klan's revival as a natural response to "uppitiness" from the Black community following World War I.⁹² The largest Klavern in the entire South was Birmingham's Robert E. Lee Klavern #1. In the 1920s, that Klavern had more than 15,000 members, including the Birmingham police chief and "at least half of the city's police officers, judges, and other elected and appointed officials."⁹³ This level of support for racial violence had hardly waned by 1950.

Support for the Klan's principles was still strong by the time Charlie Howard returned to Birmingham following World War II. The President of the Birmingham City Commission,⁹⁴

⁹⁰ *Ten Killed In Less Than Two Years*, Atlanta Daily World (July 13, 1951).

⁹¹ *Id.*

⁹² *Id.* at 43.

⁹³ Glenn Feldman, *The Ku Klux Klan in Alabama, 1915-1954*, Dissertation published by Auburn University (1996), p.41.

⁹⁴ The President of the City Commission was Birmingham's equivalent position to that of a mayor.

Cooper Green,⁹⁵ who served from 1940-1953, had been a member of the White Knights of the Ku Klux Klan in the 1920s.⁹⁶ Jefferson County's chief solicitor and several judges had also been members.⁹⁷ Perhaps most significantly, "some Alabama law enforcement officers openly tolerated and even colluded with the KKK." One investigator in the post-World War II era "alleged that over half of Jefferson County's deputy sheriffs were either Klansmen or open sympathizers."⁹⁸ While there is no direct evidence that Jesse Lambert was a member of the Ku Klux Klan, he was a Mason and a Shriner,⁹⁹ both fraternal organizations that the Klan used to recruit members and build legitimacy in the public's eye.¹⁰⁰ There was a large overlap between Shriners, Masons, and Klansmen,¹⁰¹ and given the socio-political climate in Birmingham, it is certainly possible that Lambert was a member of the Klan or at least was sympathetic toward the Klan's cause.

Birmingham in the 1940s and 1950s was also a hotbed of state-sponsored violence in support of segregation. Theophilus Eugene "Bull" Connor served as the Public Safety Commissioner in Birmingham from 1947 to 1954, and then again from 1958 to 1963. As the Commissioner, he oversaw the city police and fire departments.¹⁰² Perhaps "most famous for his staunch defense of racial segregation and for ordering the use of police dogs and fire hoses to disperse civil rights demonstrators in Birmingham during the spring of 1963,"¹⁰³ Connor

⁹⁵ *Cooper Green*, Bham Wiki (last updated February 8, 2016), available at https://www.bhamwiki.com/w/Cooper_Green.

⁹⁶ Glenn Feldman, *The Ku Klux Klan in Alabama, 1915-1954*, Dissertation published by Auburn University (1996), p.497.

⁹⁷ *Id.*

⁹⁸ *Id.* at 498.

⁹⁹ Obituary of Jesse Lambert, *Birmingham News* (February 13, 1975).

¹⁰⁰ Miguel Hernandez, *Fighting Fraternities: The Ku Klux Klan and Freemasonry in 1920s America*, Dissertation submitted to University of Exeter (September 2014), p. 179.

¹⁰¹ *Id.* at 139.

¹⁰² *Theophilus Eugene 'Bull' Connor Papers, 1959-1963*, Birmingham Public Library Digital Collections (accessed 11/11/2018), available at <http://bplonline.cdmhost.com/digital/collection/p16044coll1>.

¹⁰³ *Id.*

displayed a long pattern of protecting people who committed racial violence.¹⁰⁴ The dozens of Black people killed by law enforcement officers in the years surrounding the shooting of Charlie Howard is one manifestation of the racial violence that dominated Birmingham life.

VI. The Years After Charlie Howard's Death

When Jesse Lambert shot and killed Charlie Howard, it was part of an ongoing pattern of policemen killing Black men. It was also part of a larger pattern of racial violence in the Jim Crow South. Those patterns did not end with Charlie's death. Moreover, the injustice of the killing did not end on March 18, 1950 but continued in the events that occurred in the wake of the shooting.

There is no evidence that Jesse Lambert killed any more Black men after he shot Charlie Howard. Whether the threat of indictment, an order from a superior officer, or some other response served as a deterrent, it appears that Charlie was his last victim. After the killing, there was an internal police investigation of the circumstances of the killing and into Lambert's conduct as an officer.¹⁰⁵ There is no indication, however, that he suffered any repercussions, and Lambert was far from vilified as a police officer in the years after he killed Charlie Howard. He continued to be employed as a police officer at least until 1963.¹⁰⁶ By 1959, Lambert had been assigned to the Department's Check Detail, investigating fraudulent checks. In July 1959, there was an internal investigation of allegations that Lambert had failed to disclose payments he received from civilians for returning a bad check to them.¹⁰⁷ It seems that Lambert and his

¹⁰⁴ James L. Baggett, *Eugene "Bull" Connor*, Encyclopedia of Alabama (March 9, 2007), available at <http://www.encyclopediaofalabama.org/article/h-1091>.

¹⁰⁵ Phone conversation with William Yates, Jefferson County Coroner's Office (October 2018). There is a copy of the police report in the Coroner's file concerning an investigation into Lambert, but the Coroner has a policy of not sharing non-proprietary documents, and the police report was not obtained.

¹⁰⁶ Birmingham Police records are available through Birmingham Public Library's Theophilus Eugene Bull Connor Papers, 1959-1963 collection.

¹⁰⁷ Statement of J.E. Lambert with reference to reward paid by Mr. Don Fadley, Interrogation by Captain Haley (July 14, 1959).

partner were regularly receiving cash payments from civilians as a “reward” for performing their duties. While this was possibly a regular practice at the Department, there was at least one instance where Lambert hid these payments from his supervisors.¹⁰⁸ Nevertheless, shortly after the investigation concluded, in August 1959 he was promoted from patrolman¹⁰⁹ to Plain Clothes Officer in the Detective Division.¹¹⁰

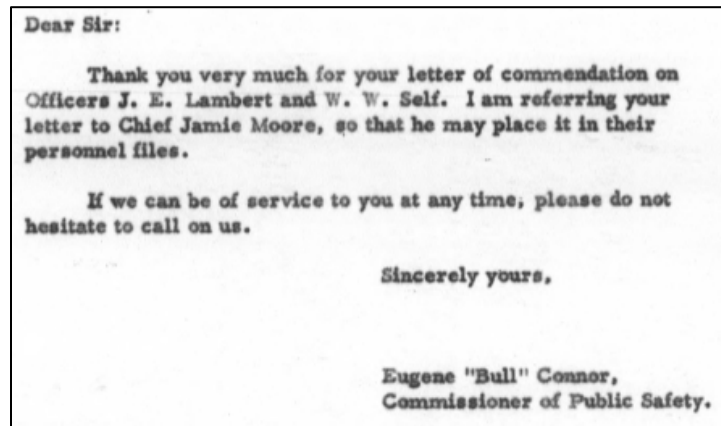


Figure 4

Also in 1959, Lambert received three commendations: one for assisting in the apprehension of a man charged with murder and robbery,¹¹¹ one by the FBI for assisting in an FBI investigation that led to an arrest,¹¹² and one for an arrest he made with his partner in a “Motor Company’s show room.”¹¹³ This third commendation reached the attention of Bull Connor himself, who wrote a letter acknowledging Lambert’s commendation.¹¹⁴ Lambert was given another raise in December 1961.¹¹⁵

By the 1960s, the Civil Rights Movement was strengthening in Birmingham, and under the rule of Bull Connor, the police department sought to weaken and defeat it. One of Connor’s weapons in his mission to defeat the Movement was Jesse Lambert. As a detective, Lambert

¹⁰⁸ *Id.*

¹⁰⁹ Badge List, Page 2, Birmingham Police Department (April 1, 1959).

¹¹⁰ Birmingham Police Department Letter from W.J. Haley to Ray Mullins (August 27, 1959), accessed at Birmingham Public Library’s Theophilus Eugene Bull Connor Papers, 1959-1963 collection, available at <http://bplonline.cdmhost.com/digital/collection/p16044coll1/search/>.

¹¹¹ Birmingham Police Department Notice To Personnel, Issued by W.J. Haley (July 3, 1962).

¹¹² Birmingham Police Department Notice To Personnel, Issued by Jamie Moore (May 4, 1959).

¹¹³ Birmingham Police Department Notice To Personnel (August 12, 1959).

¹¹⁴ Letter from Eugene “Bull” Connor to Allen Vaughn (July 15, 1959).

¹¹⁵ Birmingham Police Department Letter from Chief of Police Jamie Moore to Comptroller Grady Fullerton (December 19, 1961).

investigated meetings of the Alabama Christian Movement for Human Rights in July 1961¹¹⁶ and in December 1961.¹¹⁷ He investigated civil rights leader Fred Shuttlesworth, noting remarks that Shuttlesworth made criticizing Bull Connor and *The Birmingham News*,¹¹⁸ the same paper that featured Lambert's picture on the front page eleven years prior when he killed Charlie Howard. He investigated a Christian Movement meeting at Zion Star Baptist Church, noting that the police presence at the meeting had been announced by one of the speakers who said the police had been sent by Bull Connor.¹¹⁹ In January 1962, he investigated three church bombings, concluding that the bomber was a Black man.¹²⁰ Lambert was probably exactly the type of cop that Bull Connor wanted: he was dedicated to upholding Jim Crow, and was willing to use the ultimate force necessary to achieve that goal. For his service in support of white supremacy, he received commendations and promotions, and also held memberships in the Fraternal Order of Police,¹²¹ the Masons, and the Shriners. He died on February 11, 1975 at the age of 59. He was buried next to his wife at Jefferson Memorial Gardens in Trussville, Alabama, the same cemetery where Bull Connor is buried.¹²²

Just as Jesse Lambert's life after he killed Charlie Howard reflects the support and reward that Jim Crow afforded those who perpetuated racial violence, what happened to the memory of Charlie's life reflects society's indifference to the injustice of his death. While Charlie was buried in Dothan at the North Highland Cemetery, whether his upright marble military

¹¹⁶ Birmingham Police Department Inter-Office Communication from J.E. Lambert and J.E. LeGrand to Jamie Moore (July 11, 1961).

¹¹⁷ Birmingham Police Department Inter-Office Communication from J.C. Wilson to Jamie Moore (December 12, 1961).

¹¹⁸ Birmingham Police Department Inter-Office Communication from J.E. Lambert and J.B. Jones to Jamie Moore (November 8, 1961).

¹¹⁹ Birmingham Police Department Inter-Office Communication from J.E. Lambert and W.W. Self to Jaime Moore (August 30, 1961).

¹²⁰ Birmingham Police Department Investigation Report submitted by J.E. Lambert and J.W. Holland (January 19, 1962).

¹²¹ Obituary of Jesse Lambert, *Birmingham News* (February 13, 1975).

¹²² *Theophilus Eugene "Bull" Connor*, Find A Grave (2018), available at <https://www.findagrave.com/memorial/167614607/theophilus-eugene-connor>.

headstone¹²³ was ever placed at his grave is unknown. The segregated North Highland Cemetery was poorly organized and maintained in 1950. Graves that are supposed to be in rows are scattered, and “people are buried all over.”¹²⁴ One of the people who currently administers the cemetery noted that graves are crowded together, and it is suspected that some people are buried on top of each other.¹²⁵ Charlie Howard deserved to rest in a marked grave, but it is not clear whether he was afforded even that basic decency.

When Charlie Howard was killed he had been living at a house on the South Side of Birmingham at 2619 4th Avenue South. In the 1960s, the neighborhood was effectively demolished to clear land for the construction of the Elton B. Stephens Expressway which runs into downtown Birmingham.¹²⁶ Building highways through Black neighborhoods has been and continues to be a technique used by governments to destroy Black growth and community.¹²⁷ Even had Charlie not been killed in 1950, he still would have been forced out of his home and neighborhood by oppressive infrastructure policies that specifically targeted Black neighborhoods.

In the spot where Charlie Howard died, today there is a small park. In the park there is a historic marker commemorating the 4th Avenue Historic District. The marker is probably located less than 50 feet from the spot where Charlie was killed. It states that Jim Crow “forced the growing black business community into” a segregated area, and notes that the Black neighborhood included many thriving businesses. “On Friday and Saturday nights [like the night

¹²³ Charlie L. Howard Application for Military Headstone.

¹²⁴ Phone conversation with City of Dothan employee regarding North Highland Cemetery (October 2018).

¹²⁵ *Id.*

¹²⁶ *Elton B. Stephens Expressway*, Bhamwiki (January 9, 2016), available at

https://www.bhamwiki.com/wiki/index.php?title=Elton_B._Stephens_Expressway&oldid=123135.

¹²⁷ See e.g. Alan Pyke, *Top infrastructure official explains how America used highways to destroy black neighborhoods*, Think Progress (March 31, 2016); Alana Semuels, *The Role of Highways in American Poverty*, The Atlantic (March 18, 2016); Johnny Miller, *Roads to nowhere: how infrastructure built on American inequality*, The Guardian (February 21, 2018).

Charlie was killed], the streets were filled with crowds of people visiting the bars or just out for a stroll.”¹²⁸ The block where the Lincoln Inn stood also had about nineteen other businesses in 1950, including restaurants, shops, a hotel, and various services.¹²⁹ Today, zero businesses stand on that block. The Lincoln Inn operated until 1951, then became a luncheonette from 1957 to 1961. It sat vacant from 1963 until the 1980s when the government started buying the buildings on the block. After all the buildings had been purchased, they were demolished to make room for a new federal courthouse. Now the Hugo L. Black United States Courthouse is the only structure on the very block where Charlie Howard was killed in 1950. The Courthouse stands as a monument to the Supreme Court Justice who once was a member of the Ku Klux Klan.¹³⁰

The Courthouse that now stands where Charlie Howard died is also a symbol of how the courts failed to provide any semblance of justice to Charlie’s family and community after he was killed. Jesse Lambert had no court-imposed penalty for the killing. Lambert’s death makes a criminal conviction impossible, and the statute of limitations on a civil rights suit against the police department has long since passed. Indeed, in 1950 the coroner and grand jury followed the established legal process to officially signal that Lambert’s conduct was acceptable: the killing was essentially deemed “legal.”

In some ways the killing of Charlie Howard showcases the depth and persistence of the power of Jim Crow. While the brief encounter with Jesse Lambert cost Charlie Howard his life, it hardly affected Lambert at all. Lambert killed four Black men without any punishment or sanction. Charlie Howard was not allowed to even stand up for his own humanity without

¹²⁸ *4th Avenue Historic District*, Bhamwiki (October 9, 2018), available at https://www.bhamwiki.com/w/4th_Avenue_Historic_District#Text_of_historic_marker.

¹²⁹ Records obtained by Urban Impact Inc.

¹³⁰ *Hugo L. Black*, Oyez (November 11, 2018), available at www.oyez.org/justices/hugo_l_black. Black also authored the Court’s opinion in *Korematsu v. United States*, 323 U.S. 214 (1944) (affirming the legitimacy of World War II internment of people of Japanese ancestry),

suffering the ultimate cost. When Charlie told Lambert “you can’t call me that,” Lambert answered by saying “yes, I can” in the most emphatic way possible. When residents of Charlie’s south side neighborhood said “you can’t demolish our neighborhood to build a highway,” Birmingham said “yes we can.” When Black business owners in the 4th Avenue District said, “you can’t take our land and use it for your own purposes,” the city said “yes we can.” For Black people who protested the way they were treated, the answer from powerful white officials was all too often, “yes we can.” Not all Black people were killed the way Charlie Howard was, and not all whites killed multiple Black men like Jesse Lambert did, but both men existed as part of a larger system where racial violence was a way of life and where white supremacy had the full protection of the state.

VII. Conclusion

Charlie Howard was killed in an era of great racial violence. While his death was reported in several newspapers, it did not spark any great action or response. He was not a famous person, nor was he wealthy, nor did he have a particularly powerful role in society. But he was still a person, deserving of respect, love and remembrance. He was a man whose life was in many ways representative of millions of Black people who lived in the South. He did what he could to build a good life for himself and his family. He served the country overseas in World War II in a segregated unit in the Army. He spent time in the North with family, but lived in his home state of Alabama. He struggled to make his marriage work.

When he found himself in the alleyway behind the Lincoln Inn and Jesse Lambert insulted him with a racial slur, he took a stand for himself and for every Black person whose suffering imbues that slur with so much powerful hatred. Not only did he take a stand against that suffering, but he did so against a police officer, the physical manifestation of state-sponsored

violence that had caused the deaths of dozens of Black men in the years since Charlie moved to Birmingham. What he could not have known, though, was that this particular police officer was willing not just to enforce the racial laws of the Jim Crow South, but was willing to kill over and over to do it. While the stand that Charlie Howard took in 1950 Birmingham cost him his life, the courage and strength behind it can be an inspiration to anybody who would strive for a society today that is driven more by fairness and equity than the oppression and white supremacy that killed him.

Appendix I – Table of Figures

Figure 1

Photo and caption obtained from *India – Burma Theater Roundup*, Vol. IV No. 20 (January 2, 1946), available at <http://www.cbi-theater.com/roundup/roundup012446.html>.

Figure 2

Cover page of the Birmingham News, January 1, 1949.

Figure 3

Excerpt from Form No. 5-3.42-6M, dated March 28, 1950, obtained from Jefferson County Coroner's Office.

Figure 4

Letter from Eugene "Bull" Connor to Allen Vaughn (July 15, 1959), available at <http://bplonline.cdmhost.com/digital/collection/p16044coll1/id/6492/rec/1>.

Appendix II – Jesse Lambert’s Victims

Jesse Edward Lambert, born 1916, killed the following Black people in Birmingham as a Birmingham Police Officer:

- Walter Weston Jr., age 36, on May 29, 1948
- Charles Wright, age 35, on September 12, 1948 (co-shooter with C.W. Milwee)
- Charlie Howard, age 26, on March 18, 1950

Lambert was also present when his partner, C.W. Milwee, shot and killed 16-year old William Hudgins on December 31, 1948. Lambert was chasing Hudgins when Milwee shot him.