

John Bush v. The Commonwealth of Kentucky

Lynching is defined by the Meriam-Webster dictionary as “to put to death by mob action without legal approval or permission”. Lynchings first became prominent in the United States during western expansion, when a lack of structured legal systems led to the prevalence of vigilante justice throughout the land. However, this original connection between America and lynchings has been undoubtedly overshadowed by a more sinister one: the gruesome lynchings of the African-American community (especially in the South) in the years following Emancipation. These lynchings were much crueler than those in the West, and more often than not, fueled purely by racial tensions without any evidence of serious crime. These public festivities were meant to apply terror to the black community, all while further fueling the hatred white people had for them through mob mentality.

Lynching increasingly became a way for white people to intimidate, rather than a form of actual justice. Between the years of 1882 and 1900, the ratio of black Americans to white Americans subjected to lynching increased from 4:1 to 17:1, which shows that these spectacles were never truly about enacting justice, but fear (Equal Justice Initiative, 2015). Often, African-Americans were incorrectly ruled guilty by a mob fueled entirely by hate before a proper legal process could occur; on the other hand, many times white people would take things into their own hands and murder a victim despite them being ruled “not guilty” or being sentenced to prison in lieu of death by a proper hearing.

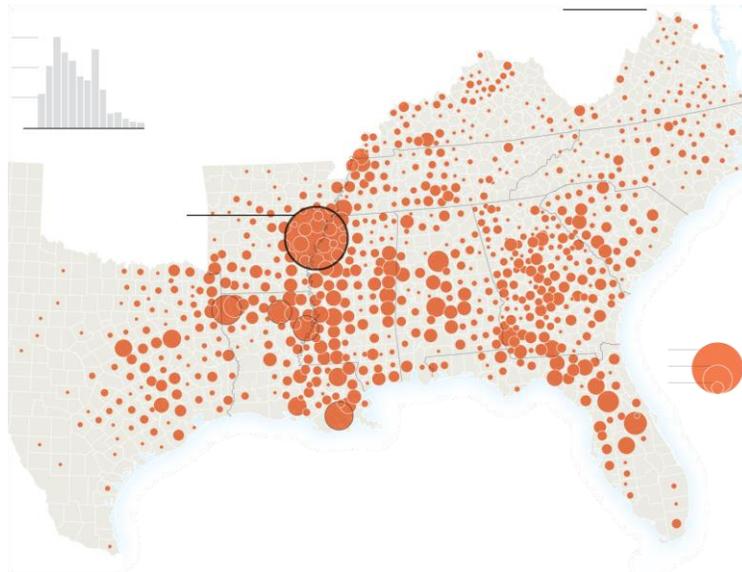


Figure 1: Map of Lynchings (1877-1950), New York Times.

Despite being one of the northernmost “southern” states, Kentucky was far from a stranger to this hideous scar in the nation’s history books. Between the years of 1877 and 1950, Kentuckians killed one-hundred-and-seventy African-American victims in lynch mobs (Equal Justice Initiative, 2015). The worst came from Fulton County, which was not only the worst in the state for lynching, but among the worst in the nation as well (Equal Justice Initiative, 2015). The city of Lexington holds the eighth place spot on the state’s list, tied with multiple other counties (Equal Justice Initiative, 2015). Lexington is home to a few nationally recognized instances of lynching, such as that of William Lockett, whose trial resulted in Kentucky’s anti-lynching legislature, the first of its kind in the nation, and John Bush, whose case made it all the way to Supreme Court, a remarkable feat for an African-American man at this time. While William Lockett confessed to and was undoubtedly guilty of the heinous crimes he was accused of—murdering multiple women and a child throughout his life—John Bush’s case is much less definitive, and serves as an excellent example of the overt racial discrimination prevalent in our judicial system, and society on the whole, at this time.

John Bush's story aligns with those of many African-Americans at this point in American history. He was born around 1847, which means he was just 17 when the Civil War began, and 21 by its conclusion (United States Census Bureau, 1880). It is very likely that these earlier years of his life were spent enslaved, as he is not recorded on the U.S. Census until 1870, when formerly enslaved persons were finally listed by name. Like many freedman, Bush spent his years continuing to do similar work to that of slaves out of financial necessity and experience with that type of work. In 1867, he is recorded in Lexington's city directory as being a "[colored] laborer", residing on the east side of Walnut, between Barr and Constitution (Lexington City Directory, 1867). By 1870, he had become a servant to William Preston, a Lexington lawyer, who may also be known as William Campbell Preston Breckinridge, who later became a U.S. Representative (Bush v. Kentucky (John Bush vs The Commonwealth of Kentucky), 2017). If the William Preston that John worked for is in fact this Representative, it is likely he was treated relatively well in this position, as Breckinridge stood for racial equality in America.



Figure 2: Sketch of Representative W.C.P. Breckinridge, possible employer of John Bush.

Neither Bush's addresses nor his source of employment stay steady during his years, as by 1875, he had shifted to being a farm hand (Lexington City Directory, 1875). His final residence recorded before his arrest (1875) is 167 Correll Street, which appears to be located at 167 Hambrick Avenue today (see maps below). In the 1880 Census, while John was in jail, a woman by the name of Jane Bush is recorded as being married to a John Bush around the same age as the John Bush in question, and as having the occupation of "keeping the house" (United States Census Bureau, 1880). While it is certainly questionable whether these John Bushs are one in the same, the two are within the same age range, so there is a good possibility of it. Additionally, in John Bush's 1880 Census record, it is reported that he was married, which further points to this Jane being his wife. Jane Bush is reported to have had two children: William, 14, and Mary, 12. In 1878, John and his wife (whether this is Jane or not), were hired on as servants for Joseph Van Meter and his "prominent" family, who resided on Upper Street between High Street and Maxwell Street (Wright, 1990).

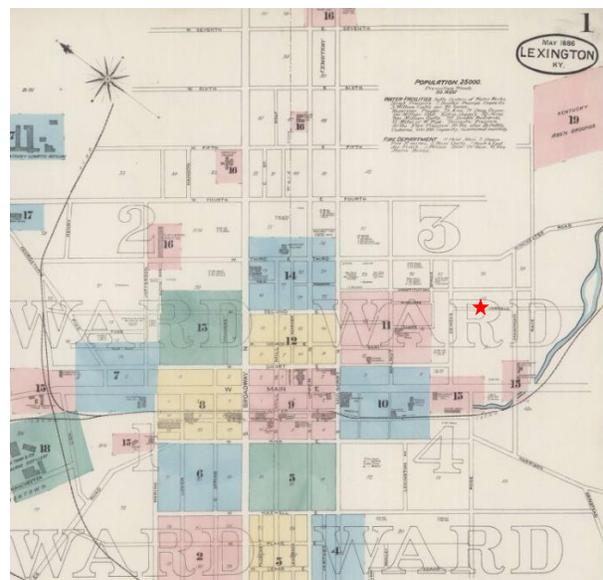
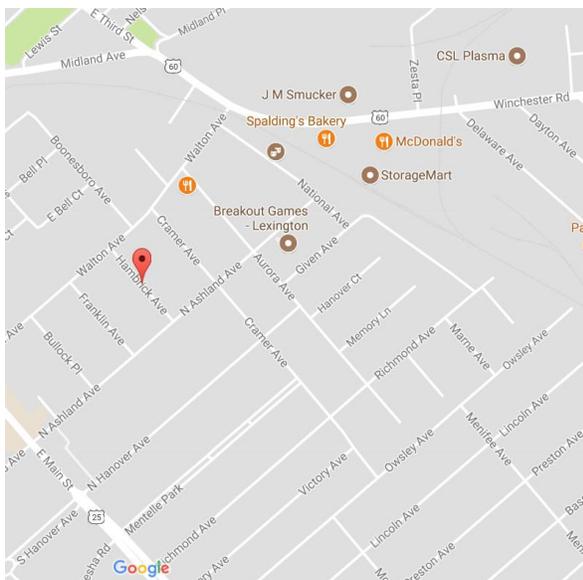


Figure 3: Predicted present day location of John Bush's house next to Sanborn map with house address starred.

On January 13th of 1879, John Bush was accused by his employer of shooting his daughter, Anna Van Meter, in the thigh (Bush v. Kentucky (John Bush vs The Commonwealth of Kentucky), 2017). According to Bush, the incident began with Mr. Van Meter drunkenly accusing Bush of spreading rumors about his wife, which escalated until he accidentally shot his own daughter in the thigh in an attempt to shoot John (Wright, 1990). Van Meter later told authorities that it had been an attempt by John to cover up an affair with the girl, which John denied until his death. After Annie was shot, John attempted to return fire, but Mrs. Van Meter got ahold of the pistol and it fired off towards the ground instead (Wright, 1990). Anna Van Meter is said to have died roughly one week later, though it is unclear whether she died of her injuries, or because she was sharing a bed with her sister, who had scarlet fever (Bush v. Kentucky (John Bush vs The Commonwealth of Kentucky), 2017). John's side of the story was disregarded by police and he was put into custody and charged with murder. Luckily for him, the African-American community in Lexington believed his story and raised the funds for his trials—the case went on for five years (Wright, 1990).

His first trial, in May of the same year, was inconclusive, and a second trial was scheduled. In this second trial, an all-white jury sentenced John to death, though his lawyer, L.P. Tarleton, appealed the decision and petitioned for retrial, this time at the United States Circuit Court, because an all-white jury was said to have violated his privileges under the Civil Rights Act (Wright, 1990). Here, his indictment was voided, yet he was immediately arrested again and put up for another retrial. Again, an all-white jury deemed him guilty and again sentenced him to death, and the Court of Appeals upheld this decision. His attorneys then took the case to the Supreme Court, which ruled that an all-white jury was in fact a violation of the Constitution, and

placed the case into the hands of the Fayette County Circuit Court for another retrial (Wright, 1990). Again, despite orders to summon a jury without regard to race, an all-white jury was again chosen for the trial, which took place in February of 1884, and again, found Bush guilty (Wright, 1990). Kentucky's highest court affirmed this ruling and the Supreme Court refused to look at the case again. He was executed by hanging in the Lexington jail yard before a crowd on November 21st that year (Wright, 1990). On his deathbed, John Bush denied accusations of shooting Annie in an attempt to cover up an affair, explaining that Van Meter had fabricated the story in an attempt to hide his own guilt (Wright, 1990). He outed his former employer for forcing his wife to abort their child, rumors of which John was accused of spreading the day of the incident (Wright, 1990). Still, the white jurors and witnesses of his death remained unconvinced of his innocence, while Lexington's black community united behind him throughout the entire process.

John Bush's life and death parallel the stories of countless African-Americans in the years following the Civil War. While his case is somewhat of an exception, because it took place entirely within the framework of our judicial system over many years, it follows the same tale of groups of white people refusing to give a black man a fair trial that is consistent in most, if not all, of the lynchings that took place in the South. Despite a ruling by the U.S. Supreme Court, Lexington's court system continued to violate Bush's right to an impartial jury, and the federal government blatantly refused to actually correct them. This case is a disappointing reminder that the government is far from immune to the hatred and prejudices that plague our society.

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