

# “When Atticus Came to Hopkinsville”

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*Mr. President, Mr. Secretary, fellow presenter, honored members & guests . . .*

When I initially thought about my topic for tonight's paper I asked myself, "What exactly does Athenaeum mean?" Unlike most of you, I had to look up the definition and found that Athenaeum in Latin means "a building or room in which books are kept for use." That led me to ask myself, what is my favorite book and "Why?" Many of you will recognize the opening passage of my favorite book and the crux of tonight's paper:

"People moved slowly then. They ambled across the square, shuffled in and out of the stores around it, took their time about everything. A day was twenty-four hours long but seemed longer. There was no hurry, for there was nowhere to go, nothing to buy and no money to buy it with, nothing to see outside the boundaries of Maycomb County. But it was a time of vague optimism for some of the people: Maycomb County had recently had been told that it had nothing to fear but fear itself." p 11

For many, the mention of Maycomb County provides the name of the book. For the eleven lawyers in The Athenaeum Society (28%) the book may have served as a motivating reason why each chose the law as a profession. For others, Maycomb County may be remembered from when the book was made into a movie. The book is of course **To Kill a Mockingbird**, Nelle Harper Lee's only published book. For purposes of this paper I re-read **To Kill a Mocking Bird** and strongly encourage each of you to do the same. Please, place your order with Pam Goolesby at Books on Main @ Ninth & Virginia and take the time to appreciate the many levels of culture and humanity that this classic book has to offer. No longer do you have a hot date on Saturday night date and a book report due on Monday. My goal during the first part of this paper is to review several of Lee's main themes and then build upon a specific theme. In the world of English teachers such as Sarah Byers and Sandy Cavanaugh, this technique is called "foreshadowing." The title of tonight's paper is "When Atticus Came to Hopkinstown."

That said, how many people have read **To Kill a Mockingbird** or seen the movie? For those unfamiliar with the book, let us quickly recollect what we remember about the book and movie:

#### Book & Movie:

After several failed submissions to various book publishers, **To Kill a Mockingbird** was published in 1960 and quickly became a best seller, winning the Pulitzer Prize for Literature in 1962. Made into a movie in 1962 the movie won three Academy Awards, with Gregory Peck awarded the Best Actor in a Leading Role. (Lawrence of Arabia won for Best Movie.) The movie runs several times each year on the different cable channels, and perhaps many of you watched the recent PBS program, "Hey Boo: Harper Lee & 'To Kill a Mockingbird.'" The book has been published in over forty languages, continues to sell over 1,000,000 copies a year, and has been recognized by some critics as ". . . quite possibly the most influential American novel of the 20<sup>th</sup> century."

### Nelle Harper Lee:

One of the more intriguing aspects of the book is that Lee, after winning the Pulitzer and obviously a new significant literary talent, never published another book. Lee is a fascinating person in her own right. Lee was born in Monroeville, Alabama in 1926, attended the University of Alabama Law School, studied one year in Oxford, England, and then moved to New York City to write her book. While Lee wrote in her mid-thirties she worked in the reservations department of an international airline. While working with the studio on the movie's screenplay, Lee insisted that Gregory Peck and not Rock Hudson, who the studio preferred, portray the role of Atticus Finch. Since 1964, Lee has declined to give interviews and at age 88 is still alive in Monroeville. Like J. D. Salinger, Lee has preferred to live a quiet life, writing for her own sake and continuing to ". . . collect memoirs of nineteenth-century clergyman, golf, crime and music." As she observed in the 1960's, "When you have a hit like that, you can't go anywhere but down." And unless I missed it, Lee continues to play by her own rules; I could not find an on-line copy of **To Kill a Mockingbird**. Many of you may also remember that one of Lee's best childhood friends and the model for the character "Dill" was Truman Capote. Lee's sister said that although always friends, Capote was jealous as his 1966 bestseller, **In Cold Blood**, failed to earn the Pulitzer Prize.

### Memorable Characters:

There is of course Scout, the book's narrator writing as an adult but from a child's perspective. Some critics say that this technique demonstrates the genius of the book, allowing Lee to describe two perspectives at once. Perhaps this is why Lee begins the book with this quote by Charles Lamb, "Lawyers, I suppose, were children once." Scout is able to serve as a questioner and an observer, a child and an adult. I now see the symbolism of Scout serving as a dependable, forward looking person able to guide others. Then there is the symbolism of Finch, the family's last name and that of a song bird, like a mockingbird. When told of such connections in high school I would have looked at my English teacher and said "Really?" thinking that no one could think and write on so many levels. I now apologize to my former high school teachers; maybe they did know something after all.

And then there is Atticus, my favorite character and AMC's number nine rated "Fifty Greatest Male Movie Characters" of all time. (Forrest Gump is number one.) The very name itself is derived from Attica, the Greek city state of Athens and the voice of reason throughout Western Civilization. In the book Scout always refers to her Father as Atticus, never as Daddy or a similar name. Lee portrays Atticus with heroic attributes: the best shot in the county, a state legislator, a peacemaker for neighborhood disputes, and the voice of reason in life's daily occurrences. If one reads closely, Atticus rarely lectures his children or others on morality, preferring to ask the question, "Do you really think so?", encouraging others to view life from a different light and perspective. Throughout the book Atticus is portrayed as one who will not take advantage of anyone that cannot fight back, realizing that he must be more careful & thoughtful when dealing with those unable to fight. Through Atticus, we see someone who values morality, reason, justice, and the justice system.

## Themes:

From my perspective as a sixty year old, the themes of Lee's book continue to resonate. There are so many that I will only highlight a few:

- Bravery-as when Jem, Dill and Scout attempt to draw Boo Radley from his house.
- Compassion- The lesson Scout learns after fighting Walter Cunningham and later eating lunch with him. "You never really understand a person . . . until you climb into his skin and walk around in it."
- Prejudice-The lesson Jem learns after the jury convicts Tom Robinson and it is obvious that Tom could not and did not commit the crime.

But for me the major theme is courage. At "nearly fifty" Atticus is appointed by the local court to defend a man accused of rape. The alleged victim is white, the defendant is black, and the trial attracts the interest of everyone in Maycomb County. Atticus is asked to defend Tom Robinson despite the fact that Atticus does not practice nor enjoy the practice of criminal law. After fighting for Atticus' reputation in the school playground, Scout asks Atticus why he is involved in a case that almost everyone in the county disagrees. More surprising, Atticus is doing his best to actually win the case. Scout questions Atticus: "If you shouldn't be defending' him, then why are you doing' it?"

"For a number of reasons said Atticus. The main one is, if I didn't I couldn't hold up my head in town, I couldn't represent this county in the legislature, I couldn't even tell you or Jem not to do something again."

"You mean if you didn't defend that man, Jem and me wouldn't have to mind you anymore?"

"That's about right."

"Why?"

"Because I could never ask you to mind me again. Scout, simply by the nature of the work, every lawyer gets at least one case in his lifetime that affects him personally. This one's mine, I guess. You might hear some ugly talk about it at school, but do one thing for me if you will: you just hold your head high and keep those fists down. No matter what anybody says to you, don't you let 'em get your goat." Try fighting with your head for a change . . . it's a good one, even if it does resist learning."

"Atticus, are we going to win it?"

"No, honey."

"Then why—"

"Simply because we were licked a hundred years before we started is no reason for us not to try to win," Atticus said. . . . "Come here, Scout," Atticus said. I crawled into his lap and tucked my head under his chin. He put his arms around me and rocked me gently. "It's different this time,"

he said. "This time we aren't fighting the Yankees, we're fighting our friends. But remember this, no matter how bitter things get, they're still our friends and this is still our home." P73-74

Later in the book Atticus adds,

"This case, Tom Robinson's case, is something that goes to the essence of a man's conscience—Scout, I couldn't go to church and worship God if I didn't try and help that man."

"Atticus, you must be wrong . . . ?"

"How's that?"

"Well, most folks seem to think they're right and you're wrong . . . "

"They're certainly entitled to think that, and they're entitled to full respect of their opinion."

Said Atticus, "but before I can live with other folks I've got to live with myself. The one thing that doesn't abide by majority rule is a person's conscience." Page

In a scene not portrayed in the movie, Atticus's sister lovingly differentiates Atticus's actions and the hypocritical comments of the "Missionary Tea" church group:

"I mean this town. They're perfectly willing to let him do what they're afraid to do themselves—it might lose 'em a nickel. They're perfectly willing to let him wreck his health doing what they're afraid to do, they're—<sup>sh</sup>" "Be quiet, they'll hear you," said Miss Maudie. "Have you ever thought of it this way, Alexandra? Whether Maycomb knows it or not, we're paying the highest tribute we can pay a man. We trust him to do right. It's that simple." Page 215.

At the heart of it, I believe that is why **To Kill a Mocking Bird** remains such a remarkable book; the book clearly demonstrates how one person can make a positive difference during difficult times. For this reason I asked myself if others have been in the same situation as Atticus in Christian County. As William Turner always notes, there is always a Hopkinsville connection. The case involved the last time a man in Christian County was sentenced to death and electrocuted at the Eddyville State Penitentiary. The murder occurred on July 15, 1954 and the defendant was electrocuted on September 16, 1955. The time from the murder to the electric chair was fourteen months and one day. The case was Commonwealth of Kentucky vs. Ed Milam.

Let us remember that when the trial began in October, 1954, Brown vs. Board of Education had only been decided five months earlier, Rosa Parks had yet to sit at the back of the bus until December, 1955, and the 101<sup>st</sup> Airborne Division had yet to protect students in Little Rock until 1957. Equally important, as television news was in its infancy, most citizens had never witnessed the drama of a Southern murder trial in which a black man was accused of killing a white man. The visual memory of Lee's book and movie did not exist until the early 1960's. In the Milam case, at least two attorneys were involved in the type of case described by Lee, that "(once) in his lifetime that affects him personally." Those two attorneys were Pollard White and W. O. Soyars, Milam's court appointed attorneys. A contemporary observer remembers that Circuit Judge Ira D. Smith made sure that Milam was represented by two of Hopkinsville's

leading law firms, the firm of White and Clark and the firm of Trimble, Soyars, Keith and Breathitt. For White at age 34, the case could have derailed a promising legal career. (The *Kentucky New Era* reported that the young White had just been elected President of the local American Red Cross chapter.) White's widow, Betsy, remembers that the case was perhaps the first and one of the few criminal cases White ever handled. In a 1997 interview with Jennifer Brown and the *Kentucky New Era*, White remembered that "I had about eight years of experience at that time and almost none in criminal law. But in those days, if the judge asked you to defend a case, you just did not say no." Soyars, at age 62, was a seasoned attorney and former County Judge. Throughout the later appellate process, both lawyers argued that Milam should have been granted a new trial because the photos introduced as evidence were inflammatory, that Milam had been "sweated" during his confession, and that the Grand and Petit juries did not include any African American jurors.

Following Milam's conviction, White and Soyars appealed the case to the Kentucky Court of Appeals (now the Kentucky Supreme Court) and the U. S. Supreme Court. Affirming the lower court's decision, the U. S. Supreme Court noted that Milam was represented ". . . by able and experienced members of the Hopkinsville, Kentucky bar, who ably, diligently and skillfully conducted his defense." After reading the entire court record I agree that White and Soyars, like Atticus, truly tried to defend Milam and did not simply go through the motions. Although White and Soyars were unsuccessful, let us briefly review the case's highlights to see if you agree that White and Soyars acted courageously.

On the day before the murder, the *Kentucky New Era* reported that the temperature was 104 degrees, a local teen-age golfer had won the Kentucky Jaycee Golf Tournament, and the community could follow the daily admissions and dismissals from Jennie Stuart Hospital. But on July 15, 1954, a liquor store in Oak Grove, Kentucky called "The Hut" was robbed at 5:30 p.m. The court transcript reports that three black men drove to The Hut and two entered the store. Ed Milam (age 25) told the clerk, Stephen Farmer (age 61), "This is a stick-up" and demanded a bottle of wine. The transcript indicates that gunfire ensued and that Farmer shot Milam in the ear, Milam fired at least three shots, and Farmer was killed. Following the gunfire, one man got back into the vehicle, Milam was not allowed to re-enter the vehicle, and Milam walked home to New Providence, Tennessee. By the next day Milam had been arrested and lodged in the Clarksville, Tennessee jail.

After being questioned for one-two hours by the Clarksville Police Department, the Chief of the Hopkinsville Police Department, Russell Greenwell (age 32), met with Milam alone in the Clarksville jail between 8:30-9:00 p.m. At the conclusion of the meeting Milam voluntarily signed a written confession confirming that he had been read his rights, that his statement was made freely and voluntarily, that he realized his statement could be used against him, that no promise had been made to him that would benefit him in any way, that his confession would not make life easier for him, and that that he had not been granted any type of immunity. Chief Greenwell later confirmed that he was unaware of what Milam and the Clarksville Police Department had previously discussed or if any promises had been made before he arrived. Other assisting local law enforcement officers included Highway Patrolman G. W. Riley (who took several photos of the murder scene), Deputy Sheriff George Bats, and local physician Dr. Preston Higgins.

(As an aside, the victim's son, Rudolph Farmer, was one of my Boy Scout leaders and the victim's grandson was a fellow scout named Stephen Farmer. I say this that for whatever reason, I remember as a twelve year old asking Mr. Rudolph Farmer if Steve was named for his Grandfather. What I remember is that Rudolph Farmer said "yes", looked at me like he wanted to elaborate, and then walked away without any additional comment. I never knew the connection until researching this paper.)

As the days unfolded, the *Kentucky New Era* ran front page articles entitled "Wide Search On For Two After Man Shot to Death During Hold Up Attempt." Another headline and photo read "Negro Residents of New Providence." To the *New Era's* credit, the paper did not sensationalize the shooting or the subsequent trial. That said, the trial obviously generated significant local interest as over one-hundred citizens packed the Christian County Courthouse for the arraignment and seven local law enforcement officers accompanied the suspects. The *New Era* reported that no trouble arose at the Courthouse. For some reason, Milam's initial court appointed attorneys, Ed Breathitt and James P. Hanratty, were replaced at Milam's indictment on September 30, 1954 by Pollard White and Judge W. O. Soyars.

When the trial began on Wednesday, October 27, 1954, W. E. Rogers, County Attorney, and Herman Southall prosecuted the case and Circuit Judge Ira D. Smith was the presiding judge. After a lengthy jury selection, the evidence and testimony were finalized by 4:45 p.m. The defendant did not take the stand. In an unusual night court session the jury reconvened at 7:00 p.m. W. E. Rogers and ~~W. E.~~<sup>W. E. Rogers</sup> Southall presented closing arguments for the prosecution and W. O. Soyars for the defense, a total of 1 hour and 10 minutes. After deliberating for eighteen minutes, the jury returned a guilty verdict of willful murder and recommended the death penalty. The jury members included: Luther Cowherd (foreman), John Hanberry, Aubrey Daniel, J.F. Gilkey, E.P. Murphey, W.O. Stone, Ivy Rowe, J. C. King, Joe Armistead, Roy Mason, Dee Mitchell, Fenton Cayce Jr., and Robert L. Cave. The next day the *New Era's* headline read "Milam's Sentence 7<sup>th</sup> to Chair in County's History" and described the facts surrounding the previous trials.

At Milam's sentencing on October 30, White and Soyars argued that the verdict should be set aside because, "No person of African descent served on either the Grand or Petit Juries from which the final jurors were selected." At the sentencing Milam testified to the Court that "Judge, I think they (the jury) were mighty heavy on me." (As an aside, despite our interest in the trial, it appears that many in Hopkinsville were preoccupied with the fate of the thirteen Owensboro High School football players suspended for two games for shoplifting while travelling on a bus trip to Mayfield. As Owensboro was the favorite to win the District championship, with Owensboro's two possible losses, Hopkinsville's chance of winning the District championship had now greatly increased.)

Before the Kentucky Court of Appeals, White and Soyars argued that Milam's race was a factor and that Milam could have been "sweated" into making a confession:

"Nevertheless, we urge the members of this Court to examine this case subjectively, and to apply the rules of evidence governing the two points made herein, in the light of the fact that appellant is a negro, twenty five years of age; that therefore it is doubtful he could, under arrest, charged with murder, and in the custody of five or six white peace officers, voluntarily give a

confession or do anything else. He would almost certainly experience great fear and pressure, sufficient to render his statement involuntary. No one knows what transpired in Clarksville, Tennessee, during the three and a half hours before appellant made a "confession" to Russell Greenwell. Greenwell said he didn't know. The Commonwealth failed to show, as it easily could have done, by any of the Tennessee officers, how appellant was handled----whether he was abused, threatened, promised immunity, or plied with questions."

Based upon the affidavits of Circuit Judge Ira D. Smith, W. E. Rogers, and others, the U. S. Supreme Court heard evidence that the Christian County Commissioners had been instructed to:

" . . . place the names of prospective jurors in the wheel without preference to their race, creed or color, and during the period mentioned, ten years, numerous jurors have served both on the Grand and Petit jury of the Christian County court who were members of the colored race or Negroes, at least 3-4 during 1954."

Based upon similar testimony, the U. S. Supreme Court concluded that, "No discrimination (was) shown by the Jury Commissioners in placing the names of prospective jurors in the wheel." The result was that Milam was executed in the electric chair in Eddyville on September 16, 1955. Although other defendants from Christian County have since been sentenced to death row in Eddyville, none have been executed.

In retrospect, there is at least one other local attorney that was influenced by the Milam case, Ned Breathitt. A contemporary remembers that it could have been political suicide for Ned Breathitt and Jim Hanratty to have continued to serve as Milam's court appointed attorneys. In 1954 Breathitt was preparing his run for governor and Hanratty as Commonwealth Attorney. As all of us now know, Governor Breathitt became one of the first Southern governors to aggressively support civil rights legislation. During his inauguration speech on December 10, 1963 Governor Breathitt called on Kentuckians " . . . to be first in nobility of spirit, first in their determination to cast away hate, bigotry and prejudice." When Breathitt's "Kentucky's Civil Rights" law passed in 1966, Kentucky became the first Southern state to pass any type of significant civil rights legislation. Breathitt called the legislation " . . . a moral commitment kept after a hundred years of hope deferred" and the legislation went further than federal law toward prohibiting racial discrimination. Breathitt added, "This is only a beginning. Only in the human heart can justice win the final victory."

Looking back at this unique moment in time, it is easy for us to judge the behavior of others and to imagine our own actions. My personal belief is that the entire community was certainly aware that two Tennessee black men killed a white man in Oak Grove. I think race impacted the community's perception of the trial. At least for the white community, I think the community's confidence in its culture and the justice system was re-enforced with the eighteen minute verdict. And I think the community's interest in Milam had waned when fourteen months later Milam was electrocuted. Unlike **To Kill a Mockingbird**, the Milam trial does not appear to be a defining community event. For Milam, it was a day he wished had never occurred. The underlying facts are that Milam was celebrating the driver's recent discharge from the U. S. Air Force. Milam and several friends had been drinking beer and wine all afternoon at Mr. Babo's place in New Providence in the 100 degree heat. The group had purchased wine from The



Hut earlier about 1:00 p.m. and returned at 5:30 p.m. for more. I believe the trio and specifically Milam never intended to kill Farmer. Evidence existed that Milam was inebriated when he walked into The Hut. No one will ever really know what took place in the Clarksville police station. My belief is that Milam voluntarily signed his confession with the belief he would receive life imprisonment and not the death penalty. Unlike **To Kill Mockingbird**, I believe sufficient evidence existed for a reasonable jury to believe that Milam killed Farmer. From the perspective of Pollard White and W. O. Soyars, I believe each did their best to defend Milam under difficult circumstances. For Breathitt, although he initially took a step back, I believe it is fair to say he marshalled his courage for a different day and playing field.

In conclusion, I believe each would have fully appreciated this insightful exchange between Atticus and Jem:

“. . . I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It's when you know you're licked before you begin but you begin anyway and you see it through no matter what. You rarely win, but sometimes you do." page 105.

Going forward, please remember White, Soyars and Breathitt the next time you read or watch **To Kill a Mockingbird**. As important, remember that inspirational heroes are not limited to literary works. Many are found in Hopkinsville, stepping forward on a daily basis to make our community a better place to live and raise our families.

*Thank you for your time and attention, it was a pleasure researching and presenting this paper.*