

# **Willie Ruth Williams/Mosely:**

*“She Stood Up For Herself”*



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## **I. Introduction**

In the spring of 1951, seventeen-year-old Willie Ruth Williams/Mosely was shot and killed by a white police officer alongside of a house in her neighborhood in Gadsden, Alabama. The officer, Floyd Vinyard, arrived in a police cruiser along with another officer under the guise of responding to a call regarding a neighborhood dispute. In fact, Vinyard may have been the dispute's instigator, and certainly left as its core participant. Promptly after arrival, Vinyard walked into the block toward where Willie Ruth was standing near the back of the houses, sporting not a uniform but a white shirt and "light pants."<sup>1</sup> He shot Willie Ruth somewhere between one and five times, then dragged her back to the front of the house and propped her up next to the police vehicle to die. "I've killed a Negro woman," Vinyard was next heard declaring over the radio. "...[S]end Rhines ambulance."<sup>2</sup>

Willie Ruth's murder at the hands of Gadsden police is an untold chapter in the long history of racially motivated state violence against African Americans. Her killing sheds light on the evolving relationship between African Americans and the State; particularly police departments whose officers continued to be the face of government in segregated communities delineated by race and class, the federal government's ability to protect African American citizenship, and the South more broadly.

## **II. Context**

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1 Department of Justice file, p. 29. Statement given by eyewitness Mr. Sammie Lee Robbins, to Birmingham FBI agents Charles W. Perry and Robert K. Lewis as a part of the preliminary investigation on July 2, 1951. Mr. Jiles owned a garage and corner shop directly across Cansler Avenue from where Willie Ruth was killed in Gadsden.

2 *Id.*, p. 26. Statement given by eyewitness Mr. Jiles Isom, Jr., to Birmingham FBI agents Charles W. Perry and Robert K. Lewis as a part of the preliminary investigation on July 2, 1951.

About an hour Northeast of Birmingham, Gadsden is the seat of Etowah County, home to its courthouse. In 1951 its population was around 30,000.<sup>3</sup> Nestled along the Coosa River, Gadsden is surrounded by a slew of smaller neighboring towns. While regulated, Gadsden was not completely “dry” in 1951; neighboring Alabama City, where Willie Ruth is buried, was.<sup>4</sup> Its residents travelled to Gadsden to drink. Beginning in the early 20<sup>th</sup> century, Gadsden attracted workers from more rural Alabama and neighboring states by its local industry, chiefly Republic Steel, which has since come and gone.<sup>5</sup> Southern towns remained stiffly segregated, and their state governments were fighting back against integration. In nearby Birmingham, Bull Connor was making his mark. In Alabama, the previous couple of years had seen a resurgence of public discussion around local lynchings and mob violence by Alabama and Georgia branches of the Ku Klux Klan.

### **III. Willie Ruth’s Life**

Willie Ruth, born Willie Ruth Williams on September 15, 1934<sup>6</sup>, belonged to Ms. Cordie Lee Hollis, who was married to Mr. Harrison Williams.<sup>7</sup> She was the oldest of three children born to Cordie, followed by sister Mary Lee Mines (nee Williams, in 1939) and a younger brother Curtis Moore, also in 1939. Willie Ruth is remembered by her family for her radiance: she was beautiful and a fierce guardian, especially of her younger sister Mary, with whom she was close.<sup>8</sup> “The more I talk, the more I remember [my mother, Mary] always saying how pretty

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<sup>3</sup> Telephone interview with historian Chari Bostick, July 12, 2017.

<sup>4</sup> Death certificate.

<sup>5</sup> Telephone interview with historian Chari Bostick, July 12, 2017; Telephone interview with Odis Isom, July 20, 2017.

<sup>6</sup> Death certificate.

<sup>7</sup> Death certificate; alternatively, family members are uncertain whether Harrison Williams is the father of Willie Ruth, Telephone interview with Cordie Bussey, Aug. 1, 2017.

<sup>8</sup> “I don’t think my mother was right after that,” Cordie explained of the effect of Willie Ruth’s death on her mother, Mary. Telephone interview with Cordie Bussey, Aug. 1, 2017.

she was.”<sup>9</sup> Striking both pride and worry upon the elders in her life who knew that a strong, candid Black girl was especially vulnerable to violence at the hands of whites, Willie Ruth made an impression as someone who stood up for herself.<sup>10</sup> “She was my mother’s protector,” Willie Ruth’s nephew, Fred Bussey, recounted.<sup>11</sup> “She didn’t take anything from anybody,” added niece Cordie.<sup>12</sup>

Willie Ruth does not make an appearance in the yearly high school class or graduation photos at Carver High School<sup>13</sup> in the years leading up to her death. Her 1951 death certificate lists her occupation as “no work.”<sup>14</sup> In fact, the teen likely spent time busy with her two babies. As a young girl, Willie Ruth was married to a local man named Mr. Billy Mosely,<sup>15</sup> and before her 17<sup>th</sup> birthday had given birth to a son, Eucalay<sup>16</sup>, and a daughter, Laura Jean<sup>17</sup> with her husband by her side.

During her childhood and throughout this time, Willie Ruth’s mother Cordie also operated a juke joint out of the family home<sup>18</sup>. “Back then, you know, we had to have our own

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9 Telephone interview with Cordie Bussey, Aug. 1, 2017.

10 “I guess, in other words, that’s why she got killed,” Cordie said. Telephone interview with Cordie Bussey, Aug. 1, 2017.

11 Telephone interview with Fred Bussey, Aug. 7, 2017.

12 Cordie Bussey is named after her grandmother (Willie Ruth’s mother), Ms. Cordie Lee Hollis. See Telephone interview with Cordie Bussey, Aug. 1, 2017.

13 Carver High School was the only local high school for Black children in Gadsden until 1971, when it was torn down and an integrated school was built. In its stead is a small museum to the former high school, which retains the photos. Telephone interview with historian Chari Bostick, July 12, 2017.

14 Death certificate.

15 The marriage is not recorded, and may have been a common law marriage. Willie Ruth’s death certificate lists her last name as Mosely and notes simply that she was “married.”

16 This is a phonetic spelling. No record has been collected on Eucalay at this time. Family remember him. Telephone interview with Cordie Bussey, Aug. 1, 2017.

17 Both of Willie Ruth’s children were raised by her mother in Gadsden after her death. Both have already passed away young. Laura Jean is said to have children, with whom Fred and Cordie are working to connect. Telephone interview with Cordie Bussey, Aug. 1, 2017; Telephone interview with Fred Bussey, Aug. 7, 2017.

18 While the incident took place near Cansler Ave and S 16<sup>th</sup> St. in a Black neighborhood in central Gadsden, near where two of Willie Ruth’s family members likely rented homes, Ms.

entertainment,” niece Cordie explained.<sup>19</sup> The family’s operation of the unlicensed bar emphasizes the de jure segregation central to their lives in 1950s Gadsden. Excluded by law from white establishments, African Americans after Reconstruction developed independent spaces like juke joints in which they could conduct various aspects of their lives.<sup>20</sup> Underground, juke joints were housed in an array of buildings originally intended for other purposes – e.g., homes – and were thus defined not by their physical spaces but by their *raison d’être*.<sup>21</sup> Juke joints served an increasing Black labor force ready to kick back and have a drink, or smoke, dance, or play music, after a long week of work.<sup>22</sup> They were also self-styled refuges from the habitual, random, unchecked racial violence that continued to undergird Jim Crow.<sup>23</sup>

As Willie Ruth’s mid-century murder reminds us, no spaces were thoroughly safe for African Americans in the South. For her, attempt at refuge aside, the family juke joint in fact served as another pathway for the racial violence that ended her life. Operation of a juke joint in a small town like Gadsden<sup>24</sup> was unlikely to have been entirely undetected, and the shop’s livelihood may have relied on bribes or some other informal arrangement with local law enforcement. “I know that, for them to operate, they had to have some relationship with the police,” Willie Ruth’s nephew Fred explained of his grandparents’ juke joint.<sup>25</sup> “And I understand, that’s how Willie Ruth came to know this officer. From what I heard, he was always

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Cordie’s home was not likely in the immediate vicinity. Willie Ruth’s nephew Fred Bussey remembers returning to his grandmother’s home in the years following Willie Ruth’s death, and her juke joint being closer to the countryside. He was born shortly after Willie Ruth was killed and her sister (his mother, Mary) moved north to Ohio.

<sup>19</sup> *Telephone Interview with Cordie Bussey, Aug. 1, 2017.*

<sup>20</sup> Jennifer Nardone, p. 165.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*, p. 173.

<sup>23</sup> *Id.*, p. 165.

<sup>24</sup> Gadsden’s population in 1950-1951 was about 30,000. *Telephone interview with historian Chari Bostick, July 12, 2017.*

<sup>25</sup> *Telephone Interview with Fred Bussey, Aug. 7, 2017.*

over there.”<sup>26</sup> The juke joint did not make its way into any official narratives of Willie Ruth’s death.

Connectedly, Cordie Bussey further recounted that at the time of her death, Willie Ruth was involved in an intimate relationship with the police officer who shot and killed her, Floyd Vinyard.<sup>27</sup> Cordie conferred that Willie Ruth had furthermore been three or four months pregnant by Officer Floyd Vinyard at the time of her death.<sup>28</sup> “The reason why he killed her was because she was pregnant with his child,” she said, reciting a story that had been passed onto her many times by her mother Mary, who frequently shared, if whispered, stories about her late sister – especially to her eight daughters.<sup>29</sup> “...from my understanding, she was seeing that officer – she was in a relationship with him,” Cordie continued.<sup>30</sup> “And, I don’t know what the argument was or how it started, but I do know that there was an argument between the two of them. But she was pregnant by [Officer Floyd Vinyard] – that was his baby.”<sup>31</sup>

Nephew Fred Bussey added:

“There was a lot of things that was going on at the time – at one point, I remember [my mom, Mary Lee Mines] saying that the police officer at one point was in love with her sister, and I can’t speak to what happened from his end, but I’m certain that there were pressures put on – on him – to either handle the situation... and the fact that he had a badge... that was eventually going to be a big problem.”<sup>32</sup>

#### **IV. Discrepancies and Intimidation**

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26 *Id.*

27 *Telephone Interview with Cordie Bussey, Aug. 1, 2017.*

28 *Id.*

29 “Because my mom had so many daughters, one of us was always in a fight with someone else. I remember one of the main things my mom would always say to us when we were getting into it was, ‘I didn’t have my sister.’ That was one of the ways in which my aunt [Willie Ruth] lived on,” Cordie said. *Telephone Interview with Cordie Bussey, Aug. 1, 2017.*

30 *Telephone Interview with Cordie Bussey, Aug. 1, 2017.*

31 *Id.*

32 *Telephone Interview with Fred Bussey, Aug. 7, 2017.*

While informal reports of Willie Ruth's pregnancy made their way into the two small news articles on her death<sup>33</sup> and thus were also acknowledged (albeit dismissed) in the final Department of Justice investigation<sup>34</sup>, these other critical pieces of the story carried forward through family and other sources were not mentioned: Willie Ruth's relationship with the Officer Floyd Vinyard, its contextualization through her mother Cordie's juke joint, her pregnancy by *him*, and the likelihood that he was also married at the time of Willie Ruth's death.

In its stead, the Department of Justice file relies on similar eyewitness testimony but highlights a different story, more in line with familiar racial tropes: that of a seventeen-year-old girl fighting with everyone in the neighborhood; a girl so drunk and violent that she was threatening enough to an armed adult male officer to be shot dead upon his arrival.

Motive was not the only discrepancy. Broadly, the Department of Justice investigation is not conscious of the ways in which the environment of racial violence its division seeks to address influenced not just Willie Ruth's killing but their investigation in response. As such, it comes up short not just in its ability to bring about legal remedy, which was a high legal bar, but even in its legitimacy as a legal document.

Fear and intimidation dominated for those family members closest to Willie Ruth.<sup>35</sup> Her sister Mary Lee Mines was ordered by the girls' mother Cordie to migrate north that same year.<sup>36</sup>

When Willie Ruth's murder was discussed with Mary's daughter, (also) Cordie, for the first time

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33 One article was published in the Gadsden Times and one was published in the Pittsburgh Courier.

34 *See, e.g.*, Department of Justice file, p. 10 ("The BROOKS woman stated that victim was three months pregnant but that her condition was not obvious."), p. 16 ("She stated that no examination for pregnancy was made but that she was not visibly pregnant.")

35 "I got the impression that my mother was actually there," an eyewitness to Willie Ruth's death, Cordie said of conversations with her mother, Mary Lee Mines, who was not interviewed by the Department of Justice. *Telephone Interview with Cordie Bussey, Aug. 9, 2017.*

36 In fact, she walked out of Gadsden all the way to Youngstown Ohio to obtain a job at the mill there. *Telephone Interview with Fred Bussey, Aug. 7, 2017.*



in 2017, 66 years after her murder, the first question she asked was, “Is that officer still alive?”<sup>37</sup> Willie Ruth’s brother Curtis Moore, who remains in Gadsden, continues to be wary to speak of her death – due, among other factors, to the fact that Officer Floyd Vinyard returned to the force the day after he shot and killed a woman with whom he had likely been sleeping, Curtis’ big sister.

Most glaringly, Willie Ruth’s husband, Billy Mosely, was reportedly bribed to distance himself from the investigation and to discontinue advocating for Willie Ruth once the NAACP got involved. Word has it he was given \$100 and a car<sup>38</sup> in order to keep quiet. Cordie Bussey recounts this story, passed onto her by both her mother Mary and her Uncle Curtis:

“I think when the NAACP got involved. Well I don’t think, this is what [my Uncle, Curtis Moore] told me. When the NAACP got involved, there – there were threats going on, and... They were threatening... whoever, the police department, whoever it might be... uh, were.... they were threatening the family. For you know, everybody to shut up and not say anything. Or, don’t talk to anybody. And he said that they said that they were, they were trying to kill him. They were trying to kill Billy Mosely. That they were gonna kill him. So, he was scared. So, he signed the paper, took the money, and that was it.”<sup>39</sup>

## V. Willie Ruth’s Death

*“My mom said, ‘the police murdered my sister.’”<sup>40</sup>*

A handful of facts are essentially undisputed. Willie Ruth Mosely, who was either pregnant or ‘showed no signs of pregnancy’, was involved in some sort of a neighborhood dispute, near Cansler Ave and S 16<sup>th</sup> St. in a Black neighborhood of Gadsden, AL, around

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37 Telephone Interview with Cordie Bussey, Aug. 1, 2017.

38 Telephone Interview with Cordie Bussey, Aug. 1, 2017; Telephone Interview with Fred Bussey, Aug. 7, 2017.

39 Telephone Interview with Cordie Bussey, Aug. 9, 2017.

40 Telephone Interview with Fred Bussey, Aug. 7, 2017.

9:30AM that Saturday morning. Two Gadsden police officers arrived in their vehicle. The uniformed officer went up to the house, while the *plain clothes* officer – Floyd Vinyard – travelled around the side to where Willie Ruth was standing near the rear, and shot her very promptly – somewhere between two and five times – perhaps following some sort of an exchange with the officer. This all took place in broad daylight on a bustling block, across the street from Jiles Isom’s neighborhood store and garage.

## **VI. Neighbors, Birmingham, and the NAACP**

*“They were stunned as to why did he shoot her.”<sup>41</sup>*

Eyewitness Odis Isom was ten years old at the time Willie Ruth was killed in late April of 1951.<sup>42</sup> His account, accordingly, never made it into any official narratives. Odis’ father, Mr. Jiles Isom, Jr., sought to protect his African American son from the experience of being a witness to a racially motivated murder in such volatile times, never informing any investigators of young Odis’ vantage point that day.<sup>43</sup> His aim was not to hide, however; in fact, it is probable that the elder Isom was the engine behind every official action taken in response to Willie Ruth’s case. His trip to Birmingham to advocate for Willie Ruth in the wake of her death, likely alongside neighbor Archie Foster,<sup>44</sup> put her case on the radar of the NAACP. The voyage, and the neighborhood crew he organized, was certainly a precursor to the Department of Justice investigations that would follow, and seems additionally to have spurred the local Civil Service Board’s disciplinary hearing against Officer Vinyard as well.

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<sup>41</sup> *Telephone interview with Odis Isom, July 20, 2017.*

<sup>42</sup> *Id.*

<sup>43</sup> *Telephone interview with Odis Isom, July 20, 2017.*

<sup>44</sup> In his letter to the Department of Justice on May 31, 1951, NAACP Washington Bureau Chief Clarence Mitchell lists Jiles Isom and Archie Foster as the names of witnesses that had been sent to him from the Alabama NAACP. *Department of Justice file, p. 28, letter from NAACP Washington Bureau Chief Clarence Mitchell to the Department of Justice.*

Jiles Isom, Jr. moved to Gadsden to work in the steel mill. He ran a garage and a corner store<sup>45</sup> just across the street from Mr. Jim Holley's house<sup>46</sup>, alongside which Floyd Vinyard shot Willie Ruth in plain view of those gathered on the sidewalks just across Cansler Ave in front of the Isom shops. Jiles Isom, Jr., who has since passed away, was outside that day as well, along with a number of his other neighbors, customers and friends.<sup>47</sup>

Odis Isom, who was born in 1941 and who left Gadsden for the Air Force as a teenager, now lives in Atlanta. Recently, he recollected the aftermath that violent morning.<sup>48</sup> "They were stunned as to why did he shoot her," he explained.<sup>49</sup> "I was figuring out what was going on. My father, other neighbors, the other men around the garage – everyone was walking around trying to figure out what happened and just, why the police officer needed to shoot that young girl. I remember my father saying, or some people coming and talking with my dad and saying, 'he shot a lady!' [of the officer]. That was the first I heard of *who* had been shot."<sup>50</sup>

Mr. Odis explained that, once things settled down a bit more, the next thing he learned was there were rumors that Willie Ruth had an ice pick when the Officer approached.<sup>51</sup> While he witnessed Willie Ruth's death, he stated he would not have been close enough to see an ice pick.<sup>52</sup> He did, however, watch as Officer Vinyard walked to the back of the house and shot Willie Ruth. He continued, "...you know, like I said – she was not right up on him when he shot

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45 "The store that my father owned and that my mother ran was like a corner store. It sold things to the neighborhood – you know, milk, bread, small processed food and canned goods and stuff," Mr. Odis explained. *Telephone interview with Odis Isom, July 20, 2017.*

46 Or alternatively, "Hollis." Willie Ruth has family named Hollis, including her grandmother Cordie Lee Hollis, but "Holley" is used in multiple places in the Department of Justice Report.

47 Department of Justice file; *Telephone interview with Odis Isom, July 20, 2017.*

48 *Telephone interview with Odis Isom, July 20, 2017.*

49 *Id.*

50 *Id.*

51 *Id.*

52 *Id.*

her... [t]he officer was probably 10-15 feet from anything when the shot went off.”<sup>53</sup> Mr. Odis said that “[t]his really effected the whole neighborhood. I didn’t know any of her family or her people,” he said of Willie Ruth.<sup>54</sup> “But,” he added, “people were upset about seeing this happen, and about why the officer had to shoot her like that.”<sup>55</sup> Mr. Odis explained that his father “had to go to court as one of the witnesses.”

When pressed about his father’s relationship to the case, Mr. Odis simply reiterated that his father was deeply moved, as were others in the neighborhood, by what was understood by witnesses to have been a wildly disproportionate and unnecessary use of force against a young girl that was now dead.<sup>56</sup> “His thing was, ‘they didn’t have to shoot her,’” he said.<sup>57</sup>

Odis explained that while he thought the trip had been to testify in some kind of trial, he certainly remembered his dad travelling to Birmingham a couple of times following Willie Ruth’s murder.<sup>58</sup> While correspondence or other records from Alabama NAACP branches have not been collected, the earliest document in the Department of Justice file on Willie Ruth, a letter, is dated May 31, 1951, just over a month after her death.<sup>59</sup> The letter is addressed to Mr. George Triedman, Chief of the Civil Rights Section and Criminal Divisions of the Department of Justice, and written from Mr. Clarence Mitchell, the Washington Bureau Director of the NAACP.<sup>60</sup> Aiming to urge the Department of Justice to look into Willie Ruth’s case, it contains second-hand information gathered by those on the ground in Alabama and shared with the

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53 *Id.*

54 *Id.*

55 *Id.*

56 *Id.*

57 *Id.*

58 *Id.*

59 Department of Justice file, p. 28, letter from NAACP Washington Bureau Chief Clarence Mitchell to the Department of Justice, dated May 31, 1951.

60 Department of Justice file, p. 28, letter from NAACP Washington Bureau Chief Clarence Mitchell to the Department of Justice, dated May 31, 1951.

Washington Bureau. It references in particular a letter from the President of the Alabama State Conference of NAACP Branches, Mr. W. C. Patton, requesting investigation into the shooting of a “17 year old expectant mother at Gadsden, Alabama.”<sup>61</sup> The letter concludes:

“Mr. Patton’s letter does not indicate whether the victim of the shooting is still alive. However, he states that the following persons are witnesses: Mr. Jiles Isom, 405 So. 16<sup>th</sup> Street, Gadsden, Ala. Mr. Archie Foster, 1315 4<sup>th</sup> Avenue, Gadsden, Ala. Mr. Patton indicates that it is the belief of the witnesses that the officer willfully shot Mrs. Williams.”<sup>62</sup>

Meanwhile, the Civil Service Board process in Gadsden initiated sometime in May, at least by May 11, 1951, was brought on behalf of a group of neighborhood plaintiffs by a Birmingham attorney the crew may have connected with while on their visit.<sup>63</sup>

Despite the nature of Willie Ruth’s murder, in which at least ten people were either direct eyewitnesses to either her killing or to much of what led up to and followed it<sup>64</sup>, no state criminal prosecution was brought.

## **VI. Civil Service Board Hearing**

Accountability for civil rights violations like those of Willie Ruth’s death were systematically difficult to redress even by 1951<sup>65</sup> – despite the protections spelled out by the by the 1866 Civil Rights Act nearly a century earlier – and not just because of the state of judicial interpretation that thwarted civil rights law’s enforcement.<sup>66</sup> For example, the availability and

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61 “Mrs. Williams is colored,” the letter adds. *Department of Justice file, p. 28, letter from NAACP Washington Bureau Chief Clarence Mitchell to the Department of Justice, dated May 31, 1951.*

62 *Id.*

63 According to a compilation of Alabama attorneys from “Territory Days to March 1, 1948” published in the *Alabama Lawyer*, Mr. Shelburne was barred in 1927 and at that time resided in Birmingham. Jones, Walter B., *J. Alabama Lawyers, 1818-1948* at 123, 177.

64 Department of Justice file.

65 And today.

66 *See, e.g.,* *Screws v. United States* 325 U.S. 91 (1945), which held that in order to be found guilty a defendant needed to act with the specific intent to deprive the victim of his *constitutional rights*.

affordability of the private counsel required to pursue federal civil rights violations through 18 US Code S 241 also precluded address of many grievances.<sup>67</sup> At an even more basic level, “... constitutional claims were often tethered to state court factual determinations that were patently unsupportable but hard to dislodge.”<sup>68</sup>

In Willie Ruth’s case, the Department of Justice investigation did not rely strictly on a review of state court factual determinations, but it did begin by assessing the findings and final determination of a local civil service board that reviewed Willie Ruth’s case with the purpose of examining whether disciplinary action should be taken against Officer Floyd Vinyard for his use of force in shooting and killing her. An agency of the state, Gadsden’s Civil Service Board was and continues to be made up of governor-appointed commissioners that retain full control over the local police department.<sup>69</sup>

Across the United States, police officers often enjoy strong union protection and are largely governed by internal review processes, escaping stringent outside review for mistakes on the job. It was enacted by the legislature, effective September 4, 1951.<sup>70</sup> The Board has the authority to appoint, remove and discipline officers, including the Gadsden police chief, who is not subject to local mayoral oversight.<sup>71</sup> The system has long been controversial, and today has a reputation of “taking the side of the officer” even when the Chief aims to discipline him.<sup>72</sup> It also complicates the ability for local mayors to make comprehensive policy, since he is unable to make personnel or rule changes within the department, despite the city footing the bill for Civil

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67 Burnham, Margaret. *The Long Civil Rights Act*, p. 691.

68 Burnham, Margaret. *The Long Civil Rights Act*, p. 691.

69 Westlaw statute on Alabama code of 1940’s enactment (history).

70 Westlaw statute on Alabama code of 1940’s enactment (history).

71 AL CODE OF 1940, S 402, p. 165.

72 *Email correspondence with historian Chari Bostick, Aug. 16, 2017.*

Service Board operations. Local historian Chari Bostick notes that “[m]ost feel the city should have a more active role in the [Civil Service Board review] process[,] or at least a vote.”<sup>73</sup>

On July 6 and July 9, 1951, commencing exactly 67 days after Willie Ruth’s death, the Board heard testimony on the matter over two days.<sup>74</sup> No proper record of this Civil Service Board hearing has been recovered. A petition filed by Alabama attorney Kingman Shelburne on behalf of petitioners Archie Foster, Bernice Trammell, Jiles Ison, Jr.<sup>75</sup>, W. D. Bailey, Sam Robbins, and Annie Ruth Baily is “quoted” in the Department of Justice file as a part of its investigation, seemingly within the section investigated and recorded by “writer and Special Agent” Robert B. Deem.<sup>76</sup> The petition, per the Department of Justice recount, is dated May 11 and notarized June 5, 1951. Citizen complaints, in addition to those brought by superiors against employees, are handled by the Civil Service Board.

All employees of the Gadsden police department are governed by the civil service framework, which provides removal procedures with stringent protections for officers, who are only removable for cause. “No member of either the police department or of the fire department shall be removed or discharged... or demoted, except for cause, upon written charges or complaint and after an opportunity to face his accusers and be heard in his own defense.”<sup>77</sup> The hearing prescribed by the statute is markedly formal, alternately referred to as both a “hearing”<sup>78</sup> and a “trial” in the enabling legislation.<sup>79</sup> It provides that the officer against whom complaint or

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<sup>73</sup> *Email correspondence with historian Chari Bostick, Aug. 16, 2017.*

<sup>74</sup> Department of Justice file, p. 11-13, letter from Assistant Attorney General James McInerney to Clarence Mitchell, Washington Bureau of the NAACP, dated December 4, 1951.

<sup>75</sup> Likely referring to Jiles Ison, Jr.

<sup>76</sup> The note “The following investigation was conducted by the writer and Special Agent ROBERT B. DEEM” begins on p. 9 of the Department of Justice file. The note “The following petition is quoted:” begins on p. 11. *Department of Justice file.*

<sup>77</sup> AL CODE OF 1940, S 402, p. 165.

<sup>78</sup> *Id.*

<sup>79</sup> AL CODE OF 1940, S 409, p. 167.

charges have been filed shall: “face his accusers... [and] be heard in his own defense.”<sup>80</sup> It further provides for promptness, laying out that the officer complained of shall be investigated by Civil Service Board at least five days after he has been served with a copy of the charges.<sup>81</sup>

The hearing prescribed is public, and allows for the city attorney to represent “the interest of the city” – but only when ordered to do so by the Civil Service Board.”<sup>82</sup> It also allows for an attorney secured “by the person or persons making the charge or accusation” to represent “the prosecution,” as well as “any attorney selected by the accused” officer to participate on his behalf.<sup>83</sup>

Section 402 of the Alabama Code continues:

“Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the civil service board, such subpoena to be issued as subpoenas are not issued and provided for in the circuit courts of this state; and anyone who shall refuse or neglect to appear and testify, or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of misdemeanor, and punished as misdemeanors are punished under the laws of the State of Alabama.”<sup>84</sup>

In sum, extensive procedure is prescribed for local law enforcement officers like Floyd Vinyard facing disciplinary review across Alabama, and control of the process is preserved for state, not local, actors. Abuse of the process laid out in the statute criminalizes violations as misdemeanors, allowing for both fines and up to six months of jail time. This sort of procedure, and especially particular aspects of it like the public nature of the disciplinary hearing, mean that Willie Ruth’s case was heard in front of some sort of a body, despite the lack of any state criminal proceeding. It leaves us with pieces by which we can reconfigure what a record might have shown. This bulky procedure, however, was designed not to provide a forum for victims of

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80 AL CODE OF 1940, S 402, p. 165.

81 *Id.*

82 *Id.*

83 AL CODE OF 1940, S 402, p. 165.

84 AL CODE OF 1940, S 402, p. 165.



police violence but rather that police officers be well-shielded from punishment following the use of force and other violations. The trial-like hearing serves in part to create hoops through which superiors must jump in order to dismiss street level officers.

Despite the serious nature of the officer's offense in Willie Ruth's case, no transcript was generated following the Civil Service Board hearing. Section 404 of the Alabama Code provides for minutes to be kept of the civil service board's meetings, "and records of all business transacted by them," but allows access only for other local government entities like the police chief, and fails to define minutes or provide for a length of time for which they should be kept.<sup>85</sup>

## **VII. Department of Justice**

*"The investigation does not indicate, in our opinion, that the incident involved a violation of Federal civil rights..."<sup>86</sup>*

Federal Department of Justice involvement in Willie Ruth's case involves two separately-named investigations. Both lasted just days, and both were completed well within the year of Willie Ruth's death. Each ultimately absolved Officer Floyd Vinyard, declining to prosecute under federal criminal civil rights law. On December 4, 1951, about seven months after Willie Ruth was shot and killed, the Department of Justice spoke on the matter for the last time. "Dear Mr. Mitchell:" it began, before informing the NAACP Washington Bureau Chief,

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<sup>85</sup> *Id.*, p. 166.

<sup>86</sup> "You are advised that the Department has caused a thorough investigation to be made of the matter," the letter reads. It is the last document contained in the file. *Department of Justice file, p. 2, letter from Assistant Attorney General James McInerney to Clarence Mitchell, Washington Bureau of the NAACP, dated December 4, 1951.*

Mr. Clarence Mitchell, that the matter was through.<sup>87</sup> “There is, therefore, no further action which we may take.”<sup>88</sup>

At the request of Assistant Attorney General James McInerney<sup>89</sup>, agents of the local Birmingham Office of the FBI, primarily an agent of theirs named Mr. Charles W. Perry, set out to review Willie Ruth’s murder for federal criminal civil rights violations under 18 US Code S 242 between June 27 and July 3, 1951.<sup>90</sup> It lasted fewer than seven days, and collected statements from just five people.<sup>91</sup> Based on Agent Perry’s report, Assistant United States Attorney for the Northern District of Alabama at Birmingham, Mr. George Huddleston, Jr., wrote to Assistant AG McInerney on July 9, advocating that the Department of Justice move on. In his 9-line letter, he concluded the *preliminary investigation*, referring to Willie Ruth’s killing as an “alleged violation.”<sup>92</sup> He cited to only the general “conduct of the victim” prior to the officer’s use of force against her in his recommendation<sup>93</sup>:

“In view of the testimony of witnesses as to the circumstances surrounding the alleged violation, and in further view of the conduct of the victim prior to the time subject shot her, it is the opinion of this office that prosecution be declined in this case and that no further investigation be instituted.”<sup>94</sup>

“This investigation is predicated upon letter received from Bureau dated June 27, 1951 to which were attached... a memo dated June 20, 1951...” the investigative report begins. Pursuant

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87 Department of Justice file, p. 2, letter from Assistant Attorney General James McInerney to Clarence Mitchell, Washington Bureau of the NAACP, dated December 4, 1951.

88 *Id.*

89 James M. McInerney was the Assistant Attorney General of the Criminal Division from 1950-1952. He was immediately preceded by Alexander M. Campbell and followed by Charles B. Murray.

90 Department of Justice file, p. 32, letter from Assistant United States Attorney George Huddleston, Jr., Northern District of Alabama, to Assistant Attorney General James McInerney, dated July 9, 1951.

91 *Id.*

92 *Id.*

93 *Id.*

94 *Id.*

to direction by Assistant AG McInerney, the speedy investigation looked only to the witnesses delineated in the attached memo.<sup>95</sup>

“This letter advised that Mrs. Williams was shot on April 28, 1951 by a Police Officer, FLOYD VINYARD, when he arrived at her home to quell a family disturbance. This memo requested that a preliminary investigation be conducted to determine whether a violation of 18 USC 242 is involved.”<sup>96</sup>

A second investigation, the final one, was completed in August and September of 1951, and filed with the Civil Rights Section of the Criminal Division of the FBI on September 12 of that year. This *final investigation* was conducted when Assistant AG McInerney – less convinced by the character evidence that comprised the bulk of the preliminary investigation than those on the ground in Birmingham – responded to Assistant US Attorney Huddleston, Jr.’s letter with his own letter “not[ing]” the Birmingham office’s recommendation to drop the matter, but urging another look:

“As pointed out in the enclosed copy of a memorandum to the Federal Bureau of Investigation, the report of the preliminary investigation indicates that the victim did not threaten and had not threatened the officer prior to the shooting. It would seem, therefore, that the subject was not justified in killing the victim in his own defense.”<sup>97</sup>

As a part of the final investigation, the local Civil Service Board hearing was (obliquely) reviewed, doctors and nurses were interviewed, and the eyewitness from the Jim Hollis home who had moved to Ohio following the incident was located and interviewed by an FBI Agent in Cleveland.<sup>98</sup> Despite these additional efforts, the final investigation was perfunctory at best. Its

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95 Either the June 20 memo referenced in the letters is missing from the Department of Justice file, or the memo refers to the letter from the Washington Bureau chief, which confers the names of just two witnesses: Jiles Isom and Archie Foster. *Department of Justice file*.

96 Department of Justice file, p. 25, preliminary investigation by Charles W. Perry.

97 Department of Justice file, p. 33, letter from Assistant Attorney General James McInerney to Assistant United States Attorney George Huddleston, Jr., Northern District of Alabama, dated August 6, 1951.

98 Ervin R. Hollis is potentially a family member and is the witness with whom Willie Ruth had apparently been arguing or fighting when either the call was made to the police or the police showed up that day. A statement was taken from him by Agent Horace E. Duffey on Aug. 27, 1951. The first note that jumps out from the statement is the first line on its second page, “...I

focus remained on the collection of character or background evidence on Willie Ruth's past drinking or alleged drunkenness at the time of the incident; despite what witnesses seem to have remembered based on the interviews, which are told primarily through the eyes of Agents Perry and Robert K. Lewis of Birmingham, the only consistent question that is asked and filled in across each of the interviews pertains to the victim's use of alcohol.<sup>99</sup> Instead of working with a local court reporter who had been hired by the community members' attorney to take record of the Civil Service Hearing, agents simply collected names from his notes regarding those who attended the hearing, and settled for the reporter's estimate that the development of a full transcript would cost about \$280.<sup>100</sup> Any requests for the Department of Justice to cover these costs is not included in the report. Spending the money does not seem to have been considered. Finally, those we know to be the most relevant characters in Willie Ruth's life, including some who actually witnessed her death, were not questioned. While Officer Floyd Vinyard and his partner's statements were referenced and replicated in lieu of them speaking with federal investigators, no initial incident reports were collected.<sup>101</sup>

Officer Vinyard's initial statement is contained in the final report. Reading the statements of the witnesses interviewed for the final investigation comprehensively, Vinyard's narrative is locked in as the only one that can attest to the moment of the shooting, other witnesses to the scene locked out. "Shad had had an icepick in her hand... kept walking toward me. I told her three or four times to drop the icepick and I *stepped backward as far as I could.*"<sup>102</sup> (emphasis added). He then once here, though this is not reiterated elsewhere, that he was tripping and

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could smell liquor on her breath." *Department of Justice file, p. 21-22, preliminary investigation.*  
99 Department of Justice file Department of Justice file, p. 25, preliminary investigation by Charles W. Perry.

100 Department of Justice file Department of Justice file, p. 14, final investigation by Charles W. Perry.

101 *Id.*, p. 11-12, final investigation by Charles W. Perry.

102 *Id.*, p. 17.

falling and shooting Willie Ruth while he was falling, apparently backward. “Then I stumbled and as I did I pulled my gun and shot her in the leg to stop her. She did not stop and just kept coming toward me and I shot her one more time.”<sup>103</sup>

The Department of Justice investigations into Willie Ruth’s death commenced six years after the Supreme Court ruling in *Screws v. United States* in 1945, which, while preserving the life of 18 US Code 242, drastically limited its availability by placing a strict intent requirement on the perpetrator’s desire to deprive the victim of due process.<sup>104</sup> It is a generous interpretation, but perhaps the lackluster Department of Justice investigations into Willie Ruth’s case were tied to the Agents’ own knowledge of how unlikely a successful civil rights prosecution would be, regardless of circumstances<sup>105</sup>, in an officer-involved shooting of an African American who may have been armed at the time of her death. By 1957, the Department of Justice would be “well aware that existing federal law was too deeply flawed to combat racial violence effectively and that Congress had the power to address the topic.”<sup>106</sup>

### **VIII. The Racialized, Gendered Nature of Willie Ruth’s Murder**

“In a way, [Willie Ruth’s] race trumped her gender. As a Black woman, she was killed by a white man the way only another man would be killed. A white woman would certainly face abuse – but to be shot like that, she was looked at as a Black woman in a way a man would have been. But yet – we know it was her gender that got her into this situation in the first place. Thus, it was about her gender, too.”

### **IX. Who Remembers Willie Ruth?**

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103 *Id.*, p. 17.

104 It was not enough to have intended to kill. *Screws v. United States* 325 U.S. 91 (1945).

105 Robert Hall, the victim in *Screws v. United States*, was dragged bloodily across the town square. *Screws v. United States* 325 U.S. 91 (1945).

106 Burnham, Margaret. *The Long Civil Rights Act*, p. 697.

There was no legal remedy for Willie Ruth in this case, only continued fear. There was a local hearing, in which her family was not involved. One major response was that of the bulk of her family moving North. Niece and nephew Cordie and Fred reflect on the experience of recently recovering their late aunt's story, and share some reflections from her living brother Curtis, with whom contact has not yet been made.

“I know she missed her sister. And I, just... just to really realize now. Because, you hear a story. You know what I mean, you'll. You hear a story through the family. That's why I told you when I accepted your friend request... and I, I was reading it – and, cause I was on break. And, then I was reading it, and when I got to her name, and it said, ‘Willie Ruth’... It took my breath away, because I was like [gasp] – you know, and I started to get tears in my eyes, and one of my coworkers was like, ‘oh my god, what happened?’ because they thought something had happened to somebody in my family. And I was like, this is about my mother's sister. And you know I said, ‘I know this story.’ And you know it was like something had rushed back. It just rushed back. Everything that she told me. The feelings I had got from her, and just to know that... It's really true and it really happened. You know and it's like. Wow, it really happened to my mom and it really happened to my family. This is something that really happened and that. And then you know my Uncle Curtis like I said, I think he won't call you because ... he's afraid. I think a part of him. Being, you know, an older gentlemen like he is, I think he's just, he might be still set in that, you know, ‘I better not say anything.’ You know, ‘If I say anything, somebody might do something to us.’ When you think about it, it's sad.”<sup>107</sup>

Both Ms. Cordie and Mr. Fred spoke at length about the ways in which they now understand their late mother better after confronting her sister's death, and in particular her relationship to her Willie Ruth and to their roots in the South. Fred, who was born in 1955, told two anecdotes: a time when he travelled the South as a young adult with army school colleagues and stayed in the home of a man who was a Dragon of the Ku Klux Klan, one of his friend's parents.<sup>108</sup> He recalled speaking with his mother over the phone that night and having her be the most terrified he had ever remembered her, despite him spending the night there safely.<sup>109</sup> He also recalled a time when he was younger when the family travelled back to Gadsden.<sup>110</sup> As a young

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107 Telephone interview with Cordie Bussey, Aug. 9, 2017.

108 Telephone interview with Fred Bussey, Aug. 7, 2017.

109 *Id.*

110 *Id.*

child, he started toward one of the ponies in public spaces that you can put a quarter in and ride.<sup>111</sup> He explained that growing up in Ohio, he knew what those were, how to use them.<sup>112</sup> In Gadsden, he explained, Black children were not allowed to ride them.<sup>113</sup> He recalls his mother grabbing him when he started toward the ride in a way that she had never grabbed him before, “with force.”<sup>114</sup> He understands now that this was based on his mother’s fear, underscored by Willie Ruth’s death just a few years earlier.<sup>115</sup>

Fred added:

“I’ll be honest with you – listening to my mother over the years, growing up and even into my adult years, that we all felt, well I can speak for myself, that we all felt kind of detached from it – I have to admit, we felt very detached from it. When I read that article, that made it real. When I read that article for the first time, I literally trembled. It brought everything that my mother was saying to life. It felt like a murder had occurred just yesterday. It had a profound effect upon all of us that are aware of it.”<sup>116</sup>

Willie Ruth does not have a headstone, but her brother Curtis Moore, the sibling who remained in Gadsden, purportedly has knowledge of her location in the cemetery, despite this being unrecorded at the Alabama City Cemetery where she is buried.<sup>117</sup> Fred, Cordie, Curtis and local historian Chari Bostick are eager to continue participation in the investigation and potential restorative measures like this one surrounding Willie Ruth.

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111 *Id.*

112 *Id.*

113 *Id.*

114 *Id.*

115 *Id.*

116 *Id.*

117 *Telephone interview with Cordie Bussey, Aug. 9, 2017.*

