

Post Office Box 1249,
Greensboro, North Carolina,
May 21, 1923.

Mr. W. W. Gross, Grand Master,
Most Worshipful Grand Lodge of Iowa,
Free and Accepted Ancient Masons,
1319 Fulton Street,
Keokek, Iowa.

Dear Brother:

I am a member of North Star Lodge No. 2, A. F. and A. M. of Des Moines, and have been stationed in this city at the Agricultural and Technical College as United States Warrant Officer for about four years. I have served my country as a soldier and Army officer for something over twenty-three (23) years doing active service in the Philippine Islands, Cuba, Mexico and in the World War holding decorations from the War Department for each place of this service.

On Wednesday, January 3, 1923, I received an invitation to go hunting at a small country village about seven (7) miles out from Lexington, North Carolina. I went and hunted with members of the family who invited me down there. When I was through hunting on the fourth the party who invited me down advised me that I had raped her niece during the afternoon and that if I would give her \$50.00 it would settle the matter with her; and, then I could give her father (grand father of the alleged victim) something and it would settle the matter entirely. I flatly refused and was at an entire loss to know just why such a move was made. They then invited me in to supper and directed me to the station. I returned to this city that night, January 4, 1923.

On Friday night, January 5, 1923, while at supper the sheriff of this county, Guilford, came with a warrant charging me with "rape". I was taken to the county jail located in this city and later that night taken to the jail of Davidson County at Lexington. I was held without bond; and probable cause was found at the preliminary hearing before the Recorder's Court on January 10th, 1923. I was again placed in jail, without bond, until March 5, 1923, when I faced the grand jury and my trial lasted for three (3) days. Notwithstanding the fact that I was charged with "rape", the jury rendered a verdict of "Assault with intent to commit rape". Through my attorneys I gave notice of appeal when the judge sentenced me to seven years in the penitentiary. My bond was fixed at \$4,000.00. It was necessary for me to remain in jail from that time until May 7, 1923, when I was able to get bond.

There are a number of phases in my case that would be very interesting, but to go into all would take too much of your valuable time. The following is a resume' :

RESUME:

STATE OF NORTH CAROLINA vs. W. W. GREEN.

1. Warrant was sworn and arrest was made only upon advice of prejudiced poor white farmers who detested seeing a Negro in an Army uniform; the family of colored people being illiterate and have always followed advice and counsel of the white people of that community.
2. The prosecuting attorney manufactured his testimony.
3. When procedure was made to select jury according to the laws of North Carolina from the box, the prosecuting attorney stated to the court that it was not necessary to select jury from the box as it would require so much ^{time} since we are just trying a "nigger", if it was a white man it would be different. My attorneys (white) offered no objection to this and I was absolutely helpless. Judge A. M. Stack, presiding, instructed the sheriff to bring in 75 good citizens from all around and jury could be selected from that body. Sentiment in the town of Lexington was in favor of acquittal and the prosecution objected to any one from that town serving on the jury.
4. White men who advised these colored people to prosecute me were called as character witnesses and I was told a few weeks ago that one of the men serving on the jury stated that this was a good opportunity to pull that uniform off of that nigger.
5. The girl, the alleged victim, stated on the stand that she was sixteen (16) years of age; that she was a virgin and that insertion and entire act was completed within five minutes and that act was perfect. When asked if she was treated by a physician she stated that her aunt treated her (the aunt who wanted the \$50.00 for settlement). When asked if she was confined to bed she said "no" and if she went to school the next day, she said "yes". She also stated that she went to school until she became ashamed because the other girls laughed at her and the colored people talked so much.
6. My attorneys who were white did not work up my side of the case as vigorously as they might; they got as much money out of me as they could and I think the court records will convince you that the fight was not made that could have been made. I was in jail and could not depend upon any one except my attorneys and a few friends from other places as I am almost a stranger in this community.
7. The prosecutrix also stated on the stand that there was a neighbor by the name of Cotton Cross who passed on the public highway at the time the act was being committed, that the act was committed about fifty (50) feet from the said highway, that she was afraid to call to him for help. The said Cotton Cross would not testify and it is my opinion and belief that he was either bribed and threatened if he said anything about the case. Several have been afraid to testify because threats of violence have been made I understand.

8. It is my information that much helpful data pertaining to the character of this family is being withheld because of fear on the part of neighbors, however, I hold in my possession one letter from the party who invited me down there, Martha J. Roberts, and I also hold a letter from the said Martha J. Roberts to a neighbor requesting him not to testify in this case against her as he held valuable information pertaining to this case. Martha J. Roberts is the aunt of the victim and the central figure in this case. The Roberts woman testified on the stand that she had never invited me down to her home nor had she ever written to me.
9. Since my release on May 7, 1923, I have secured a few voluntary affidavits, copies of which I am enclosing.
10. This is in substance just about the argument the state's attorney made to the jury as I can best remember:

"There's that nigger -- a slick nigger, smooth, educated. He's been to Cuba, France, Philippine Islands, Mexico, all over the country and he's been dowing this sort of thing all of his life and getting away with it, but I know you gentlemen are not going to allow that nigger to leave this court house a free man. You are going to protect this little nigger girl who has brought her case to the court as all niggers should. I imagine I can see that nigger now bedecked in uniform of an army officer parading the streets of Paris with a white woman on each arm. That was the principal thing done by nigger officers in France -- socialize with white women. Gentlemen, who knows if this man is set free how soon your daughter may be attracted to this man by his uniform and decorations. I know you are not going to let him leave the court house a free man, but that you are going to convict him as you should do".

Few, if any, remarks were made in his argument that had any bearing on the evidence or testimony in the case, but purely an argument to arouse racial prejudice in the jury as though the alleged victim was a white woman.

11. It is my opinion backed by good reasoning that even my own attorneys are somewhat inclined to see my uniform pulled off. They, I don't believe, wanted me to get complete exoneration because of my army record which would soon place me on the retired list with pay. In fact, one of them told me he thought I should go on serving the time and in a year or two which would pass rapidly they could apply for a pardon for me.

*Ed. My further information you ...
I shall be glad to furnish ...
Sincerely yours ...*

I have spent already something over \$1,900 and I had to get up cash in order to get up bond as I am a native of the State of Virginia and the little property I own is in that State I could not use it in North Carolina in going my own bond. I have gotten to the place that the widow's son needs help. I have carried matters as far as I could without help and I have fought hard thus far, and have had to spend as I said above about \$1,900 and then I was able to get an additional \$2,000 to the \$2,000 I had to make up my \$4,000 for bond. My matters are now headed for the Supreme Court of North Carolina and as I spent so much of my time in jail my ninety (90) days period for arranging appeal to the Supreme Court is almost out -- dates from Superior Court trial.

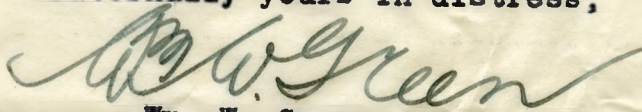
I am not making a statement to you as to my guilt or innocence, but I am leaving it solely for you to judge from the affidavits and facts I have been able to collect within the past few days under severe handicaps. It seems that I am up against a proposition of prejudice now rather than an actual legal precipitation and I cannot say it very loudly that IT IS PREJUDICE. But at the very root and at the very beginning it was purely a case of blackmail.

I am now appealing to you for financial assistance from the Grand Lodge or from each subordinate lodge asking: "Is there no help for the widow's son". It is going to take about \$3,000 for me to get necessary attorneys and to get my case properly placed before the Supreme Court and before I can get justice it may mean that I shall have to go into the Federal Courts. I have been advised recently by one of North Carolina's most eminent lawyers that because of racial conditions in Davidson County and because of the fact that I was a resident of Virginia my case should have been fought out in the Federal Courts from the beginning. You may recall that this is the county in which the Grand Master R. Baxter McRary was given such a raw deal because of a white woman and had to leave. That same prejudice growing ~~fixant~~ out of his case is still alive.

I might state that the thing I want to protect is my army record as I will go on the retired list if acquitted and will draw a good salary to carry myself and family rest of my life; I have only about two more years. The War Department has been very nice to me and upon facts I have placed before them and because of excellent records made, they have decided to just hold all military procedure pending outcome of the Supreme Court decision.

With every good wishe and soliciting any assistance you may show me through your good office and consistent with same, I am

Fraternally yours in distress,



Wm. W. Green,
Warrant Officer, United States Army

Copy to Brother N. E. Jacobs, Secretary of my Lodge, 1238
Twentieth Street, Des Moines, Iowa.

P.S. Any further information you may desire
I shall be glad to furnish. I can also furnished
Certified Copies of affidavits if desired WWS

COPY

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NORTH CAROLINA
DAVIDSON COUNTY

AFFIDAVIT

STATE

vs

IN SUPERIOR COURT

W. W. GREEN

The affiant being duly sworn deposes and says that she is 13 years of age and a pupil in New Jersey School #3 Dist. Cotton Grove Township and am in class with Mildred Wagner, that on the day after the charges were made against W. W. Green, while at school, Mildred told her, this affiant that her aunt had made her say that W. W. Green had raped her, but it was false Green hadn't touched her, but she was going to say so.

That this affiant believes because of information given her that day by Mildred Wagner that her charges against W. W. Green were false and caused by her aunt for some reason of her own, not known to this affiant.

(signed) HELEN HOLT

Sworn to and subscribed before me this May 17th, 1923.

(SEAL) (signed) C. F. RICH, Notary Public

My commission expires 3/14/1925.

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NORTH CAROLINA
DAVIDSON COUNTY

STATE

IN SUPERIOR COURT

vs

AFFIDAVIT

W. W. GREEN

The undersigned affiant says that she was at school on January 5th, 1923, and heard Mildred Wagner say she had said that W. W. Green had committed rape on her, when in fact he had never touched her, she only said it because her aunt told her to say it, and was going to say it in court, this was next day after alleged assault.

(signed) VIOLA MOORE

Witness by her mother

(signed by mark) MINNIE X HARRIS
her
mark

Sworn to and subscribed before me this 17th day of May, 1923

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public.
commission exp. 3/14/1925.

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NORTH CAROLINA
DAVIDSON COUNTY

STATE

IN SUPERIOR COURT

vs

AFFIDAVIT

W. W. GREEN

This certifies that the undersigned affiant was at the New Jersey School on the 5th day of January, 1923, that she was present in school and heard Mildred Wagner say that she had stated that W. W. Green had committed rape on her, but that her aunt had told her to say it, when in fact Green never had put his hand on her, and that they had a big fuss about it, that she was going to say the same when trial came on, this affiant lives near the school and is a class-mate of Mildred Wagner, that all the larger girls heard Mildred make this statement.

(signed) MAE NORMAL HARGROVE, Affiant.

Sworn to and subscribed before me this 17th day of May, 1923.

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public
commission exp. 3/14/1925

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NORTH CAROLINA
DAVIDSON COUNTY

STATE

AFFIDAVIT

vs

IN SUPERIOR COURT

W. W. GREEN

This certifies that I know Mildred Wagner, that I know of her companionship with Habren Lindsay. She doesn't have boys call on her at home, but she meets this boy out and she has met him on the road and went off together, that she is not a truthful girl.

2 separate fountain pens used)

(signed) LOTTIE HOLMES, Affiant.

Sworn to and subscribed before me this 17th day of May, 1923.

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public
commission exp. 3/14/1925

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NORTH CAROLINA
DAVIDSON COUNTY

STATE

AFFIDAVIT

vs

IN SUPERIOR COURT

W. W. GREEN

The affiant being duly sworn deposes and says:

That she is a citizen of the State of North Carolina and of the County of Davidson and well knows Alex Wagner, has known him for a great number of years, is well acquainted with his family, and his grand daughter Mildred Wagner, and that Mildred is a girl known to be a great falsehood teller, that her word is not to be relied upon for truth. That Martha Roberts, Alex Wagner's daughter, is a woman of bad character for unbecoming conduct with men, that she has heard the charges against W. W. Green and for causes known to her she verily believes that same is an attempt to blackmail said Green and secure money from him to save criminal prosecution. She has lived in Alex Wagner's home for several years, and knows that while in the said home she heard several quarrels between the girls of the home over men, and as to her best information and belief W. W. Green never had any criminal relations with Mildred.

(signed) (Mrs.) NANNIE HOLT

Sworn to and subscribed before me this May 17th, 1923

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public

Commission Exp. 3/14/1925.

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NORTH CAROLINA
DAVIDSON COUNTY

AFFIDAVIT

STATE

vs

IN SUPERIOR COURT

W. W. GREEN

The affiant being duly sworn says that she lives in the same neighborhood ^{as} Alex Wagner, knows the family well and knows the prosecuting witness in the above mentioned criminal case, knows that the prosecuting witness Mildred Wagner has been in acts of illicit relations with men before the 1st day of January, 1923, and that this affiant personally saw the said states' witness in an act of adultery with Harry Heyden a married man who frequently sought her company.

That she well knows that states' witness in said case is making false statements when she alleges her innocence in her conduct with men, but verily believes that said prosecution is an effort to extort money from W. W. Green this affiant having seen a letter written by said prosecuting witnesses' aunt requesting a gift from W. W. Green, which she was later informed and believes was \$50.00, and which she is informed and believes he refused to give.

(signed by mark) ROSA Her
X HOLMES
Mark

Witness: (Mrs.) Nannie Holt

Sworn to and subscribed before me this 17th day of May, 1923.

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public
commission exp. 3/14/1925.

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STATE OF NORTH CAROLINA,
DAVIDSON COUNTY

IN THE SUPERIOR COURT,
MAY 14, 1923.

STATE

VS:

WILLIAM W. GREEN

AFFIDAVIT OF ROBERT SCOTT.

Robert Scott, Being duly sworn says that he is 26 years old, residing at 119 3rd Ave. West, Lexington, N. C., by occupation butler for Mr. G. W. Montcastle,

That on or about the 10th of January, 1923, at the time of the preliminary hearing before the Recorder in the above case, affiant was in conversation with Alex Wagner, father of the prosecutrix in the above case at the court house door in Lexington, that said Alex Wagner stated to affiant that "If I had known it was going to turn out as it did, and I was not going to get anything more out of it, I would not have carried it as far as I did"; we were discussing the case of State vs. Green, charged with assaulting Mildred Wagner grand daughter of said Alex Wagner. Affiant has never had any further talk with Alex Wagner about the case.

(signed) ROBERT M. SCOTT

Sworn to and subscribed before me
this the 14th day of May, 1923.

NOTARIAL

SEAL (signed) J. M. Daniel, Jr.
Notary Public

My Commission expires 9 - 15 - 1924.

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NORTH CAROLINA
DAVIDSON COUNTY

IN SUPERIOR COURT

STATE

AFFIDAVIT

vs

W. W. Green

The affiant being duly sworn deposes and says,

That he knows Martha J. Roberts and has known her for a great number of years, that she is a school teacher in our county, that she is a woman of dangerous character, whose word cannot be taken seriously for truth.

That she is bad for unbecoming conduct with men, and this affiant has seen a letter written by Martha J. Roberts to W. W. Green requesting a present, which this affiant verily believes caused the charges to be preferred against Green because he refused to give money.

That the States witness Mildred Wagner has a bad reputation for having men both married and single, and is known to have had men before Jan. 4th, 1923.

(signed by mark) GEO. W. x Holt
his
mark

Witness C. F. Rich

(2 Fountain Pens used)

Sworn to and subscribed before me this May 17th, 1923

NOTARIAL
SEAL

(signed) C. F. RICH, Notary Public

My commission expires 3/14/1925.

COPY

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Mr. W. W. Gross, Grand Master,
Keokuk, Iowa.

My dear Sir and Brother:

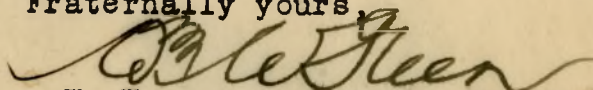
Your kind favor of the 24th came to me last night and in reply I wish first to thank you for the kind attitude and interest portrayed in your letter.

I shall appreciate any assistance you may be able to give me through your good office; say if each subordinate lodge will just send me four or five dollars, it will mean much toward helping me with my defense. This will not work a hardship on any individual and will not consume but just a little time. Since I wrote you I have asked for an extension which I feel reasonably sure of getting and I know you will be glad to learn that over half of the jurors who convicted me have signed a petition to the Supreme Court asking that I be granted new trial with provision that I pay cost of court.

In reference to the N. A. A. C. P. I wish to state that this organization does not interest itself in cases unless it is purely a matter growing out of prejudice. A colored woman and girl are the ones working against me, but of course there is a peculiar aspect right here in that the whites have pushed the prosecution and the principal state witnesses and the jealousy of my being in the army, etc., precipitates the facts of prejudice. To carry my matter to the N. A. A. C. P. will be a pleasure to me and I am today asking a new attorney in the case, colored, to take the matter up with the Secretary. I will thank you also to write the N. A. A. C. P. urging them to assist me. I hope they will, but I was wondering how they could just fight the "prejudice" without getting into the actual case or if they would take a hand in it on that account. But whatever is done must not be given any publicity in North Carolina and BY ALL MEANS not so it can get to Davidson County.

Again thanking you, I am

Fraternally yours,



W. W. Green, Warrant Officer, U. S. A.

P. O. Box 1248,
Greensboro, North Carolina,
June 7, 1923.

Mr. W. W. Gross,
Grand Master,
Keokuk, Iowa.

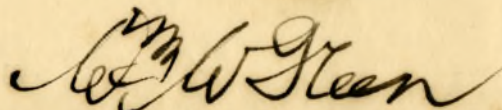
My dear Sir and Brother:

During the session of a district meeting today, I was able to obtain an interview with the Grand Master of North Carolina, Dr. James E. Shepard of Durham, N. C. He expressed a willingness to assist me if comity is established through you. I would, therefore, thank you to write or wire him at once in my behalf.

The extension for arranging my appeal is growing rather short and whatever action that is taken in matters must be done hastily and I would appreciate any thing you may do to expedite the situation.

Thanking you for the kindly interests you have manifested and with best wishes, I am

Fraternally yours,



W. W. Green, Warrant Officer,
U. S. Army.