

**BLACK, HARRIS & FOSTER**

FIRST NATIONAL BANK BUILDING

HUGO L. BLACK  
CRAMPTON HARRIS  
A. B. FOSTER

BIRMINGHAM, ALA.

May 14, 1923.

Hon. Harwell G. Davis, Attorney General,  
Montgomery, Ala.

Dear Harwell:

I have your letter with reference to my employment for the purpose of prosecuting in the Dowling matter.

I think I have explained to you that I do not accept private prosecutions under any circumstances. When I was approached by a number of people here in connection with prosecuting the men indicted on the charge of flogging Dr. Dowling, I told them that under no circumstances, would I accept any private employment. I told them further that the only circumstances under which I would accept employment to prosecute would be as an assistant attorney general with the right on my part, to prosecute only such people as I might believe were guilty from the evidence produced. In other words, I stated to them distinctly that the mere fact that indictment had been returned would not govern my discretion, in case I should be designated as assistant attorney general for prosecution. I would want to be as free as though I were acting as the duly selected solicitor, or in identically the same position you would be, should you come to Birmingham to take charge (not of the prosecution of any particular individual) of an investigation into the entire situation.

I could not undertake to do this for less than Five Thousand Dollars (\$5,000.00). I do not know how long it would take, nor do I know what luck we could have. While I have made no personal investigation whatever, of the facts in connection with the cases so far developed, I have considerable doubt as to any possibility of obtaining any results on the statement of the man who is said to have confessed. Anyhow, I know that it is a long, hard struggle before any convictions are <sup>to be had</sup> obtained in the cases. I would not be willing, under any circumstances, for less than the amount mentioned.

If this is more than you feel justified in authorizing, do not hesitate to say so. It will not offend me in the slightest. In fact, I have no yearning desire to be connected with the case on either side. So far I have managed to successfully evade defending two or three of the defendants. It may be possible, however, that I will get roped in on one, if I do not take the side of the prosecution.

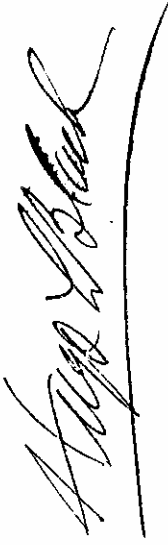
I do not want you to misunderstand me. I am heartily in favor of sending whoever did this flogging to the penitentiary.

The whole question is as to the methods, which some have claimed were used in obtaining the alleged confession. It may be alright and investigation might prove it so. If it did not, however, I would not want to participate, and that is the reason, I made it clear that I must be authorized to use my own discretion, when I was approached by some of my friends as to the prosecution.

With kindest personal regards, I am

Yours very truly,

HILB EGM

A handwritten signature in cursive script, appearing to read "Hilb EGM", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the right.