



Boone County DA

Character Sketch of Rubey Hulen

July 9, 1891 – July 7, 1956

Age in April, 1923: 32 Age at Death: 65
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Age when this picture was taken: (est) 32

Rubey Mosely Hulen was born to John and Lucy Hulen – early settlers of Boone County – on July 9, 1891 in the town of Hallsville, Missouri. After graduating from the Kansas City School of Law in 1914, he began to practice in 1916 at age 21.

Soon after, he began service in the Army and served in France from 1917 until 1919. His commanding officer was Henry Davis, who would later become the Assistant Attorney General for Missouri and Hulen's co-counsel for the prosecution of George Barkwell's murder trial.

Before leaving France, Hulen marries Anna English in Paris on June 4, 1919. She was born in New York. Anna was 29 and Ruby was almost 28. Anna was in France for an unknown reason. Together they had no children. Upon returning to the United States, the Hulens made their home in Centralia where Hulen resumed his private legal practice.

In 1920, Hulen was elected to his first of two, two-year terms as the District Attorney for Boone County. He beat the incumbent DA, George Starrett to gain the post; Starrett would serve as one of George Barkwell's lawyers. After serving as DA, Hulen then becomes the legal counsel for the Missouri Farmers Assn., but he also continues to support party politics. He managed a successful Senate campaign and in the early 1940s when it appeared the federal courts might force the integration of the Law School at The University of Missouri, Hulen helped in a small way to ensure that a "separate but equal" school was created at Lincoln University.

In August 1943, Hulen was appointed to the federal bench in St. Louis where he presided until 1956. In 1950 Hulen issued an injunction that required the city of St Louis to open its municipal pools to swimmers of all races. He suggested that racial exclusion – even if another truly equal pool were provided – might still violate the Constitution.

In April 1956, Judge Hulen was awarded the Distinguished Service Award by the Law Alumni Assn. of The University of Missouri. The award was made – certainly coincidentally – on Saturday, April 28, 1956 – exactly 33 years to the day that James Scott was taken from his jail cell while Hulen and five other armed men watched.

On July 7, 1956, Judge Rubey Hulen was found in his back yard by his gardener with a gun shot wound to his left temple. He was rushed to a hospital and died four hours later. An inquest into the cause of Judge Hulen's death was inconclusive as to whether the gunshot was accidental or the result of a suicide.



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Boone County Prosecutor Rubey Hulén thought he had a slam dunk – but he later found out that “he” was the one sitting in a “dunking booth.”

After Chief Rowland quickly completed the investigation into Regina’s rape, Hulén thought the solid evidence that was gathered was easily more than enough to convict Scott. The identifications by both the victim and the informant were solid and – he felt – irrefutable.

Hulén was truly heartbroken that he was not able to save Scott from the mob. He knew it wasn’t “his” fault though, since “he” was not in charge of the jail. The sounds of James’ pleas to him and the other five men in the Jailer’s Kitchen will haunt him for the rest of his life.

But Hulén knows that what is in the past is just that, “the past.” So, he needs to both correct the errors of Rowland’s investigation if needed and convict the men who took the law into their own hands.

Once Hulén is met with Regina’s re-identification of Ollie Watson, Hulén has to make the biggest decision of his life. Does he put Regina through a trial in which Ollie Watson’s lawyer will rip her apart on the witness stand because she initially ID’d a different man, or does he let Watson be tried and convicted for raping Ernestine Huggard and hope his jail sentence satisfies the Almstedt’s – all this leaving the indictment of James Scott tarnishing he and his family’s reputation.

In the trial of George Barkwell, it was fairly obvious that the Prosecution brought a knife to a gun fight. Barkwell’s “dream team” of defense lawyers – with the assistance of favorable rulings by Judge Gantt – easily drove the jury to a Not Guilty finding. Between Hulén’s indictment and the Tribune’s incitement, followed by the national admonishment of Columbia, Starrett’s statement to a “guilty jury” about “casting the first stone” was really all that was needed to secure a favorable verdict for the defense. Because of his previous involvement in the Almstedt rape case that greatly influenced the Barkwell murder case, Hulén should have recused himself, and allowed Scott’s likely innocence to be brought forward in the trial. It may not have had an effect on the verdict, but at least it would have made the jurors refuse to convict Barkwell for murdering an *innocent* man. Hulén should have been able to figure this out – maybe he did. But hubris, re-election and future political aspirations probably all got in the way. And maybe he finally got that monkey off his back in July of 1956.

SJP

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Hulen is at his desk writing when his SECRETARY pops open his door.

SECRETARY

Rubey? Attorney Anderson is here to see you.

HULEN

Alright, please send him in Mary.

Anderson walks into Hulen's office. Hulen offers him a seat and the two shake hands as Anderson sits down.

HULEN (cont'd)

Good afternoon Emmett, I'm sure this has to be about that Almstedt girl's case. I heard that you would be representing the negro we arrested.

ANDERSON

News travels fast Rubey. I haven't seen an indictment yet and I wanted to know what you have. Can't keep this guy in jail forever without charging him with something.

HULEN

Oh I think we got "something" Emmett. The girl positively identified him Saturday and again yesterday including his voice and the smell of his clothes. We got a couple of other things we need to do before I file a formal indictment, but it's coming.

ANDERSON

Well I spoke with my client this morning and he gave me a couple of names of people who will say that he was working in the medical building at the university when the girl was being assaulted.

HULEN

Do tell. Well I got the victim's testimony and we're looking for any other eyewitnesses right now so I'm feeling good about this one.

ANDERSON

Rubey, there's no scratches on his face. Sure, he has pock marks under his eyes, but the Almstedt girl said she poked him several times in the face with her umbrella right? I don't think we've got the right guy.

HULEN

Give me a day or two to nail down the details. I'll send the indictment over as soon as it's ready. That work for you?

Anderson rises and walks toward the door.

ANDERSON

Rubey, you know what will happen if you indict this guy. The papers already want a rope around his neck!

As Anderson reaches the door and opens it, Hulen speaks.

HULEN

The papers have their job, Emmett. I have mine. Getting justice for a little girl.

ANDERSON

Justice is what we're all after, Rubey. But the truth matters just as much, doesn't it?

HULEN

The evidence in the case is clear. It shows that Mr. Barkwell brought men together to form a lynch mob, directed them while they attacked the jail, pointed out Mr Scott as their victim, assisted those who cut him from his cell, marched alongside him as he was dragged to Stewart Bridge, and remained on the spot until he was certain that the murder had been accomplished.

Clearly, this evidence proves that Mr. Barkwell murdered the man. Now there is the matter of the noose. Compelling evidence from an impartial witness shows that Barkwell personally put the noose around Scott's neck and pushed him over the edge of the bridge. To counter this evidence, the defense attorneys have elected to put three close friends of Mr. Barkwell's on the stand to say that he was standing several steps away from Scott when the noose was fastened. To which I am inclined to respond "what difference does it make?"

Plainly someone must be lying, and I will point out that, unlike Mr. Barkwell's close friends, Mr. Nutter has no conceivable reason to do so. He was neither a friend nor an enemy. He was a neutral observer. Were I on the jury, I would certainly believe him. But even if someone else put the noose around Scott's neck, that doesn't lessen Barkwell's guilt. Barkwell orchestrated this lynching and directed it at every stage. He was the leader of the lynch mob, its general. To say that he didn't murder Mr. Scott because he didn't put the rope around his neck is the equivalent of saying that because General Lee didn't fire a shot at the battle of Gettysburg, he didn't attack the Union army there.

Over and over that night, at every critical juncture, Mr. Barkwell took the leader's role. He is responsible for Mr. Scott's murder, whether he fastened the noose himself or left that hideous unholy chore to one of his henchmen.