

The Life and Death of Willie Johnson



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I. INTRODUCTION

On May 4, 1949, Mr. Wendell P. Holmes, Chairman of the Legal Redress Committee of the local NAACP chapter in Brunswick, Georgia, opened *The Brunswick News* and discovered an article detailing the shooting of an African-American Brunswick resident the previous evening.¹ The victim of the shooting was a 55 year old man named Willie Johnson. The headline, “Negro is Slain, Policeman Shot in Pistol Fray,” in large, bold letters, preceded the article that provided the details of the shooting.² The article recounted the events of the evening of May 3rd, and stated that the officers had “observed [Johnson] looking toward a house in a suspicious manner.”³ Holmes contacted J.L. Carmouche, Vice President of the Brunswick NAACP, and together the two men began an investigation into the shooting of Johnson. What they discovered – and what led to the involvement of the larger NAACP office and the Department of Justice – was the story of a church deacon looking toward a house and his death at the hands of Brunswick police.

The facts in this report are drawn from the investigative material provided from three main sources. The first source is the Coroner’s Inquest, which was performed the day after the shooting and provides testimony of the witnesses and the officers involved. The second source, encompassing the correspondence between the NAACP and the Department of Justice, recounts the involvement of the NAACP in the matter and the instigation of the investigation. The third source of information is the Department of Justice investigative report on the death of Willie Johnson.

II. WILLIE JOHNSON’S LIFE IN BRUNSWICK

¹ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pgs. 2-3.

² “Negro is Slain, Policeman Shot in Pistol Fray,” *The Brunswick News*, May 4th, 1949.

³ *Id.*

William (Willie) Johnson was born in Georgia in 1893.⁴ He was married to Minnie Johnson,⁵ and the couple lived for some time in Jacksonville, Florida, where Johnson was employed as a laborer in a perfume factory.⁶ When the Johnsons moved to Brunswick, he was employed as a turpentine worker with the Filtered Rosin Company.⁷ In 1949 the Johnsons had lived in Brunswick for 14 years,⁸ and Willie was working for the county as a worker in a road crew.⁹ Johnson was known as a man of good reputation,¹⁰ and he served as a deacon at the St. Paul's Baptist Church in Brunswick.¹¹

Though no children are listed in the 1930 and 1940 census data, a NAACP letter from the local branch to the main legal office states that when he died Johnson left behind not only his wife, but also a son.¹² It is quite possible that this son was born sometime between 1940 and 1949, and would have been quite young when Johnson was killed. Additionally, a young niece, Melton Dart, is listed as living with the Johnsons when the 1940 census was taken.¹³ It is unclear exactly how this child was related to the Johnsons, or how long she had lived with them.

 Brunswick, Georgia is a coastal town 80 miles south of Savannah and 40 miles north of the Florida state line.¹⁴ By 1950, Brunswick had a population of nearly 18,000.¹⁵ As a port city, Brunswick played an integral role in both the first and second World Wars and the manufacture

4 1940 United States Federal Census, [ancestry.com](https://www.ancestry.com).

5 *Id.*

6 1930 United States Federal Census, [ancestry.com](https://www.ancestry.com).

7 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, PEG. 6.

8 *Id.*

9 *Id.*

10 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 3.

11 Letter from Wendell P. Holmes to NAACP Legal Office, May 6th, 1949, Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

12 *Id.*

13 1940 United States Federal Census, [ancestry.com](https://www.ancestry.com).

14 maps.google.com.

15 https://en.wikipedia.org/wiki/Brunswick,_Georgia.

of naval ships.¹⁶ During the time of Willie Johnson's life in Brunswick, this manufacturing identity played a large role in the industrial life of the city.

_____ Brunswick police patrolling in the area of the intersection of M Street and Norwich Street was at a heightened state on the evening of May 3rd, 1949. Both Chief Register and Officer Sapp of the Brunswick Police Department stated that there had been a recent incident in the neighborhood involving a white woman and an African-American man.¹⁷ The officers stated that about a half block away from the site where Johnson was shot, a white woman had reported that an African-American man had entered her bedroom, pointed a gun at her, and told her to lie still.¹⁸ The man told her "not to move because he was not going to hurt her."¹⁹ The woman escaped by running out a side door.²⁰ It is unclear exactly when this alleged home invasion occurred. Officer Sapp testified in the Coroner's Inquest that the Brunswick Police Department had received a call about the incident the night before the shooting.²¹ Chief Register stated that the incident had occurred a week to ten days before the death of Johnson.²²

III. A FATAL ENCOUNTER WITH THE POLICE

On the evening of May 3, 1949, William Johnson left his home on 2118 Lee St. at 6:00 pm to attend church at St. Paul's Baptist.²³ Nearly two hours later, between 7:50 pm and 8:00 pm, Johnson was shot and killed by the Brunswick City Police on the corner of M street and Norwich

16 *Id.*

17 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5; Testimony of Officer Leonard Clayton Sapp, Coroner's Inquest.

18 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

19 Testimony of Officer Leonard Clayton Sapp, Coroner's Inquest; Inexplicably, though this line is present in the transcripts of the Coroner's Inquest, it is missing from the copy of the Coroner's Inquest in the final DOJ report on the incident. It is unclear why the transcripts of Sapp's testimony differ between the Coroner's Inquest and the DOJ Report.

20 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

21 Testimony of Leonard Clayton Sapp, Coroner's Inquest.

22 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

23 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 2.

street in a residential neighborhood.²⁴ The spot at which Johnson was standing when he was shot was only 0.4 miles from the church, and 0.5 miles from Johnson's house.²⁵

Testimony from the Coroner's Inquest states that on the evening of May 3rd, 1949, Officers Leonard Clayton Sapp and Woodrow Wilson Woodham were driving down Norwich lane in their police vehicle when they spotted Mr. Johnson standing on the corner of Norwich and M streets. He was "looking in [the] direction of" the home of Mr. Marvin Owens.²⁶ The Department of Justice report states that Johnson "appeared to be trying to see into the home of Marvin Owens."²⁷ Officer Woodham described Johnson's behavior as "looking toward a house."²⁸ Though it is unclear whether Johnson was actually attempting to look into Mr. Owens's home, or just looking in that general direction, the testimony indicates that the officers deemed his behavior suspicious enough to require them to stop and approach Johnson.

According to Officer Woodham, as the officers approached Johnson he "turned and started walking toward the car."²⁹ Woodham stated that the officers pulled up alongside of Johnson and stopped the car.³⁰ Officer Sapp testified that when the Brunswick police officers stopped near Johnson, he "threw the flash light on Johnson," who "put his hands over his eyes as if he were blinded."³¹ Officer Sapp then stepped out of the vehicle and approached Johnson. Sapp stated that he "told [Johnson to stop], or rather ask him what he was doing."³² There is no indication in the record that Johnson responded to Officer Sapp's question, or that the two

24 *Id.* at 2, 7.

25 maps.google.com.

26 Testimony of Officer Leonard Clayton Sapp, Coroner's Inquest.

27 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

28 Testimony of Officer Woodrow Wilson Woodham, Coroner's Inquest.

29 *Id.*

30 *Id.*

31 Testimony of Officer Leonard Clayton Sapp, Coroner's Inquest.

32 *Id.*

engaged in any conversation. Sapp got closer to Johnson and grabbed his left arm.³³ Sapp testified that at this point Johnson started “tussling.”³⁴ Johnson then allegedly “ran his hand under his coat” and pulled out a pistol.³⁵ Sapp released Johnson’s left arm and grabbed his right hand, which was holding the gun.³⁶

At that time, Officer Woodham was coming around the other side of the police car.³⁷ As he came around the back of the car he noticed Johnson and Sapp in a struggle.³⁸ Sapp alerted Officer Woodham to the presence of Johnson’s gun, prompting Officer Woodham to then pull out his own weapon.³⁹ In the Department of Justice report, Brunswick Chief of Police J.E. Register stated that Johnson “tried to shoot Woodham.”⁴⁰ Officer Sapp stated that Johnson “was trying to point the gun at Woodham.”⁴¹ According to the statement of Chief Register, Officer Woodham apparently yelled “drop the gun” to Johnson, but he refused to do so.⁴² Neither the testimony of Officer Woodham nor Officer Sapp describes any verbal attempts to disarm Johnson or deescalate the situation.⁴³ Officer Woodham then proceeded to fire his weapon at Johnson until he dropped the gun.⁴⁴ Officer Sapp’s arm was wounded in the shooting.⁴⁵

According to the testimony at the Coroner’s Inquest, Officer Woodham fired four or five shots.⁴⁶ Some discrepancy exists in the record concerning the number of shots that were fired.

33 *Id.*

34 *Id.*

35 *Id.*

36 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

37 Testimony of Officer Leonard Clayton Sapp, Coroner’s Inquest.

38 Testimony of Officer Woodrow Wilson Woodham, Coroner’s Inquest.

39 *Id.*

40 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

41 Testimony of Leonard Clayton Sapp, Coroner’s Inquest.

42 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

43 Testimonies of Officers Woodham and Sapp, Coroner’s Inquest.

44 Testimony of Officer Woodrow Wilson Woodham, Coroner’s Inquest.

45 *Id.*

46 Testimony of Officer Leonard Clayton Sapp, Coroner’s Inquest.

Officer Woodham testified that four shots were fired, but other statements in the record insist it was five.⁴⁷ Witness-after-the-fact Marvin Owens testified that Officer Woodham fired his gun five times, and that the officer checked his gun following the shooting and determined that he fired five shots.⁴⁸ The newspaper article in *The Brunswick News* also stated that Officer Woodham fired five times, and that all five bullets struck Mr. Johnson.⁴⁹ The newspaper article explains that the bullet that struck Officer Sapp first passed through Mr. Johnson.⁵⁰ Officer Rex Deaver, Captain of the Brunswick Police Department, testified at the Coroner's Inquest that Willie Johnson was shot four times, twice in the chest and twice in the stomach.⁵¹

After the shooting, Johnson turned to Officer Sapp and asked permission to lie down.⁵² Sapp stated that Johnson had not said anything until that point.⁵³ These are the only words of Johnson's that are provided in the record. Officer Sapp helped Johnson to lie down, and the officers phoned Captain Rex Deaver at the police station to tell him what had occurred on the corner of M and Norwich.⁵⁴ Captain Deaver called for an ambulance to be sent to the scene.⁵⁵ Johnson was taken to the City Hospital, where he died at 10:30 PM that evening.⁵⁶

IV. LIMITATIONS OF THE CORONER'S INQUEST

The line of questioning in the coroner's inquest does not express the entirety of the events that led to the death of Willie Johnson. For example, it would be important to know whether or

47 Testimony of Officer Woodrow Wilson Woodham, Coroner's Inquest.

48 Testimony of Marvin Owens, Coroner's Inquest.

49 "Negro is Slain, Policeman Shot in Pistol Fray," *The Brunswick News*, May 4th, 1949.

50 *Id.*

51 Testimony of Officer Rex Deaver, Coroner's Inquest.

52 Testimony of Officer Leonard Clayton Sapp, Coroner's Inquest.

53 *Id.*

54 *Id.*

55 Testimony of Officer Rex Deaver, Coroner's Inquest.

56 "Negro is Slain, Policeman Shot in Pistol Fray," *The Brunswick News*, May 4th, 1949.

not Johnson said anything when he was approached by the police. The police testimony suggests that when Johnson saw the police car driving down the street, he started to approach the car.⁵⁷ Although it is impossible to know why Johnson was moving toward the police car, the fact that he did so does not support a conclusion that he had been caught in the middle of criminal activity. Perhaps, Johnson needed help and was approaching the police car to get the officers' attention. It is possible that he was looking in the direction of the Owens' home because he had noticed something amiss and was going to tell the police officers. Though it is impossible to know the circumstances surrounding Johnson's presence on the corner of M and Norwich, what is certain is that police grabbed Johnson by the arm upon approaching him.

Additionally, Officer Sapp stated that Johnson threw his hands over his eyes when the police threw the flashlight on him. This suggests a possibility that Johnson was blinded by the light, and raises a question of whether Johnson could see and was aware it was the police who were approaching him. The transcripts of the Coroner's Inquest show that the coroner asked Officer Sapp if it was possible for Johnson to know he was being approached by the police.⁵⁸ To this question, Officer Sapp stated that he was "standing near Mr. Owens' home in the open, the light was shining. He had to know it was a policeman."⁵⁹

Mrs. Johnson was not notified of her husband's death until the following morning, "after day."⁶⁰ Although it is unknown whether or not this was typical family notification protocol for the Brunswick Police Department at the time, approximately seven to ten hours passed between the time Willie Johnson was killed and when his family was notified.⁶¹ Mrs. Johnson stated that

⁵⁷ Testimony of Officer Woodrow Wilson Woodham, Coroner's Inquest.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 3

⁶¹ News article from *The Brunswick News* detailing the shooting put Mr. Johnson's time of death at 10:30 PM on the night of May 3rd. Minnie Johnson was not notified of her husband's shooting until the next morning, "after day," suggesting that the sun had already risen.

her husband was not the type to stay out all night, which suggests that she was likely wondering where he was during those hours.⁶²

In addition to the two officers who were present the night of the shooting, two other witnesses testified during the Coroner's Inquest. William Anderson testified as an eyewitness to the shooting of Willie Johnson, and Marvin Owens testified as a witness after the fact.⁶³

Eyewitness William Anderson was a 68 year old white resident of Brunswick.⁶⁴ Anderson testified that on the night of the shooting he was crossing the street when he saw the two police officers and Willie Johnson.⁶⁵ He testified that he saw Johnson pull a pistol out of his coat.⁶⁶ Although Anderson claimed that he did not know who was doing the actual shooting, he asserted that if he had been there he would have been shooting too, given the circumstances.⁶⁷ Although Anderson testified that he was in the street when he saw the shooting occur, his testimony directly contradicts the information provided to the Department of Justice by Chief Register, who stated that Anderson witnessed the incident from the porch of his home.⁶⁸ Given the distance between Anderson's residence and the corner at which Johnson was shot, it is unlikely that Anderson would have been able to see Johnson pulling a pistol from his coat.⁶⁹ Additionally, given the time of evening that the shooting occurred and that twilight would have ended around 7:30 pm that evening, the absence of sunlight and the distance would have made it even more difficult for Anderson to see any details of the incident if he were, as Chief Register stated, on his

62 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5

63 Coroner's Inquest

64 1940 United States Federal Census, [ancestry.com](https://www.ancestry.com)

65 Testimony of William Anderson, Coroner's Inquest

66 *Id.*

67 *Id.*

68 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 4.

69 Anderson's home was located on an adjacent street. The corner at which the shooting took place was not directly in front of any side of Anderson's home. It is arguable that in order for Anderson to have had a clear view of the corner of M and Norwich, he would have needed to have an unobstructed, clear line of vision from his porch to the scene of the shooting.

porch.⁷⁰ Although it unclear why the statements of Chief Register and Anderson conflict, it is likely that if this case had ever gone to trial these conflicts in their testimony would have been raised on cross-examination.

Marvin Owens, a resident in the house at which Mr. Johnson was allegedly staring suspiciously, testified that on the night of the shooting he was inside his house listening to the radio when he noticed a car light outside.⁷¹ Owens stated that he then heard three to five gun shots, prompting him to go to the door to see what was happening.⁷² Owens testified that he saw Johnson lying on the ground, with Officers Sapp and Woodham standing above him.⁷³

_____The fact that both law enforcement officers alluded to the report of a prior home invasion when discussing Johnson's death suggests that the allegations about the previous incident and the presence of Willie Johnson in the neighborhood were linked in the minds of the police. Further, Police Chief Register stated that the description of the man who entered the woman's bedroom matched the description of Johnson.⁷⁴ However, the woman never viewed the body of Johnson to confirm the identification, nor was there an investigation to determine whether or not Johnson was actually the man who entered the woman's home.⁷⁵ Though Chief Register stated that Johnson matched this description, his statement is very general and does not provide convincing evidence of particular identifying traits.

V. NAACP INVOLVEMENT IN THE CASE

70 Calculations from: <https://www.esrl.noaa.gov/gmd/grad/solcalc/sunrise.html>, http://aa.usno.navy.mil/data/docs/RS_OneDay.php

71 Testimony of Marvin Owens, Coroner's Inquest.

72 *Id.*

73 *Id.*

74 *Id.*

75 *Id.*

Wendell Holmes, the aforementioned Chairman of the NAACP Legal Redress Committee in Brunswick, along with J.L. Carmouche, Vice President of the local chapter, visited Mrs. Johnson to discuss her husband's death.⁷⁶ On May 6th, three days after the incident, three members of the Brunswick chapter wrote a letter to the NAACP Legal Branch in New York.⁷⁷ The letter included details of Johnson's death and a request to "please suggest steps to be taken."⁷⁸

On May 10th, Attorney Constance Baker Motley of the NAACP⁷⁹ wrote to Maceo Hubbard at the Department of Justice to request an investigation into the death of Willie Johnson to consider any possible violations of the Federal Civil Rights statutes by the Brunswick police department.⁸⁰ On May 25th, Motley wrote a second letter to the Justice Department, again requesting an investigation into the matter.⁸¹ Following her note to the DOJ, Motley wrote to Holmes with the Brunswick chapter, requesting any information he had about whether the local authorities had taken steps to prosecute the police officers for the death of Mr. Johnson.⁸² She suggested that the local branch collaborate with community leaders to demand that action be taken and, depending on the state laws, that they might consult with a lawyer about bringing a

⁷⁶ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 3.

⁷⁷ Letter from Brunswick NAACP to NAACP main branch, dated May 6, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

⁷⁸ *Id.*

⁷⁹ Constance Baker Motley would later become Judge of the United States District Court for the Southern District of New York, the first African American woman appointed to the federal bench.

⁸⁰ Letter from Constance Baker Motley to Maceo Hubbard, dated May 10, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

⁸¹ Letter from Constance Baker Motley to Maceo Hubbard, dated May 25, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

⁸² *Id.*

wrongful death suit on Minnie Johnson's behalf.⁸³ There are no records that indicate a civil suit was actually filed.

Seeking redress from the Department of Justice was not unusual for the NAACP during the 1940s. The story of NAACP advocacy on behalf of victims of police brutality during this time period reflects a broader narrative of which the death of Willie Johnson is just one part. The letter written by Motley on the death of Willie Johnson was part of a large NAACP advocacy campaign during the 1940s.⁸⁴ In that decade the NAACP wrote more letters to the Department of Justice than to any other governmental agency or organization in either the 1950s or 1960s.⁸⁵ Through their efforts pressing the DOJ to take action in civil rights cases, the NAACP gave voice to those who had been killed at the hands of state actors.

Similarly, the local NAACP branch was a key advocate for Willie Johnson and his family. It is unclear what resources Minnie Johnson had at the time, and what ability she would have had to hire an investigator or a lawyer were she not approached by Holmes and Carmouche to look into her husband's death. The extent to which Minnie Johnson was rendered powerless by her husband's death was intensified by the fact that her husband was killed by Brunswick police officers. The weight given to the officers' testimony that Johnson had a weapon lessened the impact of Minnie Johnson's statement to the NAACP that her husband left the house unarmed that evening. The hours she waited while she wondered where her husband was deprived her of the opportunity to be at his side when he passed, and blunted any agency she might have had in mourning her husband.

83 *Id.*

84 Tymura L. McHellen, *Unmasking the Badge of White Power: A Content Analysis of Police Brutality Against Blacks from 1937 to 1965* (May 2014) (Ph.D. dissertation, Howard University), Pg. 89.

85 *Id.*

By approaching her to investigate her husband's death, the NAACP officers assured Minnie Johnson that other people cared about her husband's death. While the results of the Coroner's Inquest and the Grand Jury shifted the blame for the incident onto her husband for being armed and drawing a gun at the time of the altercation with the police, the NAACP commitment to determine whether there were civil rights violations in the matter demonstrated that her husband's character, reputation, life, and death mattered.

On June 2, 1949, Motley received a reply from Assistant Attorney General Alexander M. Campbell at the Department of Justice. Campbell requested information on whether William Johnson was killed by police officers or private individuals.⁸⁶ This is relevant because the language of the Federal Civil Rights Statute 18 USC § 242 applies to individuals who act "under color of law." Private citizens are not deemed to be acting under color of state law unless they join with state actors in the furtherance of a criminal act.⁸⁷ Were there no involvement of state actors in the matter, the Department of Justice would have no jurisdiction and the murder would be a purely state matter.

On August 18, 1949, the Department of Justice sent a final letter to Motley in the matter of Willie Johnson.⁸⁸ This letter concluded that, given the circumstances of Johnson's death, there could not be a successful prosecution of the officers involved in the shooting under the federal civil rights statutes, and there would be no further action by the Department of Justice in the case.⁸⁹

A. Questions of Character

⁸⁶ Letter from Assistant Attorney General Alexander M. Campbell to Constance Baker Motley, June 2, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

⁸⁷ *United States v. Price*, 383 U.S. 787 (1966).

⁸⁸ Letter from Assistant Attorney General Alexander M. Campbell to Constance Baker Motley, August 18, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

⁸⁹ *Id.*

Brunswick Police Chief Register stated that the police had never had any previous trouble with the victim.⁹⁰ However, Chief Register also states that he had “heard from some source” that Johnson had served time in the Raiford Penitentiary in Florida before moving to Brunswick.⁹¹ While 1930 census data shows that a William Johnson was incarcerated at the Raiford Penitentiary in 1930, it is not the William Johnson in this instance.⁹² Not only is the birth year seven years too late to be the Willie Johnson who was killed by Brunswick police officers in 1949, but other 1930 census data places Willie Johnson with his wife Minnie living in Jacksonville, Florida at the time when the other Johnson was in prison. There is no evidence to suggest that Willie Johnson from Brunswick was incarcerated at any time.

Chief Register’s statement to the Department of Justice that he heard a rumor that Willie Johnson was formerly incarcerated is immediately followed in the report by descriptions of Officers Sapp and Woodham as being “among his best men.”⁹³ The juxtaposition of these statements is critical. Register described his officers as being “quiet, even tempered, and slow to anger.”⁹⁴ Additionally, he stated that both officers had on several other occasions successfully arrested and disarmed others.⁹⁵ This statement about the officers’ past success of disarming other suspects omits the circumstances of those other encounters. Details such as how those individuals were approached, whether the police called out and identified themselves, whether the suspect had light shown in their eyes, whether those individuals were grabbed by the police almost immediately upon approach, and other similar factual details would differentiate those encounters from the encounter between Johnson and the police that evening. Chief Register also

⁹⁰ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 6.

⁹¹ *Id.*

⁹² 1930 United States Federal Census, [ancestry.com](https://www.ancestry.com).

⁹³ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 6.

⁹⁴ *Id.*

⁹⁵ *Id.*

stated that he had “never had any complaints concerning [the officers’] treatment of any persons arrested or any prisoners.”⁹⁶ However, the racial and power dynamics of police interactions with black residents during this time period would likely have prevented such complaints from being filed. Ultimately, Chief Register concluded that the officers were not the type to shoot unless it was absolutely necessary to protect their lives.⁹⁷

Mr. Holmes, Chairman of the Legal Redress Committee for the Brunswick NAACP Chapter, seemed especially perturbed by the police account of William Johnson’s death. He felt that it was not reasonable that a man of good reputation, who was an official in his church, would resist police officers.⁹⁸ Holmes additionally cited Johnson’s employment with the county, and characterized him as not being the “riff-raff” type.⁹⁹ Holmes stated that the Legal Redress Committee felt that the explanation that Johnson was looking suspiciously at a house was “too thin,” and that the Committee was anxious to determine if any real resistance had in fact occurred.¹⁰⁰

B. Question of the Gun

_____ The NAACP and DOJ records reveal that the local NAACP and Minnie Johnson were not convinced by the officers’ statements that Johnson had a gun that he pointed at police. Mrs. Johnson stated that Johnson was not armed when he left the house for church that evening.¹⁰¹ Furthermore, although she knew that at one time Johnson had owned a gun, as far as she was aware he did not own one at the time of the shooting.¹⁰²

96 *Id.*

97 *Id.*

98 *Id.*

99 *Id.*

100 *Id.*

101 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 3.

102 *Id.*

Officers' statements allege that Johnson was in possession of a nickel-plated .38 S&W Special.¹⁰³ Two other individuals stated that they knew that Johnson did, or at one point did, own a gun.¹⁰⁴ Johnson's former employer at the turpentine factory in Brunswick, Buddy Bright, stated that he knew Johnson owned a gun.¹⁰⁵ Mr. Bright was Johnson's former, not his current employer. Johnson's employer at the time of his death offered no statements as to his ownership of a weapon. Henry Batson, a friend and former coworker of Johnson, stated that he had seen Johnson's gun several times.¹⁰⁶ Batson described the weapon as being nickel-plated with several rust spots to Assistant Chief of Police James Bisson.¹⁰⁷ Bisson stated that Batson's description of the gun matched the description for the gun brought in by Officers Sapp and Woodham following the shooting.¹⁰⁸ However, Batson was never presented with the weapon to make a positive identification.¹⁰⁹ Additionally, it is important to note that descriptors such as "nickel plated" and "rust spots" are fairly general descriptors that would not likely be a determinative identification.

The question about whether Johnson was armed is a matter that would have been brought up on cross-examination if the police officers had gone to trial for Johnson's murder. However, because Officers Sapp and Woodham were not indicted, it is impossible to know what the true circumstances were surrounding the shooting of Willie Johnson. Though the record itself is dominated by the police officers' narrative that Johnson pulled out a pistol when approached by the police, statements by his wife to the contrary (that he was not armed when he left the house) are compelling and raise questions of what truly happened that evening.

103 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 5.

104 *Id.*

105 *Id.*

106 DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 6.

107 *Id.*

108 *Id.*

109 *Id.*

VI. LEGAL ANALYSIS

A. The Coroner's Inquest and the Grand Jury Conclusions

The Coroner's Inquest took place at 2:00 PM on May 4, 1949, only a few hours after Mrs. Johnson heard of her husband's death. Six jurors heard the testimonies of Officer Leonard Clayton Sapp, Officer Woodrow Wilson Woodham, William Anderson (eyewitness), Marvin Owens (witness after the fact), and Officer Rex Napoleon Deaver, Captain of the Brunswick Police Department.¹¹⁰ The jury concluded that Johnson's cause of death was multiple gunshot wounds and injuries, inflicted by Officer Woodham.¹¹¹ The jury also concluded that Officer Woodham "acted entirely and wholly in self-defense."¹¹²

The DOJ report states that Glynn County Superior Court records reflected that a bill of indictment was presented to a Superior Court Grand Jury, charging officers Woodham and Sapp with the murder of William Johnson.¹¹³ The grand jury declined to indict the police officers.¹¹⁴

B. Federal Civil Rights Statutes

The NAACP wrote to the Department of Justice requesting that the agency look into the shooting of Willie Johnson to determine if any violation of federal civil rights statutes had occurred.¹¹⁵ The relevant Federal Civil Rights statutes to which Ms. Constance Baker Motley was referring were 18 USC §§ 241 and 242. For this case, the NAACP and DOJ would have been especially interested in any possible violations of 18 USC § 242.¹¹⁶ The reference within 18 USC

¹¹⁰ Coroner's Inquest.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ DOJ Litigation Case File #144-20-45, Federal Bureau of Investigation Report, Pg. 11.

¹¹⁴ *Id.*

¹¹⁵ Letter from Constance Baker Motley to Maceo Hubbard, May 10, 1949. Papers of the NAACP, Part 08: Discrimination in the Criminal Justice System, 1910-1955, Series B: Legal Department and Central Office Records, 1940-1955, Legal File: Police Brutality, Folder: 001532-020-0129.

¹¹⁶ 18 USC § 242 states: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be

§ 242 to those acting “under color of law” is interpreted as meaning individuals who are “clothed with the authority of state law,” such as police officers.¹¹⁷

In 1945, the Supreme Court ruled in *Screws v. United States* that in order for police to be held liable under 18 USC § 242 it must be shown that the actor under question acted with specific intent to deprive the individual of a specific constitutional right.¹¹⁸ Essentially, this limits the prosecution’s ability to hold police officers accountable for deprivations of Constitutional rights (such as life or liberty) unless it can be shown that the officer acted with the specific intention of denying that right. The difficulty of showing this intent has the effect of barring police officers from being held responsible when their actions lead to the death of an individual.

In the case of Willie Johnson, it would be incredibly difficult to show that the police officers approached Johnson that evening with the intent of depriving him of his life. More likely than not, had the officers been charged with a violation of the federal civil rights statute under 18 USC § 242, the officers would have relied on the connection between Johnson’s appearance (as it matched the description of the unknown intruder) and his presence in the neighborhood where the previous incident occurred to show that they had a reasonable belief that Johnson was engaging in criminal activity, and thus the officers were justified in their need to approach him. Additionally, the police officers would likely use their records of being able to successfully disarm others in the past to show that there was something clearly different and especially threatening about the encounter with Willie Johnson that thus required the use of force and gunfire.

fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.”

¹¹⁷ *United States v. Classic*, 313 U.S. 299, at 326 (1941).

¹¹⁸ *Screws v. United States*, 325 U.S. 91 (1945).

18 USC § 242 covers conduct such as the use of excessive force.¹¹⁹ However, in order to make a successful argument that Johnson was the victim of excessive force, there would likely need to be a showing that the police officers acted excessively in the way that they grabbed or shot Johnson. This argument would highlight the facts leading up to the police officer's approach, such as the fact that Johnson was not visibly breaking any laws by being on that corner, and that approaching a man who was merely looking in the direction of a house is an unreasonable policing practice that led to violence. Additionally, because Chief Register stated that the police officers had successfully disarmed others, one could argue that it was unreasonable for the officers to use gunfire rather than disarming Johnson using other means. The multiple gun shots to fatal locations on his body (chest and stomach) are also arguably excessive. However, given the deference that is customarily accorded to state actors in these situations and the established statements on the record that the officers were acting in self-defense, it is unlikely that the courts would rule that the officers used excessive force in violation of federal civil rights statutes.

VII. CONCLUSION

On May 3, 1949, Willie Johnson, a husband, county employee, and church deacon, left his home and wife to go to church. Nearly two hours later, he was confronted by police while standing on a street corner. The police, who determined that Johnson's presence and behavior of "looking toward a house" were suspicious, got out of their car, approached Johnson, and shot him.¹²⁰ While there are many aspects of this incident that are unknown - why Johnson was on that corner, what he was doing when the police arrived, the gun, etc. - what is clear is that

¹¹⁹ <https://www.justice.gov/crt/law-enforcement-misconduct>.

¹²⁰ Coroner's Inquest.

Johnson was regarded with heightened suspicion, apprehension, and aggression because of his race.

Because Willie Johnson was considered to match the general description of an alleged home invader, he was regarded as a criminal the moment the police saw him standing on that corner. His humanity as a 55 year old church deacon and county employee ceased to be considered. As a black man in a predominantly white neighborhood where this previous incident had allegedly occurred, he was not regarded as a man who was just standing on a street corner on his way home from church. Instead, the police saw him as a criminal, looking at a house suspiciously.¹²¹ These assumptions on the part of the police set the stage for the events that ultimately transpired on the evening that they shot and killed Willie Johnson.

Though the response of the larger Brunswick community to Johnson's death is not documented, his involvement with the St. Paul's Baptist Church and the concern of the NAACP over the investigation of his death at the hands of the police suggest that his passing was not insignificant. Unfortunately, because the record is dominated by the narrative of Johnson being armed and drawing his weapon first, it seems unlikely that any broad restorative justice measures involving city officials could at this point take place. However, this shooting occupies a special place in the broader narrative of 1940's violence, and Willie Johnson's life and death are an important piece of Brunswick history. An effort to memorialize him and the seemingly senseless reason for which he was approached by police would allow for the remembrance of the especially dangerous circumstances faced by African-Americans during this time period.

¹²¹ Data from the 1940 United States Federal Census shows that the neighbors of Marvin Owens and William Anderson were predominantly white.