

# Presidential Pardon Elusive For Boxing Great Jack Johnson

By Hans Sherrer

Prizefighter John Arthur “Jack” Johnson was knocked-out by Joe Choynski in the third round of their boxing match in Galveston, Texas on February 25, 1901. After the fight both men were arrested by Texas Rangers for violating Texas’ state law barring mixed-race boxing matches: Johnson was black and Choynski was white. Johnson and Choynski then spent the next 23 days in the same Galveston jail cell waiting to find out if they would be indicted. When the grand jury failed to indict them they were released and told to get out of town.

Two years later the 24-year-old Johnson defeated “Denver” Ed Martin in Los Angeles to win the unofficial Negro heavyweight boxing championship.

Although the 6'-2" and 200 pound Johnson was a leading contender to challenge for the world heavyweight boxing championship title, no promoter would sponsor the fight in the United States because he was black. So a fight was arranged in Sydney, Australia for December 26, 1908, between Johnson and reigning champion Tommy Burns. Burns was induced to agree to the fight by being guaranteed the then unheard of purse of \$30,000, which in 2007 would be the equivalent of more than \$4 million. [1] Johnson dominated Burns and the fight was stopped in the fourteenth round. Writer Jack London traveled to Australia to watch the fight and afterwards he wrote, “The Fight! – there was no fight!”

Johnson’s victory that broke boxing’s color barrier of separate black and white champions enraged white racists across the U.S. so much, that the search began for what newspapers called the “Great White Hope” to return the world championship to a white man. The search was fruitless as Johnson beat all who challenged him.

James J. Jeffries retired in 1905 as the undefeated heavyweight champion. [2] His record for the quickest KO in a heavyweight championship fight still stands: In April 1900 he knocked Jack Finnegan down twice before knocking him out only 55



Jack Johnson before Jess Willard fight in Havana in April 1915

seconds after the fight began. With no white man able to defeat Johnson, the 35-year-old Jeffries came out of retirement to fight Johnson in 1910. Jeffries was induced to risk his unblemished record for a guaranteed purse of \$100,000, a huge sum at a time when a skilled factory worker made about \$2 for a ten-hour workday. Adjusted for inflation Jeffries’ purse was the equivalent of almost \$13 million today. [3]

The fight held in Reno, Nevada on July 4 was billed as the “Battle of the Century.” Johnson was faster and had more stamina than the older Jeffries, and after Jeffries was knocked him down for the first time in his career in the 15th round, his corner threw in the towel at the count of seven to avoid a knock-out. The enmity of whites for Johnson was only made worse when his decisive victory over Jeffries triggered wild celebrating in the streets by blacks across the United States. Whites reacted violently to these celebrations, and in more than twenty-five states and fifty cities racial fighting occurred that resulted in the deaths of at least 23 blacks and 2 whites. Many hundreds more were injured. The police were able to prevent several attempted lynchings of blacks by white mobs.

## Mann Act used to hound Johnson

In 1910 the public’s furor was whipped up by sensational news stories that white women were being abducted in Europe and forced into prostitution in the United States. Although the accounts were of dubious truthfulness, Congress reacted by enacting the White-Slave Traffic Act (“Mann Act”), which outlawed transporting a women across state lines or into or out of the country “for the purpose of prostitution or debauchery, or for any other immoral purpose.”

Johnson wasn’t just considered the most hated black man in America because he savagely beat whites in the ring, but also because he often was seen cavorting in public with white women.

Johnson’s behavior with white women resulted in him being harassed by the police and arrested a number of times for petty offenses. Johnson said in disgust at one point, “Next thing, somebody’ll arrest me for being a brunette in a blond town.” (37) Johnson committed the ultimate flaunt of acceptable public behavior of the day by marrying a white woman in early 1911. His wife suffered from severe depression and she committed suicide in September 1911.

Unable to find a white man able to beat Johnson in the boxing ring, his foes turned to using Johnson’s self-proclaimed lust for white women as a way to destroy him in the courtroom. On October 18, 1912, Johnson was arrested for violating the Mann Act by allegedly transporting Lucille Cameron, a white woman acquaintance, across state lines for an “immoral purpose.” The charges were dropped because Cameron, who married Johnson in December 1912, refused to provide any evidence against him. Although the indictment was dismissed, it was the first time the Mann Act was invoked to criminalize consensual sexual relations.

In 1913 Johnson was again charged with violating the Mann Act, this time for allegedly transporting a very pretty young white woman, Belle Schreiber, across state lines for the “immoral purpose” of having “sexual intercourse with her ... against the peace and dignity of the United States.” The indictment was somewhat unusual because it repeatedly described Schreiber as Johnson’s wife. Although it wasn’t true that they were married (he was married to Cameron), Johnson’s indictment on the basis they were married suggested that federal authorities considered marital relations between an interracial couple that traveled from one state to another to be a violation of the Mann Act. That supposition was supported by the government’s opening argument at Johnson’s trial during which his sexual involvement with white women was described as “debauchery” and a “crime against nature.” Schreiber was the government’s star witness. It is believed she cooperated with authorities because she was upset with Johnson for marrying Cameron.

Johnson was convicted in May 1913, and sentenced to 1 year and 1 day in Federal prison. He was also fined \$1,000. After Johnson’s sentencing the prosecutor defended the government’s demand for prison time and not just a fine for Johnson, because he was “the foremost example of the evil in permitting the intermarriage of whites and blacks.” (34) United States District Judge



Jack Johnson and Joe Choynski in Galveston, Texas Jail after their mixed-race prize fight on February 25, 1901. (PBS.org)

**Johnson cont. on p. 13**

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George Carpenter also defended his sentencing of Johnson to prison, saying, "The defendant is one of the best-known men of his race and his example has been far-reaching." (35)

### Johnson flees U.S. after Mann Act conviction

In spite of his public comments, Judge Carpenter released Johnson on bail pending the outcome of his appeal. Johnson responded by fleeing to Canada in June 1913, and then traveling to various European and South American countries.

While Johnson was on the lam the federal Seventh Circuit Court of Appeals rejected the argument of his lawyers that the Mann Act didn't criminalize a woman crossing state lines to have voluntary sexual relations. The court ruled the statute encompassed all sorts of "sexual immorality, and that fornication and adultery are species of that genus." *Johnson v. United States*, 215 F. 679, 683 (7th Cir. 1914).

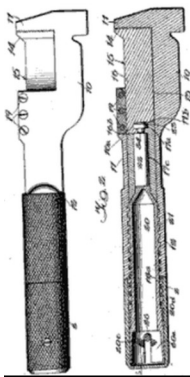
Johnson continued prizefighting while in self-exile. After seven years as heavyweight champion, on April 5, 1915 he lost his title in Havana, Cuba when Jess Willard knocked him out in the 26th round. Johnson never regained the heavyweight title he lost to Willard.

### Johnson imprisoned after returning to U.S.

After another five years of prize-fighting overseas, and even financing the founding of a Harlem nightclub that later became the world-famous Cotton Club, Johnson returned to the United States in July 1920. The 42-year-old Johnson surrendered to federal authorities, and was sent to the United States Penitentiary at Leavenworth, Kansas to serve his sentence. He was released on July 9, 1921 after almost a year of imprisonment.

### Johnson invents new wrench in prison

While imprisoned Johnson saw the need for a new type of wrench. Johnson designed a new wrench and after his release he applied for a patent from the U.S. Patent Office. On April 18, 1922 the U.S. Patent Office issued patent 1,413,121 for Johnson's



View A of Jack Johnson's new wrench that was granted U.S. Patent 1,413,121 on April 18, 1922

invention.

### Johnson's life after prison

Cameron divorced Johnson in 1924 on the basis of infidelity, and the next year he married another white woman. She was Johnson's third wife, all white.

Johnson continued prizefighting after his release from prison, but he was denied a boxing license in many states because of his felony conviction. During World War II Johnson participated in exhibition boxing matches to promote the sale of war bonds. He was 67 when he died in a 1946 automobile accident that occurred after he left a Raleigh, North Carolina diner in a rage after he was refused service because he was black.

Johnson was inducted into the Boxing Hall of Fame in 1954, and he is an inductee of both the International Boxing Hall of Fame and the World Boxing Hall of Fame.

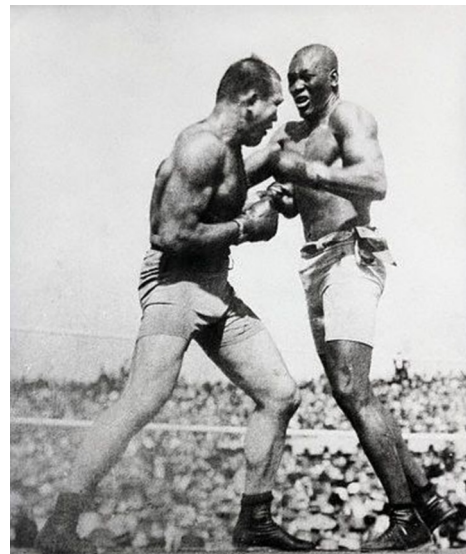
Johnson life story was the basis of the 1967 play *The Great White Hope*, that in 1970 was made into a movie by the same title that starred James Earl Jones as Johnson.

In the spring of 2001, the one-hundredth year after Johnson's arrest in Galveston, the Texas State Senate passed a Resolution declaring his prosecution and conviction of violating the Mann Act was a "contrived charge" resulting from political and racial tensions of his time. The Texas House of Representatives adopted a similar Resolution, and March 31, 2001 was declared Jack Johnson Day in the State of Texas.

National interest in Johnson's life was revived by publication in 2004 of the biography, *Unforgivable Blackness: The Rise and Fall of Jack Johnson* by Geoffrey C. Ward.

### Petition to posthumously pardon Johnson filed in 2004

Ward's book inspired filmmaker Ken Burns to make a documentary about Johnson's life, which was first shown on the Public Broadcasting System in January 2005. While working on the documentary Burns became convinced that Johnson's 1913 Mann Act conviction was based on racial hatred and not a violation of the law. Burns joined with a coalition of civil rights activists, sports figures, lawyers, and politicians who supported the filing on July 13, 2004, of a petition with the U.S. Department of Justice that sought a posthumous presidential pardon of Johnson. The petition argued that Johnson "should be pardoned because his



James J. Jeffries and Jack Johnson fighting in Reno, Nevada on July 4, 1910

conviction was the result solely of "contrived charges" reflecting attitudes and mores that America has long since outgrown. America no longer questions the right and ability of racial minorities to compete equally in athletic endeavors. And America no longer prosecutes and punishes women and men who choose to marry or date persons of other races, religions or national origins." [4]

At the press conference announcing the petition's filing, one of its supporters, Senator John McCain (R-AZ) said, "A gross and grave injustice was done to Jack Johnson where a law was perverted to send this decent American to jail. Pardoning Jack Johnson will serve as a historic testament of America's resolve to live up to its noble ideals of justice and equality." [5]

On October 5, 2004 the United States Senate unanimously passed a Resolution in support of granting a posthumous presidential pardon to Johnson, but the House of Representatives didn't follow suit. The three sponsors of the Senate Resolution were McCain, Orrin Hatch and Edward Kennedy.

In September 2007 Representative Peter King (R-NY) sponsored a U.S. House of Representatives Resolution supporting the granting of a posthumous pardon to Johnson. With 40 co-sponsors it was passed by a voice vote on September 26, 2008. The resolution stated in part:

(1) John Arthur "Jack" Johnson paved the way for African American athletes to participate and succeed in racially integrated professional sports in the United States;

## Johnson cont. on p. 14



## Johnson cont. from p. 13

(2) Jack Johnson was wronged by a racially motivated conviction prompted by his success in the boxing ring and his relationships with White women;

(3) the criminal conviction of Jack Johnson unjustly ruined his career and destroyed his reputation; and

(4) the President should grant a posthumous pardon to Jack Johnson to expunge from the annals of American criminal justice a racially motivated abuse of the prosecutorial authority of the Federal Government, and to recognize Jack Johnson's athletic and cultural contributions to society.

The U.S. Senate did not pass a pardon Resolution as it did in 2004, so a joint House and Senate Resolution was not forwarded to President Bush prior to him leaving office in January 2009.

In March 2013 Senator McCain and Representative King tried again by respectively introducing resolutions in the Senate and the House of Representatives calling for the

pardoning of Johnson. Democratic Senator Harry Reid joined McCain in supporting the resolution. [6] The resolution passed in the Senate, but not the House, and President Obama did not act to pardon Johnson.

Then again, in February 2015 Senators McCain and Reid and Representative King introduced resolutions in the Senate and House in support of Johnson's pardon.[7] As of late June 2016 those resolutions have not passed, and President Obama has not acted.

### Endnotes:

1. \$30,000 in 1908 was the equivalent of \$4,036,830 in 2007 using the nominal GDP per capita method of calculating inflation, according to the Measuringworth website, <http://www.measuringworth.com/uscompare> (last visited on September 30, 2008).
2. The boxer's Jeffries fought in title fights weren't chumps. At the time of his 11 title fights the cumulative record of his opponents was 229-32-39.
3. \$100,000 in 1910 was the equivalent of \$12,636,879.40 in 2007 using the nominal GDP per capita method of calculating inflation, according to the Measuringworth website, <http://www.measuringworth.com/uscompare> (last visited on September 30, 2008).
4. "Petition for the Posthumous Pardon of the Former Heavyweight Boxing Champion Jack Johnson,"
5. Pardon sought for 1908 black boxing champ, *The Seattle Times*, July 14, 2004
6. Like Bush, Obama rebuffs pardon for boxing great

Jack Johnson, *McClatchy Newspapers*, March 11, 2013  
7. Reid, McCain again seek pardon of boxer Jack Johnson, *Reno Gazette Journal*, February 26, 2015

### Sources:

"Jack Johnson," Enshrinee, International Boxing Hall of Fame website.

"Pardon sought for 1908 black boxing champ," *The Seattle Times*, July 14, 2004.

"Petition for the Posthumous Pardon of the Former Heavyweight Boxing Champion Jack Johnson," Filed with U.S. Department of Justice, July 13, 2004.



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## 3rd Revised and Updated Edition of "Kirstin Blaise Lobato's Unreasonable Conviction" Now Online!

The third revised and updated edition of [Kirstin Blaise Lobato's Unreasonable Conviction](http://www.justicedenied.org/kbl.htm) — *Possibility of Guilt Replaces Proof Beyond A Reasonable Doubt*, has just been published! The book is available in PDF format to be read or downloaded at no charge for personal use from [Justice Denied's](http://www.justicedenied.org) website.\*

More than 61,000 copies of the second edition of *Kirstin Blaise Lobato's Unreasonable Conviction* were downloaded from Justice Denied's website until it was replaced on Feb. 10 with the third edition.

The book details how Kirstin Lobato has twice been convicted of a July 8, 2001 Las Vegas homicide when the prosecution doesn't deny it has no physical, forensic, eyewitness, confession, informant, surveillance video or documentary evidence she was in Las Vegas at any time on the day of the crime. The prosecution also concedes she was at her home 165 miles from Las Vegas at the time new forensic entomology and forensic pathology evidence conclusive-

ly proves the man died between 8 p.m. and 10 p.m. The book also details that in 2001 the 18-year-old Ms. Lobato was prosecuted even though the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office obtained evidence three days after her arrest she is innocent.

The 3rd revised edition has 57 pages of new information, that includes:

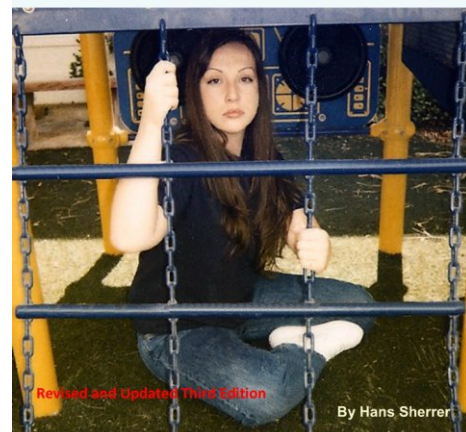
- \* An updated Timeline of Ms. Lobato's case from 2001 to the present, that begins on p. 10.
- \* Six new sub-chapters in the Appendix that begin on page 150. Those include a Power Point presentation of Ms. Lobato's case and the new evidence in her habeas corpus petition currently under review by the Nevada Supreme Court. Ms. Lobato's petition includes new evidence her jury didn't hear by more than two dozen expert, alibi, and third-party culprit witnesses that supports her actual innocence.

The 232-page book written by *Justice Denied's* editor and publisher Hans Sherrer is supported by 427 source endnotes. In documents filed in the Nevada Supreme Court, the Clark County District Attorney's Office and the State of Nevada don't assert there is a single factual error in the book.

[Click here to download at no charge](http://www.justicedenied.org/kbl.htm)

## KIRSTIN BLAISE LOBATO'S UNREASONABLE CONVICTION

Possibility Of Guilt Replaces Proof Beyond A Reasonable Doubt



*Kirstin Blaise Lobato's Unreasonable Conviction* in PDF format from [www.justicedenied.org/kbl.htm](http://www.justicedenied.org/kbl.htm).

Justice Denied's webpage with information about the Kirstin Lobato case is [www.justicedenied.org/kbl.htm](http://www.justicedenied.org/kbl.htm).

Kirstin Lobato's website with extensive information about her case is [www.justice4kirstin.com](http://www.justice4kirstin.com).

\* The book can be printed at no charge for non-commercial use only.

