

Inheritance *of hope*



THE WILLIAMSON FAMILY IN PALESTINE, TEXAS, IN 1910. TOP ROW, FROM LEFT: W. AUSTIN, SAMUEL THURSTON, SAMUEL JR., AND CLINTELLE;
SECOND ROW, FROM LEFT: JOHNNIE MAE, JIMMIE, HORTENSE, AND MARY OLLIE WILLIS. PHOTO COURTESY OF THE AUTHOR,
WHO IS THE GREAT-GRANDSON OF MARY OLLIE WILLIS AND THE GREAT-GREAT-GREAT-GRANDSON OF SHEDRICK WILLIS.

A judge finds promise for the future in the legacies of his ancestors — including a former slave and the judge who enslaved him

BY WALLACE B. JEFFERSON

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Thirty-three years after Martin Luther King’s “I Have a Dream” speech at the Lincoln Memorial, I visited Washington, D.C., for the first time.² It was Tuesday, Nov. 5, 1996 — a presidential Election Day. That morning, I argued my first case before the United States Supreme Court: *Board of Commissioners of Bryan County v. Brown*.³ I represented a Southern county whose reserve deputy was accused of violating Jill Brown’s civil rights during a traffic stop. The case featured prominently in the news because, only a few years earlier, the nation was transfixed by video showing the violent arrest of Rodney King in Los Angeles.

Although D.C. was a long way from my Texas home, the names in the Capitol were familiar. I graduated from

John Jay High School in San Antonio, attended James Madison College at Michigan State University, and bear the surname of Thomas Jefferson, John Marshall’s principal antagonist. I would stand at the same podium where Thurgood Marshall challenged “separate but equal” in *Brown v. Board of Education*.⁴ The ironies were inescapable: Martin Luther King and Rodney King; *Brown v. Board* and *Board v. Brown*; Thurgood Marshall and Wallace Jefferson — two lawyers who became the first African American justices on their respective supreme courts. These eerie correlations reminded me of the “unfinished work” that Lincoln invoked in his *Gettysburg Address*:⁵ that we must dedicate ourselves to the same noble cause for which those who fought gave their last full measure of devotion. And our work is *not* finished. We are not yet a perfect union. But we are a union. And for our union to thrive, we must learn how to get along.⁶ Divided, we cannot stand.

Worth a Thousand Words: Williamson Family Portrait

The photo at left was taken in Palestine, Texas, 45 years after Juneteenth 1865, the date General Gordon Granger delivered the news of Lincoln’s Emancipation Proclamation to a rapt audience in Galveston, Texas.⁷ The little girl on the far left is Johnnie Mae Williamson, my grandmother. Eight years from the time this picture was taken, Johnnie Mae’s mother, Mary Ollie Willis, would succumb to that century’s pandemic — the 1918 flu.⁸ Three years later, Johnnie Mae’s father, Samuel Williamson, moved the family to Chicago and continued his work for the United States Postal Service.⁹

The dignified bearing of those in this family photograph underscores an amazing transformation just after the Civil War. One generation removed from slavery, Samuel and his family lived respectable lives in Palestine, Texas. One of his brothers, Matthew, was a dentist and graduate of Meharry Medical College in Tennessee.¹⁰ Another brother, Mark, was a preacher.¹¹ John, ►

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a lawyer and graduate of Howard University, was a trustee of the Farmers & Citizens Savings Bank.¹² They had all attended Bishop College in Marshall, Texas.¹³

My great-grandmother, Mary Ollie, hailed from Waco, Texas. Her father owned real estate there and throughout McLennan County. Her cousin W.S. Willis graduated from Howard University, received his master's at Columbia University, and was the first African American tenured professor at Southern Methodist University.¹⁴

Of course, these examples of success defied a brutal and cruel era. Texas was plagued with more than 600 lynchings between 1882 and 1942.¹⁵ African Americans' travel, housing, and commercial activity were severely limited by race-based restrictions, Jim Crow laws, and barriers to suffrage.

What, then, accounted for the quiet dignity reflected in this photograph?

Education

Meharry, Bishop, Howard: These historically Black institutions came into existence when their founders rejected the notion, which Lincoln himself once promoted, that African Americans should be colonized back to Africa.¹⁶ They understood that America would falter unless those who were formerly enslaved had access to the tools to succeed as citizens. A people who were once deliberately denied literacy could now enlist the written word and the marvels of science to expand their rights, enjoy the fruits of their labor,

provide for their families, and serve their society.

This was only a few decades after the Civil War. When, in global history, has humanity advanced from the depths of human chattel to the heights of enlightened citizenship with such alacrity? Education was then, as it is now, *key*.

New Beginnings

Yet, in the war's immediate aftermath, few formerly enslaved citizens were educated; most were still at the mercy of an economy based on their free labor. How did they fend for themselves? To answer that question, at least with respect to my own family, I invite you to tag along with me during my first year of law school at the University of Texas. My father, an amateur genealogist and retired Air Force major, had reached an impasse in seeking to learn more about our ancestors. But one day, while driving down San Jacinto Street in Austin, I saw the *Lorenzo de Zavala State Archives & Library Building*. I called my Dad.

At the archives, we discovered a book chronicling obituaries in McLennan County, Texas. There we found a 1903 entry for Shedrick Willis, which contained the headline: "Shed. Willis, Well Known Negro, Dies at Age of 86."¹⁷ And then we read the obituary's alarming revelation: Before the war, Willis "belonged to Judge N. W. Battle."¹⁸ Willis was my great-great-great-grandfather. Nicholas Battle, a prominent member of the Waco com-

munity, was McLennan County district attorney in 1854 and was appointed district judge in 1858.¹⁹

In some sense, my family's likely connection to slavery should have been self-evident. But to see it in print was still a jarring and surprisingly emotional moment. For the first time, we faced the horrific fact that our ancestors had actually been owned, against their will, as pieces of property. In our effort to learn more about Shedrick, we uncovered an inspiring American story that gives hope to the turbulent times unsettling our republic today.

Born in Virginia in 1818, Shedrick Willis was likely acquired by the Battle family in Monroe County, Georgia.²⁰ Nicholas Battle brought him to Waco in 1850.²¹ At the time of his death, the *Dallas Morning News* described Willis as "the pioneer blacksmith of his race in Central Texas."²² The article described how Willis, in 1859, was conscripted to shoe Governor Sam Houston's steed.²³ This is the same Sam Houston, president of the Republic of Texas, whose family bible I used to swear in governors and judges when I served as chief justice of Texas.²⁴ In another twist of fate, Houston's great-great-great-granddaughter, Marcy Hogan Greer, is my law partner today.²⁵

Judge Battle was an interesting historical figure in his own right. He graduated in 1842 with a law degree from the College of William & Mary.²⁶ I had a chance to explore William & Mary's archives in Williamsburg, Va., and paged through the registrar's

materials. There you see the names of many prominent Confederate generals and observe a conspicuous gap in admissions during the Civil War. The materials revealed Battle's professors in the early 1840s, one of whom was Thomas Roderick Dew, who wrote an influential *Essay on Slavery* and surely lectured Battle about the "merits" of the institution. Here is an excerpt from that 1833 essay, in which Dew endorsed slavery on historical, biblical, economic, and paternalistic grounds:

In the debates [on abolition] in the Virginia Legislature, no speaker *insinuated even*, we believe, that the slaves in Virginia were not treated kindly; and all, too, agree that they were most abundantly fed; and we have no doubt but that they form the happiest portion of our society. A merrier being does not exist on the face of the globe than the negro slave of the United States. . . . Why, then, since the slave is happy, and happiness is the great object of all animate creation, should we endeavor to disturb his contentment by infusing into his mind a vain and indefinite desire for liberty — a something which he cannot comprehend, and which must inevitably dry up the very sources of his happiness.²⁷

The echoes of Dew's sentiment can be heard in Stephen Douglas' arguments during the famous Lincoln-

Douglas debates. Lincoln provided a stinging retort:

But slavery is good for some people!!! As a *good* thing, slavery is strikingly peculiar, in this: that it is the only *good* thing which no man ever seeks the good of, for *himself*. Nonsense! Wolves devouring lambs, not because it is good for their own greedy maws, but because it [is] good for the lambs!!!²⁸

These debates about slavery were roiling when the war broke out. Dew's influence on his former student was surely one of the reasons Judge Battle joined the Confederacy, serving under General Samuel Bell Maxey.²⁹ When the Union prevailed, Judge Battle returned to Waco, and Texas would have to build a new society even though the wounds of war were fresh. Shedrick Willis, now free, turned to his blacksmith craft, this time retaining the fruits of his labor.³⁰

The period following the Civil War was marred by violence in the South, where public officials often disregarded the law and continued to ruthlessly oppress former slaves. But Battle, whom Texas Governor Richard Coke appointed as judge again, would have none of that. He appeared before his friends, fellow Confederate veterans, lawyers, and leaders, and declared that he accepted the Constitution, as amended.³¹ Anyone continuing to fight the lost battle was a standing menace.

This put Battle in direct conflict with the mobs attempting to return Texas to its antebellum ways. Judge Battle passionately denounced the violence:

They, the leaders of mobocracy, they would make a Jeffries³² of me! They would transform the courts of a peaceful state into the bloody assizes of two centuries ago. But I defy their threats on the one hand and scorn their blandishments on the other, as I despise the cowards who do their beck and bidding!³³

Battle's prominence was a suit of armor against those insurrectionist elements. And although as a blacksmith Willis could quite literally forge armor on the anvil, his prospects in Texas seemed dim. He was uneducated. His signature was a lowly "x." The "threats" and "blandishments" facing the newly freed slaves were palpable. Yet, somehow, Shedrick Willis rose above his previous condition of absolute servitude to become a political leader. He served on the Waco City Council for two terms after the Civil War.³⁴ Is this even possible? He was private property before the war, and just a few years later, a public servant — governing his fellow citizens.

Although Texas was subject to Reconstruction and military occupation, it was not raw force that secured Willis's place on the Council; he served because he had the support, encouragement, and endorsement of Judge

Once master and servant, these two would become colleagues when Shedrick's City Council appointed Battle as Waco city attorney in 1870. Not five years after the war, these two coequals guided the city into a new era.



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Battle.³⁵ The judge not only enforced the newly amended Constitution but also encouraged those in power to entrust his former slave with a position as a leader in the community. Once master and servant, these two would become colleagues when Shedrick's City Council appointed Battle as Waco city attorney in 1870.³⁶ Not five years after the war, these two coequals guided the city into a new era.

We live today in times of intense conflict and distrust. Yet, in these two men, do we not have examples of the promise of America — that we be judged by those willing to accept the rule of law, even if it conflicts with personal opinion or subjects them to public censure? That we each have not only an opportunity but also an obligation to participate fully in our democracy regardless of race, prior condition of servitude, physical disability, poverty, a broken home, or any other affliction erected as a barrier to full citizenship?

This is how the Union survived after a bloody conflict. Education helped equalize inequitable starts in life. But it also required courage in our nation's darkest hours. Judge Battle "accepted the arbitration of the sword" and urged his community to maintain peace in a new society governed by the 13th, 14th, and 15th amendments.³⁷ A person the law once regarded as chattel, Shedrick Willis, had the courage to persevere during slavery and its immediate aftermath, and also dared to govern those who once denied his very humanity. It seems unlikely that Battle or Willis

foresaw what their postwar partnership wrought generations hence, but I am proud to pen this piece as not only Willis's great-great-great-grandson but also as a former chief justice in a long line of public servants like the judge and councilman.

The Past and Prologue

When I presented my argument at the United States Supreme Court on Election Day in 1996, I was not concerned that Senator Bob Dole's supporters would launch an assault on the nearby Capitol to overturn his loss to Bill Clinton. Today, however, we must all expand the dark shadows of our imagination. It is our duty to guard against future insurrectionist episodes and to preserve our shared values and institutions that, as we have seen, require constant vigilance.

The Willis and Williamson families adopted these values. They were not wealthy but left a huge inheritance: fortitude, dignity, and, perhaps most importantly, the conviction that our country can survive the most gut-wrenching challenges and emerge stronger for it. We owe them. We owe complicated heroes like Judge Battle. We owe current and future generations examples of courage devoted to the preservation of our union. We must not flinch from our unfinished work.

A Final Note

I won that case before the Supreme Court. Justice Sandra Day O'Connor, the first woman ever to serve on the

Court, wrote the opinion. When students at San Antonio's Wallace B. Jefferson Middle School graduate, their next stop is the Sandra Day O'Connor High School. This is not irony but the product of a nation that embraces the radical proposition that all men and women are created equal.



WALLACE B. JEFFERSON, a partner at Alexander Dubose & Jefferson in Texas, was the first African American justice and chief justice of the Supreme Court of Texas. He led the court's efforts to fund access to justice programs, helped reform juvenile justice, and inaugurated a statewide electronic filing system.

¹ I would like to thank John B. Wiener for his excellent research and editing skills that contributed greatly to this article. I would also like to acknowledge the Texas State Archives in Austin, whose assistance three decades ago laid the groundwork for this journey back in time.

² Martin Luther King Jr., I Have a Dream at Lincoln Memorial, Washington D.C., (Aug. 28, 1963).

³ *Bd. of Cnty. Comm'rs of Bryan Cnty. v. Brown*, 520 U.S. 397 (1997). Here, Jill Brown was awarded damages from Bryan County, Okla., after its sheriff's reserve deputy used excessive force during the arrest. A federal district court held the county liable because its sheriff hired the deputy without adequately reviewing his background, which included a misdemeanor assault and battery. The Supreme Court reversed, holding that a municipality cannot be held liable for the hiring of an employee who later violates a third party's rights unless the deputy's future use of excessive force would have been a "plainly obvious consequence of the hiring decision."

⁴ *Brown v. Board of Education*, 347 U.S. 483 (1954).

⁵ Abraham Lincoln, Gettysburg Address (Nov

- 19, 1863). “Unfinished work” appears in all four copies of the speech.
- 6 In the wake of the Los Angeles riots, Rodney King called a press conference to implore an end to the violence. Famously declaring, “I just want to say, you know, can we all get along?” See Conor Friedersdorf, *Rodney King’s Finest Hour*, THE ATLANTIC, Apr. 30, 2022, at 123.
- 7 Elizabeth Hayes Turner, *Juneteenth: Emancipation and Memory*, in LONE STAR PASTS: MEMORY AND HISTORY IN TEXAS 143–75 (Gregg Cantrell & Elizabeth Hayes Turner eds., 2007). Shedrick’s community of enslaved people in McLennan County likely did not discover their freedom on June 19. Additionally, once news of emancipation did reach Central Texas many slave-owners refused to comply, resorting to violence to enforce their will.
- 8 See The Willis Family Chronology 8 (Sep. 2, 1988) (on file with author).
- 9 See *The Williamson Family Narrative* 15 (on file with author).
- 10 *Id.* at 10.
- 11 *Id.* at 11.
- 12 *Id.*
- 13 Bishop College was a private Historically Black College founded in Marshall, Texas, in 1881 by the Baptist Home Mission Society. Bishop College relocated to Dallas in 1961 where it remained until its closing in 1988. See Jack Herman & Peggy Hardman, *Bishop College*, in ENTRIES, HANDBOOK OF TEXAS (Texas State Historical Ass’n., Sept. 30, 2020), <https://www.tshaonline.org/handbook/entries/bishop-college#:~:text=The%20drive%20to%20establish%20a,Ten%20years%20earlier%20Rufus%20C>.
- 14 *Guide to the William Shedrick Willis Papers*, Soc. NETWORKS AND ARCHIVAL CONTEXT (Circa 1940–1983), <https://snaccooperative.org/ark:/99166/w661127c>.
- 15 These lynchings disproportionately impacted the African American community. See ABOUT LYNCHING IN TEXAS (2023), <https://www.lynchingintexas.org/about>. In fact, 22 Black men in McLennan County alone were lynched between 1861 and 1922. See Nicole Pechacek and Mikayla Roberts, *Massive public lynchings of Black men were nurtured by Waco, Texas, newspapers*, HOWARD CTR. FOR INVESTIGATIVE JOURNALISM (Oct. 28, 2021) <https://wordinblack.com/2021/10/massive-public-lynchings-of-black-men-were-nurtured-by-waco-texas-newspapers/>.
- 16 EARNEST COX, LINCOLN’S NEGRO POLICY 9 (William Byrd Press, 1938) <https://archive.org/details/LincolnsNegroPolicy/page/n7/mode/2up>.
- 17 *Shed. Willis, Well Known Negro, Dies at Age 86*, WACO TIMES HERALD, 1903 (on file with author and available at the Texas State Archives).
- 18 *Id.*
- 19 Nat’l Encyclopedia of Am. Biography A *Biographical Sketch of Nicholas William Battle* (New York: James T. White & Co., 1899) (on file with author).
- 20 My thesis about where Shedrick was acquired is based on the surname Willis, which was the name of prominent plantation families in the vicinity of the Battle and Cabaniss (Judge Battle’s wife’s maiden name) Monroe County, Georgia, homes in 1860 census records. See email from Dennis-Susan Grills to Chief Justice Wallace Jefferson (Mar. 8, 2002) (on file with author).
- 21 See The Willis Family Chronology 8 (Sep. 2, 1988) (on file with author).
- 22 *Aged Negro Dead: First Colored Blacksmith Expires at Waco*, DALLAS MORNING NEWS, Sept. 8, 1903, at 9 (on file with author).
- 23 *Id.*
- 24 See Tiffany Gilman, *The Mystery of The “Sam Houston” Bible*, TEXAS JUDICIAL BRANCH, <https://www.txcourts.gov/supreme/about-the-court/court-history/the-mystery-of-the-sam-houston-bible/>.
- 25 See Alexander Dubose & Townsend LLP, *Alexander Dubose Jefferson & Townsend Announces the Addition of Nationally Recognized Appellate Attorney Marcy Hogan Greer*, PR NEWSWIRE (Jan. 22, 2014), <https://www.prnewswire.com/news-releases/alexander-dubose-jefferson--townsend-announces-the-addition-of-nationally-recognized-appellate-attorney-marcy-hogan-greer-241470921.html>.
- 26 Nat’l Encyclopedia of Am. Biography A *Biographical Sketch of Nicholas William Battle* (New York: James T. White & Co., 1899) (on file with author).
- 27 THOMAS R. DEW, THE PRO-SLAVERY ARGUMENT 459–60 (Lippincott, Grambo, & Co., 1853), <https://play.google.com/books/reader?id=IGtu9Xc3UQC&pg=GBS.PA458&hl=en>.
- 28 ABRAHAM LINCOLN, “Fragment on Pro-Slavery Ideology,” in *Collected Works of Abraham Lincoln*, (Vol. 3, Oct. 1, 1858), <https://quod.lib.umich.edu/l/lincoln/lincoln3/1:277rgn=div1;view=fulltext>.
- 29 See Sherri Knight Paper on Nicholas William Battle (on file with author) (describing antebellum Battle as a “strict constructionist” and “nullifier”).
- 30 *See Aged Negro Dead: First Colored Blacksmith Expires at Waco*, DALLAS MORNING NEWS, Sept. 8, 1903, at 9 (on file with author).
- 31 See Sherri Knight Paper on Nicholas William Battle (on file with author).
- 32 A Jeff, Jeffery, or Jefferies was a derogatory term used against Southern, rural, poor, white persons. See *Jeff*, ONLINE ETYMOLOGY DICTIONARY, https://www.etymonline.com/word/Jeff#etymonline_v_35189 (last visited Jun. 25, 2023).
- 33 James D. Lynch, *N.W. Battle*, THE BENCH AND BAR OF TEXAS 507 (Nixon-Jones Printing Co. 1885) (available at the Texas State Archives).
- 34 *See Shed. Willis, Well Known Negro, Dies at Age 86*, WACO TIMES HERALD, 1903 (on file with author and available at the Texas State Archives).
- 35 *Id.* (“... was aided in many ways by his old master who was one of the most prominent members of the Waco bar.”).
- 36 See Sherri Knight Paper on Nicholas William Battle (on file with author).
- 37 James D. Lynch, *N.W. Battle*, THE BENCH AND BAR OF TEXAS 507 (Nixon-Jones Printing Co. 1885) (available at the Texas State Archives).