

# **The Moses Jones Case:**

*A Federal Witness Slain in Local Custody*



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### **I. Introduction**

This story began in Alabama with the death of Moses Jones, who was murdered by Jenkins Hill, the Sheriff of Clarke County, on December 28, 1953 in Grove Hill, Alabama.<sup>1</sup> As the press reported, Sheriff Hill shot Moses Jones three times at close range; two bullets entered his chest while another entered his side.<sup>2</sup> In response to Moses Jones death, Sheriff Hill claimed

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<sup>1</sup> Clarke Stallworth, *Clarke County Sheriff Shoots Bessemer Man*, *BIRMINGHAM POST-HERALD*, Dec. 29, 1953.

<sup>2</sup> *Prisoner Killed by Sheriff Jenkins Hill*, *CLARKE COUNTY DEMOCRAT*, Dec. 31, 1953.

self-defense because Moses Jones allegedly tried to take his gun after he was arrested and brought to the jail.<sup>3</sup> However, it appears that there is more to the story than a simple self-defense claim. A few months before he was arrested, Moses Jones had testified against Jenkins in a liquor corruption trial on September 21, 1953,<sup>4</sup> Jones was a witness for the federal government in the corruption trial.<sup>5</sup>

The complexity in the case of Moses Jones goes beyond the simple story of an unruly prisoner and a small-town sheriff's self-defense claim. Several events surrounding the death of Moses Jones implicate Sheriff Hill in his death, especially in the context of their prior relationship. In addition, law enforcement officials for the state of Alabama and the federal government failed to keep their witness safe. The governmental entities that gave Sheriff Hill his power and made Jones a target directly exposed him to murder.

This paper criticizes the failure of the government to protect its key witness, and documents the corrupt and insular quality of law enforcement in Clarke County—a situation which, unfortunately, was far from uncommon in Southern states during the postwar era. It describes the background of Moses Jones and the man who killed him, Sheriff Jenkins Hill, who had a history of abusing individuals in local African American communities before the death of Moses Jones. The paper examines the moonshine culture of liquor and violence that shaped the events leading to Jones's death in 1953. It also describes the details of the Jones murder and analyzes the

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<sup>3</sup> Clarke Stallworth, *Clarke County Sheriff Shoots Bessemer Man*, BIRMINGHAM POST-HERALD, Dec. 29, 1953.

<sup>4</sup> *Probe Slaying of Witness Who Put Finger On Sheriff*, THE CHICAGO DEFENDER, Jan. 9, 1954, at 1.

<sup>5</sup> *Id.*

sheriff's claim of self-defense and discusses the investigations by several government agencies, including the FBI, which led to the indictment of Sheriff Jenkins for violating the federal civil rights statute. However, the liquor and corruption case against Jenkins was dismissed, since Moses Jones, the key witness with evidence to substantiate the liquor was dead.

## **II. Background**

Moses Jones was only thirty-five years old when he was killed by Sheriff Jenkins Hill.<sup>6</sup> He was born in Nanafalia, Marengo County, Alabama on May 5, 1918.<sup>7</sup> His father was Sampson Jones and his mother was Lee Anna Jones.<sup>8</sup> According to the 1920 Census, he had three brothers: Isaiah, Mathias or Mathew, and Molen.<sup>9</sup> In 1930, when the family was still living in Nanafalia, Moses Jones gained two new siblings: President W. and Lula Mae.<sup>10</sup> In the 1940 Census, shows that Moses Jones accompanied some of his family to Rural, a small town in Marengo County, Alabama, some time between 1930 and 1935.<sup>11</sup> During that time

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<sup>6</sup> Moses Jones Death Certificate

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Year: 1920; Census Place: Nanafalia, Marengo, Alabama; Roll: T625\_31; Page 14A; Enumeration District 61; Image 997.

<sup>10</sup> Year: 1930; Census Place: Nanafalia, Marengo, Alabama; Roll: 38; Page:9B; Enumeration District: 0019; Image: 706.-; FHL microfilm: 2339773.

<sup>11</sup> Year: 1940; Census Place: Bashi, Clarke, Alabama; Roll: T627\_14; Page: 4B; Enumeration District: 13-26.

Jones married Bessie Mae Compton, who was born in 1916.<sup>12</sup> After Moses Jones and Bessie were married they had two daughters: Minnie Lou and Lee Belle.<sup>13</sup> Moses Jones death certificate listed his occupation as a mechanic in Clarke County.<sup>14</sup> However, when he moved away from Clarke County he may have held a job as a construction worker.<sup>15</sup> There is little more information available about Moses Jones before he was killed by Sheriff Hill on December 28, 1953.

Although there was no information about Moses Jones in the press before his court appearances and subsequent death, the same cannot be said for the man who killed him. Jenkins Angus Hill was born February 26, 1913 and was only five years older than his victim.<sup>16</sup> Hill first ran for the office of sheriff of Clarke County in May 1946 and won the election.<sup>17</sup> He won a second term in 1951 and tried to run for a third term in 1954,<sup>18</sup> but lost the election and left office in 1955.<sup>19</sup> After Hill left office, he became a salesman.<sup>20</sup> It is unclear whether Hill's defeat in the 1954 election is attributable to the events concerning

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12 Year: 1930; Census Place: Nanafalia, Marengo, Alabama; Roll: 38; Page: 12A; Enumeration District: 0019; Image: 711.0; FHL microfilm: 2339773.

13 Year: 1940; Census Place: Bashi, Clarke, Alabama; Roll: T627\_14; Page: 4B; Enumeration District: 13-26.

14 Moses Jones Death certificate.

15 *Races: A Shortage of Witnesses*, TIME MAGAZINE, Jan. 11, 1954

16 Jenkins Hill Death Certificate.

17 *Jenkins Hill Thanks Clarke County Voters*, THE CLARKE COUNTY DEMOCRAT, May 16, 1946.

18 *Hill Makes Statement to Citizens of Clarke*, THE CLARKE COUNTY DEMOCRAT, May 1954

Moses Jones. However, from the newspaper records of the time, it is obvious that Hill was not an innocent sheriff arresting an unruly moonshiner. Sheriff Hill had a history of violence against the local African American community, resulting in charges of abuse and at least one other court case before Moses Jones died. He was also part of a protection racket for illegal alcohol distribution. These practices eventually drew Federal scrutiny and action.

Hill took office as county sheriff in January of 1947.<sup>21</sup> As Sheriff of Clarke County, he abused the power of his office. Hill and his deputy, Willie Harrell, arrested nine African Americans on minor charges and then beat them.<sup>22</sup> The victims of this incident were reported to be George Dickinson, Robert Gordon, Ed Finch, Mose Nicholuson, Lee Williams, John Allen Jr., Johnnie J. Mitchell, Mattie Lee Poe, and Edward Lloyd Buck.<sup>23</sup> On November 19, 1948, federal officers arrested Hill and Harrell, charging them with depriving the nine African Americans of their civil rights<sup>24</sup> between December of 1947 and June of 1948.<sup>25</sup> The Southern Alabama federal grand jury indicted them under the charge that, “under ‘color of

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19 *Clarke Sheriff Quits Contest for Reelection*, *THE ANNISTON STAR*, May 17, 1954

20 Jenkins Hill Death Certificate

21 *Jenkins Hill Thanks Clarke County Voters*, *THE CLARKE COUNTY DEMOCRAT*, May 16, 1946.

22 *Alabama Sheriff, Deputy Arrested For Beating Negroes: U.S. Charges Violations of Civil Rights*, *NEW YORK AMSTERDAM NEWS*, Nov. 27, 1948, at 3.

23 *Id.*

24 *Sheriff Accused of Denying Negroes’ Rights*, *THE ANNISTON STAR*, Nov. 19, 1948.

25 *Sheriff And Deputy Called to Trial in Beating of Negroes*, *THE DOTHAN EAGLE*, Feb. 16, 1949.

their office,' they committed 'illegal assault, beatings, whippings and other physical abuse for the purpose of imposing illegal punishment.'<sup>26</sup> The charges were based on a civil rights statute, 18 U.S.C.A. § 242, which prescribes up to one-year imprisonment and a fine of \$1,000 maximum for each count.<sup>27</sup>

After the arrest of Hill and Harrell, U.S. Attorney Percy Fountain said that all nine victims were to testify.<sup>28</sup> It is not known whether all of the victims actually testified at the trial, which was scheduled for January 1949.<sup>29</sup> Sheriff Hill and Harrell made the defense that "the Negroes were 'bootleggers' trying to 'get even' with them through the Federal Court."<sup>30</sup> Attorney Fountain failed to get a conviction; in February 1949 the case was tried and the jury cleared both of the men of the charges.<sup>31</sup> Not much information about what happened during this trial is available, despite the efforts of CRRJ in filing a Freedom of Information Act (FOIA) request to learn whether there was actually a file and gain information about reasons why the trial jury failed to convict Hill and Harrell on these charges.

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<sup>26</sup> *Id.*

<sup>27</sup> 18 U.S.C.A. § 242; *Alabama Sheriff, Deputy Arrested For Beating Negroes: U.S. Charges Violations of Civil Rights*, *NEW YORK AMSTERDAM NEWS*, Nov. 27, 1948, at 3.

<sup>28</sup> *Sheriff And Deputy Called to Trial in Beating of Negroes*, *THE DOTHAN EAGLE*, Feb. 16, 1949

<sup>29</sup> *Alabama Sheriff, Deputy Arrested For Beating Negroes: U.S. Charges Violations of Civil Rights*, *NEW YORK AMSTERDAM NEWS*, Nov. 27, 1948, at 3.

<sup>30</sup> *Two Freed in Civil Rights Trial*, *THE ANNISTON STAR*, Feb. 21, 1949.

<sup>31</sup> *Id.*

### III. Liquor and Corruption

The risks to Moses Jones as a witness for the federal government in a liquor and corruption trial began just a few months before his death, when he testified against Hill and others. Sheriff Hill and Willie Harrell, Sam Deas, Doc Allen, and Pat Rone, who were all part of a protection racket in the making of illegal whiskey.<sup>32</sup> In the protection racket, Hill and the others would receive about \$2 dollars for every gallon of illegal whiskey sold; in exchange, the perpetrators would not get arrested.<sup>33</sup> In August 1952, federal officers arrested Hill and others.<sup>34</sup> U.S. Attorney Percy Fountain, lead attorney for the prosecution claimed, “The alleged conspiracy involving Hill, Deas, Rone, and others began in 1950 and continued up to the time of the indictment 11 months ago.”<sup>35</sup>

One potential defendant, Doc Allen, was not available for the liquor-corruption trial because he was dead. Sheriff Hill was involved in an incident on January 20, 1952, when Sam Deas killed Doc Allen at a nightclub they co-owned.<sup>36</sup> Allen was said to have made a deal with the federal law enforcement authorities to testify against his co-conspirators in the

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<sup>32</sup> *Hill's Trial Begins In Federal Court*, THE CLARKE COUNTY DEMOCRAT, Sep. 24, 1953.

<sup>33</sup> *Id.*

<sup>34</sup> *More Rounded Up in Liquor Ring*, PANAMA CITY NEWS-HERALD, Aug. 10, 1952.

<sup>35</sup> *Hill's Trial Begins In Federal Court*, THE CLARKE COUNTY DEMOCRAT, Sep. 24, 1953. *Id.*

<sup>36</sup> *Night Club Operator Is Cleared In Murder*, THE ANNISTON STAR, Jan. 30, 1952.



liquor-corruption trial.<sup>37</sup> Sheriff Hill was a frequent patron of the nightclub and was present when the murder occurred.<sup>38</sup> One might wonder why Sam Deas would kill Doc Allen in front of Sheriff Hill. Deas was cleared of the murder charge on the grounds of self-defense on the very same day that he killed Allen.<sup>39</sup> Even though it was determined that Deas killed Allen in self-defense, one might question whether there is more to the story.

In his testimony against Hill and Deas, Moses Jones attempted to provide answers to those questions when he was a witness for the prosecution. At the trial, Moses Jones testified, “he was beat on the head by Deas after he refused an offer by Hill and Deas in June 1951.”<sup>40</sup> The prosecution’s offer involved handling a moonshine ring and they claimed that Moses would be protected from arrest in exchange for his testimony. During the trial, Moses Jones was placed in protective custody, because he feared for his life.<sup>41</sup> Additional government witnesses testified, including Carlos Blackwell, who was a moonshiner.<sup>42</sup> Blackwell claimed that Doc Allen had spoken to him about the protection racket and \$2 per gallon sold would go to Sheriff Hill.<sup>43</sup>

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<sup>37</sup> *Races: A Shortage of Witnesses*, TIME MAGAZINE, Jan. 11, 1954

<sup>38</sup> *Hill’s Trial Begins In Federal Court*, THE CLARKE COUNTY DEMOCRAT, Sep. 24, 1953.

<sup>39</sup> *Night Club Operator Is Cleared In Murder*, THE ANNISTON STAR, Jan. 30, 1952

<sup>40</sup> *Hill Trial Hearing: Chief Deputy Harrell Testifies Sheriff Waged War on Bootleggers*, THE CLARK COUNTY DEMOCRAT.

<sup>41</sup> *To Probe Sheriff’s Slaying of Negro*, ATCHISON DAILY GLOBE, Dec. 29, 1953.

<sup>42</sup> *Hill’s Trial Begins In Federal Court*, THE CLARKE COUNTY DEMOCRAT, Sep. 24, 1953.

<sup>43</sup> *Id.*

Essentially, Blackwell's testimony identified Hill as the boss of the protection racket.<sup>44</sup> U.S. Attorney Percy Fountain claimed that Deas was the distributor of liquor in the northern end of Clarke County, while Doc Allen operated as the distributor in the southern part of the county.<sup>45</sup> After Allen was killed, Pat Rone took over for the distribution in the south.<sup>46</sup>

The defense attorney, Harry Seale, claimed that the witnesses were former bootleggers and were trying to get even with the sheriff and the other defendants.<sup>47</sup> Seale went further, saying that the U.S. Government was on a "fishing expedition" by trying to put up as many defendants as they wanted.<sup>48</sup> Attorney Fountain responded, saying the accusations were just "poppycock."<sup>49</sup>

In October of 1953, the newspapers reported that the jury was deadlocked and unable to make a decision regarding the liquor conspiracy charges against Hill and others.<sup>50</sup> After reports of the jury being deadlocked, Judge Daniel Thomas declared a mistrial.<sup>51</sup> After the mistrial,

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44 *Id.*

45 *Id.*

46 *Id.*

47 *Id.*

48 *Id.*

49 *Id.*

50 *Jurors Unable To Agree In Hill Case*, The Clarke County Democrat, Oct. 1, 1953.

51 *Id.*

Moses Jones, fearing for his life, fled with his family to Bessemer in Jefferson County, Alabama.<sup>52</sup> When the new trial was scheduled, Moses Jones was no longer alive to testify.

The second trial for the liquor conspiracy charges was held February 1954, about two months after Moses Jones was murdered.<sup>53</sup> Federal Judge Christenberry gave the jury instructions to give full consideration to the transcribed evidence offered by Moses Jones at the first trial.<sup>54</sup> Judge Christenberry explained that the jury was not to determine whether Moses Jones had been murdered by Sheriff Hill. Instead they were charged with deciding “whether Hill had killed him ‘to remove him evidence about murder of Moses Jones admitted at the trial. Ultimately the federal court cleared Hill and others on the liquor conspiracy charges.<sup>55</sup> If they had been convicted, the law provides for a maximum penalty of five years in prison or a fine of up to \$10,000 or both.<sup>56</sup>

After the second trial, Deputy Sheriff Willie Harrell was arrested on perjury charges.<sup>57</sup> His trial would be completely separate from the Moses Jones murder trial. It is important to note because of the obvious outcomes where law enforcement officials were arrested and promptly let

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52 *Races: A Shortage of Witnesses*, TIME MAGAZINE, Jan. 11, 1954

53 *Sheriff Hill Freed by Federal Jury*, THE CLARKE COUNTY DEMOCRAT, February 18, 1954.

54 *Id.*

55 *Id.*

56 *Id.*

57 *Clarke Sheriff Quits Contest for Reelection*, THE ANNISTON STAR, May 17, 1954.

go. During the second trial, Harrell had made false statements concerning a whiskey raid on a houseboat on the Tobighee River.<sup>58</sup> Harrell appealed his conviction on the perjury charge and the U.S. Court of Appeals for the Fifth Circuit reviewed his appeal and found his arguments without merit.<sup>59</sup> The significance of this decision was that Willie Harrell, a deputy sheriff, was held accountable for criminal conduct. He was charged, convicted, and, upon appeal, his conviction was sustained—a rare event in Clarke County history.

#### **IV. The Murder of Moses Jones.**

Moses Jones was shot and killed by Sheriff Jenkins Hill at the Grove Hill county jail on December 28, 1953.<sup>60</sup> At the time Jones was killed, he was resident of Bessemer, Alabama,<sup>61</sup> since he had fled Clark County in fear for his life after the mistrial in the first liquor conspiracy trial.<sup>62</sup> On December 27, 1953, the Mayor of Thomasville, Alabama, V.C. Wilkinson signed a warrant for Moses Jones for failure to pay liquor fine of \$154.25.<sup>63</sup> Deputy Sheriff Clyde Morris

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<sup>58</sup> *Id.*

<sup>59</sup> *See Harrell v. U.S.* 220 F.2d 516, 517 (1955).

<sup>60</sup> *Clarke Stallworth, Clarke County Sheriff Shoots Bessemer Man, BIRMINGHAM POST-HERALD, Dec. 29, 1953.*

<sup>61</sup> *Races: A Shortage of Witnesses, TIME MAGAZINE, Jan. 11, 1954.*

<sup>62</sup> *Id.*

<sup>63</sup> *Prisoner Killed by Sheriff Jenkins Hill, THE CLARKE COUNTY DEMOCRAT, Dec. 29, 1953.*

of Bessemer picked up Moses Jones that night to hold him until Sheriff Hill came.<sup>64</sup> On December 28, 1953 about 2:30 A.M., Sheriff Hill arrived to pick Moses Jones up and transport him to Grove Hill, Alabama.<sup>65</sup> Even though Moses Jones's friend McKinley Holt offered to pay the fine, Sheriff Hill insisted on driving Jones back to Clarke County.<sup>66</sup>

Several newspapers described an effort by federal officials to intervene on Moses Jones behalf in the matter of the overdue liquor fine. Knowing about the arrest warrant for Moses Jones, Joe York, a Thomasville councilman and town marshal was also involved in an attempt to settle the overdue fine. York claimed "that he had authorized Holt by telephone Sunday nights to send a check for the past due fine and to have the Bessemer officers or the Clarke County Sheriff call him to verify the agreement."<sup>67</sup> Nevertheless, Hill still refused to accept the payment and took Jones into custody.<sup>68</sup>

Since Grove Hill is a short drive from Bessemer, Hill and Jones probably arrived around 5 A.M. Moses Jones was in handcuffs.<sup>69</sup> According to Sheriff Hill, when he "took the handcuffs off Jones, the Negro attempted to wrestle his pistol from him and that in the ensuing struggle he

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<sup>64</sup> *Id.*

<sup>65</sup> *Races: A Shortage of Witnesses, TIME MAGAZINE, Jan. 11, 1954*

<sup>66</sup> *Five Way Investigation Underway After Slaying, MEMPHIS WORLD, Jan. 5, 1954.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Grubbs' Findings Fortify Hill's Story, THE CLARKE COUNTY DEMOCRAT, 1954*

shot Jones three times.”<sup>70</sup> The Sheriff explained that two bullets entered Jones’ chest, while the other entered his side.<sup>71</sup> The death certificate for Moses Jones said that the cause of death was a gunshot wound to the spleen.<sup>72</sup> It must be noted that Hill seems to be the only witness.<sup>73</sup> At around 6 a.m. Sheriff Hill took the body of Moses Jones to the Christian Benevolent Funeral Home in Thomasville.<sup>74</sup> A *Time* magazine article described how the Sheriff drove up “to a Thomasville undertaking parlor, swung open the back door of his new Chrysler, and told an attendant to get a ‘friend’ out of the car.”<sup>75</sup> The article described Sheriff Hill as “stocky” and the body of Moses Jones “sprawled on the floor like ‘you would throw a dead dog.’”<sup>76</sup>

One might question why Sheriff Hill went all the way to Bessemer to get Jones on a warrant for an overdue liquor fine. It seems strange that the Sheriff went himself rather than send someone else to retrieve Jones or to recruit another person to accompany him as a witness. Why did he insist on taking Jones back to Clarke County after the money to pay the fine was available from McKinley Holt? It appears that the Sheriff intended to kill Moses Jones.

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70 *Prisoner Killed By Sheriff Jenkins Hill*, THE CLARKE COUNTY DEMOCRAT, 1953

71 *Id.*

72 Moses Jones Death Certificate

73 *Races: A Shortage of Witnesses*, TIME MAGAZINE, Jan. 11, 1954

74 *Prisoner Killed by Sheriff Jenkins Hill*, THE CLARKE COUNTY DEMOCRAT, Dec. 29, 1953.

75 *Races: A Shortage of Witnesses*, TIME MAGAZINE, Jan. 11, 1954

76 *Id.*

## V. The Investigations

As soon as the news broke out that Moses Jones was killed by Sheriff Hill, there was an immediate response from various agencies. The agencies that were involved with the investigation include the state of Alabama, the Federal Bureau of Investigation (FBI), the U.S. Revenue Service, Circuit Solicitor, Edward Turner, and the NAACP branch based in Mobile.<sup>77</sup> The NAACP had heard of past allegations concerning Sheriff Hill and there had been previous disappearances of African Americans in the area.<sup>78</sup> The NAACP secretary, John LeFlore headed up the NAACP investigation and faced hostility from white community and silence from the African American community.<sup>79</sup> Immediately, after the murder, the Justice Department insisted on FBI involvement with the investigation.<sup>80</sup> U.S. Attorney Percy Fountain, the same attorney who dealt with Hill in the 1947 and liquor conspiracy trial, sought an immediate investigation.<sup>81</sup> This was just the beginning of the investigations into the murder of Moses Jones by Sheriff Hill.

The NAACP was one of the first groups to begin investigating the murder. John LeFlore wrote to U.S. Attorney Percy Fountain to inquire about the circumstances surrounding Jones's

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<sup>77</sup> *Five Way Investigation Underway After Slaying*, *MEMPHIS WORLD*, Jan. 5, 1954.

<sup>78</sup> *Murder Quiz Stirs Death Threats: NAACP Official Fears Attempt On His Life*, *THE CHICAGO DEFENDER*, Jan. 30, 1954, at 5.

<sup>79</sup> *Id.*

<sup>80</sup> *FBI Probing Slaying by ALA. Sheriff*, *Atlanta Daily World*, Dec. 31, 1953.

<sup>81</sup> *Killing of Negro By Sheriff To Be Investigated*, *ROBESONIAN*, Dec. 29, 1953.

death.<sup>82</sup> LeFlore asked questions about the extent of federal protection surrounding Jones, and whether the government had knowledge of people who wanted to pay Jones's fine. He also inquired about African American who had mysteriously gone missing in the area.<sup>83</sup> LeFlore's letter framed a basic legal challenge to the government, asserting that "it was the duty and responsibility of the federal government to have provided Moses Jones with a maximum of protection consistent with the scope of power at its command."<sup>84</sup> The NAACP seems to have put forth a great deal of effort when investigating this case. LeFlore also assisted the FBI investigation.<sup>85</sup> Sheriff Hill made a statement about the murder and the investigation, claiming that the NAACP had been making false statements about him and his involvement with missing African Americans in Clarke County.<sup>86</sup> The Sheriff also claimed that John LeFlore's accusations "fits right in with the propaganda that communistic Russia is paying agents all over the world to spread."<sup>87</sup>

The state of Alabama conducted its own investigation of the Moses Jones murder. State toxicologist Nelson Grubbs, and Circuit Solicitor Edward Turner went to the jail to begin the

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<sup>82</sup> John LeFlore Letter to Percy Fountain, Dec. 29, 1953.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> John LeFlore Letter to Peter Hall, Feb. 2, 1954. The extent of LeFlore's work with the FBI is not known at this time because CRRJ was unable to get the FBI files from the National Archives.

<sup>86</sup> *Sheriff Hill Makes Statement to Citizens, The Clarke County Democrat*, Jan. 7, 1954.

<sup>87</sup> *Id.*



state investigation.<sup>88</sup> Accompanied by the suspect, Sheriff Hill, Turner went to the morgue to examine the dead body of Moses Jones.<sup>89</sup> One might question Sheriff Hill's participation in the investigation, since he was the person who killed Moses Jones. Nelson Grubbs claimed that the physical evidence confirmed Sheriff Hill's account of Jones' death.<sup>90</sup> According to Grubbs, the mud from Jones's clothing matched the outside of the Grove Hill jail and paint from Jones's shoes matched the floor of the jail.<sup>91</sup> Grubbs opinion states "that there was a struggle; that a shot was fired with a gun in contact with the clothing; another shot was fired several inches from the clothing under the jackets; that the living body was maintained in an upright position for a period of time sufficient for a massive blood stain form from the flow of blood downward from the wounds."<sup>92</sup> However, Grubbs only saw Jones' body at the morgue. He was not able to view Jones' body at the crime scene because Sheriff Hill had already moved the body to the funeral home. Edward Turner said that he would get the Clarke County grand jury to look into the murder the following spring.<sup>93</sup>

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88 *Prisoner Killed by Sheriff Jenkins Hill*, *THE CLARKE COUNTY DEMOCRAT*, Dec. 31, 1953.

89 *Id.*

90 *Grubb's Findings Fortify Hill's Story*, *THE CLARKE COUNTY DEMOCRAT*, 1954.

91 *Id.*

92 *Id.*

93 *To Probe Sheriff's Slaying of Negro*, *ATCHINSON DAILY GLOBE*, Dec. 29, 1953

The Clarke County grand jury made the decision to investigate Sheriff Hill for manslaughter.<sup>94</sup> However, the jury decided not to indict Sheriff Hill for the murder of Moses Jones.<sup>95</sup> The jury decided that the case was a *no bill*, meaning there would be no further action taken. If the grand jury had issued a *true bill*, the case against Sheriff Hill would have been subject to a jury trial.<sup>96</sup> Even though there was no indictment by the Clarke County grand jury, there was a response from the federal government.

## **VI. The Indictment and the Failure to Prosecute**

Various federal agencies were sufficiently interested in the murder of Moses Jones to begin investigations. It is especially relevant because Moses Jones was a Federal witness in the liquor conspiracy trial against Sheriff Hill. On February 17, 1955, more than a year after Moses Jones' murder, Hill was arrested on charges that he had killed a federal witness to keep him from testifying in the liquor conspiracy trial.<sup>97</sup> The indictment issued by a federal grand jury charged that Sheriff Hill, “while acting under the color of the law, arrested Jones without lawful cause or authority and killed him, depriving him of his life and liberty without due process of law as

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94 Clarke County Court Records, 1954

95 *Id.*

96 *Id.*

97 *Charge Sheriff Slew Bootleg Bribe Witness: Victim Shot in Jail During U.S. Probe*, CHICAGO DAILY TRIBUNE, Feb. 18, 1955, at 8.

guaranteed by the 14<sup>th</sup> amendment to the United States Constitution.”<sup>98</sup> The charge was based on the federal statute 18 U.S.C.A. § 242, which makes it a crime for a person acting under the “color of law” to willfully deprive a person of a right or privilege protected by the Constitution. Jenkins Hill violated § 242 because he acted in his official capacity as sheriff when he arrested Moses Jones, transported him to jail, and killed him at the jail, he deprived Jones of his civil rights, namely the right to settle his liquor fees peaceably without being killed.<sup>99</sup> In addition, Hill was potentially subject to a penalty of six years imprisonment and a fine of \$6,000 for obstructing justice,<sup>100</sup> since he was accused of murdering a federal witness.<sup>101</sup> He was released on a \$2,500 bond.

The investigation would go on for another year before a decision to dismiss the charges against Hill was made. In November 1956, the federal court in Mobile, Alabama agreed to drop the charges against the former sheriff of Clarke County,<sup>102</sup> when U.S. Attorney Ralph Kennamer, who had replaced U.S. Attorney Fountain, moved to dismiss the case against Hill,<sup>103</sup> “The

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<sup>98</sup> *Id.*

<sup>99</sup> 18 U.S.C.A. § 242

<sup>100</sup> *Id.*

<sup>101</sup> *Charge Sheriff Slew Bootleg Bribe Witness: Victim Shot in Jail During U.S. Probe*, CHICAGO DAILY TRIBUNE, Feb. 18, 1955, at 8.

<sup>102</sup> *Ex-sheriff who killed prisoner in cell freed*, AFRO-AMERICAN, Dec. 1, 1956.

<sup>103</sup> *Id.*

evidence disclosed by the investigative reports was insufficient to sustain a conviction.”<sup>104</sup>

Kenamer stated. U.S. District Judge Daniel Thomas accepted the government’s motion to dismiss the case.<sup>105</sup> After the charges were dropped the news cycle dropped as well, leaving the story of Jones’ murder behind. After 1956, virtually nothing else happened with this case. Jenkins Hill died in 1967, leaving the actual story of his involvement in Moses Jones death untold.

## **VII. Conclusion**

Federal law enforcement authorities had information about the unscrupulous and violent character of Jenkins Hill and knew about his penchant for working outside the law he was supposed to be enforcing. However, they appeared to be indifferent to the imminent danger that Moses Jones faced when testifying against Hill. In 1947 Hill and his deputy were indicted for violating the civil rights of nine African Americans. As sheriff, Hill had witnessed or presided over the killing of Doc Allen, a man who was involved in the protection racket for which Hill was later indicted. The local chapter of the NAACP had pressed the Federal government to investigate and remove Hill because he was building a reputation for violence and abusive law enforcement practices. Hill’s reputation was based upon the mysterious disappearances of African Americans in Clarke County, as well as his violent treatment of Jones when he refused to join the protection racket.

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104 *Id.*

105 *Id.*

Because he was in fear for his life Moses Jones had federal protection during the time he was available as a witness for the first trial. However, when the first trial ended with a mistrial, Moses Jones, still in fear for his life, fled to Bessemer. Even though there was a second trial to be scheduled and Jones was a potential witness for that trial, he lacked protective detail. Sheriff Jones was able to drive all the way to Bessemer and pick Jones up for an unpaid fine, refusing payment. There was no second trial. Moses Jones was dead because the government failed to protect him. The government then failed to prosecute Hill, most likely because Moses Jones, their key witness was dead. There was no justice for Moses Jones, who should have still been alive in Bessemer, Alabama.

The actions of Jenkins Hill show a man who obviously considered himself above the law. Even with multiple state and federal agencies investigating him, he was not convicted of murder and lost his power only when he failed to be re-elected. The case of Moses Jones stands as a testament to the difficulty the federal government had in addressing entrenched racism and injustice from law enforcement officials in the rural South. Too often they acted as a tight-lipped and close-knit group called upon to protect their own. This insular quality of local law enforcement is evidenced by the procedural police failures in the history of this case. The actions of state toxicologist Grub, who documented the cause of Moses Jones's death as justifiable homicide, based upon cursory review of a body that had been removed from the crime scene demonstrate the incompetence of local law enforcement, The actions of Deputy Harrell, who lied under oath, exemplify the lengths that law enforcement officials went to protect Sheriff Hill from prosecution. Jenkins Hill was never held accountable for his murderous violence and the abuse

of power in his role as sheriff. He died on April 11, 1967 and is buried in Grove Hill, Clarke County, Alabama.<sup>106</sup>

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<sup>106</sup> Jenkins Hill Death Certificate.