

Woodrow Allen Bush:

Racial Tension in Alabama in 1936



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I. INTRODUCTION

Anniston, a small town of about 24,000 people is located in Calhoun County in northeastern Alabama. In late summer 1936, racial tension in Anniston had been building, as this circumstances of this case was the fifth time the National Guard had been requested within one month's time to go to Anniston to help contain the community.¹ On July 3, 1936, a young white woman was reported to have been attacked and left unconscious in a ditch, an incident to which the National Guard responded.² Ten days later, another white woman was allegedly attacked in her house, which prompted a mob to form and ultimately led to more racial violence outside the jail where the accused was being held.³ The National Guard intervened when an overheard comment by a black man prompted the mob to follow and severely beat him.⁴ This incident also resulted in a 32 hour manhunt that saw several occasions of violent outbursts.⁵ The following day, a black man was shot while standing and waiting for the bus, an attack which the newspaper attributed to 'mob spirit.'⁶ On July 31, 1936, the National Guard was again called to Anniston to join the search when an unidentified black man made insulting approaches to a 16 year old white girl.⁷

The final of the five incidents occurred on Monday, August 10, 1936 around 4:30 pm. While seemingly similar to the other incidents, this encounter between a white woman and a black man led to such agitation in the community that it sparked a chain of events ultimately leading to two deaths. Mrs. U.L. Williamson was churning milk in her kitchen when she heard

1 *State Guards Still Patrol City Streets*, The Anniston Star, July 15, 1936 at 1.

2 *Girl Improves at Garner from Attack Hurts*, The Anniston Star, July 6, 1936 at 1.

3 *Negro's Gun, Trousers are Found in House*, The Anniston Star, July 14, 1936 at 1.

4 *Negro's Gun, Trousers are Found in House*, The Anniston Star, July 14, 1936 at 1.

5 *State Guards Still Patrol City Streets*, The Anniston Star, July 15, 1936 at 1.

6 *State Guards Still Patrol City Streets*, The Anniston Star, July 15, 1936 at 1.

7 *County Quiets after Negro's Tale of Guilt*, The Anniston Star, July 16, 1936 at 1.

her baby crying.⁸ When she went to the room in which the baby was located, she reportedly saw a black man holding her baby in his arms.⁹ Upset, she threw a hammer at the man, upon which he dropped the baby and fled.¹⁰ Mrs. Williamson then picked up the baby and ran about half a mile to her relative's home "where the alarm was spread."¹¹ Chief Deputy Sheriff Norman L. Summers and several other deputies arrived on scene to the area in Lloyd's Chapel community where the incident occurred, where they got a "'tip' on which they could not work with armed citizens in the community."¹² The officers then returned to the office to map out a plan for the following morning to search for the attempted kidnapper in the houses in the Lloyd's Chapel community.¹³ At this point, it was alleged that the officers were under the impression that the posse had been disbanded and there was no longer a threat of violence in the community that night.¹⁴ Subsequently, the deputies were then notified of a shooting at Art Bush's house around 10 pm.¹⁵

II. THE CASE

Art Bush and Pat Hicks

On Tuesday, August 11, 1936, the Anniston Star reported that three white men were shot when they went to Art Bush's house as "possemen."¹⁶ Three of the five men in the posse that were reported as being injured on Monday, August 10, 1936 were related – Ozie Hicks, Pat

8 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

9 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

10 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

11 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

12 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

13 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

14 *Two Men at Death's Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

15 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

16 *Two Men at Death's Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

Hicks, and J.A. Hicks and the other two – Forney Martin and Clarence Hughes were residents of Anniston.¹⁷ This group was described as following a first group of men who were scouring the black community in search of the black man suspected of attempting to kidnap the two month old white infant, Mrs. Williamson’s baby.¹⁸

While this was the motive reported in the local paper, an interview with Pamela Pierce, the granddaughter of Art Bush, illuminated a different, but not mutually exclusive reason for the posse at Bush’s house. The story was passed down to Pierce from her mother, Lillian Bush, who had been nine years old and present in the house at the time of the shooting. Their story recounted an incident that had occurred earlier in the same day between Mr. J. A. Owens, the owner of the farm on which Art Bush and several other community members, including the Hicks, were sharecroppers.¹⁹ Owens had reportedly told Bush that Owens would be promoting Bush to head sharecropper for the upcoming year.²⁰

While this might typically be a reason to celebrate, the Bush family knew that this would cause trouble, so much so that Bush’s wife Mary told Owens that day that “he had just signed [her] husband’s death warrant.”²¹ Indeed, it seems that word spread quickly of the promotion, as soon extended family members of the Bush family came to the Bush home to report that Art Bush “better hide because [they] were coming.”²² It was alleged that the men who were coming to the house were other sharecroppers on Owens’ farm and were severely displeased with “having to work under that nigger” and that “they would clean up the roads with [Art’s] body

17 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

18 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

19 Telephone Interview with Pamela Pierce (August 9, 2017).

20 Telephone Interview with Pamela Pierce (August 9, 2017).

21 Telephone Interview with Pamela Pierce (August 9, 2017).

22 Telephone Interview with Pamela Pierce (August 9, 2017).

before they worked under him.”²³ Upon hearing this news, it was reported that Bush hid outside his back porch that was covered with vines as a way to avoid the predicted violence of the mob that was certain to come.²⁴

The family story and the newspaper account converged again as the mob approached the Bush house. Both reported that a first mob of men had come to the Bush house on Owens’ property on Buttermilk Road in the Lloyd’s Chapel section, searching to see if the attempted kidnapper was there. When they did not see the kidnapper, they were satisfied in their purpose and left the area. However, a second mob of men, consisting of the Hicks and others, followed the first mob and arrived at the Bush house approximately 20 minutes later.²⁵ They allegedly became upset that Art Bush was not at the house.²⁶ They attempted to force their way inside the cabin, where they threatened Mrs. Mary Bush with hanging if she did not give the mob names of other blacks in the area that the mob suspected of being involved in the kidnapping or other recent activities.²⁷

It is unclear what exactly happened at this point, but a first shot was fired, for which each side blames the other. Pat Hicks allegedly made a deathbed statement “shortly after noon on Wednesday in which he accused Art Bush of the shooting and stated that Bush fired first.”²⁸ He further stated that the group of men were fired upon from outside the house “as they approached it to ask about searching the premises.”²⁹ This contrasts with Art Bush’s statement to the police that the posse fired first and he “fired twice from a window in his home and twice outside of his

23 Telephone Interview with Pamela Pierce (August 9, 2017).

24 Telephone Interview with Pamela Pierce (August 9, 2017).

25 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

26 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

27 *Racial Trouble Quietened*, N.Y. Times, August 13, 1936 at 5.

28 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

29 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

home” in an effort to protect himself and his family from any violence from the posse.³⁰ The family story mentioned that the entire family – Mary Bush and her six children – were still in the house as the shooting began.³¹ Mary reportedly told the children to hide under the bed and stood in the middle of the house praying as the bullets entered the house around her, but never hitting her.³² As a result of the shootings, J.A. Hicks was hit in the leg, Martin was wounded in the face, and Pat Hicks was wounded after being hit in the chest, abdomen, and back.³³ The men were reportedly brought to Garner Hospital in the back of a dairy truck, where J.A. Hicks was treated and released and Pat Hicks and Martin were listed under serious condition.³⁴ Martin was ultimately released.³⁵

Upon hearing that three white men had been shot by a black man, a mob of about 500 people, along with bloodhounds, assembled to search for Art Bush.³⁶ Two companies of the Alabama National Guard, 15 State policemen, and 12 enlisted military staff searched for Art Bush and encouraged the mob to go home.³⁷ While the Highway Patrol and county officials continued to search for the attempted kidnapper,³⁸ the National Guard arrived in Calhoun County and another unit was put on notice in Jacksonville.³⁹ General Coleman was mentioned as saying

30 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

31 Telephone Interview with Pamela Pierce (July 11, 2017).

32 Telephone Interview with Pamela Pierce (July 11, 2017).

33 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

34 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

35 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

36 *Suspect Flees Alabama Mob; Troops Called*, The Washington Post, July 14, 1936 at 1, 5.

37 *Suspect Flees Alabama Mob; Troops Called*, The Washington Post, July 14, 1936 at 1, 5.

38 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1.

39 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1; *Militiamen Check Mob Spurt*, Atlanta Daily World, Aug. 13, 1936 at 1.

that “[n]o matter how serious the crime involved, it is my duty to protect a suspect from possible violence and insure him a fair trial . . . and I propose to protect this man.”⁴⁰ About 50 shotguns, rifles, and pistols were taken from Bush neighbors and tagged by officers to be returned after threat of violence had subsided.⁴¹ It was further reported that armed groups of whites had formed around the area of the Bush cabin after the arrest and state patrolmen were brought in to disperse the crowd under the threat of the possemen having their guns taken away.⁴² This seems to have been a site where possemen had promised to show up in more numbers, which would have added to the racial animosity of the already tense town.⁴³

On Tuesday, August 13, 1936, the afternoon following the incident, a group of about 30 or more unidentified white men gathered near the Bush property and burned down the Bush barn. Although destructive because the barn contained corn, hay, and fodder for livestock, it did not harm anyone.⁴⁴ The barn burning was seen by many as retaliation for the shooting.⁴⁵ A fire investigation was started by the State Fire Marshal’s Office, but it is unclear what, if anything, resulted from that process.⁴⁶ The Bush family story indicated that though there was a lot of anger and violence, their house was saved from being burned down with the barn because the men knew that Mary and the children were in the house and someone in the group spoke up to avoid the house for that reason.⁴⁷ Possibly in response to the barn burning, the local paper, *The*

40 *Suspect Flees Alabama Mob; Troops Called*, The Washington Post, July 14, 1936 at 1, 5.

41 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

42 *Family Which Fought off Ala. Mob is Jailed*, The Chicago Defender, August 22, 1936 at 19.

43 *Militiamen Check Mob Spurt*, Atlanta Daily World, August 13, 1936 at 1.

44 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1; *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1; *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

45 *Two Men at Death’s Door, Third Shot in Night Riot on Owens Farm*, The Anniston Star, Aug. 11, 1936, at 1; *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1; *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

46 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

47 Telephone Interview with Pamela Pierce (August 9, 2017).

Anniston Star, reported that Bush's family was put in protective custody in the county jail on Tuesday afternoon to prevent any harm to them.⁴⁸ They later left the prison and moved in with nearby relatives.⁴⁹ Because of the high tensions, 37 state patrolman were called to Anniston to keep the peace and assist county officers.⁵⁰

Later that day, Art Bush was arrested "in a swamp about two miles from his home."⁵¹ He was arrested by Sheriff Deputies Norman Summers and Arian Williamson, and Floyd Dyar, a state highway patrolman.⁵² Bush was reportedly put in a car and rushed to Pell City where the police phoned Anniston to let them know that they had Bush in custody.⁵³ Bush was then sent to the Birmingham jail in Jefferson County for safekeeping.⁵⁴ When the police questioned him, Bush admitted to shooting at the mob, twice from a window inside the house and twice from outside the house, but said that it was someone from the mob that shot first.⁵⁵ His theory on the multiple gunshot wounds of those in the posse was that it was dark and because of this, the possemen could not see each other properly and ended up shooting themselves.⁵⁶ He was charged with one count of murder once Hicks died and two counts of intent to murder for the injuries to the other two.⁵⁷

Officers were under the impression that Bush was not the black man that the posse had been looking for, given that he did not fit the description and had several witnesses verify that he

48 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 1.

49 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

50 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

51 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 1.

52 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

53 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 1.

54 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 1.

55 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

56 Telephone Interview with Pamela Pierce (August 9, 2017).

57 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

been plowing at the time of the attack.⁵⁸ The paper reported that the posse had yet to determine if the prowler's motive was to kidnap the child or scare Mrs. Williamson by molesting the baby and stated that there was no indication that the posse would continue to look for the prowler.⁵⁹ In fact, *The Anniston Star* reported that Deputy Arlan Williamson speculated that had there not been a shooting at the Bush home, it would have been likely that the prowler would have been caught and this all would have been avoided.⁶⁰ The paper further stated that the police apparently had more leads on the incident and were following up on them in an attempt to catch the prowler.⁶¹ However, a newspaper article from October 10, 1936 indicated that the kidnapper had still not been identified or arrested.⁶²

On Wednesday, August 12, 1936, National Guard troops were withdrawn from Anniston.⁶³ The following day, Pat Hicks, 24, died from his wounds in Garner Hospital.⁶⁴ Before his death, Hicks made a deathbed statement in which he accused Bush of the shooting and stated that Bush shot first.⁶⁵ Hick's death certificate stated that he died primarily from the onset of pneumonia, which occurred the day after he arrived in the hospital, and secondarily from gunshot wounds to his right arm and chest.⁶⁶ His funeral was held the following day, Friday, August 14, 1936 at 11 am and he was interred at Liberty Hill Church. The newspapers reported that Hicks came from the Alexandria Valley section of Anniston and was survived by his wife, Zella Hicks, his 3 children, both his parents, and 7 siblings.⁶⁷

58 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

59 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

60 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

61 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

62 *Slayer of Lyncher Pleads Not Guilty*, The New York Amsterdam News Oct. 10, 1936 at 3.

63 *Guard Ordered Out of Calhoun County*, The Anniston Star, Aug. 12, 1936, at 7.

64 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

65 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

66 Alabama Bureau of Vital Statistics, Certificate of Death.

67 *Pat Hicks Dies from Gunshot Wounds Today*, The Anniston Star, Aug. 13, 1936 at 1.

Ozie Hicks and Woodrow Allen Bush

On August 23, 1936, in what was described as the “aftermath of the racial difficulties” that Anniston had had in the past month, Ozie Hicks, brother of Pat, shot and killed Woodrow Allen Bush.⁶⁸ Woodrow Allen Bush was reported to have been the adopted son of Art Bush and raised in the Bush home.⁶⁹ The family mentioned that Woodrow Allen was a first cousin of Art that had been living with them.⁷⁰

The shooting occurred under unusual circumstances. Reporting officers wrote that Hicks and Bush were together to search through several Negro’s homes to find another man that Hicks believed to have been with Art Bush the evening of the shooting of his brother.⁷¹ As the pair was returning back to the vacant Bush house after a fruitless search, Hicks claimed to have heard Woodrow Allen say, “let him have it!”⁷² Worried that this was a trap, Hicks shot Woodrow Allen on the right side with a shotgun and killed him immediately.⁷³ Coincidentally, this was the exact same location as where Pat Hicks had been shot less than two weeks earlier.⁷⁴ Bush’s body was found the following morning after his relatives searched for him when he did not return home, which was three quarters of a mile from the scene of the shooting.⁷⁵ The family noted that Woodrow Allen had an intellectual disability and suspected that he was shot because it was

68 *Negro Youth Dead, White Man is Jailed*, The Town Talk, August 25, 1936 at 7.

69 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

70 Telephone Interview with Pamela Pierce (August 9, 2017).

71 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

72 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

73 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

74 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

75 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

convenient when they were looking for someone upon whom to exact their revenge.⁷⁶ It is thought that Pat Hicks was “looking for any Bush to kill – it didn’t matter which one.”⁷⁷ Hicks denied that he made a statement to the police where he reportedly said he had intended to “kill the Negro who shot his brother,”⁷⁸ despite the fact that Art Bush had been in custody for almost two weeks.

The police were notified of the shooting the morning after it happened and upon receiving this news and learning that Bush had been with Hicks, the police went to Hicks’ house and placed him under arrest after Hicks admitted to shooting Woodrow Allen to Sheriff’s Deputies Monroe Bunn and Arlan Williamson.⁷⁹ He was held in the county jail on a murder charge.⁸⁰

This seemingly retaliatory killing was not one that caused much commotion in the community and Chief Deputy Sheriff Norman L. Summer told the newspaper that he “did not anticipate any serious repercussion from the slaying of the young Bush.”⁸¹ Additionally, the newspaper reported that the police had started an investigation to determine whether inflammatory newspapers from the North were the source of the racial tension after they had been distributed within the black community.⁸²

III. THE TRIAL

The Bush Trial

76 Telephone Interview with Pamela Pierce (August 9, 2017).

77 Telephone Interview with Pamela Pierce (August 9, 2017).

78 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

79 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

80 *Hicks Admits to Killing Negro at Bush Home*, The Anniston Star, August 24, 1936 at 1.

81 *White Man Jailed for Killing Negro in Racial Conflict*, The Tennessean, August 25, 1936 at 8.

82 *White Man Jailed for Killing Negro in Racial Conflict*, The Tennessean, August 25, 1936 at 8.

On Monday, September 21, 1936, Judge Lamar Field organized a grand jury to indict Art Bush and Ozie Hicks.⁸³ Art Bush was charged with murder for the fatal shooting of Pat Hicks and two counts of assault with intent to murder for wounding Forney Martin and J.A. Hicks.⁸⁴ Bush was brought in from the Jefferson County Jail, entered a not guilty plea, and was taken back to the Jefferson County Jail at the end of the hearing.⁸⁵ At his trial in the Calhoun Circuit Court beginning on Tuesday, October 6, Art Bush was the primary defense witness and pled self-defense.⁸⁶ He was defended by court appointed attorneys James L. Carter and Rankin Dauge., both from Anniston.⁸⁷

Bush testified that one group of men had searched his home and the shooting occurred after the second group had come to his home.⁸⁸ He further stated that he had been threatened by these men in the mob and he had fired from a window in his house without knowing who they were.⁸⁹ He admitted to firing at the mob, but maintained that he had not fired first.⁹⁰ He additionally testified to not knowing if he had even hit anyone given how dark it was that evening.⁹¹ The family reported that they were surprised to have found out that it was the Hicks boys in the mob, given that those boys had been friends of the family and even had been over to the Bush cabin for Sunday dinner.⁹²

83 *New Grand Jury Will Probe Two Slayings Here*, The Anniston Star, Sep. 20, 1936 at 1.

84 *New Grand Jury Will Probe Two Slayings Here*, The Anniston Star, Sep. 20, 1936 at 1.

85 *Negro Enters Innocent Plea in Hicks Death*, The Anniston Star, Oct. 1, 1936

86 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

87 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1; *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

88 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

89 *Art Bush Case Taken By Jury This Afternoon*, The Anniston Star, Oct. 7, 1936 at 1.

90 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

91 *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

92 Telephone Interview with Pamela Pierce (August 9, 2017).

The State engaged J.R. Sanford to prosecute the case. State's witness Forney Martin, who had been one of the mob members and was wounded in the neck from the shooting, testified that the mob had been fired upon first.⁹³ He additionally commented that he saw that Bush had done it because he saw Bush when he shined his flashlight and illuminated Bush.⁹⁴ He was the only one of the witnesses to directly accuse Bush of the fatal shot.⁹⁵ Three other states' witnesses, including Ozie Hicks, testified that they did not know who fired first and they did not see Bush.⁹⁶ In addition to the witnesses, the defense also called several character witnesses to testify on Bush's behalf.⁹⁷ It was reported that many of the character witnesses the defense called were white and testified to his reputation.⁹⁸

Testimony and arguments by counsel concluded before noon on Wednesday and the jury deliberated.⁹⁹ Bush faced an all-white jury in a small Alabama town after being charged with the murder of a white community member. History shows that the odds were not in Bush's favor and especially so when the jury returned after deliberating for little more than an hour.¹⁰⁰ Surprisingly, the jury acquitted Bush of the murder charges.¹⁰¹ A newspaper reported that despite troops having been called out when Bush was arrested, after his acquittal, there was no demonstration against him.¹⁰² Bush was reported to have been visibly overjoyed by the verdict and stated that he was "mighty glad to get loose."¹⁰³ Bush's acquittal made newspaper headlines

93 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

94 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

95 *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

96 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

97 *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

98 *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

99 *Art Bush Case Taken by Jury This Afternoon*, The Anniston Star, Oct. 7, 1936 at 1.

100 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

101 *Cooper Trial Is Under Way; Bush is Freed*, The Anniston Star, Oct. 8, 1936 at 1.

102 *Ala. Race Man Who Killed White Freed*, The Chicago Defender, Oct. 17, 1936 at 1.

103 *Killed Member of Ala. Mob: Freed*, The Pittsburgh Courier, Oct. 17, 1936 at 1.

across the country, with one in particular with the subtitle reading, “Man Who Killed Mob Member Acquitted by Lilywhites – UNPRECEDENTED.”¹⁰⁴

The Hicks Trial

Ozie Hicks was charged with the murder of Woodrow Allen Bush.¹⁰⁵ He was arrested and taken to the local jail the day after the shooting, which was the day the body was found, August 24, 1936.¹⁰⁶ On September 3, Hicks was seen by Judge Holdman, Jr. to await action from the grand jury and continued to be held without bond.¹⁰⁷ His trial began on October 9, 1936 after the jury was selected before the court had adjourned the previous day.¹⁰⁸ The jury was kept together overnight.¹⁰⁹ Ruby Porter, a relative of Woodrow Allen, and Ozie Hicks were the only two to testify in the case.¹¹⁰ Porter reportedly testified that Hicks sought out Woodrow Allen and told Porter that he would return Woodrow Allen before sunset.¹¹¹ Hicks testified that he felt like he was about to be ambushed when, after returning to the abandoned Bush house, Woodrow Allen allegedly said, “let him have it!”¹¹² He also claimed that he had not taken Woodrow Allen with him to look for another black man that he suspected was involved, but for evidence concerning his brother’s death.¹¹³

104 *Jury Frees Colored Slayer*, Atlanta Daily World, Oct. 15, 1936 at 1.

105 *New Grand Jury Will Probe Two Slayings Here*, The Anniston Star, Sep. 20, 1936 at 1.

106 *No Trial Date Fixed in Hicks Slaying Case*, The Anniston Star, Sep. 25, 1936 at 1.

107 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

108 *Life Sentence Imposed Upon Mark Cooper*, The Anniston Star, Oct. 9, 1936 at 1.

109 *Life Sentence Imposed Upon Mark Cooper*, The Anniston Star, Oct. 9, 1936 at 1.

110 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

111 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

112 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

113 *Hicks is Bound to Grand Jury Without Bond*, The Anniston Star, Sep. 4, 1936 at 1.

Chief Deputy Norman L. Summers was the state’s principal witness.¹¹⁴ Summers testified that Hicks said he had intended to kill a black man that was present when his brother was killed.¹¹⁵ Hicks was the principal defense witness and claimed that he did not intend to kill anyone.¹¹⁶ Instead, he testified, he was only looking for evidence in connection with his brother’s death and was scared when he thought he was being ambushed.¹¹⁷ Therefore, he shot Woodrow Allen because he thought he was being led into a trap once Woodrow Allen ran ahead of Hicks near the house and yelled, “let him have it.”¹¹⁸ The defense called other witnesses that testified that Hicks had “a good reputation, but that he was mentally weak.”¹¹⁹ Hicks entered pleas of not guilty and not guilty by reason of insanity to the court.¹²⁰ He was acquitted based on his plea of not guilty.¹²¹

IV. THE AFTERMATH

Bush’s Departure

Despite the fact that Art Bush was acquitted by a jury of his peers for the murder of Pat Hicks, that did not stop the community from threatening him once he was released.¹²² The family reported that Art Bush ultimately left Anniston and moved to Chattanooga, Tennessee within the months following the trial.¹²³ He continued to receive death threats, yet his family stayed in Anniston, Alabama because Art told them it would be too hard to move the whole family once

114 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

115 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

116 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

117 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

118 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

119 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

120 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

121 *Hicks is Freed by County Jury in Murder Case*, The Anniston Star, Oct. 10, 1936 at 1.

122 Telephone Interview with Pamela Pierce (August 9, 2017).

123 Telephone Interview with Pamela Pierce (July 11, 2017).

they had settled there.¹²⁴ Apart from some short moves, Art Bush stayed in Chattanooga almost the rest of his life.¹²⁵ He reportedly moved back to Anniston once his health started failing and died in Anniston in a veteran’s hospital in 1967.¹²⁶ Although buried in Mount Liberty Cemetery in Anniston, Piece recounted that she had never been out there to look at the site.¹²⁷ Art’s family ultimately dispersed from Anniston as well. His daughter and Pamela’s mother, Lillian Bush, moved to Ohio and raised her children there for the rest of her life until she passed away in 2002.¹²⁸ One of Art’s sons moved to Kansas City, Missouri.¹²⁹ Pamela Pierce made the decision to move back to Anniston in the early 1980s so she could connect with her heritage.¹³⁰ Pierce reported that when she mentions that her grandfather was Art Bush, community members often compliment him as they remember how great it was that he stood his ground when he knew he had not done that of which he was accused.¹³¹

The Apology

In 2012, Sonya Rama, a second cousin three times removed from the Hicks brothers, contacted Pierce through ancestry.com. She expressed that she had been investigating her own family tree and “deeply upset” when she learned of the mob that had attacked the Bushes. Rama reached out to Pierce to “offer a late apology for these unspeakable acts.”¹³² Her motivation, she explained, was that her mother’s family were Jewish immigrants, but many of her relatives were

124 Telephone Interview with Pamela Pierce (July 11, 2017).

125 Telephone Interview with Pamela Pierce (July 11, 2017).

126 Telephone Interview with Pamela Pierce (August 9, 2017).

127 Telephone Interview with Pamela Pierce (August 9, 2017).

128 Telephone Interview with Pamela Pierce (August 9, 2017).

129 Telephone Interview with Pamela Pierce (July 11, 2017).

130 Telephone Interview with Pamela Pierce (July 11, 2017).

131 Telephone Interview with Pamela Pierce (July 11, 2017).

132 Letter of Apology from Sonya Rama to Pamela Pierce, Aug. 20, 2012.

murdered by Nazis during the Holocaust.¹³³ She recounted how her grandmother used to look at pictures of her family and cry, “ask[ing] how God could have allowed that to happen. Your grandmother probably asked herself the same thing.”¹³⁴ Pierce was touched to have received the letter and know that someone was still thinking about this case. Pierce’s only regret was that it had come 10 years after her mother’s death and she said she knew how much this would have meant to her mother.¹³⁵

V. CONCLUSION

While the goal of many of the cases the Civil Rights and Restorative Justice is to bring some kind of legal closure to a case, the goal for every case is to prepare it for archival purposes in order to not let these victims’ stories get lost to history. In the Woodrow Allen Bush case, there was not a legal remedy available by the time of the investigation. However, the restorative justice aspect of the apology between the Hicks and Bush family is one that makes this case stand out in that family members still recognize and remember the stories of their ancestors, even from several generations past. In this case, a sense of justice was brought through a continued investigation of the case and the ability to keep Art Bush and Woodrow Allen Bush alive in historical memory.

133 Letter of Apology from Sonya Rama to Pamela Pierce, Aug. 20, 2012.

134 Letter of Apology from Sonya Rama to Pamela Pierce, Aug. 20, 2012.

135 Telephone Interview with Pamela Pierce (August 9, 2017).