

## Maryland's *Mockingbird* Case

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“In this country our courts are the great levelers, and in our courts all men are created equal,” proclaimed Atticus Finch, the hero of *To Kill a Mockingbird*, in his closing statement defending Tom Robinson, a black man accused of attempting to rape a white woman. The white girl, it turns out, had seduced Tom, and then cried rape to shield herself from the shame of the community, but neither the justice system nor the twelve “impartial peers” on the jury cared about justice or the truth.<sup>1</sup> The courts, in the end, were not the great levelers that Atticus had hoped. The jury found Tom guilty, and devoid of hope, Tom attempted to escape and was killed. Throughout American history, African-Americans have not been treated as equals in the courts, especially concerning matters of sex and white women, and there have been few real Atticus Finches. In the midst of the Civil Rights Movement, a case eerily similar to the fictitious *Mockingbird* case came before the courts and captured the attention of the state of Maryland and the nation. Just as in *Mockingbird*, the criminal justice system failed these black defendants, John Giles, James Giles, and Joseph Johnson, and produced a calamitous miscarriage of justice. This case, however, had a happier end because of Frances Ross, the Giles-Johnson Defense Committee, and their own Atticus Finch, Mr. Harold Knapp.

The Giles-Johnson case demonstrates the power of white liberals in mounting a grassroots defense on behalf of unjustly accused African-Americans. The case, however, also illustrates the gap of ideas and understanding between the privileged white advocates of civil rights and the oppressed black victims of prejudice. Although the members of the Defense Committee recognized the racial and civil rights undertones, they generally portrayed the case as a colorblind crusade against the death penalty and for defendant's rights. However, the Giles brothers and Joe Johnson, who, for the most part, believed in a similar vision of civil rights, spoke more openly about the issue of race in their case and the connection to the wider questions of race during the era.

A 16-year-old white girl accused three black defendants of rape in white middle-class Montgomery County, Maryland. In July 1961, the three young men were fishing in the Patuxent River near the well-known lover's lane of Batson Road when they came upon a car occupied by a young white couple, Joyce Roberts and Stewart Foster. Joe approached the car, asked Stewart for a cigarette, and was greeted by vulgar and racial epithets instead. The situation escalated until Joe smashed the car's windows with stones and leveled Foster, while Joyce scampered off into the woods, followed by John. The two chatted briefly about how they were both on probation. When Joe and James followed shortly thereafter, Joyce said, “I've already had sixteen or seventeen this week and three more won't make any difference.” She instructed John to go first, but she also said that because she was in trouble, if found, she would have to allege rape. Based on conflicting reports, John either declined or tried unsuccessfully and left. Then, she told Joe to take his turn, followed finally by James. Meanwhile, Foster regained consciousness and

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<sup>1</sup> Harper Lee, *To Kill a Mockingbird* (Philadelphia: Lippincott, 1960), 215-18.

ran to a nearby home for help. James fled at the sound of sirens, and when the police arrived, true to her word, Joyce cried rape.<sup>2</sup>

The police apprehended Joe and James, and John later turned himself in to the police. The police questioned the three suspects as well as Stewart and Joyce. During the interrogations, Joyce said that she and Stewart had been having intercourse earlier that evening and that only two of the suspects had performed intercourse on her. Also, the police tried to put words, such as "let's take some of that pussy," into the suspects' mouths. The defendants' lawyers, through the efforts of State's Attorney Kardy, never saw the interrogation record in its entirety, and the police report contained fabricated incriminating statements, while suppressing potentially beneficial ones for the defense.<sup>3</sup>

The Giles brothers and Johnson were tried separately, with the *Giles* case scheduled first and relentlessly prosecuted by Mr. Kardy. An all white jury found the Giles brothers guilty of rape and Judge Pugh sentenced them to death by lethal gas. Joseph Johnson, tried in nearby Anne Arundel County by a jury with two black jurors, met the same fate.<sup>4</sup>

Mrs. Ross, a liberal Democrat who employed the Giles brothers' mother as a maid, was concerned over the imposition of the death penalty in the case.<sup>5</sup> In July 1962, Mrs. Ross and sixty local citizens met and decided to form the Giles-Johnson Defense Committee to petition for clemency from the governor. Harold Knapp, a Defense Department scientist, became involved after he wrote a letter to the editor opposing the death sentence in the case and John Giles sent him a Christmas card to show his gratitude. Knapp noticed inconsistencies in the testimony of the Giles and Johnson trials and began to investigate. He checked the backgrounds and reputations of Stewart Foster and Joyce Roberts, and uncovered evidence denied to the original counsel that seemed to corroborate the defendants' story that she had been eager for the sexual activity, but had lied because she was on probation.<sup>6</sup>

He submitted his report to Governor Tawes along with the Defense Committee's petition, and through their work and the pressure of the press, Governor Tawes decided to commute the sentence to life in prison. The Defense Committee, buoyed by Knapp's report, continued its struggle in an effort to exonerate and free the Giles brothers and Johnson. Based on the new evidence gathered by Dr. Knapp, the Giles' lawyers won a new trial, which was overturned by the Maryland Court of Appeals.<sup>7</sup> Then, the Supreme Court decided 5-4 not to uphold the conviction and to return the case to Maryland for reconsideration. The Court of Appeals remanded it to Montgomery County, which again granted a new trial, but when Joyce refused to return to testify, the state could not make its case and released James and John in 1967. However, the state did not grant Johnson a new trial, and he was not freed until Governor Agnew granted a pardon in 1968.<sup>8</sup>

There has been surprisingly little written about the Giles-Johnson case, but there is a vast literature concerning its two underlying themes, injustice against African-Americans in the judicial system and the role of rape and sex in the Civil Rights Movement. Frances Strauss, who

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<sup>2</sup> Frances Strauss, *"Where did the Justice go?": The Story of the Giles-Johnson Case* (Boston: Gambit Incorporated, 1970), 1-7.

<sup>3</sup> A. Robert Smith and James V. Giles, *An American Rape: A True Account of the Giles-Johnson Case* (Washington, D.C.: The New Republic Book Company, Inc., 1975), 22-31.

<sup>4</sup> Strauss, 11-31, 56-61.

<sup>5</sup> Strauss, 32, 35-36.

<sup>6</sup> Smith and Giles, 138, 157-79.

<sup>7</sup> *Ibid.*, 202-5.

<sup>8</sup> Strauss, 171-73, 191-98, 201-7, 230-39.

participated to an extent in the Defense Committee, wrote the first work to chronicle the Giles-Johnson saga. Written in 1969, Strauss' "*Where did the Justice go?*" provides a first-hand narrative account of the case's facts and the stories behind the central figures.<sup>9</sup> The second work, *An American Rape*, published in 1975, pairs the well-researched journalistic account of A. Robert Smith with interspersed personal accounts by one of the defendants, James Giles. The author delves into primary sources, case records, gubernatorial papers, and private letters in an attempt to discover, impart, and interpret the facts of the case while Giles offers his thoughts, feelings, and experiences to add depth and richness.<sup>10</sup> Despite the scholarly nature of *An American Rape*, historians have yet to carefully examine and reassess this case.

The historiography of rape, law, and race includes works that explore the racism inherent in American law, especially concerning sex crimes, and rape within the context of the Civil Rights Movement, including white attitudes, government actions, and black militant and nonmilitant responses to the injustice. Derrick A. Bell's *Race, Racism, and American Law* provides an overview of the historical development of racism in law through important court cases and scholarly articles. When examining the advent of racist law and the struggle to gain civil rights, he stresses governmental action and court decisions as driving forces.<sup>11</sup> Concerning interracial sex, Bell focuses on anti-miscegenation laws, which constitute a legal manifestation of white prejudice against blacks on sexual issues. Also, the author examines injustice within the legal system itself, mainly through the lens of cases, such as *Brooks v. Beto*, on jury discrimination.<sup>12</sup>

A study of judicial prejudice and error concerning rape would not be complete without mention of the Scottsboro case. The *New York Times* even referred to the Giles-Johnson situation as the "little Scottsboro case."<sup>13</sup> Dan T. Carter's historical account, *Scottsboro: A Tragedy of the American South*, records the ordeal of nine black teens accused of raping two white girls and convicted under less-than-fair circumstances with less-than-competent council in Mississippi in 1931. Carter concentrates on the issues of racism and injustice and also the motivations and effect of the diverse national organizations, such as the NAACP, ACLU, the left-leaning International Labor Defense and League for Industrial Democracy, and the Methodist Church, that joined to form the "Scottsboro Defense Committee" in 1935.<sup>14</sup>

Literature on these issues analyzes big picture effects of sex, race, and justice and also examines personal experiences with sexual and racial matters. Edited by Merril D. Smith, *Sex Without Consent* studies rape in American history, including a chapter by Lisa Dorr that examines black-on-white rape cases in Virginia. She acknowledges and describes the prejudice inherent in the system but also asserts that executions were not always inevitable and became less so through the 20<sup>th</sup> Century. She credits civil rights organizations, such as the NAACP, and the black community for the strides at leveling the playing field and increasing legal protections

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<sup>9</sup> Strauss, *passim*.

<sup>10</sup> Smith and Giles, *passim*.

<sup>11</sup> Derrick A. Bell, Jr., *Race Racism and American Law* (Boston: Little, Brown and Company, 1973), *passim*.

<sup>12</sup> *Ibid.*, 258-92, 978.

<sup>13</sup> "Maryland Appeals Court Overturns Rape Ruling," *New York Times*, July 14, 1965, Giles-Johnson Defense Committee Records, Series VI, Box 13, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>14</sup> Dan T. Carter, *Scottsboro: A Tragedy of the American South* (London: Oxford University Press, 1973), 3-50, 334-35.

in such cases.<sup>15</sup> Similarly, Timothy Tyson examines the response of black militants, such as Robert F. Williams, to questions of sex, race, and justice. The Southern legal system prosecuted two young black boys for kissing white girls and permitted the lynching of Mack Charles Parker, being held for the rape of a white woman. However, it acquitted white offenders, such as B.F. Shaw, Lewis Medlin, and the perpetrators of a gang rape in Tallahassee, when they committed crimes against black women. This disparity drove Williams to call for militancy to “meet violence with violence,” and also demonstrated common southern white responses to interracial crimes of sex.<sup>16</sup>

Furthermore, in investigating the conflicting attitudes between white liberals and blacks, it is critical to consider the writings of Charles Payne on the difference in language usage between the groups and of Gary Gerstle on civic and racial nationalism. Payne asserts that whites’ use of words distorted or shaped the meaning of problems and solutions. For example, the word segregation was simply a euphemism for white supremacy while the idea of integration was not the goal to many blacks and was considered demeaning by others. Likewise, the white call for “civil rights” was not broad enough to include ideas of economic equality and assertion into society, which were vital to African Americans at the time.<sup>17</sup> Similarly, Gerstle contrasts the traditions of civic nationalism and racial nationalism. Civic nationalism stresses core American principles of freedom and democracy and, in the context of civil rights, asks that blacks claim their rightful freedoms and citizenship and enter into a world where the color of one’s skin no longer holds any significance. Many of Martin Luther King’s remarks and speeches, including the “I Have a Dream Speech,” reflect and espouse these principles. On the other hand, racial nationalism stresses interest and pride in one’s own ethnicity and rejects assimilation. Black nationalists and separatists often advocated these viewpoints. These principles often appealed to more radical elements of the movement, white ethnic minorities, such as Italians and Jews, or those who felt abandoned by civic institutions.<sup>18</sup>

Overall, the historiography comprises studies of government institutions, major liberal national organizations, conservative white southerners, black organizations, and black militants and their effect on and responses to issues of sex, race, and justice. It does not, however, incorporate the actions of grassroots level white liberals, such as those in the Giles-Johnson Defense Committee, or the personal and political opinions of the accused. This study will therefore examine and compare the goals and motivations of both the defenders and the accused, and by doing so will offer a historical vantage point that remains unexplored.

From the beginning, the members of and participants in the Giles-Johnson Defense Committee, specifically the founder, Mrs. Ross, and the tireless Dr. Knapp, understood the impact of race on the case and that the specter of racial injustice lay behind the entire situation. The Committee even admitted to *the Montgomery County Sentinel*, “the case is considered...to have strong Civil Rights undertones.”<sup>19</sup> Also, one of Joseph Johnson’s lawyers summed up the

<sup>15</sup> Lisa Lindquist Dorr, “Another Negro-Did-It Crime,” in *Sex Without Consent*, Merrill D. Smith, ed. (New York: New York University Press, 2001), 247-61.

<sup>16</sup> Timothy B. Tyson, “Robert F. Williams, ‘Black Power,’ and the Roots of the African American Freedom Struggle,” in *The Civil Rights Movement*, ed. Jeffrey O. G. Ogbar (Boston: Houghton Mifflin Co., 2001), 197-202.

<sup>17</sup> Charles Payne, “The View from the Trenches” in *Debating the Civil Rights Movement* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1998), 128-29.

<sup>18</sup> Gary Gerstle, “Civil Rights, White Resistance, and Black Nationalism, 1960-1968,” in *The American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2001), 268-310.

<sup>19</sup> “New Giles Trial Thrown Out,” *Montgomery Sentinel*, July 15, 1965, Giles-Johnson Defense Committee Records, Series VI, Box 13, from Maryland Room Special Collections, University of Maryland Libraries.

racial bias inherent in this case to Governor Tawes during the clemency hearing. “The whole theory of the prosecution,” he noted, “depends upon the fact that the three men were Negroes and the girl was white.”<sup>20</sup> In addition, the newspaper clippings that they collected for their files, now housed at the University of Maryland, demonstrate their acknowledgement that race was central in the case. Numerous clippings apply to the issues of race, justice, and the death penalty rather than to the specifics of the case itself. For example, the file includes the article “When a Southern Negro Goes to Court” that describes the lack of equality before the law for African-Americans, especially when charged with crimes against whites.<sup>21</sup> Also, many articles reflect the themes of a 1963 article that depicted differing punishments dolled out to whites and blacks for similar crimes.<sup>22</sup> Therefore, the members of the Defense Committee were acutely aware that broader questions of race and civil rights struggles were entwined within the case.

However, the Defense Committee did not make the politics of race a central part of their argument or their campaign for the lives of their beneficiaries; in fact, they referred to it very little. Instead, they concentrated their efforts and rhetoric on opposing the death penalty under these circumstances and then on advocating the constitutionally guaranteed rights of the defendants to attain a new trial and gain their freedom. In actuality, the Defense Committee was formed solely to seek clemency for the three defendants through circulating anti death penalty petitions. At the time, Mrs. Ross stated publicly that the group came together because the severity of the sentence for a crime that was without violence shocked the community.<sup>23</sup> Several years later, she admitted that, at first, she had assumed the defendants were guilty and was concerned only with the lifting of the death penalty against the young men.<sup>24</sup> Therefore, from the outset, the Committee’s official position was that the death penalty was unfair in this case not because the accused were black but because either the death penalty was inherently wrong or that it was not warranted due to the facts in this particular case. After all, the Committee was not formed until after Judge Pugh leveled the death sentence, indicating that they did not believe any major injustice had previously occurred before sentencing.

Following the entrance of and investigation by Harold Knapp, the clemency message took on another claim that would eventually become central to the later defendants’ rights centered campaign. According to Dr. Knapp, the men deserved to be spared death, and possibly even pardoned, because they might have been unfairly convicted, as the jury had not heard all of the pertinent facts.<sup>25</sup> Although the defendants’ race may have been the central reason that the jury did not hear all of the facts or that the death penalty was imposed, that issue was not central to the Committee’s public fight for the defendants’ lives.

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<sup>20</sup> Murray Kempton, “Clemency in Annapolis,” *The New Republic*, October 26, 1963, Giles-Johnson Defense Committee, Series VI, Box 12, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>21</sup> Claude Sitton, “When a Southern Negro Goes to Court,” *New York Times Magazine*, January 7, 1962, Giles-Johnson Defense Committee Records, Series VI, Box 12 from Maryland Room Special Collections, University of Maryland Libraries.

<sup>22</sup> “The Penalty of Death,” *Washington Post*, May 14, 1963, Giles Johnson Defense Committee, Series VI, Box 12, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>23</sup> Frances Ross, letter to the editor, *The Suburban Record*, August 2, 1962, Giles-Johnson Defense Committee, Series VI, Box 12 from the Maryland Room Special Collections, University of Maryland Library.

<sup>24</sup> Ray Burdick, “The Laws of My White Brothers are Not to be Trusted,” *Montgomery Sentinel*, February 23, 1967, Giles-Johnson Defense Committee, Series VI, Box 14, from the Maryland Room Special Collections, University of Maryland Library.

<sup>25</sup> “Full Pardon Asked for Giles-Johnson Case Defendants,” *Montgomery Sentinel*, July 25, 1963, Giles-Johnson Defense Committee Records, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

After winning clemency for the defendants in 1963, the Defense Committee turned its attention toward winning their freedom. Once again, they took a colorblind approach, concentrating on matters of constitutional defendant's rights rather than combating the issue of race directly. The first legal matter raised by the Defense Committee was the antique practice in Maryland that allowed juries to both decide the facts and interpret the law. In most states, the judge instructed the jury on the latter issue, so the Committee argued that the jury did not know the legal definition of rape and, therefore, could not come to a legal determination of the defendant's guilt.<sup>26</sup>

Additionally, Dr. Knapp prepared an editorial for the *Gaithersburg Gazette* that outlined the factual argument for the case, including that the jury never saw all the facts and that the sex was consensual; however, nowhere did he mention race.<sup>27</sup> Similarly, both Mrs. Ross and Dr. Knapp sent editorials to the *Sentinel*, asserting that the case failed to meet basic legal precepts of "equal justice under the law" and "the presumption of innocence until guilt is proved" and that the prosecutors did not fulfill their role to see that justice was done.<sup>28</sup> The legal appeals, all the way up the Supreme Court, also focused on matters of law and the right to introduce new evidence rather than on racial arguments. Therefore, from the original push for clemency to the final call for acquittal, the Defense Committee relied on themes beyond race to make their case.

Conversely, the three defendants saw race as the central reason for their incarceration and one of the most important elements of their fight for freedom. Unlike the Defense Committee, they were quite vocal on the issue, especially in their letters to Mrs. Ross and Dr. Knapp. Although the young African-Americans espoused a differing and more race centric view of their case, their vision of civil rights does not greatly diverge from the civic nationalist principles of most white liberals. During the March on Washington in 1963, the epitome of the movement's use of civic nationalism, the incarcerated defendants verbalized the desire to take part.<sup>29</sup> They imagined a world, similar to that illustrated by Dr. King, where people were not judged by the color of their skin, were treated equally under the law, and could learn to understand and live peacefully with others. In this vein, John Giles wrote of his hope that prejudice "will be overcome by understanding of the facet that one man is as good as another regardless of race...I have a few friends of another race...and we are equal...in our ignorance of one another."<sup>30</sup> Similarly, Joe Johnson remarked that he did not feel "bitterness or hate but deep pity" for those who allowed prejudice to dictate their actions.<sup>31</sup> John, who was the most vocal advocate of civic nationalism, also revealed that he desired to be judged "first as an individual, next as an American, and last by my race," which in many ways reflected the Defense Committee strategy

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<sup>26</sup> Allan E. Dessoiff, "Antique Jury System Bothers Maryland," *Washington Post*, November 4, 1962, Giles-Johnson Defense Committee Records, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>27</sup> Harold Knapp, editorial for *Gaithersburg Gazette*, June 4, 1964, Giles-Johnson Defense Committee, Series VI, Box 13, from the Maryland Room University of Maryland Archives.

<sup>28</sup> Frances Ross, editorial for *Montgomery Sentinel*, May 21, 1964, Giles-Johnson Defense Committee Records, Series VI, Box 13, from the Maryland Room University of Maryland Archives.

<sup>29</sup> John Giles letter to Harold Knapp, August 27, 1963, Giles Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>30</sup> John Giles letter to Mrs. Frances Ross, April 21, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>31</sup> Joseph Johnson letter to Harold Knapp, February 3, 1964, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

of focusing on the individual facts of the case and the rights afforded to Americans while barely mentioning race.<sup>32</sup>

Despite this apparent unity of ideas, there is a subtle, but important, difference: while John Giles included race as a factor, the Defense Committee, on the whole, ignored it. This small disparity demonstrates the slightly different view of race itself and its prominence in the case between the Defense Committee and James, John, and Joe. While the Defense Committee often neglected to directly point to race as the primary factor for the accusations, convictions, sentencing, and imprisonment, the three defendants trumpeted the viewpoint that they were in jail because of, and only because of, their race. John Giles wrote unequivocally that the union of “prejudice and misunderstanding” was “the very thing that put us here in the first place.”<sup>33</sup> Joe Johnson concurred and asserted that the average person’s opinion of the case was “because they are colored...it must have been rape” and that they are also guilty.<sup>34</sup> Additionally, John’s brother, James, claimed that the first decision by the Maryland Court of Appeals to uphold the conviction was “a rather biased, almost ridiculous opinion...based on race instead of the facts.”<sup>35</sup> Hence, the three young men saw race as the reason for their situation and the motive behind their conviction and, unlike the Defense Committee, were not silent on the matter.

As the Defense Committee attacked the validity of the death penalty and promoted the importance of defendant’s rights, the three defendants eloquently connected both issues to race, which the Committee had failed to do. John aptly summed up the inequality in the practice of the death penalty in a way that demonstrated a level of personal experience with racial prejudice that differed sharply with the experience of the white liberal defenders. “There is nothing equal about a Negro dying for rape while a white man lives after committing the same crime.” “The death penalty,” John observed, “seems to be made for the poor, uneducated, and most of all Negroes.”<sup>36</sup> James’ criticism was harsher. “The real issue here,” he declared, “is whether the State of Maryland will continue to single out a segment of the population- the Negro segment- and subject it to unduly severe punishment.”<sup>37</sup>

Also, in reference to the Defense Committee’s argument that the defendants did not receive equal treatment under the law, the three men went a step further and posited that it was difficult for any black to receive true defendant’s rights, as they were persecuted, not prosecuted, by prejudiced state officials, who they considered to be the “real” criminals.<sup>38</sup> “My biggest mistake of all,” lamented John, “was giving myself up to the police voluntarily because the laws of my white brothers are not to be trusted when it has something to do with one of his own race, especially a woman.”<sup>39</sup> Therefore, John Giles exposes the root of the entire case, the connection

<sup>32</sup> John Giles letter to Mrs. Ross, April 18, 1963, Giles Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>33</sup> John Giles letter to Harold Knapp, October 10, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>34</sup> Joseph Johnson letter to Mrs. Ross, July 13, 1963, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>35</sup> James Giles letter to Harold Knapp, October 14, 1963, Giles-Johnson Defense Committee Records, Series II Box 3, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>36</sup> John Giles letter to Mrs. Ross, June 1 and June 2, 1962, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>37</sup> James Giles letter to Harold Knapp, October 14, 1963.

<sup>38</sup> James Giles letter to Harold Knapp, June 8, 1967, Giles-Johnson Defense Committee Records, Series II Box 3, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>39</sup> John Giles letter to Mrs. Ross, June 4, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

between judicial injustice, race, and sex. The Defense Committee, however, chose to intricately tiptoe around the central issue in the public realm. Joe Johnson's sentiments that "I am scared to live in Montgomery County" exemplified the extent to which the failure and prejudice of the legal system affected the defendants.<sup>40</sup>

In addition, the defendants did not only see the case through their own eyes but also through the lens of a wider movement. The defendants realized that their case would serve as a part of the Civil Rights Movement and thus a mechanism for reform, and they were therefore willing to sacrifice to achieve those ends. "If in any way...the facts in our case bring about a reform in the administration of justice," wrote James, "then the time we have spent in prison will not have been completely in vain." James' sentiments show that he knew that fighting against his situation represented a wider purpose than simply his own freedom.<sup>41</sup> As the case began to bring attention to problems in the criminal justice system in Montgomery County and in Maryland and resulted in some significant reforms, John decreed that it was "something to rejoice about indeed."<sup>42</sup> Therefore, the defendants could look beyond their own plight and see the benefits of the resulting civil rights issues to other African Americans. While the members of the Defense Committee certainly understood that their actions reflected the goals of the Civil Rights Movement, the fact that they made little reference to race made it impossible for them to be as closely linked to it as the three young men they freed.

If Mrs. Ross, Dr. Knapp, and the Defense Committee recognized the importance of race to the case, then why was the language of race missing from their vocabularies as compared to that of their grateful defendants? One possible explanation is that they believed the public would not be responsive to racially inflammatory language. However, the press seized on the case and, much more so than the Defense Committee, pointed to the issue of race and blamed the situation on racial prejudice, and, in the process, the media aided rather than derailed the defendants' efforts for freedom. The *Montgomery Sentinel*, for example, went to the heart of the matter when they reported, "If the defendants had been white they never would have been convicted...and even if they had, they would not have been sentenced to death."<sup>43</sup>

Another possible explanation is that because the case was a legal matter that had to be fought in court, the Committee decided to focus all its energy on legal and factual arguments, on which race had little more than rhetorical value. After all, the state did not actually bring up the race of the defendants during the trial, so the lawyers could not claim that the prosecution tried to sway the verdict through appealing to prejudice. This explanation seems to have some merit because, after the Giles brothers were close to being freed through the courts and it became apparent that Joe Johnson's freedom might have to come from a political authority more likely to be influenced by social and political considerations, the Defense Committee became more vocal on race. In 1967, Mrs. Ross stated publicly that the death penalty "had been imposed because the defendants were Negroes."<sup>44</sup> Then, after all the defendants gained their freedom, Mrs. Ross, in a letter to the editor of the *Washington Post*, made an even stronger statement, writing that the

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<sup>40</sup> Joseph Johnson letter to Harold Knapp, May 13, 1967, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>41</sup> James Giles letter to Harold Knapp, October 9, 1963, Giles-Johnson Defense Committee Records, Series II Box 3, Maryland Room Special Collections, University of Maryland Libraries.

<sup>42</sup> John Giles letter to Harold Knapp, June 27, 1967, Giles-Johnson Defense Committee Records, Series II Box 4, Maryland Room Special Collections University of Maryland Libraries.

<sup>43</sup> Edward Morgan, "Morgan on the Giles Case," *Montgomery Sentinel*, August 22, 1963, Giles-Johnson Defense Committee, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>44</sup> Burdick, "The Laws of My White Brothers."

public must continue to fight against those officials “who seem to feel that being a Negro is an offense in itself.”<sup>45</sup> Therefore, after the case ended, the Defense Committee was less reluctant to utilize the language of race, showing that they may have believed the best way to achieve victory was to run a colorblind defense.

No matter the reason why the Defense Committee focused on race less than their defendants, its members clearly made strides, and, according to James Giles, “accomplished more as private citizens than any legislative body- than any courts-in the way of fair and equal justice.”<sup>46</sup> Unfortunately, the issues of racial injustice in the courts were not resolved with the Giles-Johnson case. As Harold Knapp said at its conclusion, “Maryland has a long way to go yet.”<sup>47</sup> Indeed he was correct, as the matter of race and the death penalty continually resurfaced in Maryland. In recent years, Governor Paris Glendening imposed a moratorium on the death penalty pending an investigation of racial bias; however, his successor, Governor Ehrlich, lifted it. Sadly, the Giles-Johnson affair has faded in the memory of Maryland residents. When James Giles was living through the ordeal, he wrote to Dr. Knapp, “We would really appreciate an opportunity to read *To Kill a Mockingbird*.”<sup>48</sup> Hopefully, the story of James and John Giles and Joseph Johnson will come to hold a place in history, as powerful as the novel’s place in the American imagination, as a testament to the fight of common people against racial injustice.

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<sup>45</sup> Frances Ross, letter to the editor, *Washington Post*, February 25, 1968, Giles-Johnson Defense Committee Records, Series VI, Box 15, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>46</sup> James Giles letter to Mrs. Ross, November 11, 1964, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>47</sup> Harold Knapp, note in margin of “Giles Case Figure Denied New Trial,” *Washington Post*, January 23, 1968, Giles-Johnson Defense Committee Records, Series VI, Box 15, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>48</sup> James Giles letter to Harold Knapp, August 12, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room University of Maryland Archives.

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