



**Elaine Race Massacre:
Bibliography of Briefs and Records**
Kathryn C. Fitzhugh

The court records listed below arose from the Elaine Race Massacre which occurred in Phillips County, Arkansas, from September 30 through October 2, 1919. Racial strife and violence lasted much longer. The court battles continued through January, 1925. The briefs and records are in our library's archives and are available for you to read in the Special Collections Reading Room on the first floor of the library. Hours for viewing the briefs and records are by appointment with [Kathryn C. Fitzhugh](#). We require that users complete an application form and display a government issued photo identification card before using the court records.

Books

Stockley, Grif. *Blood in Their Eyes: the Elaine Race Massacres of 1919*. Fayetteville, AR: University of Arkansas Press, 2001. This is "the" book that provides a reliable in-depth history of the riots and the subsequent legal battles.

Whitaker, Robert. *On the Laps of Gods: the Red Summer of 1919 and the Struggle for Justice that Remade a Nation*. New York: Crown Publishers, 2008.

Arkansas Cases

Banks v. State

Docket Number: 2411

Citation: 143 Ark. 154 (1920)

Appellant: Alf Banks, John Martin

Appellee: State

Transcript pages: 105

Transcript Date: 1/9/1920

Appellants' Attorney: Scipio A. Jones; Murphy & McHaney

Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel

Appellant's Brief pages: 4

Appellee's Brief pages: 18

Giles v. State

Docket Number: 2412

Citation: 143 Ark. 154 (1920)

Appellant: Albert Giles, Joe Fox

Appellee: State

Transcript pages: 64

Transcript Date: 1/9/1920

Appellant's Attorney: Scipio A. Jones; Murphy & McHaney

Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel

Appellant's Brief pages: 3

Appellee's Brief pages: 18

Wordlow v. State

Docket Number: 2413
Citation: 143 Ark. 154 (1920)
Appellant: Will Wordlow
Appellee: State
Transcript pages: 49
Transcript Date: 1/9/1920
Appellant's Attorney: Scipio A. Jones; Murphy & McHaney
Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel
Appellant's Brief pages: 3
Appellee's Brief pages: 18

Ware v. State

Docket Number: 2414
Citation: 146 Ark. 321 (1920)
Appellant: Ed Ware, Will Wordlow, Albert Giles, Joe Fox, John Martin, Alf Banks, Jr.
Appellee: State
Transcript pages: 8
Transcript Date: 1/9/1920
Appellant's Attorney: Scipio A. Jones; Murphy & McHaney
Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel
Appellant's Brief pages: 3
Appellee's Brief pages: 18
Notes: Transcript pages 1-96 missing, 12/19/2000.

Hicks v. State

Docket Number: 2415
Citation: 143 Ark. 158 (1920)
Appellant: Frank Hicks
Appellee: State
Transcript pages: 78
Transcript Date: 1/9/1920
Appellant's Attorney: Scipio A. Jones; Murphy & McHaney
Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel
Appellant's Brief pages: 17
Appellee's Brief pages: 10

Moore v. State

Docket Number: 2416
Citation: Unpublished
Appellant: Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman, Paul Hall
Appellee: State
Transcript pages: 80
Transcript Date: 1/9/1920
Appellant's Attorney: Scipio A. Jones and Murphy & McHaney
Appellee's Attorney: John D. Arbuckle; J. B. Webster; Robert C. Knox, Of Counsel

Appellant's Brief pages: 37
Appellee's Brief pages: 9

State v. Martineau

Docket Number: 2531

Citation: 149 Ark. 237

Appellant: State Ex Rel. Attorney General and E. H. Dempsey

Appellee: J. E. Martineau, Frank Hicks, Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman,
Paul Hall

Transcript pages: 94

Transcript Date: 6/9/1921

Appellant's Attorney: J. S. Utley, Elbert Godwin, W. T. Hammock

Appellee's Attorney: E. L. McHaney, Scipio A. Jones, J. H. Carmichael

Appellant's Brief pages: Missing

Appellee's Brief pages: Missing

Notes: Writ of Prohibition. Exhibit D is the *Hicks v. Arkansas* printed transcript that was
filed in the U.S. Supreme Court with case docket number 956.

Ware v. State

Docket Number: 2811

Citation: 159 Ark. 540 (1923)

Appellant: Ed Ware, Albert Giles, Joe Fox, John Martin, Alf Banks, Will Wordlow

Appellee: State

Transcript pages: 55

Transcript Date: 5/14/1923

Appellant's Attorney: Murphy, McHaney & Dunaway; Scipio A. Jones; R. D. Smith; Mann
& McCulloch

Appellee's Attorney: J. S. Utley, John L. Carter, W. T. Hammock

Appellant's Brief pages: Missing

Appellee's Brief pages: 21

Notes: Second Ed Ware case. Appellant's brief missing. Appellee's brief called "Brief for
Respondent."

U. S. District Court, Eastern District of Arkansas

Moore v. Dempsey

Docket Number: Case No. 6246. Source: National Archives and Records Administration,
Southwest Region, P.O. Box 6216, Fort Worth, Texas 76115. Phone: 817-334-5525,
ext. 224. SW Region does not have the briefs. Acquired the briefs from the National
Archives, Textual Reference-Judicial Records, 700 Pennsylvania Avenue,
Washington, DC 20408.

Citation: Unpublished

Date Filed: 9/21/1921

Petitioners: Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman, and Paul Hall

Respondent: E. H. Dempsey, Keeper of the Arkansas State Penitentiary

Petitioners' Attorney: Scipio A. Jones; Murphy, McHaney & Dunaway

Respondent's Attorney: J. S. Utley, Attorney General, State of Arkansas
Notes: Petition for Writ of Habeas Corpus. On appeal the U.S. Supreme Court consolidated *Hicks v. Dempsey*. [Copies available](#).

Hicks v. Dempsey

Docket Number: Case No. 6247. Source: National Archives and Records Administration, Southwest Region, P.O. Box 6216, Fort Worth, Texas 76115. Phone: 817-334-5525, ext. 224. SW Region does not have the briefs. Acquire the briefs from the National Archives, Textual Reference-Judicial Records, 700 Pennsylvania Avenue, Washington, DC 20408.

Citation: Unpublished

Date Filed: 9/21/1921

Petitioner: Frank Hicks

Respondent: E. H. Dempsey, Keeper of the Arkansas State Penitentiary

Petitioner's Attorney: Scipio A. Jones; Murphy, McHaney & Dunaway

Respondent's Attorney: J. S. Utley, Attorney General, State of Arkansas

Notes: Petition for Writ of Habeas Corpus. Consolidated with *Moore v. Dempsey* on appeal to the U.S. Supreme Court and reported as 261 U.S. 86 (1923). [Copies available](#).

U.S. Supreme Court

Moore v. Dempsey

Docket Number: 955. Case File 28550. Source: National Archives and Records Administration, Old Military and Civil Branch, Washington, D.C. 20408.

Citation: 261 U.S. 86 (1923)

Appellant: Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman, and Paul Hall

Appellee: E. H. Dempsey, Keeper of the Arkansas State Penitentiary

Appellant's Attorney: U. S. Bratton, Scipio A. Jones, Moorfield Storey

Appellee's Attorney: Elbert Godwin

Notes: Appealed from U.S. District Court, Eastern District of Arkansas. Unpublished in lower court. [Transcripts and records available](#).

Hicks v. Dempsey

Docket Number: 955. Case File 28549. Consolidated with *Moore v. Dempsey*. Source: National Archives and Records Administration, Old Military and Civil Branch, Washington, D.C. 20408.

Citation: 261 U.S. 86 (1923)

Appellant: Frank Hicks

Appellee: E. H. Dempsey, Keeper of the Arkansas State Penitentiary

Appellant's Attorney: U. S. Bratton, Scipio A. Jones, Moorefield Storey

Appellee's Attorney: Elbert Godwin

Notes: Consolidated with *Moore v. Dempsey*. Appealed from U.S. District Court, Eastern District of Arkansas. Unpublished in lower court. [Copies available](#).

Sept. 25, 2009