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HOW THE CITY OF INDIANAPOLIS
CAME TO HAVE AFRICAN AMERICAN POLICEMEN AND FIREMEN
80 YEARS BEFORE THE MODERN CIVIL RIGHTS MOVEMENT

By

Leon E. Bates
B.A., Indiana University Purdue University Indianapolis, 2013

A Thesis
Submitted to the Faculty of the
College of Arts and Sciences of the University of Louisville
in Partial Fulfillment of the Requirements
for the Degree of

Master of Arts
in
Pan African Studies

Department of Pan African Studies
University of Louisville
Louisville, Kentucky

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A Thesis Approved on

July 26 2016

by the following Thesis Committee:

Thesis Director, Yvonne V. Jones PhD

Second Committee Member, Shirletta Kinchen PhD

Third Committee Member, Aaron C. Rollins Jr. PhD

DEDICATION

Like every other college student, I owe so much to my parents, who as young, barely adults, brought me into this world—and then soon after divorced, they always managed to see that my needs were met and more. My mother instilled in me an appreciation of knowledge and learning, along with a love of history. Sadly, she passed away from the complications of cigarette smoking, far too soon to see me achieve this milestone. To my dad, we never had a true father/son relationship. Growing up we barely knew each other. Since the birth of my children we have become very close, we have become more than just father and son, today we are close friends. I know you were disappointed and a little angry with me for not going to engineering school. However, after a career as a licensed master electrician, I needed a change. I believe that you have now come to accept my decision, with that paternal pride that only a father feels.

I would not have succeeded without the patients and support of my best friend—my wife Celesta. I returned to college at her urging, and she has never wavered from the day that she suggested it, even when I wondered about returning to school, she had faith. Thank you, and I love you, will never balance the scales for all that you have given me.

Phillip and Elicia, it is truly a strange situation to be in college at the same time as your own children. To this day, I am not sure who was setting the example for whom. I

completed this leg of the journey in the same year that my son completed his undergraduate degree, and my daughter completed her freshman year of college. Watching you two grow up and achieve your successes is beyond words.

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ABSTRACT

HOW THE CITY OF INDIANAPOLIS CAME TO HAVE AFRICAN AMERICAN POLICEMEN AND FIREMEN 80 YEARS BEFORE THE MODERN CIVIL RIGHTS MOVEMENT

Leon E. Bates

July 26, 2016

This study explores a series of events that occurred in the spring of 1876. The relationship between the Indianapolis city government, the Marion County Courts, the Indianapolis Police Department, and the African American community came together to usher in changes never before envisioned. The Indianapolis Police Department (IPD) was formed in 1855, then disbanded 12 months later in a political dispute. From 1857-to-1876, the IPD was all white. These changes took place as the Reconstruction era was coming to a close. The first Ku Klux Klan was at its apex, terrorizing black communities, and Jim Crow was coming into its own. There have been at least two dissertations written on the Indianapolis Police Department and several books explore the rise of the Indiana KKK and its interactions with the IPD.

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CHAPTER 1

INTRODUCTION

Organization of Study

Chapter one is the introduction to the study which includes: literature review, methodology, limits of the study. Chapter two examines some of the racial and political tensions of the latter half of the 19th century in Indiana and the United States that led up to the death of Edward Phillips. Chapter three examines the death of Edward Phillips, and the political firestorm his death ignited. Chapter four examines the social-political changes that resulted from Phillips death as well as the long-term changes and issues that followed Phillips' murder. Finally, chapter five is the conclusion.

Indianapolis and Ferguson

According to a former Indianapolis Chief of Police, Richard “Rick” Hite—in a public statement made in the fall of 2014— “Being a police officer is the only job that allows you to *kill* your customers.”¹ Chief Hite was speaking at a public forum held at Martin University in Indianapolis in the aftermath of the death of Michael Brown, an

¹On October 20, 2014, speaking at a public forum held by the city of Indianapolis, in the wake of the unrest caused by the police shooting death of Michael Brown, an unarmed 18-year-old resident of the St Louis, Missouri, suburb of Ferguson, Chief Hite made several incendiary statements. The most inflammatory being, “Being a police officer is the only job that allows you to kill your customers.” (Figure 12 Public Forum Announcement)

unarmed 18-year-old African American, who died at the hands of Patrolman Darrin Wilson of the Ferguson, Missouri, Police Department in August 2014. The focus of that night's forum was, "Is Indy the next Ferguson," alluding to the police violence that led to the death of Michael Brown and the civil unrest that followed (Figure 12 Public Forum). The question that Indianapolis officials should have asked, was Ferguson another Indy?

Because of the public outcry and civil unrest that followed the death of Michael Brown, The United States Department of Justice launched a civil rights investigation into the circumstances surrounding the incident. The investigation into Michael Brown's death was so troubling that it caused the U.S. Justice Department to take the unprecedented step of issuing two separate scathing reports on Ferguson, Missouri, and the shooting death of Michael Brown. In the Justice Department's report on the death of Michael Brown, the report confirmed the media claims that Brown was in fact unarmed.

The second report (on Ferguson) detailed a chronic system of institutionalized racial animus throughout the Ferguson municipal government. The report identified the town manager, police chief, local judge, and several other town officials by job title and name, and held them individually and collectively responsible for the aggressive policing, toxic court atmosphere, and overall hostile political environment that existed in Ferguson before, during, and after the shooting death of Michael Brown. Indianapolis had been in the same position as Ferguson; Indianapolis found itself in the middle of a political firestorm after one of its policemen shot an unarmed African American. Yet in Indianapolis, that moment came at the end of Reconstruction in 1876.

An Arrest Gone Wrong

On March 1, 1876, three Indianapolis policemen went to a home on the city's near northwest side, at the northern edge of the city limits, and the northern end of the city's largest and fastest growing black neighborhood. The police had a warrant for the arrest of Edward Phillips. Phillips, an African American, was wanted by the Marion County Courts on a charge of adultery. The Indianapolis police had been attempting to arrest Phillips for weeks cornering him on several occasions, but each time Phillips had managed, somehow, to flee the policemen. On that March night, the policemen went to the home of a female acquaintance, gained entrance, and took Phillips into custody—without a struggle. Phillips agreed to accompany them to police headquarters and followed them outside. Once outside, he again ran from the police. This time, however, a third policeman was in the rear yard of the house. The officers shouted for Phillips to stop, one of them pulled a gun, and fired “warning shot,” then took aim at Phillips as he was going over a fence and fired again. The second shot struck Phillips, who was *unarmed*, in the back below the belt. Phillips ran a few more steps and then collapsed to the ground where the officers caught up to him.

Phillips was taken to the Indianapolis Police Department lock-up, and left in an overcrowded cell laying on the stone floor. The next morning, under a doctor's instructions, he was taken to the City Hospital, where he later died that afternoon. In the days following, the Marion County Prosecutor and the Indianapolis Police Department did nothing concerning Phillips' shooting. However, an Indianapolis Justice of the Peace had spent those days investigating Phillips' account of the shooting. He had written down

the account of the shooting in Phillips' own words, known as a dying declaration, collected statements from witnesses, and visited the scene of the shooting.²

Accounts of the day indicate that in response to the murder of Phillips, the black community was in an uproar. At the center of these protests was Bethel African American Episcopal Church (Bethel A.M.E.). Founded in 1836 as Indianapolis Station A.M.E., the church stood at the leading edge of the abolition struggle in central Indiana and had a succession of educated, strong, often-progressive leaders. One of Bethel A.M.E.'s outspoken leaders, the Reverend Willis Revels (1810-1979) (Figure 11 Rev. Willis R. Revels, M.D.), was the older brother of Hiram Rhodes Revels, an A.M.E. minister and college professor/administrator.³

Hiram Revels was elected as a U.S. Senator from Mississippi during Reconstruction, and was later appointed to be the first president of Alcorn Agricultural and Mechanical College. Willis Revels was a trained medical doctor; he had served as a recruiter and assistant surgeon for the 28th United States Colored Troops (U.S.C.T.) from Indiana. He and Indiana's Civil War Governor, later Republican U.S. Senator, Oliver P. Morton, were on very good speaking terms (Figure 9 Oliver P. Morton). Revels, like most every other African American of the Reconstruction era, who was fortunate enough to have access to the ballot box, was a Republican, and he and the other leaders took

²Emma Lou Thornbrough, *The Negro in Indiana Before 1900: A Study of a Minority* (Bloomington: Indiana University Press, 1995), 275.

Marion County Health Department, Ervan Phillips, Death Record Vol. 1, Page 186. Edward Phillips is listed in the Marion County Health Department records as Ervan Phillips. His death was certified by Coroner James H. Fuller, on March 3, 1876, and his cause of death is listed as "gunshot."

³Thornbrough, *The Negro in Indiana Before 1900*, 191.

liberties with the evolving political situation after the shooting death of Edward Phillips. The black community wanted the government to take action, many in the white community (primarily democrats) felt no sense of urgency, and then there were those (republicans) who sensed the shifting political sands and understood the need for change. These factors combined to create a volatile, unstable political situation.

Revels and his allies could possibly have convinced the majority of African Americans to vote for Democrats if the local Republicans did not offer some concessions. What exactly Mayor John Caven agreed to is not known (Figure 8 John Caven).⁴ However, according to the newspaper accounts of the time, the city dismissed 25 of its 75 police officers, and then on May 19, 1876, it hired seven African Americans. Thomas Howard, Thomas Smith, Robert Braxton, and James Graves as firemen (Figure 3 1st African American firemen); Thomas Hart, and Samuel McDonald as policemen; and Benjamin T. Thornton as a jail turnkey—all seven of these men were African Americans, and the first in the city's history (Figure 5 Indianapolis Police Department, 1890; Figure 6 Benjamin Tobias Thornton). This action made Indianapolis, a city not known to be on the leading edge progressive

⁴John Caven, republican, (1824-1905) came to Indianapolis in 1845 and studied law at the firm of "Smith & Yandes, where he mastered the intricacies of the law, and in due time took his rightful place in a bar distinguished for learning and ability." He was elected mayor of Indianapolis 1863 and 1865. In 1868 he was elected to the Indiana State Senate. While in the state legislature, "he voted for the 15th Amendment and earnestly advocated for schools for colored children." In 1875, he was again elected mayor of Indianapolis and then re-elected in 1877 and 1879. (Sulgrove's *History of Indianapolis*, p 209-213)

thinking, the third city in the nation to employ African American policemen behind only Chicago (1872) and Philadelphia (1875).

Purpose of this Study

The purpose of the study was to learn who the first African American police in Indianapolis was. It was discovered that the poor condition and limited availability of early official historical records could hamper the possibilities of recounting this historical narrative. It appeared that there was no way to determine the identity of the first black police officer in Indianapolis.

As it turned out that finding the-who was not as difficult as anticipated. However, a far more intriguing story came into focus, the date of the actual employment of the first African American policeman, May 17, 1876.⁵ This was the end of the Reconstruction era, and the beginning of the long life of Jim Crow. This became the purpose of this study; what factors drove the city of Indianapolis to employ African American police officers, 80-years before the birth of the modern Civil Rights movement.

Literature Review

The amount of scholarly research on 19th police departments in the United States is meager at best, and often nonexistent. However, there has been a great deal of interest in 20th policing and police culture in the United States post Rodney King (March 3,

⁵One clear indication that the employment of these first African Americans was an atypical event was the caption on a photograph of the first four firemen, which read, "Indianapolis first colored firemen May 17, 1876." The employment of all four men on the same day seemed curious, and it provided a starting point for the research.

1991). The video-taped beating of motorist Rodney King by multiple Los Angeles Police Department officers, set off numerous days of rioting in that city, and sparked renewed interest in police/community relations—especially as they intersect with race. Much of the 20th century research focuses on debriefings and after action reviews in the wake of a civil disturbance, historical accounts of high profile crimes, or reflections of wrong doings of an individual officer. Literature and scholarship on 19th century policing is nearly nonexistent, requiring researchers to locate and sift through original records, newspapers, oral histories, and journals to reconstruct a narrative of early policing in the United States.

Just as the title implies, W. Marvin Dulaney's *Black Police in America* gives an in-depth overview of African American police officers, from their beginnings in 1805 New Orleans, throughout the United States through the 1970s.⁶ Dulaney looks at police departments and their histories all over the United States. He does *not* look at any one department in depth. However, *Black Police in America* does help to fill in some gaps left by *The Rise of the Warrior Cop*, as Balko did not specifically examine race in his book.

Dulaney explains that as police departments developed, there were multiple reasons why Black communities around the country wanted to be policed by Black police officers. Chief among the reasons was that for some African Americans of a certain age *e.g.*, who survived the era of slavery, their only experience with patrols, was with the

⁶The city of New Orleans presents a unique set of circumstances in that there were many social norms in place there before the United States took possession of that city in the Louisiana purchase in 1803. After the Louisiana purchase, the city of New Orleans began to take on the social norms of the slave holding southern United States. The New Orleans Guard de Ville (City Watch/City Guard) which included free men of color was soon thereafter disbanded. African Americans would not patrol the streets of New Orleans again until the modern Civil Rights era.

slave patrols of the Confederate South. Before the Civil War, persons of color caught out after dark, without permission, could be beaten or worse. Like most 19th century police departments, the Indianapolis Police Department, for its first 19 years of existence, was an all-white unit of city government. *Black Police in America* provides a context to understanding 19th century urban policing and the rise of the African American police officer. This study takes Dulaney's research to next logical step, black police in Indianapolis.

Radley Balko *Rise of the Warrior Cop* traces the evolution of police tactics in the United States. Balko takes the reader from the patrols of the Roman Centurion, to the 21st century SWAT Teams and their ubiquitous presence. Balko's primary focus is in fact the creation of a Los Angeles Police Department Lieutenant, Daryl F. Gates. Reacting to 1965 L.A. riot, the rise of Black Panther Party, and other "radical" groups; Gates proposed a para-military force of police officers inside the police department, armed with military weapons, and employing military tactics in the urban environment.

Rise of the Warrior Cop does not examine police/race relations in a direct fashion. Rather it speaks to friction and violence between the two, and how it has escalated over the last half of the twentieth century. The early police history provided in the beginning of the text help to frame the 19th century policing in the United States.

The issue that civic leaders in Indianapolis argued for in 1876 was *representative bureaucracy*, the term that would not come into use until the 1940s when it was coined by J. Donald Kingsley.⁷ Nevertheless, the concept was coming together in the late 19th

⁷Julie Dolan, and David H. Rosenbloom, *Representative Bureaucracy*, (M.E. Sharpe: Armonk, 2003), 5.

century, and in demanding the appointment of black police officers, Indianapolis was 80 years ahead on much of the United States. Representative bureaucracy is broken down into *active* (or responsible) or *passive* (or social) representation. “Active representation—wherein an individual is expected to press for interest and desires of those whom he presumed to represent, whether they be the whole people or some segment of the people.” “Passive representation—concerns the source of origin of the individuals and the degree to which, collectively, they mirror society. It may be statistically measured in terms, for example, of locality of origin and its nature, previous occupation, father’s occupation, education, family income, family social class, race, [or] religion.”⁸

After the Civil War, Thornbrough points out that local government jobs, *e.g.*, policeman and fireman were political patronage jobs. These jobs were often given as rewards to those who had been helpful during the political campaign, and that person would often lose that job if the incumbent lost during the next election. This system of political patronage was known as the spoils system at the federal level. It was finally done away with by the passage of the Pendleton Act in 1883 (also known as the Civil Service Act or the Civil Service Reform Act). In Indiana, there are similar laws, as it applies to police or fire departments, the “Police and Fire Merit System.”

There was also the feeling that African Americans, who as a community paid taxes into the system, should get some benefit from that system, in the form of employment.

⁸Dolan and Rosenbloom, *Representative Bureaucracy*, 20.

In answering the research question, what factors drove the city of Indianapolis to employ African American police officers and firefighters 80-years before the modern Civil Rights Movement.

Methodology

To answer the research question in this study, I had to first obtain a good understanding of police culture and history, especially Indianapolis police culture and history. This required becoming familiar with the literature on policing, and in particular the limited literature on 19th century policing. Policing was a new concept in the 19th century. Excluding New Orleans in 1805; Boston, Massachusetts, was the first U.S. city to deploy such an effort in 1832.⁹ If we view New Orleans as an outlier because of the political and social issue at the national level, Indianapolis only had Philadelphia 1872, and Chicago 1875, as examples of police departments employing African Americans. Indianapolis Mayor John Caven was on very unproven ground in 1876.

This research was in conjunction with, and yet beyond, local Indianapolis history. In addition, there was a great deal of archived materials *e.g.*, government records which were reviewed, and analyzed through one of the following archives: the city of

⁹New Orleans presents a somewhat different case in the study of early policing in the United States compared to the other early cities that experimented with the 19th century idea of policing. Until the Louisiana Purchase in 1804, New Orleans was part of French Territory in North America. New Orleans had had been patrolled by para-military units followed by Guard de Ville (City Guards). These early guardians of the French outpost had included men of color in their ranks.

The New Orleans Police Department or some iteration of it was disbanded and reconstituted several times, between 1800 and 1870, some of those iterations included men of color. The early New Orleans Police Department included an African American captain, Octave Ray, possibly making him the first police captain in United States history.

Indianapolis, Indianapolis Public Schools, Boone County, Cass County, Hendricks County, Jennings County, Marion County, Morgan County, and Shelby County, as well as the Indiana State Archives, and the Indiana Historical Society. I used the Indianapolis Marion County Public Library, Jennings County Public Library, Morgan County Public Library, and the North Madison County Public Library to research newspaper publications of the periods and local histories. In addition, I used the Jefferson County Free Public Library, Louisville Metro Archives, and the Ekstrom Library at the University of Louisville (see Table 1 Archives and Libraries).

Newspapers of the time were invaluable sources of information. However, it should be noted that the local black newspapers did not come into their own until the very late 19th century. Yet, the 19th century was a time of multiple newspapers both daily and weekly publications with varied political leanings. By organizing and cross-referencing the records with newspaper accounts, a good historical understanding of the subject can be gained.

Limitations of this Study

Archived records in Indiana are not as clearly maintained as one might imagine. There is not a single clear standard for the proper methods to be used for the maintenance of records, they are held in the decaying original paper form, microfilm, microfiche, and digital formats. At the county level, the only records, which are thoroughly maintained, are *land records*, and that is because of mandates by state and federal law. There are requirements to forward unneeded and unwanted records to the Indiana States Archives but there is little enforcement of the requirement. Criminal court records are only required to be maintained for fifty years.

In researching the Indianapolis Police Department and doing cursory reviews of Cincinnati, Detroit, and Louisville Police Departments, it is clear that the various urban police departments in the United States are as unique as the city that they serve. Police departments of the 19th century shared many of the same issues and afflictions *e.g.*, lack of resources; inexperienced personnel and leadership; weak, ineffective, and often nonexistent policies. As stated earlier, policing was a new concept in the 19th century, every aspect had to be developed, sometimes out of tragedy. Because of the lack of historical studies of urban police departments, and the evolution of black police officers, the study of the Indianapolis Police Department seems anecdotal, as most urban police departments (except large cities *e.g.*, Chicago, Los Angeles, New York) have not had their histories explored, thus making comparison studies impossible.

CHAPTER 2

PROTEST AND RESISTANCE

No other racial, ethnic, nor demographic group in United States history has had the lived experience with the United States judicial system and police authorities like that of the African Americans. From the day in 1619, when the first Africans walked off a Dutch ship into what is now Jamestown, Virginia, the African American's relationship with the colonial government, later the United States government, and state and local governments was an adversarial one at best. From 1619, through the Civil War and Reconstruction, African Americans have resisted and protested enslavement. This protest and resistance came in many forms over the years. From feigning incompetence, to outright revolt against the system of slavery by freeman or enslaved, the spirit of protest and resistance was ever-present. As these people of African descent came into Indiana, they brought with them the spirit of protest and resistance.

On paper, the Northwest Ordinance forbids slavery north of the Ohio River, which includes Indiana. In reality, slavery already existed in the Northwest Territory—a remnant of French occupation. African slaves were recorded in the Indiana territory as early 1746, in and around the tiny frontier outpost of Vincennes, in southwest Indiana.¹⁰

¹⁰Thornbrough, *The Negro in Indiana before 1900*, 1-5, 4n6. Vincennes later became Indiana's first territorial capitol; today it is the seat of Knox County, Indiana. Some of the Africans inhabitants of Vincennes converted to Catholicism

Indiana's first Territorial Governor (1801-1812), and future United States President, William Henry Harrison (1841), was an early advocate for bringing slavery and indentured servitude into Indiana, *despite* its prohibition in the Northwest Ordinance.¹¹

There had been several court cases in the Indiana Supreme Court over the issue of slavery. One case out of the Knox County Court at Vincennes, Indiana, came down to whether indentured servitude was against the Indiana Constitution. A Knox County farmer convinced an illiterate African American farmhand to bind himself to a 30-year indenture, by endorsing it with his mark, the farmer then filed the indenture with the Knox County Recorder's office. The Indiana Supreme Court ruled against the farmer, finding no difference between the two practices, and that an illiterate slave could not make such a distinction. The following incidents are two of the more egregious examples of violence and/or the lack of equal protection under the law for African Americans in

in the mid-18th century, and had their baptisms and/or marriages recognized in the St. Francis Xavier Church's records. St. Francis Xavier Parish was established at Vincennes, by Jesuit missionaries in approximately 1734, making it the oldest Catholic Parish in the state of Indiana. It should be noted that some Africans inhabitants of Vincennes were the property of the St. Francis Xavier Parish and/or the assigned priest.

¹¹Thornbrough, *The Negro in Indiana before 1900*, 7-8, 11-12. Harrison, a Virginian, brought slaves with him to Vincennes upon his appointment as territorial governor in January 1801, by then President John Adams. "Many of the new settlers came from the slave states of the south. Some of them came north to get away from the system of slavery, but others wished to be able to bring their slaves with them. In the early years, proslavery men were in the ascendancy in territorial politics. They were powerful in Knox County, where Vincennes was located... William Henry Harrison, first governor of the Indiana territory, was closely identified with this group...as was his successor Thomas Posey."

19th century Indiana, they took place in Indianapolis, and from the newspaper accounts of the incidents they were both widely known at the time.

John Tucker

The black community of Indianapolis, in the 19th century, had little reason to be optimistic about interactions with law enforcement and/or the court system, being fully aware of their second-class legal status. For several years, they had witnessed a steady and growing number of cases brought before the courts, including, the Indiana State Supreme Court involving African Americans. Then in July 1845, the Indianapolis Black community looked to the Marion County Court for action in the case of John Tucker. Tucker, an African American, and married father of several small children, was walking through downtown Indianapolis after leaving an Independence Day celebration at a downtown city park.

As he walked along a downtown street, Tucker was accosted by three young white men who had been drinking in a downtown saloon. Tucker attempted to avoid a conflict with the men and continued on his way, as witnessed by more than 100 bystanders. The men followed and taunted Tucker; the taunts became physical—then violent. Although outnumbered, Tucker, a farmer and day laborer, who was sober, was able to fend off the young men. As Tucker bested the young men in the fight, which was progressing up the street, one of the young men grabbed an oak wagon wheel spoke from a barrel in front of a wagon shop, and used it as a club. Soon the other two men were wielding wagon wheel spokes. The three men surrounded Tucker and bludgeoned him to death, in the middle of a city street, as chants of “kill the damned nigger,” could be

heard—not a single soul interceded. In the days and weeks following Tucker’s murder, many Indianapolis white residents openly fumed over the arrest and prosecutions of Tuckers killers.¹²

Two of the young men stood trial in the Marion County Court; one was convicted of manslaughter and sentenced to a term of one to fourteen years imprisonment at the Indiana State Prison at Jeffersonville, Indiana, he served less than two years. The second young man is assumed to have been acquitted and released, as only one conviction was reported. The third man, the instigator of the incident, was never brought to trial. John Tucker had done nothing to cause his own death. For its part, the courts had again demonstrated its lack of willingness to hold whites accountable for even the most egregious acts of violence perpetrated against African Americans, all but sanctioning the brutal murder of an African American in public.¹³

The case of John Tucker is unique in Indiana history for that time, in that the violence against him was actually prosecuted in court. From the existing records, it is unclear if Tucker’s case is the first case, in Indiana, of a white man being sentenced to prison for a violent crime committed against a person of color. It is notable that had the young man in the Tucker case been convicted of murder, he could have been sentenced to death, a sentence, which at the time would have been carried out by the county sheriff, in the courtyard of the county jail. There are numerous newspaper accounts of violent acts

¹² Thornbrough, *The Negro in Indiana before 1900*, 129. Jacob Piatt Dunn, *Greater Indianapolis: The history, the Industries, the Institutions, and the People of c City of Homes* (Chicago: Lewis Publishing Company, 1910), 239-253. Dunn held a degree from Earlham Collage, and a law degree from University of Michigan.

¹³ Thornbrough, *The Negro in Indiana before 1900*, 130.

against members of the black community in the 19th century, by whites in Indiana, yet very few can be correlated with court records of a prosecution.¹⁴

John Freeman

In 1853, Indianapolis farmer and restaurateur, John Freeman suddenly found his status as a freeperson of color in question challenged. A man, named Pleasant Ellington, was claiming Freeman as his runaway slave from Kentucky, and evoking the provisions of the Fugitive Slave Act of 1850 in order to force local officials to assist him with the “capture” of Freeman.

Included in the “Compromise of 1850” was the “Fugitive Slave Act of 1850,” which amended the “Fugitive Slave Act of 1793,” which was one of the first official acts of the new United States government.¹⁵

Ellington went to a U.S. commissioner and claimed Freeman as his slave, “Sam” that had runaway 17 years earlier. Freeman was arrested by the U.S. Marshal on June 20, 1853, and placed in the Marion County Jail to await his hearing. Freeman immediately

¹⁴Thornbrough, *The Negro in Indiana before 1900*, 130.

¹⁵Robert G. Barrows, David Bodenhamer, *The Encyclopedia of Indianapolis* (Bloomington: Indiana University Press, 1994.) 601-602. “The 1850 Act gave the federal government sole jurisdiction over fugitive slave cases. Following a summary hearing, special commissioners could issue warrants for the arrest of fugitive slaves and certify their return to their owners. An Affidavit by the claimant was accepted as sufficient proof of ownership. To entice commissioners to return suspected slaves, commissioners received \$10 [\$291.45 in 2014] for each return certificates and half as much if return was denied. Fugitives claiming to be free men were not entitled to jury trials and could not testify on their own behalf. Likewise, those who interfered with the law were penalized. Marshals refusing to execute warrants were fined \$1,000 and citizens interfering with arrest of a suspect were fined \$1,000, with a possible six-month jail term.”

got word to his friends and allies in Indianapolis' white community who were not in favor of slavery, and asked for their assistance. Prominent Indianapolis attorneys John L. Ketchum, Lucian Barbour who eventually served as a Republican member of the House of Representatives, and John Coburn who later served as a general in the Union Army during the Civil War and later as a U.S. Congressman from Indianapolis, defended Freeman in federal court.¹⁶

Freeman's attorneys got his case continued in order to prepare a solid defense. They located several people in Georgia, who knew Freeman as a free person of color from 1831 to 1844, when he moved to Indianapolis. Ellington produced three witnesses who after stripping Freeman's body identified Freeman as Sam.¹⁷

Freeman's attorneys located Sam, living in Canada under the name of William McConnell. Understandably, Sam refused to come to Indianapolis to testify, as reentering the United States would have jeopardized his freedom under the 1850 Fugitive Slave Act. Several witnesses who met Sam stated that he bore little resemblance to Freeman. However, when asked about a scar described by Ellington, Sam raised his pant leg and revealed the healed scar of a serious burn. Finally, Ellington's own son was unable to identify Freeman as Sam. Ellington's claim on Freeman collapsed and after nine weeks, the case was dismissed.

¹⁶Barry Robinson Sulgrove, *History of Indianapolis and Marion County, Indiana* (Provo. Repressed Publishing LLC, 2013), 214a, 214c. Sulgrove was a newspaper editor and business owner; Barry Robinson Sulgrove, *History of Indianapolis and Marion County, Indiana* (Provo: Repressed Publishing LLC, 2013), 240.

¹⁷Thornbrough, *The Negro in Indiana before 1900*, 115-118.

John Freeman filed a civil law suit against Pleasants Ellington, in the Marion County Court, where he won a \$10,000 judgment. The judgment was reduced to \$2,000 by order of the court. Ellington fled the state of Indiana leaving the court no way to enforce the judgment, which is still outstanding to this day.¹⁸

Freeman also filed suit against U.S. Marshall John Robinson, who jailed Freeman and took the unusual step of placing a 24-hour guard outside his jail cell. Robinson then billed Freeman for the cost of his own meals and the expenses of the guard. In December 1855, the Indiana Supreme Court ruled that Robinson had acted improperly, in billing Freeman for cost, but dismissed Freeman's suit because he had filed the original suit in Marion County, where the improper actions had occurred, not in Rush County where Robinson resided.¹⁹

John Freeman's struggle to remain free cost him almost everything that he and his family had. In order to pay his legal expenses and other related costs, he lost his restaurant, lost much of the summer production on his farm, had to sell many personal possessions, and had to sell his farm located on what would today be one-mile north of downtown Indianapolis. Shaken by his experiences with the legal system, his precarious status as a free person of color, who could be enslaved at any moment by the words of unscrupulous whites, Freeman decided to leave Indianapolis. He loaded his family and few remaining possessions into a wagon and moved to Canada before the Civil War began.²⁰ Freeman's experiences left the Black community fearful for their futures for

¹⁸Thornbrough, *The Negro in Indiana before 1900*, 115-118.

¹⁹Ibid.

²⁰Thornbrough, *The Negro in Indiana before 1900*, 115-118.

many reasons; above all, the majority of African Americans did not have the resources or connections that Freeman was able to rally to his defense.

Indianapolis Protest and Resistance

The stories of John Freeman and John Tucker are but two of the many stories in the struggle to end the oppression of enslavement in the United States. Contrary to the idyllic tranquil frontier town portrayed by several Indiana authors, early Indianapolis' rapidly evolving urbanization demonstrated the need for organized law enforcement in the 19th century.²¹ A 1979 journal article in the *Western History Quarterly* states, 'for fifteen years...we had... [no] police officers, and during that time there was but...one burglary, and one homicide.'²² However, newspaper accounts of crimes of the time indicate that violent crime was not only occurring, it was increasing. As evidence of this lack of crime, the article indicates that the Marion County Court order books show, the majority of crimes dealt with were petty crimes.²³ Drunken brawling was considered a petty crime. Drunken brawls often lead to violent deaths, as was the case with John Tucker in 1845, or with nine Native Americans who were murdered in Indianapolis by a

²¹Dunn, *Greater Indianapolis*. Vol I & II; Sulgrove, *History of Indianapolis and Marion County, Indiana*.

²²David J. Bodenhamer "Law and Disorder on the Early Frontier: Marion County, Indiana, 1823-1850," *Western History Quarterly*, Vol. 10, No. 2 (Jul. 1979), 326.

²³David J. Bodenhamer "Law and Disorder on the Early Frontier: Marion County, Indiana, 1823-1850," *Western History Quarterly*, Vol. 10, No. 2 (Jul. 1979), 329.

group of angry drunken white settlers in 1824.²⁴ The first two Indianapolis police officers killed in the line of duty, Patrolman Hugh Burns 1882, and Charles Ware 1897, were shot and killed as a result of drunken brawls.

There is no guarantee that if there were black police officers on the police department during the 19th century they could have prevented aforementioned murders. However, the lack of a police force assured that there would be no one to intercede as these cases unfolded, or to make a difference in their outcomes. In the case of John Tucker, scores of people stood on the street and watched as three men beat the life out of him, and no one stepped forward to stop it. Additionally, the first nineteen years of aggressive over policing by members of the all-white Indianapolis Police Department 1857 to 1876, had demonstrated to Indianapolis' black community that they might benefit from policing by black police officers.²⁵

Historian Jeffery S. Adler states, "Local law enforcers also stretched the already loose definitions of justifiable homicide and self-defense."²⁶ Although late twentieth century policemen sometimes fabricated accounts after the fact or planted 'drop guns' to fit their behavior within legal strictures, Chicago policemen between 1875 and 1920 were

²⁴Bodenhamer, and Barrows, *Encyclopedia of Indianapolis*, 560, 578. Calvin Fletcher the first lawyer to reside in Indianapolis, represented the accused. He is best known for recording his daily activities in a series of diaries that he maintained. During the 1850s and 1860s Fletcher provided shelter and aide to fugitive slaves. He documented the accounts in his diary along with the names of those fugitive and those who collaborated with him.

²⁵Thornbrough, *The Negro in Indiana before 1900*, 255-287.

²⁶Jeffery S. Adler, "Shoot to Kill: The Use of Deadly Force by the Chicago Police, 1875-1920," *The Journal of Interdisciplinary History*, Vol. 38, No. 2 (autumn, 2001), 239.

less legalistic. Rather, they insisted that a combination of state law and workplace custom authorized them to use force when ‘necessary,’ guided largely by their own discretion. Police officials also believed that common sense and public safety dictated the ‘liberal use of the officer’s club’ to preserve order.”²⁷ This observation of police brutality and violence is applicable to any police department in the United States, although it only became recognized as a problem in police community relations in the late twentieth century.

Watching the legal process play out in the cases of Freeman and Tucker, the most prominent cases of the time, did little to reassure the 19th century Black community of Indianapolis that government would defend/protect them from violence. Both cases happened before the Indianapolis Police Department was created, and there is little reason to believe that having policemen at the time would have made a difference in their respective cases. However, police officers are part of the overall law enforcement apparatus *e.g.*, judicial branch of government or justice system. By 1876, 60-years of oppressive law enforcement (aggressive policing) had gone practically unchecked and unchallenged, leading to the brutal killing of Edward Phillips. Phillips was not the first person to be brutalized by Indianapolis policeman. In fact, Indianapolis was not alone in policemen brutalizing citizens.

By the 1870s Chicago authorities began to take a much harder line with transgressors with a shoot first and shoot to kill philosophy. No directive of brutality was located in the records of the Indianapolis Police Department, nor was there a newspaper article noting such disregard for human life, as that which appears in the records of the

²⁷Adler, “Shoot to Kill,” 239.

Chicago Police Department. While violence is not only condoned by leadership, it is often publicly advocated by the public, as well as rank and file police officers.

“Beginning in 1890, police chiefs, inspectors, and captains directed their men to shoot and ‘shoot first.’ In 1899, Chief Joseph Kipley urged policemen to shoot to kill criminals or other dangerous characters.... For killings in which policemen used deadly force; local prosecutors secured convictions in only 1 percent of cases”²⁸ “Between 1875 and 1920, Chicago police officers killed 307 people, accounting for one homicide in eighteen committed in the city.”²⁹ That is an average of one citizen killed every other month by Chicago police officers.

Oppression by a dominant group will not stop, unless it is stopped by the dominant group. The motivation to stop often comes from the dominated group in the form of protest, and resistance. This protest and resistance can, but does not have to, lead to violent conflict. In Indianapolis, one of the primary actors against the enslavement and oppression of Africans and African Americans were the members and leaders of the African Methodist Episcopal Church, specifically, Bethel A.M.E., the Reverend Willis Revels, and Bishop William Paul Quinn.³⁰

Officially, Indiana was a free state. In reality, slavery had existed in the territory that became the state of Indiana before the Fugitive Slave Act of 1793, was signed into

²⁸ Adler, “Shoot to Kill,” 243.

²⁹Ibid., 236-237. Today this rare information exists because, “From 1870s to 1920s the Chicago Police Department compiled a log of its homicides cases, along with a brief description of each one.”

³⁰Bodenhamer, and Barrows, *Encyclopedia of Indianapolis*, 5, 173-174, 235, 241-243, 264, 318-319, 413, 998, 1191-1192.

law. This situation left the enslaved people in the territory numerically counted, but not represented.³¹

Indiana Territorial Governor (1801-1812), and future U.S. President (1841), William Henry Harrison, had held enslaved Africans in Indiana while serving his governorship, advocated to change the Northwest Ordinance which prohibited slavery, and attempted to bring the practice, formally, to Indiana after statehood. Harrison had made his name in the Indiana Territory as a general and Indian Fighter, and then ran for president partly on that reputation.³²

Indiana's status as a free state did not mean that African Americans were exempt from the racial oppression and violence that was present throughout the rest of the United States.

African Americans were in Indiana by the middle of the 18th century although their numbers were small. Most were known to-be enslaved, a few were rumored to have been runaways, and others were free persons of color. Once Indiana joined the union in 1816, their numbers began to increase; officially, they were free persons of color. According to the early historical accounts, Cheney Lively was the first African American woman to live in Indianapolis. She had accompanied Alexander Ralston in 1821, as his

³¹For example, the records of St. Francis Xavier Catholic Church located in Vincennes, Indiana, indicate that the priest there held enslaved Africans in 1764, and recorded their baptism, weddings, and births in the church records.

³²One of his political slogans "Tippecanoe and Tyler too" was a reference to Harrison's bloody fight with Native Americans, in the Battle of Tippecanoe on November 7, 1811, near Lafayette, Indiana.

housekeeper, from Washington DC, after he accepted a commission as a surveyor and architect, to lay out Indiana's new capital city—Indianapolis.³³

Whatever her motivation to come Indiana, she arrived at the early point of Indianapolis' frontier period (1819-1849). What makes her story significant is that in 1836, she and her future husband John Britton, a free person of color from Ohio, along with Augustus Turner were some of the founding members of Bethel A.M.E. Church in Indianapolis. The A.M.E. Church was born of resistance and protest.

In 1787, Richard Allen and Absalom Jones led a group of African American congregants out of the St. George Methodist Episcopal Church of Philadelphia, in protest over unequal treatment in the church. The group vowed not to return until the church reformed its position on race. When the St. George's and Methodist hierarchy refused to change their position, Allen, Jones, and their followers formed the Bethel African Methodist Episcopal Church in 1794 in Philadelphia, with Allen as its leader.³⁴

When African Americans in Indianapolis petitioned the A.M.E. Church in Philadelphia to form an A.M.E. congregation, the Reverend William Paul Quinn was dispatched. Quinn was a disciple of Richard Allen; he had witnessed Allen and Jones bringing the A.M.E. Church into reality. Quinn came to Indianapolis as a circuit rider,

³³Sulgrove, *History of Indianapolis and Marion County, Indiana*, 24 -27.

³⁴Cheryl Janifer LaRoche, *Free Black Communities and the Underground Railroad* (Urbana: University Illinois Press, 2014), 133. "Allen, as the first Bishop of the church, lived up to his renown as 'the Apostle of Freedom' throughout his tireless advocacy for self-improvement, dignity, and racial equality permeated his life. Churches growing out of this commitment followed the philosophical path he set. The venerable Bishop Daniel Payne reports that Allen was 'thoroughly anti-slavery,' and that 'his house was never shut against the friendless, homeless, penniless fugitives from the 'House of Bondage.'"

and organized the Indianapolis Station A.M.E. Church in 1836; it later became Bethel A.M.E. Church in 1848.³⁵

Upon his arrival in Indianapolis in 1836, Quinn began the process of organizing the church that grew into Bethel A.M.E. and as in Charleston and other localities a school for the residents—both children and adults—often taught by the ministers themselves. This is significant, as the city of Indianapolis did not create free schools until 1846.³⁶ Moreover, it was illegal to teach African Americans to read and write in the slaveholding states of Kentucky and Missouri where A.M.E. church set-up schools and churches.

Quinn was quickly followed to Indiana by the Reverend Willis R. Revels (1815-1879). Revels was born a free person of color from Robeson County, North Carolina, and educated in Quaker schools. He began his career as a minister at age 14, rose to become a minister in the Methodist Episcopal Church, and then moved into the A.M.E. Church where he became a circuit-riding minister. The circuit-riding minister was in the perfect position to observe and advise the congregations on his circuit of both good and bad news. In 1836, Revels married Susan Jones of Lawrence County, Indiana, while Revels was assigned to the Salem Circuit, further strengthening his ties to central Indiana. Revels served as the minister of Bethel A.M.E., in Indianapolis, from 1844 to 1846, and again from 1861 to 1865.

³⁵Quinn also traveled Indiana and organized A.M.E. Churches in the rural communities Beech Settlement, Cabin Creek, Jeffersonville, Lick Creek, Lost Creek, Lyles Station, New Albany, as well as Louisville, Kentucky. Quinn risked his freedom and life as repeatedly went into Kentucky, a slave state, to organize Louisville's Bethel Congregation in 1838.

³⁶Sulgrove, *History of Indianapolis*, 423.

Sometime after his early arrival in Indiana, Willis Revels made the acquaintance of Calvin Fletcher, one of Indianapolis' celebrated early settlers (Figure 10 Calvin Fletcher). A friendship would last until Fletcher's death in 1866. Fletcher came to Indianapolis 1821, the same year that Indianapolis became the capital city of Indiana. Before coming to Indianapolis, Fletcher had studied the law in an office in Urbana, Ohio.

According to the diaries kept by one of Indianapolis' pioneer settlers and attorney Calvin Fletcher, a close ally of Revels, Bethel was deeply involved in helping those escaping enslavement. On several occasions, Revels himself brought "contrabands" to Fletcher's Indianapolis home, for assistance.³⁷ On at least one occasion, Fletcher suspected that members of the pro-slavery faction of Indianapolis were attempting to set him up on a charge of violating the Fugitive Slave Act.³⁸

Fletcher was instrumental in introducing Willis Revels to Oliver P. Morton the future Indiana Governor (1861-1867), and future U.S. Senator (1867-1877). Morton withdrew from the Democratic Party over the Missouri Compromise and the slavery issue. In addition, he introduced Revels to John D. Caven. Caven served mayor of Indianapolis (1863-1868), Indiana Legislature (1868-1872), and mayor of Indianapolis (1875-1881). In the Indiana Legislature, Craven voted to ratify the 15th Amendment, he also advocated for schools for Black children. In 1875, Craven was again elected mayor of Indianapolis. He was re-elected mayor in 1877 and 1879.

³⁷Calvin Fletcher, *Diary of Calvin Fletcher, Vol. VIII* Gayle Thornbrough and Paul Corpuz editors (Indianapolis: Indiana Historical Society, 1981) June 1, 1864, 407; Ibid, June 3, 1864, 407; Ibid, July 13, 1864, 428.

³⁸*Diary of Calvin Fletcher, Vol. VIII*, May 31, 1864, 404.

In 1876, Revels was assigned to the new Allen Chapel A.M.E. Church, Indianapolis' second A.M.E. congregation, it was formed in 1866, and located on the city's eastside. While the Reverend Daniel P. Seaton, D.D. led Bethel, Seaton was still learning the political landscape of Indianapolis.³⁹ Revels and Seaton were no doubt aided in the struggle of protest and resistance by James S. Hinton, an A.M.E. congregant, and correspondent for the *Christian Recorder*, the official newsletter of the A.M.E. church. Seaton and Revels were the leaders of the largest black congregations in the city. With an election looming in the spring of 1876, these leaders had the opportunity to influence their congregant's decision in the voting booth. The untimely death of Edward Phillips at the hands of racist police officers posed a threat to the status quo that could not be ignored.

³⁹James S. Hinton, *The Christian Recorder*, July 29, 1875; Hinton, *The Christian Recorder*, January 18, 1877. James Sidney Hinton (1834-1892) was born to free parents of color in Raleigh, N.C.; he would go on to be the first African American elected to the Indiana Legislature in 1880.

CHAPTER 3

THE DEATH OF EDWARD PHILLIPS:

“ONLY JUST A NIGGER”

From its inception in 1855, until May 19, 1876, the Indianapolis Police Department had been all-white, however, that all began to change on March 1, 1876. On that cold dark night, the African American community of Indianapolis suffered perhaps its most brutal police incident to that date. At approximately 9:00 pm, three Indianapolis Policemen John Wambaugh, John Scanlon, and Arthur Benner went to “northwest Indianapolis” with a warrant for the arrest of Edward Phillips, who roomed on the west side of California Street, north of Pratt Street, in one of the “Negro sections of Indianapolis.”⁴⁰ Two months earlier, a Marion County Grand Jury had indicted Phillips for “Living in Adultery, with Mattie Mitchell.”⁴¹

Acting on a tip, the officers located Phillips—after several previous attempts around the city—at the home of a female acquaintance named Mary Clark on north Michigan Road approximately one-mile north of Phillips’s home. Clark’s home was located between Eighth and Ninth Street on the east side of Michigan Road, what is

⁴⁰Swartz & Co. *Indianapolis City Directory 1876* (Indianapolis: Sentinel Company Printers, 1877), 378.

⁴¹*Indianapolis Journal*, March 3, 1876, P-8.

today, the 1700 block of Martin Luther King Jr. Street (also known as Northwestern Avenue); in an area of the city then known as “Sleighgo Under the Hill” or “Sleighgo.”⁴² Sleighgo was one of several hard scrabbled neighborhoods that sprung up in Indianapolis after the Civil War, during the first wave of what Historian, Ira Berlin, describes the period 1865-1914 as the “the Third Great Migration.”⁴³

Mary Clark lived in a large two-story duplex on Michigan Road; the police were not sure which side of the dwelling Phillips might be in, so Patrolman Benner went to a position where he could see both rear exits. Patrolmen Scanlon and Wambaugh went to the front doors, identified themselves as policemen, stated that they were looking for Phillips, and were allowed inside.

Once inside Clark’s home, Scanlon and Wambaugh located Phillips in a room with several other people. One of the officers stated that they had a warrant for the arrest of Edward Phillips. Phillips acknowledged his identity when asked, and agreed to go with the officers. Patrolman Scanlon asked Mary Clark for a lamp, which he used to get a

⁴²George S. Cottman, “Old-Time Slums of Indianapolis,” *Indiana Quarterly Magazine of History* Vol. 7, No. 4 (December 1911): 172; *Indianapolis Locomotive*, June 9, 1855; Dunn, *Greater Indianapolis*, 434. Sleighgo could possibly be a corrupt spelling of “Sligo” the largest town in County Sligo, a commercial port on the west coast of Ireland.

⁴³Ira Berlin, *The Making of America: The Four Great Migrations* (New York: Penguin Group, 2010), 154. According to Berlin, “the *First* Great Migration,” was the trans-Atlantic passage--approximately 1620-1809. “The *Second* Great Migration,” or passage to the interior of the United States took place between 1800 -1860, when more than one million African American’s, mostly slaves, were forcibly moved from the east coast states to the interior of the nation. “The *Third* Great Migration” 1865-1918 began after the Civil War slowed during the 1880s but continued up to First World War. “The *Fourth* Great Migration” commenced with the need for industrial workers during First World War and continued through the Vietnam era (1914 to 1970).

positive identification of Phillips in the dark room, and read him the warrant for adultery with a female consort—Mattie Mitchell.

Although the records of Phillips' indictment could not be located, and in all probability no longer exist, there is no reason to doubt the veracity of the reported charge of adultery on its face. Indiana, like many states in the late 19th century, had adultery and anti-miscegenation laws on its books and vigorously enforced them. In the newspaper accounts of the murder of Edward Phillips, and the events leading up to it; Phillips is explicitly identified as a "Negro"; indeed, this type of racialized classification was typical of 19th century newspaper reporting. Mattie Mitchell's racial/ethnic classification was never mentioned in any of the several newspapers, leaving one to conclude that she was *not* an African American.⁴⁴

Shortly after leaving the house, Phillips attempted to escape by running from the officers. Patrolman Wambaugh later admitted to firing two warning shots into the air to scare him [Phillips], but finding that they did not have the desired effect, and "he [Phillips] only being a Nigger anyhow," Wambaugh coldly aimed his third shot at Phillips that brought Phillips down.⁴⁵

It is not clear why Phillips ran from the three policemen. One can speculate that Phillips feared imprisonment—and for good reason. In 1867, an African American man from Indianapolis was sentenced to two years' imprisonment and fined \$5,000 for his

⁴⁴There no listings for a Mattie Mitchel in the city directories for 1875, 1876, and 1877. In addition, there was not a Mattie Mitchell listed in the 1860 or 1870 census for Indianapolis. It is possible that Mattie was a nickname, or an alias.

⁴⁵"Only a Nigger," *Indianapolis Journal*. March 5, 1876, 5.

marriage to a white woman. His attorney had argued that the Indiana law, under which he was convicted, conflicted with the “Civil Rights Act of 1866, which guaranteed the citizenship of African Americans and prohibited abridgement of their right to make contracts.” The judge in the case ruled that marriage contracts were more than civil contracts, that they were morally and religiously based thus subject to restrictions by the state in spite of Federal law.⁴⁶

After being shot, Phillips ran a few more steps then collapsed to the ground in pain from Wambaugh’s bullet. At the coroner’s inquest, 15-year-old Barney Archibald, who lived less than a block from the scene of the shooting testified, “When I arrived at the place of the shooting, Phillips was complaining of Belly pain,” and said, “I’ve been shot and can’t walk.” “He [Phillips] had his pants down and was really doing a job. When I came back to the place, the next morning, I did not see any blood in the snow, but I saw where he had done his business.”⁴⁷

The seriously wounded Phillips was then forced to walk half a mile, from 16th and Martin Luther King Jr Street, to 16th and Illinois Streets, and placed on the southbound streetcar. He then walked another half mile from Illinois Street and Washington Streets, to the city lock-up at the Indianapolis Police Department headquarters on south Alabama Street at Pearl Street. At the jail, he was left on the stone floor in a crowded jail cell overnight—without medical attention. He was finally examined the next morning by Doctor Henry O. Jamison. Doctor Jamison was making the daily rounds from the City

⁴⁶Thornburgh, *The Negro in Indiana before 1900*, 267.

⁴⁷Marion County Circuit Court, Coroner’s Inquest #628, Edward Phillips, March 8, 1876; Indiana State Archives.

Dispensary, to the Marion County Jail, and the Indianapolis Police Department Lock-up. Jamison found Phillips in a semi-conscious state, writhing in pain on the jail floor. He gave Phillips a morphine injection and instructed the jailers to take Phillips to the Indianapolis City Hospital, the *only* hospital in the city that would take African American patients.⁴⁸ Phillips was taken to the City Hospital in a horse drawn wagon.⁴⁹ Phillips arrived at City Hospital and was admitted to its “Colored Ward” at approximately 11:00 a.m.; he was seen by Doctor W. B. McDonald. The doctors at the City Hospital did not expect Phillips to recover. Of particular concern to the doctors was the fact that Phillips had no signs of external bleeding.⁵⁰

Before he died (the day after being shot), Phillips, a common laborer (Figure 2 Common Laborers, Indianapolis, 1876), told his version of the incident to an attorney, William H. Schmitt; his employer Henry W. Tutwiler; and several other prominent citizens. During this visit, the lawyers took Phillips “anti-mortem statement.”

“I was sitting in a room with some other fellows when the policemen came in. One of the officers remarked, looking at me, ‘here is

⁴⁸The Indianapolis City Hospital was one of the first publicly supported hospitals in the state. The Indianapolis City Hospital later became the Marion County General Hospital, then Wishard Hospital, and today is the Eskenazi Hospital. The City Hospital was segregated from its formation in 1857, and remained so—until 1938. At one time, all of the hospitals in Indianapolis were segregated, only the City Hospital maintained a small, separate, Colored Ward.

In times of mass sickness in the Indianapolis African American community, Bethel African Methodist Episcopal Church (Bethel A.M.E.) and Second Baptist Church, both located in the heart of Indianapolis’s growing African American community on the city’s near west side, opened makeshift hospital wards for the overflow of patients. Both churches maintained large kitchens, and meeting rooms in their basements, which could be quickly-and-easily converted to hospital use, with the women of the churches providing meals and 24-hour nursing care.

⁴⁹Thornbrough, *The Negro in Indiana before 1900*, 582.

⁵⁰“A Negro Shot While Trying to Escape,” *Indianapolis News*, March 2, 1876, P-4.

the man I am looking for.’ He called for a light and read me the warrant. All right gentlemen, I will go with you. I then put on my hat and followed the officers out the door. Once outside, I gave them the slip, darted around the corner of the house, and jumped a fence nearby.

As I was jumping the fence, Scanlon yelled out to his companions— ‘shoot the God Damned Black Son of a Bitch.’ They shot at me twice, and when I had run about fifty yards, the third shot was fired which struck me. I ran another two yards further and fell.” When the officers got to where I lay, the one whose name I do not know (Wambaugh) said, ‘God damn you get up.’ I told him, I am shot, to which he said, ‘Yes, God damn you, I have a great mind to shoot 50 holes in your damn black hide.’ He then told me to ‘straighten up and come along,’ but I told him I couldn’t, upon which he said, ‘God damn you; I guess you will if I hit you with this mace, and I have more than a mind to break it over your head anyway.’ Officer Benner interfered and begged the other man not to hurt me, and a Negro, who was standing by volunteered to carry me, rather than see me abused. Wambaugh insisted that I was not shot, but finding that I could not walk, they partially assisted, and partially dragged me, to an Illinois Street streetcar.”⁵¹

Beyond this, Phillips was unable to proceed, due to his physical weakness, and as anticipated, he died less than an hour later—in terrible agony.⁵²

⁵¹“The Police Murder,” *Indianapolis Journal* March 6, 1876, P-3; “Phillips Murder,” *Indianapolis News*, March 4, 1876, P-4.

⁵²Marion County Health Department, Ervan Phillips, Death Record Vol. 1, Page 186. Edward Phillips is listed in the Marion County Health Department records as Ervan Phillips. His death was certified by Coroner James H. Fuller, on March 3, 1876, and his cause of death is listed as “gunshot.” Edward Phillips was buried in an unmarked grave at Crown Hill Cemetery; section CG (Colored Graves), grave #51, on March 5, 1876. The management of Crown Hill Cemetery will not officially confirm that sections CG and NG are segregated. Unofficially a member of the office staff stated that CG stands for Colored graves, and NG stands for Negro graves. In either case, section CG and NG are in an old section of the cemetery; most of the graves in these sections are unmarked, they date back to the cemetery’s founding in 1862, and these areas have not seen a burial in many years. Section CG and NG are located in the south west corner of the south half of the cemetery, just north of the now removed south entrance, and south sexton’s office (Figure 1 Crown Hill Cemetery).

Phillips' story might have died in that dark, dank basement of the City Hospital's Colored Ward, except for the fact that he was well known by several prominent citizens of the city. Justice of the Peace, William H. Schmitt; Henry Tutwiler, contractor; David W. Brouse, Center Township Assessor; Oscar W. Kelly, street contractor; Henry W. Tutwiler, City Treasurer; and Deloss Root, of D. Root & Co. Manufactures of Stoves, Castings and Wholesale Dealers of Tinner's Stock and Machinery. These men took Phillips's dying statement and used it as the basis for the Coroner to conduct an inquest into his death.⁵³

It was Justice of the Peace Schmitt's actions that forced the coroner to hold an inquest to decide if either Wambaugh or Scanlon had caused Phillips's death, and later forced the Indianapolis Police Department, and the Marion County Prosecutor into action. The police chief nor prosecutor had taken any action in the eight days since Phillips was shot on March 1, and March 8, 1876, when the coroner's inquest was concluded.

James H. Fuller, the Marion County Coroner, held an "inquest" into the death of Edward Phillips and returned indictments of murder against Patrolmen Wambaugh and Scanlon.⁵⁴ During the inquest, it was revealed that, in the weeks leading up to the

⁵³Swartz & Co., *City Directory*, H. Tutwiler 421; D. W. Brouse 612; O. W. Kelly 92, 271; H. W. Tutwiler 271; D Root 408, 609.

During the Civil War 1st Lieutenant, Henry W. Tutwiler served as the Quartermaster, of Company D, 17th Indiana Infantry Regiment. Phillips, a runaway slave, joined the 17th at Shiloh, and worked as a "Contraband" laborer until the end of the war, he then accompanied Tutwiler to Indianapolis.

Indianapolis Journal, March 3, 1876, 8.

⁵⁴Marion County Circuit Court, Coroner's Inquest #628, Edward Phillips, March 8, 1876; Indiana State Archives

shooting, Phillips knew that the police were searching for him. According to Patrolmen Benner, “approximately three weeks before the shooting, Scanlon and Wambaugh caught up with Phillips, in another location in the city where he had managed to elude them, and flee on foot.”⁵⁵

During the coroner’s investigation of Phillips’ death, the statements of Phillips’ female acquaintance Mary Clark, an African American, and the people who were in her home were collected. The statements of people who were not at Clark’s home, but overheard the shooting, and the incidents, which led up to it were also gathered. These statements confirmed the number of shots and/or muzzle flashes, as well as the commotion at the scene of the shooting. Although all of the witness statements did not completely agree as to the exact words exchanged during the confrontation, they did agree to the loud protracted shouts of multiple male voices and gunfire.⁵⁶

With the Coroner’s Jury’s indictment in hand, Justice of the Peace Schmitt issued warrants for the arrest of Patrolmen Wambaugh and Scanlon for murder, and instructed Deputy Constables De Moss and Sloan to bring Wambaugh before him. This act set in motion a legal tug of war, as soon as the Indianapolis Police Department got wind of Schmitt’s intentions. Indianapolis chief of police Wilson immediately had the Marion County Prosecutor, J. M. Cropsey, issue warrants for manslaughter against Wambaugh and Scanlon. When the constables arrived at police headquarters, they were informed that they were too late, that Wambaugh and Scanlon were already under arrest, and due to be

⁵⁵Marion County Circuit Court, Coroner’s Inquest #628, Edward Phillips, March 8, 1876; Indiana State Archives

⁵⁶Ibid.

escorted to the Marion County Jail—which was directly across the street, to the west, from the Indianapolis police department headquarters on south Alabama Street.

The short walk to the jail became violent, and almost led to gunfire, when the constables attempted to take custody of Wambaugh and Scanlon from the police officers escorting them. Shouting, pushing, shoving, and swearing ensued; guns were drawn; police captain Griffin and the Marion County Sheriff, Albert Reissner, had to intercede to prevent bloodshed. The sheriff informed the constables that Wambaugh and Scanlon were slated to appear before Judge Edward C. Buskirk in the Marion County Criminal Court, and were to remain in jail until their appearance. The constables were also informed that the Criminal Court warrant trumped a Justice of the Peace warrant, because the latter only had jurisdiction over petty crimes (misdemeanors).⁵⁷

Phillips' attempt to avoid arrest had frustrated Scanlon and Wambaugh; that aggravation led to Wambaugh's display of poor judgment when he used unnecessary deadly force against Phillips. However, an all-white, all-male, Marion County Criminal Court Jury failed to convict either of the policemen of any crime.⁵⁸ After the trial, Marion County Criminal Court Judge Buskirk, alluded that the failure to convict may have been due to the defendants being overcharged with murder—rather than manslaughter.⁵⁹

⁵⁷“The Acquittal of Wambaugh,” *Indianapolis News*, March 17, 1876, 4.

⁵⁸*Ibid.*

⁵⁹Swartz & Co., *City Directory*, 612.

Within days of the Scanlon / Wambaugh verdict, the Indianapolis police department experienced a reduction in force (RIF) resulting in the termination of fifteen policemen—including John Wambaugh and John Scanlon. Ten additional men were released, but placed on a list of men eligible to be recalled as “subs.” The city claimed that the RIF had been a planned budgetary adjustment; however, there was no indication that the fire department suffered the same fate.⁶⁰

The Indianapolis African American community was outraged over the verdicts.⁶¹ Officer Wambaugh shot an unarmed prisoner (Phillips) that he was escorting to jail, who later died of those injuries. According to Wambaugh, the death was accidental; however, the African American community saw it differently. They saw it as yet another example of the heavy-handed and abusive tactics used by the police on the African American citizens of Indianapolis and then the lack of judicial relief. It was the latest of several high-profile examples of extreme violence exerted on members of the African American community. For several years, the ministers of Bethel A.M.E. and Second Baptist had pushed the city of Indianapolis to restrain its police officers; they had even begun to call for “Negro policemen.”

In the 19th century the black church was at the center of the black community. They provided more than moral guidance to their congregates, they also provided civil and political education and leadership the black community. In fact, the first four of Indiana African American state legislators came out of the black church. James Sydney

⁶⁰*Indianapolis News*, “Police Decapitation,” March 22, 1876.

⁶¹ *Indianapolis News*, “Phillips Murder: Colored People Aroused,” March 3, 1876. *Ibid.*, “The Acquittal of Wambaugh,” March 17, 1876.

Hinton (Indianapolis) James M. Townsend (Wayne County), and Richard Bassett (Howard County) were all leaders in the A.M.E. church. Gabriel Jones was member of the Second Baptist Church in Indianapolis.⁶²

With the May primaries only weeks away, and the senseless killing of an unarmed African American by an Indianapolis policeman fresh in the newspapers, the mayor of Indianapolis had to act. The Marion County Criminal Court verdict had the effect of officially *sanctioning* the murder of Edward Phillips. In response to the expressed grievances of this growing block of African American voters, then Indianapolis mayor, who was also an attorney, John T. Caven, agreed to a political compromise—a *quid pro quo*. The city of Indianapolis would hire a limited number of African American policemen, and give them limited police authority to patrol the city's African American districts—a form of *passive representation* as outlined by J. Donald Kingsley in 1944, and expanded by several other scholars.⁶³ In return, African American leaders would remain loyal to the Republican Party, and *not* advocate for Democratic candidates. Although this type of political patronage was new to Indianapolis, it was not unheard of. The mayor of Chicago had appointed an African American to that city's police department in 1872, and the mayor of Pittsburgh did the same in 1875 (Table 3 First U.S. African American police officers).⁶⁴

⁶² Cheryl Janifer LaRoche, *Free Black Communities and the Underground Railroad: The Geography of Resistance*, Urbana: University Illinois Press, 2014.

⁶³ Dolan and Rosenbloom, *Representative Bureaucracy*, 5-6, 98, 114.

Frederick C. Mosher, *Democracy and the Public Service* 2nd edition (New York: Oxford University Press, 1982), 14-15.

⁶⁴ W. Marvin Dulaney, *Black Police in America* (Bloomington: Indiana University Press, 1996), 19, 117.

Phillips' murder, combined with an 1870 political redistricting scheme by the local Democratic Party, and the 1876 presidential elections, which were to be the first since the ratification of 15th Amendment, were the impetus for appointment of Indianapolis' first African American policemen Thomas Hart, Samuel McDonald, and Benjamin T. Thornton appointed to the police department (Figure 5 Indianapolis Police Department, 1890).⁶⁵ In addition, Robert Braxton, James Graves, Thomas Howard, and Thomas Smith were appointed to the fire department (Figure 3 1st African American firemen).

By 1876, the 15th Amendment to the United States Constitution had done exactly what local Democrats feared; give the local Republicans a sizable voting advantage overnight. African Americans were firmly in the party of Abraham Lincoln and for good reason. Thomas A. Hendricks, Indiana Governor, 1873 to 1877, like most Democrats was openly pro-South in his political leanings. Hendricks had openly opposed the 13th, 14th, and 15th Amendments, the Freedmen's Bureau, as well as the Civil Rights Act of 1866—and the African American community knew it.⁶⁶

The thoughts that drove the efforts to re-subjugate African Americans were not just a southern phenomenon; Indiana had enacted "Black Codes" into its 2nd Constitution in 1851, prior to the ratification of the 15th Amendment to the U. S. Constitution.⁶⁷

⁶⁵Personnel records for the Indianapolis Police Department and the Indianapolis Fire Department, prior to 1900, could not be located; it is believed that they no longer exist. The names of these seven individuals were gleaned from city directory entries, newspaper accounts, and public safety personnel records available after 1900.

⁶⁶Thornbrough, *The Negro in Indiana before 1900*, 227n2.

⁶⁷*Ibid.*, 231-232, 232n.

Article XIII of the Indiana Constitution, which excluded African Americans from citizenship and voting was not changed until 1881, a decade after the 15th Amendment to United States Constitution had become the law of the land.⁶⁸

However, Indianapolis had a sizable and growing African American population by 1876; it had been small since its founding in 1824. By the 1840s, it had become very politically active. Their political resolve was tested on the early evening of July 4, 1845, when John Tucker, a former slave from Kentucky and Indianapolis pioneer, was bludgeoned to death on a downtown Indianapolis Street by a mob of whites for having the audacity to attend the Independence Day celebration. The circumstances of Tucker's murder had drawn the ire of the African American community, when the fact that more than 100 people stood by, and did nothing, as Tucker was beaten to death became clear. Perhaps the most galling of all was the tepid response of law enforcement. The instigator was never brought to justice, and of the two who were, the longest prison sentence was three years.

The 1876 elections had far too many political unknowns for local Republicans, and Mayor John T. Caven understood that fact. There were people still living in Indianapolis who remembered the Tucker murder, and the city's response. The March 1876, shooting of an unarmed African American, by an Indianapolis policeman with such callous disregard for a man's life, could be disastrous for the Republican Party in the 1876 May primary, and the November general election. Exact numbers for how many

⁶⁸Ibid., 68-73, 235n. Indiana Constitution of 1851 as originally written, <http://www.in.gov/history/2473.htm>; The House Joint Resolution proposing the 15th amendment to the Constitution, December 7, 1868; Enrolled Acts and Resolutions of Congress, 1789-1999; General Records of the United States Government; Record Group 11; National Archives <http://www.ourdocuments.gov/doc.php?flash=true&doc=44>

African American ballots were cast in 1876 are not available. However, based on 1870 U.S. Census data, it is possible to get an understanding of the number of potential African American votes at stake. Indiana had a total African American population of 11,428 in 1870; 6,113 of which were males.⁶⁹ Indianapolis had a population of 2,931 African Americans in 1870.⁷⁰ In 1880, the total population of African Americans in Indianapolis was 6,504.⁷¹ In 1876, there would have been approximately 800 to 1,500 voting age male residents in Indianapolis. These numbers represented significant increases in the African American population of Indianapolis *e.g.*, 498 in 1860, and 405 in 1850.⁷² African Americans in Indianapolis, and around Indiana, had worked continually to affect the democratic process since the 1840s.

Indianapolis Mayor, John T. Caven, and other local Republican leaders found it more politically expedient to hire three African Americans as policemen and four as firemen, rather than risk losing the local African American vote—in light of the Edward Phillips’ murder and the acquittal of Scanlon and Wambaugh. It helped keep African American voters loyal to the Republican Party in local politics for the next forty-five years. It took the rise of the Indiana Ku Klux Klan “K.K.K.” in the 1920s, and the open pandering to Ku Klux Klan by republican candidates in the 1924 presidential and

⁶⁹Ninth Census of the United States 1870, Selected Statistics of Age and Sex by State and Territories. Table XXIII. Page 619; <http://www.census.gov/prod/www/abs/decennial/1870.htm>

⁷⁰Nine Census 127; <http://www.census.gov/prod/www/abs/decennial/1870.htm>

⁷¹Tenth Census of the United States 1880, Population by Race, Sex, and Nativity, Table VI. Page 418; <http://www.census.gov/prod/www/decennial.html>

⁷²Ninth Census 127; <http://www.census.gov/prod/www/abs/decennial/1870.htm>

gubernatorial elections, and 1925 Indianapolis municipal elections to make African American's in Indianapolis question their allegiance to the local and state Republican Party.⁷³ The subtitle of a March 25, 1876, article in the *Indianapolis News*, “The City is Shamefully Gerrymandered and Hundreds of Voters Disenfranchised,” alluded to the state of politics in Indianapolis, and the rationale for Mayor John T. Caven, a Republican, to hire African Americans.⁷⁴

Cincinnati, Ohio

Official city records do not exist to confirm the identity, or employment date, of Cincinnati's first African American police officer. According to the text, *Cincinnati's Colored Citizens: Historical, Sociological, and Biographical* by Wendell P. Dabney, Henry Hagerman was employed by the Cincinnati police department sometime in 1884.⁷⁵ According to the president, of the Greater Cincinnati Police Historical Society they are unable verify the date of employment, but they can confirm that Hagerman was indeed a Cincinnati police officer in the 19th century.

William Sanders, a 29-year-old patrolman, a U.S. Army veteran, died from complications of an accidental gunshot wound—after just 11 days on the job. On March

⁷³George L. Knox, *Slave and Freeman: The Autobiography of George L. Knox*, ed. Willard B. Gatewood, Jr., (Lexington: University of Kentucky Press, 1979).

⁷⁴“Dirty Party Work: An Infamous Attempt of the Democrats to Keep Possession of the City, the City Shamefully Gerrymandered and Hundreds of Voters Disenfranchised,” *Indianapolis News*, March 25, 1876, 4.

⁷⁵Wendell P. Dabney, *Cincinnati's Colored Citizens: Historical, Sociological, Biographical* (Cincinnati: Dabney Publishing Company, 1926).

8, 1888, Sanders dropped his revolver while walking his beat; the weapon discharged striking him the heel of the foot.⁷⁶ Sanders was taken to the Cincinnati City Hospital, (now part of the University of Cincinnati Medical School) where the wound was not believed to be serious. Two days later, when doctors probed the wound, they were unable to locate the bullet. He underwent two exploratory surgeries but still the bullet was not located. By March 10, Sanders' condition had deteriorated and amputation was considered his only hope of survival. Tragically, Sanders died the next day (March 11, 1888) of septicemia (or sepsis) a severe blood infection, and carditis an inflammation of the heart and/or of the tissues surrounding the heart; making Sanders' the first African American line of duty death, in the city of Cincinnati.⁷⁷

According to the Greater Cincinnati Police Historical Society, Patrolman Olin C. Wilson was shot while off duty near his residence. On May 15, 1927, Mary Easley approached Wilson (off duty and probably unarmed) at his residence.⁷⁸ She informed

⁷⁶“Policemen were not permitted to carry revolvers in most agencies until the late 1880s. Naturally, a number of these were dropped and physics dictated that they fall toward the heavier end striking the hammer and discharging the firearm. This circumstance is the cause of four officers' deaths. In the first decade of the 20th Century, the hammer block safety was invented and no more officers died from accidentally dropped revolvers.”
<http://gcphs.com/LODD/Saunders.html>

⁷⁷Stephen R. Kramer (Lieutenant, Cincinnati PD, retired), Edward W. Zieverink III (Detective Cincinnati PD), Greater Cincinnati Police Historical Society; Joyce Hall (historian) Price Hill Historical Society <http://gcphs.com/LODD/Saunders.html>
Septicemia is bacteria in the blood (bacteremia) that often occurs with severe infections. Also called sepsis, septicemia is a serious, life-threatening infection that gets worse very quickly. It can affect all of the organs and systems of the body *e.g.*, nerves, respiratory, circulatory, *etc.* In 1888, there were no known treatments for infections; they were almost always fatal.

⁷⁸Wilson, 761 Kenyon Avenue

him that a man had just fired two shots into the windows of her home.⁷⁹ As she was relating her story, the man suddenly appeared on the street; Ms. Easley saw the suspect and pointed him out. Wilson called to the suspect, “Come here buddy, I want to see you.” Without saying a word, the young man, 18-year-old, John Coverson, drew a revolver and shot Wilson three times; once in the right side, once right arm, and once left leg.⁸⁰

The sound of gunfire drew the attention neighbors. Quickly a crowd formed, led by Frank Murray; the crowd of citizens ran Coverson down and began beating him mercilessly.⁸¹ They likely would have beaten him to death if Inspector Eugene Weatherly, Chief of Detectives Joseph Arain, and Lieutenant John Seebohm had not intervened. They took Coverson into custody, along with 19-year-old Enis Greer of 643 Clinton Street, as an accomplice.

Patrolman Wilson was taken to the Cincinnati General Hospital, where he died the next morning. He left a wife, Geneva (35); and a son, Olin, Jr. (14). Patrolman Olin C. Wilson was laid to rest in the Union Baptist Cemetery in Covedale on May 19, 1927.⁸²

⁷⁹Easley, 621 Cutter Street

⁸⁰Coverson, 978 West Seventh Street

⁸¹Murray, 1219 Richmond Street

⁸²The Union Baptist Cemetery, established in 1864, is the oldest continually operating African American cemetery in the greater Cincinnati, Hamilton County area. The cemetery is located 6.5 miles west of downtown Cincinnati on Cleves Warsaw Pike, in the Price Hill neighborhood of Cincinnati. It is the final resting place for more than 150 USCT from the Civil War including a Congressional Medal of Honor recipient;

As for his assailant, John Coverson, he was tried, convicted, and executed for the murder of patrolman Olin Wilson on January 9, 1928. He is believed to be the fourth person executed for the murder of a Cincinnati police officer.⁸³

Detroit, Michigan

Although founded in 1701, Detroit did not organize a police department until March 12, 1861. However, the first officers did walk the streets of Detroit until May 15, 1865. In 1893, L.T. Toliver became the city's first African American police officer.⁸⁴ In addition, police superintendent Morgan Collins hired Marie Owen, according to Detroit police lore she was the first female police officer in the United States.

On March 25, 1932, Officer Reed Howard, a two-year veteran of the department, became the first African American police officer killed in the line of duty in the city of Detroit. Officer Howard was working out of uniform enforcing the prohibition laws when he entered a "blind pig" (illegal bar). He got into an altercation with a patron inside the bar. The patron pulled a gun and shot Howard, who fell mortally wounded; Howard was able to draw his own weapon and kill his assailant. Howard was taken to a local hospital but died before he arrived.⁸⁵

⁸³Coverson was executed, in the Electric Chair, at the Ohio State Penitentiary at Columbus January 9, 1928; he is buried in the Union Cemetery at Columbus, Ohio.

⁸⁴Dulaney, *Black Police*, 20.

⁸⁵ Isaiah McKinnon, *In the Line of Duty: A Tribute to Fallen Law Enforcement Officers from the State of Michigan* (Paducah: Turner Publishing Company, 2003), 59.

Louisville, Kentucky

The city of Louisville founded in 1778, employed its first police officer as night watchman and town crier October 6, 1785. His primary responsibility was to walk the dark streets of Louisville looking for unusual activity, occasionally announce the time, and the condition. In 1806, the formation of a police department began to take shape when the “night watch” grew to five men. In 1812, a headquarters building (HQ) was erected for the night watch to work from, and in 1821, a captain of the watch was hired. Change came again in 1830, with the addition of a town marshal.

In 1851, the police force came under the direct control of the Louisville mayor, and then in 1856 the position of police chief was created, with an annual salary of \$2,000.00. Over the next few years, things went along fairly quietly until the Civil War brought federal troops to town—who were often at odds with the Louisville police. After the Civil War, the annual reports of the Louisville police department indicate that there was a continual problem with corruption inside the department. Several policemen were involved in making and selling liquor, running gambling dens and houses of prostitution.

The number of African Americans who called Louisville home grew exponentially after the Civil War from 6,820 in 1860, to 14,965 in 1870, to 20,905 in 1880. The growing African American population was forced into overcrowded neighborhoods with names like Smoke Town and Buzzard Roost. The “Report of the Tenement House Commission of Louisville” (1909) described the deplorable living conditions in these neighborhoods as, “Not fit for animals.” The housing had no indoor

plumbing; only a common hydrant in a yard between the structures for drinking water, with outhouses that reeked and overflowed with human waste.⁸⁶

The Louisville police department hired its first female police officer in May 1921 and its first African American female officer in March 1922. The department did not get its first African American male police officer until August 1, 1923, when Page C. Hemphill and William D. Wood were “hired as non-uniformed detectives to patrol only in the Black neighborhoods.”⁸⁷ Political unrest and dissatisfaction with the status quo led the African American community of Louisville to form the “Lincoln Independent Party” (LIP) in 1921, and field a slate of candidates for political office. The LIP failed to win a single office in the elections; however, the political influence was realized; thus leading to the employment of African Americans in the police department in 1922, and fire department in 1925.⁸⁸

Detective, William Depp Wood (February 2, 1885 – November 25, 1933), badge number 247, one of the first two African American police officers on the Louisville police department, was shot and killed at approximately 10:30 pm, while he and his partner sat in a car on stakeout observing illegal drug activity near the intersection of 7th and Walnut Streets (Muhammad Ali Boulevard). Apparently, a man wanting to purchase drugs came to the area asking for a drug dealer named “Woods” and someone pointed out

⁸⁶To read more on poverty and living conditions in the city of Louisville in the late 19th and early 20th centuries see, “Report of the Tenement House Commission of Louisville” (1909) by Janet Kemp.

⁸⁷John E. Kleber, *Encyclopedia of Louisville* (Lexington: University of Kentucky Press, 2001), 565-567.

⁸⁸ *Ibid.*, 14-18.

Detective Wood. The man approached the car and shot Wood before the two officers had a chance to defend themselves.

As was the custom in the 19th and early 20th century, Wood's body was taken to his home at 512 South 22nd Street, where the family held a vigil (commonly called a wake) until the morning of the funeral, when his body would be moved to the Church for the funeral services. Ten Louisville police officers, including Hemphill, served as pallbearers and honorary pallbearers for Wood. He was laid to rest in Greenwood Cemetery in west Louisville, Ky. Wood's widow was awarded a pension of \$45.00 per month a few days after his death.⁸⁹

The exact circumstances for the employment of African American policemen and firemen are as unique as the cities profiled here. One commonality that runs through all these narratives is a thread political activism, that was encouraged if not led by the black church. In Indianapolis it was the 15th Amendment and the 1876 Presidential Election that the black community to pressure the powers that be for change. In Louisville it was exacerbation with the status quo of both the Democrat and Republican parties that led the Black community to challenge the status quo with a third party challenge in the 1921 municipal elections. Electorally, the challenge failed. Politically the black community of Louisville gained respect and a portion of the patronage jobs *e.g.*, policemen and firemen. In Indianapolis the death of Edward Phillips led to changes which are still unfolding.

⁸⁹Personnel file #3872 P, Detective William D. Wood, Louisville Municipal Archive.

CHAPTER 4

INDIANAPOLIS, INDIANA

In the wake of the murder of Edward Phillips, the city of Indianapolis employed seven African Americans, policemen and 4-firemen, in May 1876. John Caven remained in the mayor's office until January 1881, giving him and those first black policemen time to demonstrate that African Americans were up to the job of law enforcement.

Prior to the federal government's Pendleton Civil Service Reform Act (1883), which defined civil service and established a framework for it, there were standards or regulations for employment, promotion, or dismissal or what type of skills were needed for a particular job.⁹⁰ Routinely, after a Presidential election, the entire government was replaced. The outgoing employees took experience and knowledge out the door with them. Often the new employees had to get up to speed on their new job and had no real qualifications for the position. Most of the individual states enacted their own versions of Civil Service Reforms. Indiana law requires local governments to establish and maintain separate police and fire merit boards to oversee the employment, discipline, and dismissal of police officers and firefighters.

⁹⁰An act to regulate and improve the civil service of the United States (Pendleton Act) January 16, 1883.

It should be noted that the three succeeding mayors after Caven, were Republicans and they held the mayor's office until January 1890. This left the incoming Democrat mayor little legitimate reason to terminate the employment of the city's black policemen and firemen. In addition, the city's geographic footprint had grown, and the population of African Americans along with other ethnic groups had steadily increased. This demographic shift in the city's population led to shifts in the demographic make-up of the Indianapolis police department. Between 1876 and 1890, several of the African American policemen and firemen had proven themselves to be valuable to their respective departments *e.g.*, as a member of a horse powered fire department, Thomas Smith, who rose to the rank of Lieutenant, demonstrated his abilities to handle, train, and heal horses. After being forced to accept the horses that other fire stations refused take, and then nursing them back to good health and training them to give more than thought possible, Smith became the Indianapolis Fire Department's *de facto* horse expert.

In the pre-dawn hours of a November 1911 morning, Smith and other firemen hitched their team of horses, while another lit the coal fired boiler, they pulled the steam-powered pumper out of the firehouse and into 16th Street, to answer an alarm. In less than a block, Smith had the horses at near full gallop, as they entered the blind intersection at 16th Street and College Avenue. Their apparatus collided with an inbound electric trolley. The trolley struck the horse drawn wagon on the right side at the driver's seat. Captain Thomas Howard, another of the original firemen hired in May 1876, suffered a broken hip, leg, and pelvis. The other two riding on the rear of the wagon were thrown clear and suffered minor injuries. Smith was knocked to the street and run over by

the streetcar—he died instantly. It was later learned that the call Smith and the others were answering was a false alarm.⁹¹

His obituary stated that Smith a powerfully built, dark complexioned man, had retired from the fire department, but asked to be reinstated, as retirement just did not suit him. His station house was situated on the border of a black and a white neighborhood. During the summer months, children (black and white) would come to the firehouse to watch Smith working with and training the horses. He was always very popular with the children. He was never too busy to talk to the neighbors about issues with their horses; he had become a regular fixture in both neighborhoods.⁹²

Benjamin T. Thornton, a runaway from Virginia, came to Indianapolis during the Civil War. He found work as a common laborer, and after the war worked as a porter at Indianapolis Union Station. Thornton sought out education and learned to read and write. For a time, he took a job with the city of Indianapolis driving a sprinkler wagon, where he was seen riding the wagon, reading his study materials, as the horse slowly pulled the wagon on its regular route.⁹³

⁹¹“Colored Fireman Killed,” *Indianapolis Star*, November 8, 1911, P-16.; “Old Tom, Colored Fireman, Is Killed,” *Indianapolis News*, November 8, 1911, P-1, 3. Chris Sims, “Retro Indy: Blacks first served city as firefighters in 1876,” *Indianapolis Star*, February 4, 2015, accessed July 18, 2016.

⁹² “Colored Fireman Killed,” *Indianapolis Star*, November 8, 1911, P-16. “Old Tom, Colored Fireman, Is Killed,” *Indianapolis News*, November 8, 1911, P-1, 3; Chris Sims, “Retro Indy: Blacks first served city as firefighters in 1876,” *Indianapolis Star*, February 4, 2015, accessed July 18, 2016.

⁹³“When I was Boy,” *Indianapolis Star*, January 1900, P-9; Thornbrough, *The Negro in Indiana Before 1900*, 360, 377.

By 1890, Thornton was working as the Indianapolis Police Department's Assistant "Bertillon Identification System" Clerk, where he was at the leading edge of new technology and investigative techniques, allowing him to become the Indianapolis police Department's first African American detective.⁹⁴ Thornton had suffered with asthma for years, was caught in a cold spring rainstorm. He caught a cold, which progressed to pneumonia, and he died June 15, 1900, from complications. His obituary stated, in his 24 years with the department, he had solved some the city most difficult cases. His partner, the chief Bertillon Clerk, and future two-time chief of the Indianapolis Department, Jeremiah A. Kinney served as one of his pallbearers, as a great many of his fellow officers attended his funeral services.⁹⁵

It is unclear what became of the other five men who helped to desegregate the Indianapolis Police and Fire Departments. The Indianapolis Fire Department was not the focus of this study, the uncovering of Smith's story was a chance discovery (Figure 4 Fire Station #9, later Fire Station #16). As stated earlier, the 19th century records for Indianapolis are scant, what is available is abysmal. The limited time and scope of this study did not allow for exploration of all seven men involved, however, more time

⁹⁴Bertillon System of Identification, named for Alphonse Bertillon (1853-1914), a French police officer who standardize criminal identification in the late 19th century. Although the methods that he put forth to identify subjects are no longer used. His concepts of photographing individuals from the front and side profile, then affixing the images to a form with the individual descriptions remains the world wide law enforcement standard today.

⁹⁵*Indianapolis News*, June 19, 1900; *Ibid.*, June 20, 1900; *Indianapolis Recorder*, June 23, 1900.

and resources may uncover a broader view of the early days of the Indianapolis public safety.

It should not be misunderstood that the *changes* in Indianapolis, in the wake of Edward Phillips murder, all came about post-Reconstruction, in the Jim Crow era 1877 to 1954. The presence of African American policemen in Indianapolis did not end police violence in the city. Quite the contrary, in 1887, a Marion County Sheriff's Deputy shot an unarmed African American teenager. The young man survived the incident, and again, the black community of Indianapolis was outraged. Bethel A.M.E. Church was on the leading edge of that protest as well. Meetings were held at the church and a formal response to Sheriff Isaac King (1887-1890) was drafted. The outcome was not as dramatic as that of the Edward Phillips incident, but both incidents demonstrated to others how to effectively protest inside the political arena.⁹⁶

A significant part of the protest and resistance of the A.M.E. Church was its publication of *The Christian Recorder*, a weekly newsletter distributed to church members. According to its web site, The Christian Recorder is the official Organ of the African Methodist Episcopal Church. It is the oldest existing black periodical in America, and the only one in the United States whose existence dated before the Civil War.⁹⁷ In

⁹⁶Thornbrough, *The Negro in Indiana before 1900*, 275.

⁹⁷*The Christian Recorder* accessed June 30, 2016, <http://www.the-christian-recorder.org/>. Their website states the following:

The Christian Recorder focused on religious news, but a lot of the paper was devoted to secular news. Articles were written about education, voting rights, equality, and other secular issues that affected the lives of black Americans. The Christian Recorder was a forum to address slavery, classism, as well as racism. Articles were written by black women and about black women, and the paper also addressed issues related to families. The Christian Recorder was a strong and vocal opponent to slavery. It repeatedly addressed the biblical and moral issues of slavery and encouraged and

Indianapolis, James Sidney Hinton (1834-1892) wrote and submitted articles for publication in the Christian Recorder for a number of years.⁹⁸

Hinton was born to free parents of color in Raleigh, North Carolina; the family had come to Indiana in 1848, settling first in Terre Haute, Indiana. Although, he was raised in the Methodist Episcopal Church, he later affiliated with the A.M.E. Church. He came to Indianapolis in 1862, and made part of his income from his writings. He served as an at-large presidential elector, and one of two African American delegates, at the 1872 Republican National Convention. In 1880, Hinton became the first African American elected to the Indiana Legislature. He was followed by James M. Townsend of Richmond, Indiana, 1884, who later became the minister of Richmond's Bethel A.M.E. Church. Richard Bassett served as the minister of the Free Union Baptist Church of Kokomo, Indiana, elected 1892, and Gabriel Jones an Indianapolis schoolteacher elected in 1896. It is not clear if Jones was affiliated with the A.M.E. Church, or the Methodist

nurtured black consciousness. Following the Civil War, the Recorder encouraged its readers to be diligent in protecting their families from whites who wanted to harm the newly freed slaves and regularly addressed the issue of families separated by the evils of slavery and published articles that tried to provide information that would assist in the reuniting of family members.

The Christian Recorder has been a faithful voice for the disenfranchised and the oppressed. The publication addressed various issues confronting the black community and has been an advocate for justice and equal rights. During Reconstruction, it advocated education for all citizens and was an activist for higher education and especially for an educated ministry.

The Christian Recorder has always been faithful to and a voice for the African Methodist Episcopal Church and black Americans. It was an anchor for the African American community and its columns were blessed with remarkable contributions in the form of essays, editorials, poetry, and articles on various subjects that were relevant and timely. The Christian Recorder has provided its readers with a wealth of information that benefited the soul as well as the mind. The Recorder has been a ministry to the readers of the African Methodist Episcopal Church from its beginning to the present time.

⁹⁸Thornbrough, *The Negro in Indiana before 1900*, 147-148, 251n, 298-299, 379, 389.

Episcopal Church. Richmond and Kokomo were communities that had significant Black populations, and A.M.E. Churches. In addition, Hinton served on the board of trustee of Wilberforce University.

In the end, a penitent man would insist that what happened in May 1876 was divine intervention. A calculating man would say that if you roll the dice enough the right number will come-up. A philosophical man would say it took the efforts of many people over a long period surpassing one milestone after another, achieve emancipation, citizenship, and the vote. In many respects, all these statements are true. However, it took men of moral character and strong will to acknowledge the problem, see a potential solution the problem (if only a partial solution), and then carry the execution of that plan into the future. Then it took some rare men to walk through the doors forced open in the shadow of Jim Crow. Perhaps the spirits of those men were strengthened by the words of faith espoused by the disciples of Richard Allen, who reminded them of the words of Psalm 23:4: “Even though I walk through the valley of the shadow of death, I fear no evil; for you are with me; your rod and your staff—they comfort me.”⁹⁹

Over the years, since the death of Edward Phillips African Americans have served in every position in the police and fire departments from patrol officer or firefighter, to chief officer. In recent years, Indianapolis has had two African American Fire Chiefs Joseph D. Kimbrew (1987-1991); and Ernest Malone (2014 – present). In addition, there have been two African American Police Chiefs James Toler (1992 – 1996); and Richard

⁹⁹The New Oxford Annotated Bible: New Revised Standard Version with The Apocrypha, College Edition an Ecumenical Study Bible Michael D. Coogan, Editor (New York: Oxford University Press, 2010), Psalm 23:4.

“Rick” Hite (2012 – 2016); as well as an African American Sheriff, Frank J. Anderson (2020 – 2010). Indianapolis Police Department Capitan Robert “Bobby” Allen served as interim Chief in 1996 and Spurgeon Davenport became the first African American Deputy Chief of Police in 1971.

Yet the Indianapolis Police Department is not demographically reflective of the community it serves. According to then Indianapolis Safety Director, Troy Riggs, “the department can start to address its diversity problem by attracting a more representative recruit class. In a county that is 59 percent white, Riggs notes, 84 percent of IMPD’s officers are white. Black residents make up 28 percent of the county’s population but only 13 percent of the force. And only 2percent of police officers are Hispanic, a far cry from the population and a distressing number considering the unique challenges facing many Hispanic neighborhoods.”¹⁰⁰

¹⁰⁰Matthew Tully, “Is Indy’s police department too white? Yes, says public safety boss” *Indianapolis Star*, October 24, 2013.

CHAPTER 5

CONCLUSION

IS INDY A FERGUSON WAITIN TO HAPPEN?

“Is Indy a Ferguson waiting to happen?” (Figure 12 Public Forum Announcement) This was the question of the evening in October 2014, when Indianapolis City leaders held a public forum on the city’s eastside, in the wake of the police shooting death of unarmed 18-year-old Michael Brown, in Ferguson, Missouri. “Is Indy a Ferguson Waiting to Happen?”¹⁰¹ The question, though straightforward enough, demonstrated a lack of understanding and local knowledge of Indianapolis police history. Indianapolis had a similar moment 138 years earlier, when an Indianapolis policeman shot an unarmed un armed, nonviolent, African American, man wanted for adultery, as he ran away from him.

There have been African American police officers in Indianapolis since 1876 who were hired without fanfare or celebration. However, the process of their employment was

¹⁰¹‘Is Indy a Ferguson Waiting to Happen?’ forum draws big crowd, *Indianapolis Star*, October 20, 2014, accessed July, 19, 2016, <http://www.indystar.com/picture-gallery/news/2014/10/21/is-indy-a-ferguson-waiting-to-happen-forum-draws-big-crowd/17642957/>; Jill Disis, “Forum to ask if Indy is a Ferguson waiting to happen,” *Indianapolis Star*, October 16, 2014, accessed July 16, 2016, <http://www.indystar.com/story/news/crime/2014/10/16/indy-ferguson-waiting-happen/17355811/>; Jill Disis, 'We are not a Ferguson,' Indy black leaders say, *Indianapolis Star*, November 26, 2014, accessed, July 19, 2016, <http://www.indystar.com/story/news/2014/11/26/urban-league-holding-forum-ferguson/19518511/>.

far from simple or without complications. Their hiring was due in large part to the police killing of an un armed African American, and the political fallout that followed. It came at a time of social unrest and political upheaval in the nation; Reconstruction was ending and the Congress had passed the 13th, 14th, and 15th Amendments which ended slavery, granted African American citizenship, and granted African American men the right to vote, respectively.

The death of Edward Phillips by the Indianapolis Police Department set into motion a chain of events that would radically alter the IPD, and make history in the process. Emancipation, the Civil War, and Reconstruction had legally ended slavery in the United States, however, it left many unanswered question and unintended problems. The racial die in the United States had been cast before Indianapolis had come into existence in 1821 as a frontier town and entry way for the West.

The number of African Americans residing in Indianapolis increased steadily after the city was officially established in 1821. In the eleven years between the end of the Civil War (1865), and the murder of Edward Phillips, African Americans had their share of scrapes with law enforcement, but there had been no real major incidents between the police and African Americans. After 245 years of arbitrary punishment inflicted by oppressive overseers and brutal slave holders, most African Americans had no concept of a criminal justice system. “The punishment of slaves for misdeeds rested with their owners.”¹⁰² The familiar brutal system of plantation justice continued well after the Civil

¹⁰²Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* New York: Doubleday, 2008, 54.

War, in the form of lynching, or mob justice, as illustrated in *Without Sanctuary: Lynching Photography in America*.¹⁰³

On the other hand, the criminal justice system had focused its attention on controlling the transgressions of whites. Until the late 1870s, the U.S. criminal justice system had rarely dealt with anyone other than whites. Native Americans were within the purview of the United States Army, and African Americans were within the purview of an oppressive system of bondage. Once slavery was abolished the overseers and slave catchers were quickly out of work. The mindset of those who had been employed to violently enforce punishment against the enslaved could not be simply wiped away with legislation.¹⁰⁴

Conversely, the creation and usage of police departments increased during the late 19th century. Screenings for aptitude and temperament, along with training and professionalism of police officers and the departments that they serve would not become standard practice for another 80 years. Likewise, the concepts of implicit and explicit bias, racism, representative bureaucracy, and public administration were still decades away. Thus a volatile environment existed and thrived, all that was needed was for

¹⁰³James Allen, Hilton Als, John Lewis, Leon F. Litwack, *Without Sanctuary: Lynching Photography in America* Santa Fe: Twin Palms Publishers, 2000; James Elbert Cutler, *Lynch Law, An Investigation into the History of Lynching in the United States* New York: Longmans, Green, and Co., 1905. “It has been said that our country’s national crime is lynching. We may be reluctant to admit our peculiarity in this respect and it may seem unpatriotic to do, but the fact remains that lynching is a criminal practice which is peculiar to the United States.” *Lynch Law*, 1.

¹⁰⁴Dulaney, *Black Police*, 2. Blackmon, *Slavery by Another Name*, 54. As author Douglas Blackmon points out “The punishment of slaves for misdeeds rested with their owners.”

something, or someone, to become the catalyst. This explosive combination led to the shooting of an unarmed suspect fleeing police because he was wanted for the crime of adultery. The expansion of black rights, such as enfranchisement in a city evenly divided along political lines (Democrat vs Republican), with aggressive racialized policing, black protest and resistance, combined with radical Republicans in powerful offices, and white allies in influential positions, unprecedented changes were on the horizon.

Edward Phillips was shot in the back while running from police officers. After being shot, Phillips had to walk half-mile, ride a streetcar one and half miles, and walk another half of mile to police headquarters. While in police custody, he was left unattended on a concrete floor overnight before being discovered, semi-conscious, by a doctor employed to monitor the health of prisoners in the county jail and the IPD lockup. Phillips was given a morphine injection for his pain and taken to the City Hospital in the back of horse drawn wagon. The doctors at the hospital felt that Phillips wounds were mortal, and that he would not live long. However, he lived long enough to recount events of the previous night to several prominent Indianapolis citizens, one being an attorney and justice of the peace, who recorded his dying declaration.¹⁰⁵

Phillips' death deathbed statement, was used by an Indianapolis Justice of the Peace to move the Marion County Prosecutor and Indianapolis Police Department into action in regard to Phillips murder. The Marion County Prosecutor and the Indianapolis

¹⁰⁵“The Police Murder,” *Indianapolis Journal*, March 6, 1876, p-3. “Phillips Murder,” *Indianapolis News*, March 4, 1876, p-4. Marion County Health Department, Ervan Phillips, Death Record Vol. 1, 186. Edward Phillips is listed in the Marion County Health Department records as Ervan Phillips. His death was certified by Coroner James H. Fuller, on March 3, 1876, and his cause of death is listed as “gunshot.”

Police Department had taken no interest Phillips' death, until, the justice of the peace issued warrants for the arrest of two of the three police officers involved in Phillips' murder. The Chief of Police chief and Prosecutor learned of the justice of the peace's plan to arrest the two police officers, and preempted the Justice of the Peace's plans at the last minute, with an arrest and prosecution.¹⁰⁶

The Marion County Prosecutor, Indianapolis Police Chief, and the Indianapolis Police Department, had no interest in the death of Edward Phillips. In the eight days between the Phillips' shooting and the Marion Coroner's inquest, neither the police nor the Prosecutor questioned a single witness or examined the scene. The Justice of the Peace made clear his intention to see justice carried out through legal actions, although felony law was not in his purview as an arbiter of misdemeanor infractions.¹⁰⁷

An all-white, all-male, Marion County jury was unmoved by the testimony and thus found the two police officers not guilty of all charges. The Judge in the case told a local newspaper reporter that he felt that the officers had been over charged. The newspaper also indicated that the black community was outraged over the jury verdict.¹⁰⁸

The black community led by Bethel A.M.E. Church, protested the brutal shooting of Edward Phillips. In addition, protesting the shooting of Phillips, their dissent centered on the demeaning and inhumane treat that he received after the shooting, and the court verdict, which sanctioned the killing. The black community in Indianapolis had been

¹⁰⁶“The Acquittal of Wambaugh,” *Indianapolis News*, March 17, 1876, p-4.

¹⁰⁷ Ibid.

¹⁰⁸ “The Acquittal of Wambaugh,” *Indianapolis News*, March 17, 1876, p-4.; Thornbrough, *The Negro in Indiana before 1900*, 274-275.

working for equality for a number of years through their annual conventions and other church functions. The A.M.E. circuit-riding ministers developed an effective network to disseminate and gather information about activities across Indiana, as well as maintain a sense of the mood of the community. For a number of years' leaders in the black community cultivated relationships with the larger white community, in addition to alliances with open minded political leaders.¹⁰⁹

In March 1876, Indianapolis Police Officers killed an unarmed African American, two months before the May 1876 primary election; the first federal election in which African American men were to participate en masse. To the African American community, the trial and subsequent acquittal of the two police officers in April 1876 had the effect of a legally sanctioning the killing. The city of Indianapolis was evenly divided along political lines. Leaders in the black community, principally A.M.E. ministers were in a position to influence the voting of the black community and sway the outcome of the elections in May and November.¹¹⁰

In May 1876, just days after the election, Mayor John Caven terminated the employment of 25-members of the 75-member Indianapolis Police Department. Subsequently African American policemen and fireman were employed for the first time in the city's history, making Indianapolis the third city in the United States to enact such a policy. This change could not have taken place had it not been for the implementation

¹⁰⁹Thornbrough, *The Negro in Indiana before 1900*, 231-254; Bodenhamer and Barrows, *The Encyclopedia of Indianapolis*, 241, 1191-1192.

¹¹⁰Thornbrough, *The Negro in Indianapolis before 1900*, 231-254. Bodenhamer and Barrows, *The Encyclopedia of Indianapolis*, 241, 1191-1192

of the 15th Amendment, a community divided evenly along political lines, politically active and savvy black leadership, politically influential white allies, and a unifying catalytic event.¹¹¹

In response to the police murder of Edward Phillips, and due to the political pressure from the black community; Indianapolis mayor John Caven desegregated the Indianapolis Police Department and Fire Department in May 1876. This limited desegregation remained in place as the standard procedure in Indianapolis until the early 1970s when black firefighters were assigned to fire stations across the city regardless of race. However, Caven let stand a restriction of black police officers to legally arrest whites.

Over the years Indianapolis has had two African American fire chiefs, two African American police chiefs (as well as one interim chief), and one African American public safety director. African Americans now patrol all of the Indianapolis Metropolitan Police jurisdiction, they have served at every level, and in all positions in the Indianapolis Police Department, and yet, their numbers are still not in proportion to their overall number in the population.¹¹² However, despite Indianapolis' place in history as one of the earliest police departments to employ African Americans, in 2016 Indianapolis Mayor Joseph H. Hogsett and Police Chief Troy Riggs acknowledge that the department is still

¹¹¹Thornbrough, *The Negro in Indianapolis before 1900*, 231-254; Bodenhamer and Barrows, *The Encyclopedia of Indianapolis*, 241, 1191-1192.

¹¹²Jill Disis, "IMPD Less Diverse than 25 years ago" *Indianapolis Star*, April 3, 2016.

continuing to struggle with integration. Their acknowledgement of this inequality shows that representative bureaucracy is still an issue today.¹¹³

The event that provided the catalyst for the employment of African American policemen and firemen in Indianapolis was triggered by a senseless brutal act of violence by a white Indianapolis policeman. However, many other social, political, and economic events precipitated that move. What happened in Indianapolis in the spring of 1876, was a reaction to several political realities, a response to what in the 21st century is known as over policing or aggressive policing tactics. Aggressive policing in addition to over policing invariably leads to oppressive policing. If the oppression is not resolved through civil and political dialog, violence will be the result. When Indianapolis leaders asked the question in October 2014, “Is Indy a Ferguson waiting to happen,” their apprehension was well founded. Since the Civil War the majority of civil disturbances in the United States have been precipitated by an act of police violence and the manner in which the civil authorities dealt with that initial act of violence. Such was the case in Ferguson, Missouri, after the death of Michael Brown in August 2014.

One of the issues discussed in the U.S. Justice Department’s report on the Investigation of the Ferguson Police Department was a lack of diversity in the government operations—representative bureaucracy—which had allowed or caused local law enforcement to oppressively police the black community.¹¹⁴ Indianapolis it seemed, understood the concept of representative bureaucracy in 1876, however, incidents that

¹¹³Matthew Tully, “Is Indy’s police department too white? Yes, Says Public safety boss.” *Indianapolis Star*, October 24, 2013.

¹¹⁴Investigation of the Ferguson Police Department, U. S. Department of Justice, Civil Rights Division, March 4, 2015.

followed 1876 raise doubts about that understanding. The knowledge of the history of policing in Indianapolis. is as unknown. as Edward Phillips unmarked grave.

TABLES

Table 1 Archives and Libraries

Indiana Historical Society	Indianapolis, Indiana
Indiana State Archives	Indianapolis, Indiana
Indiana State Library	Indianapolis, Indiana
Indianapolis/Marion County Archives	Indianapolis, Indiana
Indianapolis Marion County Public Library	Indianapolis, Indiana
University Library, I.U.P.U.I	Indianapolis, Indiana
Indianapolis Public Schools	Indianapolis, Indiana
Boone County Archives	Lebanon, Indiana
Boone County Archives	Lebanon, Indiana
Cass County Archives	Logansport, Indiana
Cass County Public Library	Logansport, Indiana
Hamilton County Archives	Noblesville, Indiana
Hamilton County Historical Society	Westfield, Indiana
Hendricks County Archives	Brownsburg, Indiana
Jennings County Public Library	Mount Vernon, Indiana
North Madison County Public Library	Elwood, Indiana
Morgan County Archives	Martinsville, Indiana
Morgan County Public Library	Martinsville, Indiana
Jefferson County Free Public Library	Louisville, Kentucky
Louisville Metro Archives	Louisville, Kentucky
Ekstrom Library, University of Louisville	Louisville, Kentucky

Table 2 Year U.S. Police Departments were formed

<u>City</u>	<u>Year</u>
Boston	1838
New York	1845
Philadelphia	1845
New Orleans	1852
Cincinnati	1852
Indianapolis	1854/1857
Chicago	1855
St. Louis	1855
Newark	1857
Baltimore	1857
Detroit	1865

Table 3 First U.S. African American police officers

<u>City</u>	<u>Year</u>
Chicago	1872
Pittsburgh	1875
Indianapolis	1876 ¹¹⁵
Boston	1878
Cleveland	1881
Philadelphia	1881
Columbus, Ohio	1885
Los Angeles	1886
Cincinnati	1886
Detroit	1890
Brooklyn	1891 ¹¹⁶
St Louis	1901
New York City	1911

¹¹⁵Although the reason and timing of employment of African Americans as police officers in other cities was not explored in this study. It should be noted that based on dates alone, Indianapolis led all but two American cities in the appointment of African American police officers.

¹¹⁶Before consolidation with New York City.

Table 4 Indianapolis Population by census

<u>Year</u>	<u>Indianapolis</u>	<u>Indiana</u>	<u>Percentage</u>
1830	1,900 (est.)	343,031	0.6
1840	2,692	685,866	0.4
1850	8,091	988,416	0.8
1860	18,611	1,850,428	1.0
1870	48,244	1,681,637	2.9
1880	75,056	1,978,301	3.8
1890	105,436	2,192,404	4.8
1900	169,164	2,516,462	6.7
1910	233,650	2,700,876	8.7
1920	314,194	2,930,390	10.7
1930	364,161	3,238,503	11.2

Table 5 African American Indianapolis police officers 1876-1926

<u>Last Name</u>	<u>First</u>	<u>M.I.</u>	<u>D. O. B.</u>	<u>Born</u>	<u>Appointed</u>	<u>Occupation</u>
Hart	Thomas				1876/05/15	
McDonald	Samuel				1876/05/15	
Thornton	Benjamin	T		Virginia	1876/05/15	
Carter	Daniel		1852	Louisiana	1891/03/31	Hod Carrier
Hart	Simpson		1862	Indiana	1891/03/31	Policeman
Crabtree	James	W.	1859		1895/10/30	Teamster
Admire	James		1859	Kentucky	1897/12/15	Laborer
Mosby	John	M.	1870	Kentucky	3/21/1906	Porter
Iserael	Wesley		1872	N Carolina	5/9/1906	Hod Carrier
Trabue	Edward		1871	Kentucky	7/19/1906	Painter
Johnson	James	A.	1873	Indiana	11/6/1906	Clerk
Brown	John		1875	Ohio	9/24/1907	Coachman
La Rue	Ralph		1871	Kentucky	9/24/1907	Laborer
Huler	George	W.	1872	Kentucky	12/22/1909	Special Officer
Granderson	Nelson		1874	Kentucky	4/27/1910	Laborer
Whitfield	William		1885	Indiana	4/27/1910	Coachman
Carter	Charles	M.	1883	Indiana	8/3/1910	Porter
Newby	John	M.	1876/10/11	Indiana	9/7/1910	Curb Stone Setter
Coleman	John		1883	Indiana	12/20/1911	Laborer
Hopson	Thomas		1877	N Carolina	12/27/1911	Yardman
Vincent	James		1879	Indiana	7/12/1916	Driver
McGee	Noah		1865/10/16	Kentucky	2/18/1918	Waverly Building
Ward	Arthur		1896/09/14	Missouri	2/20/1918	Security Trust Co
Hardy	Irving		1872/08/02	Indiana	5/3/1918	Merry Go Round
Simmons	James	B.	1864/10/15	Kentucky	5/11/1918	Merchant Police
Baker	Emma	C.	1869/02/10	Indiana	6/15/1918	Laundress
Mays	Mary	E.	1868/01/03	Indiana	6/15/1918	Nurse
Sneed	George	W.	1888/01/22	Indiana	7/10/1918	Janitor
Jones	Plez.		1885/03/27	Tennessee	9/30/1919	Painter
Kennedy	Roy	S.	1888/07/27	Tennessee	11/11/1919	Laborer
Buchanan	John	F.		Ohio		
Stacks	Fredrick	H.	1888	Indiana	4/20/1920	Chauffer
Heater	Preston	J.	1880	Kentucky	8/20/1920	Special Police
Hadley	Jesse "Jack"		1894/01/18	Indiana	9/15/1920	Cement Finisher
Summers	James	M.	1884	Indiana	12/2/1920	Security Trust Co
Hawkins	Berlin	H.	1897/09/19	Tennessee	1/26/1922	National City Bank
Harris	Admiral	D.	1895	Kentucky	5/24/1922	
Brown	George	T.	1890/08/01	Kentucky	11/24/1922	
Orr	Oscar		1888/03/06	N Carolina	10/23/1923	Porter

<u>Last Name</u>	<u>First</u>	<u>M.I.</u>	<u>D. O. B</u>	<u>Born</u>	<u>Appointed</u>	<u>Occupation</u>
Hampton	Cornelius	G.	1879/02/24	Kentucky	10/21/1924	
Paxton	George	B.	1889/07/04	Virginia	5/26/1925	Janitor
Bennett	Norvel		1893/10/27	Kentucky	10/27/1925	Laborer

Table 6 Indiana police double homicides

The only other Indianapolis / Marion County double police murders occurred January 2, 1981, when Marion County Deputy Sheriff's **Terry L. Baker** and **Gerald L. Morris** were shot and killed while responding to a robbery alarm. Morris arrived at the scene after Baker had already been killed, he shot it out with the two robbers killing one and injuring the second who was later captured and sentenced to life in prison. Morris died of his injuries.

On June 1, 1885, Dubois County Sheriff's Deputies **William Cox** and **John Gardener** were shot while trying to arrest two brothers for robbery. During the arrest Deputy Gardener was killed, Deputy Cox was paralyzed and died of his wounds May 23, 1887. The suspects were captured 6 years later in Mt. Vernon, Illinois and sentenced to prison.

On April 25, 1896, Parke County Sheriff **William D. Mull** and Deputy **William Sweem** were shot by a man they suspected of killing his neighbor with an axe and shooting her two young children. The man killed himself later that day when he was surrounded by a posse.

On March 4, 1911, Chief **John Ellis** and Patrolman **Virgil Kirkman** of the Alexandria police department were shot while investigating the report of armed robbery. Kirkman was shot and died at the scene. Chief Ellis was shot at the gunman's home later in the day and died of his injuries on March 6, 1911. The gunman and his accomplice were sentenced to life in prison.

On July 7, 1916, Patrolmen **George Little** and **Elmer Stephenson** of the Richmond police department were shot and killed by a man they believed to be intoxicated. Although mortally wounded, Patrolman Little, and a bystander were able to subdue the man who sentenced to prison.

On May 3, 1921, Patrolman **George Spencer** and Captain **Joseph Zimmerman** of the Michigan City police department were shot and killed by an intoxicated man who later fatally shot himself.

On September 22, 1923, Patrolmen **Robert Kucken** and **Thomas Mitchell** of the East Chicago police department responded to a call about a disturbance at a soft drink parlor where gunfire had erupted. Kucken and Mitchell entered through the front door as one of the men involved was going out the back. They ordered him to stop, and he fired at the officers. The officers returned fire killing him, Kucken died at the scene and Mitchell died in the hospital the following day. The other gunman was arrested for the murder of a patron of the business.

On February 8, 1928, Tippecanoe County Sheriff's Deputies **John Grove** and **Wallace McClure** were shot and killed by two prisoners they were transporting to

the Pendleton Reformatory in Deputy Groves' car. The two men were recaptured and sentenced to life in prison.

On May 24, 1934, Patrolmen **Martin O'Brien** and **Francis Mulvihill** of the East Chicago police department were shot and killed by four men who were standing by a car in a rural section of town. The officers had stopped to question the men when they were shot. Members of the Dillinger Gang were suspected of committing the murder.

On January 11, 1947, Patrolmen **John J. Gerka** and **Donald B. Cook** of the Hammond police department were shot and killed by one of two men sitting in a car, which Gerka had approached. A third officer was assaulted by the second man; Robert Brown and Frank Badgley were convicted and executed in February 1949.

On June 7, 1970, Town Marshal **Donald R. Goodwin** and Deputy Marshal **William Peters** of the Fountain City police department were shot and killed by two car theft suspects. The men were captured and sentenced to life in prison, in 2006 both men's parole request were turned down. Goodwin and Peters were brothers-in-law.

On March 23, 1997, Colonel **Robert G. Black** and Sergeant **Bryan G. Northern** of the Rocky Ripple police department were shot and killed by a man with outstanding warrants who thought the officers were looking for him. He was later sentenced to life in prison without parole.

On December 13, 2003, Corporal **Thomas Roberts** and Patrolman **Bryan Verkler** of the Mishawaka police department were shot and killed after responding to a call about a dispute between neighbors and shots fired. The gunman later committed suicide.

Table 7 Indianapolis department line of duty deaths, 1876-1926

As of June 2, 2015, a total of 419 law enforcement officers have died in the line of duty, in Indiana, with 238 of those deaths from gunfire. Of the 58 Indianapolis police department's line of duty deaths, 36 were related to gunfire. The following is a list of Indianapolis Police Department line-of-duty deaths, from the department's beginnings in 1857, to 1926.

1	Officer	Hugh Burns	Gunfire	August 28, 1882
2	Officer	Charles Ware	Gunfire	April 28, 1897
3	Officer	Edward W. Dolby	Electrocuted	July 14, 1906
4	Officer	Charles J. Russell	Gunfire	September 30, 1906
5	Officer	Edward J. Petticord	Gunfire	September 30, 1906
6	Officer	Samuel F. Irish	Heat Exhaustion	June 7, 1909
7	Officer	Joseph Krupp	Gunfire	April 19, 1910
8	Officer	Arthur F. Barrows	Electrocuted	June 4, 1911
9	Officer	John F. McKinney	Gunfire	March 28, 1912
10	Officer	Elmer Anderson	Accidental Gunfire	January 15, 1915
11	Lieutenant	James D. Hagerty	Gunfire	June 23, 1916
12	Officer	John P. De Rossette	Gunfire	January 30, 1917
13	Officer	Marion E. Ellis	Fall	January 23, 1918
14	Sergeant	Wade Hull	Gunfire	September 10, 1919
15	Sergeant	Maurice Murphy	Gunfire	March 4, 1920
16	Officer	William Whitfield	Gunfire	November 27, 1922
17	Officer	Jesse Loudon	Gunfire	June 17, 1923
18	Officer	John F. Buchanan	Gunfire	July 9, 1926

Table 8 Indianapolis African American officers killed in the line of duty

<u>First Name</u>		<u>Last Name</u>	<u>date of death</u>	<u>Killer</u>	<u>Killer</u>
William		Whitfield	November 27, 1922	unknown	never found
John	F.	Buchanan	July 9, 1926	white male	2-14 years
Clarence	G.	Snorden	June 26, 1951	A. A. male	died at scene
Warren	E.	Green	December 20, 1975	A. A. male	died at scene
James	M.	Compton	March 16, 1976	A. A. male	died at scene

FIGURES

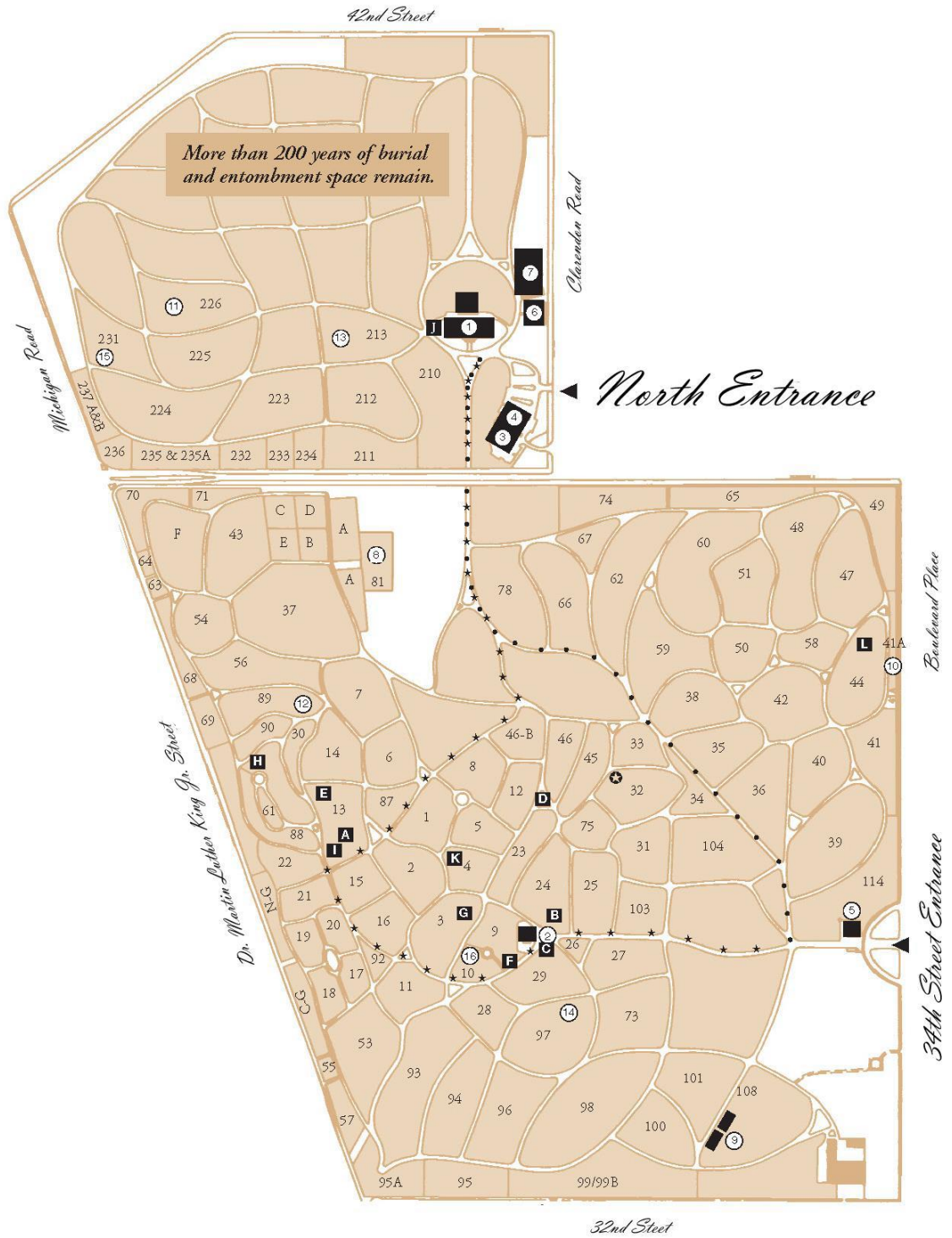


Figure 1 Crown Hill Cemetery



Figure 2 Common Laborers, Indianapolis, 1876

In 1876, when trains using the tracks into Indianapolis' Union Station stopped to load and unload passengers, and/or freight; the city would be divided in half until the train was moved presenting a serious safety hazard. Should a fire occur on either side of the tracks, half of the city's fire fighting force would be isolated. In response mayor, John T. Caven proposed a solution; elevate the railroad tracks to allow the free flow of non-rail traffic.

Even though many African Americans at the time were skilled construction workers, racial animus in the post-Civil War era relegated these men to non-skilled low paid positions as common laborers or helpers, sometimes referred to as "Hod Carriers." In the image above there are four laborers working with shovels. In addition, in the image is an African American man on a wagon, driving a team of mules. He is dressed in a white shirt and vest, and has on a cap with white band on his head, demonstrating his status as a skilled professional teamster. It is quite possible that the wagon and mules were his own. Acquiring a position as a city fireman or a policeman would certainly have been an improvement in economic, political, and social status.

(Indiana Historical Society digital collection)



Figure 3 1st African American firemen

Left to right: Robert Braxton, James Graves, Thomas Howard, Thomas Smith
 The men are pictured with their apparatus outside of old Fire Station #9, located at 31 East St Joseph Street, the crew was relocated to station #9 (later station #16) located at 1602 North Ashland Avenue (Carrollton Avenue) in 1881; this structure was raised not long after the fire department vacated it. Old station #16 still stands today; it is currently a private residence.

Thomas Smith was killed, and Thomas Howard was seriously injured, in the early morning hours of November 8, 1911, when the horse-drawn apparatus with Smith driving, was struck at the intersection of 16th Street and College Ave (1 block west of the fire station) by a southbound streetcar; making Smith the first African American fireman or policeman killed in the line of duty in Indianapolis history. Ironically, the alarm they were answering was a *false alarm*.

Inside and outside of the fire department, Smith was known to be extremely good with horses. He seemed to be able to coax horses beyond their limits. The fire department would often send its ailing horses to station #9 where Smith would often nurse them back to health and return them to active service.

Smith had retired in 1899, a few months later he requested to return to active duty with fire department.

Indiana Historical Society



Figure 4 Fire Station #9, later Fire Station #16

Fire Station #16, located at 1602 Ashland Avenue (Carrollton Avenue), was built to house the city's segregated African-American firemen who worked in this station from its construction in 1881 until 1922, when the company was moved to Indiana Avenue, in the heart of African American community on Indianapolis' near west side. This station was renumbered Hose Company #16 in the 1890s, and remained in use until 1937. In this photograph, firefighters are standing at attention as the funeral procession of Thomas Smith who died in the line of duty when his horse-drawn hose wagon was struck by a southbound College Avenue streetcar on November 8, 1911, passes by. Smith was one of the first four Black firemen appointed to the Indianapolis Fire Department in May 1876, and the first Indianapolis African American firemen killed in the line of duty.

(Indianapolis – Marion County Public Library digital collection)

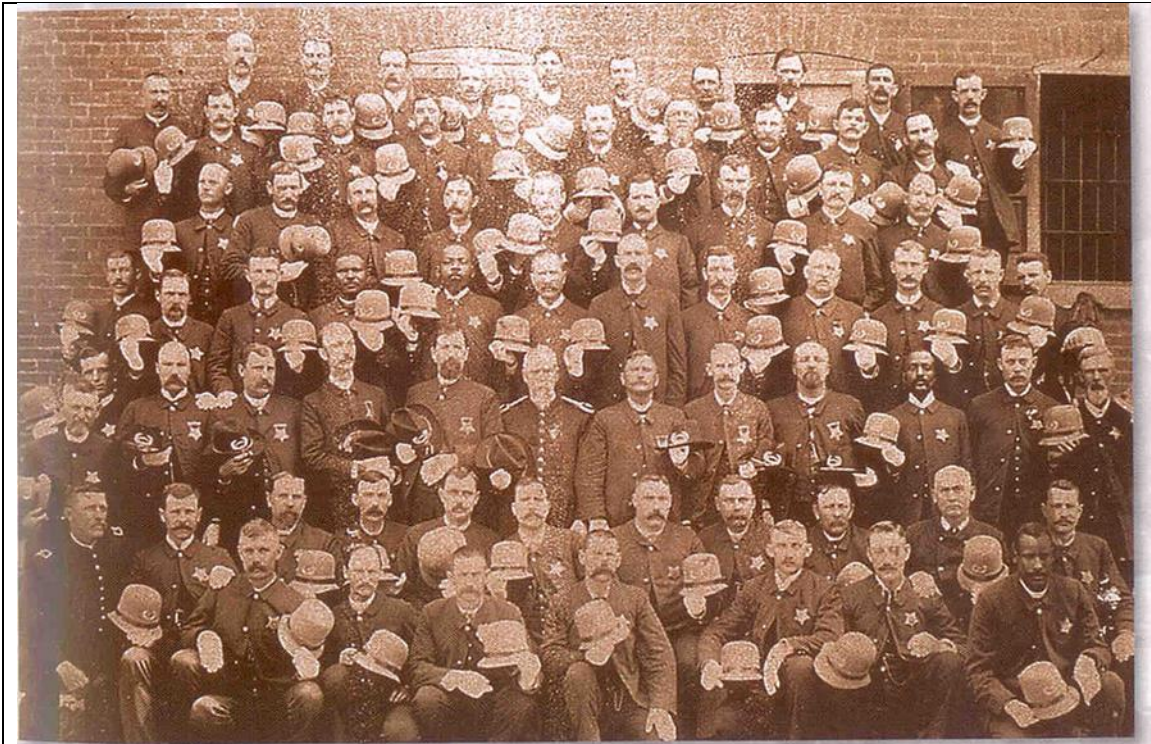


Figure 5 Indianapolis Police Department, 1890

Daniel Carter 1st row, 1st from the right, kneeling

Benjamin T. Thornton, 3rd row, 3rd from the right, standing

Temple Carter 4th row, 3rd from left, standing

Photographed outside of the old police headquarters building on South Alabama Street,
in the alley on the north side of the building.

Patrick Pearsey collection



Figure 6 Benjamin Tobias Thornton
Indiana Historical Society



Figure 7 Temple Carter
Indianapolis Star

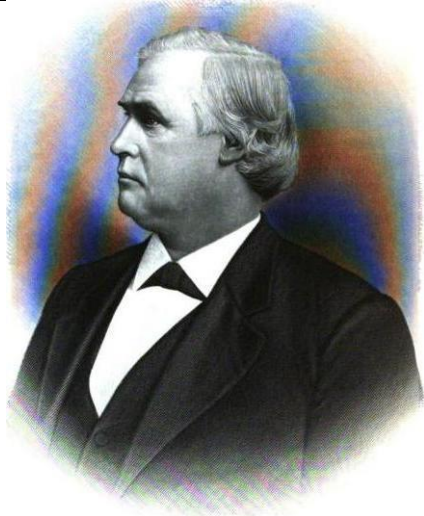


Figure 8 John Caven
Mayor 1863-1866 and 1875-1881
State Senator 1868-1872
Indiana Historical Society



Figure 9 Oliver P. Morton
Indiana Governor 1861-1866
U.S. Senator 1866-1877
Indiana Historical Society



Figure 10 Calvin Fletcher

Indiana Historical Society



Figure 11 Rev. Willis R. Revels, M.D.
A.M.E. Circuit Riding Minister 1836-1840
Bethel A.M.E. Indianapolis 1844-1846
Quinn Chapel A.M.E. Louisville, KY 1848-1854
Bethel A.M.E. Indianapolis 1861-1865
Allen Chapel, Indianapolis 1874-1878

Indiana Historical Society



Is Indy a Ferguson Waiting to Happen?



PUBLIC FORUM



Discussion about Rights, Police and Race!

Moderator: Magistrate Geoffrey Gaither

Martin University
2171 Avondale Place
Indianapolis, IN 46218

Monday, October 20, 2014

Time: 6:00PM—8:00PM

Come out and let your voice
be heard!

We need you to help make a
Difference!

Panelists:

- Doug Carter, Superintendent ISP
- Chief Rick Hite, IMPD
- Vop Osili, City-County Councilor
- Hon. Tanya Walton-Pratt, Federal District Court Judge, Indiana
- Chris Reeder, Fmr. Dir. Citizens Police Complaint Board
- John Layton, Marion County Sheriff

Guests:

* Hon. Marilyn Moores, Judge
Marion County Juvenile Court

*Dr. Eugene White, President
Martin University

Presented by Marion County Juvenile
Court in Partnership with
Martin University



Figure 12 Public Forum Announcement

City of Indianapolis e-mail blast, had copies were printed and distributed

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Indianapolis News

Indianapolis Recorder

Indianapolis Sentinel

Indianapolis Star

Indianapolis Times (Indianapolis Sun)

Indianapolis World

Addresses / Speeches

Fredrick Douglas, *Blessings of Liberty and Education*, September 3, 1894

CURRICULUM VITAE

NAME: Leon E. Bates

ADDRESS: Indianapolis, IN

DOB:

EDUCATION & TRAINING

B.A., Africana Studies, History (U.S.)
Indiana University Purdue University Indianapolis
2010-2013

AWARDS: Golden Key International Honor Society
2015

Ankh Maat Wedjau
National Council for Black Studies
2013

Preston Eagleston Award—Best Under Grad Africana Studies Research Paper
Indiana University Purdue University Indianapolis
2013

Theodore H. Thelander Award—Best Under Grad History Research Paper
Indiana University Purdue University Indianapolis
2012

Preston Eagleston Award—Best Under Grad Africana Studies Research Paper
Indiana University Purdue University Indianapolis
2012

Marie Turner-Wright Scholarship in African Studies
Indiana University Purdue University Indianapolis
2012

Phi Theta Kappa – Honor Society
1992

PROFESSIONAL SOCIETIES:

Association for the Study of African American Life and History

Indiana Historical Society

Indiana Associations of Historians

National Council for Black Studies

Organizations of American Historians

NATIONAL MEETING PRESENTATIONS:

Social Equity and Leadership Conference,
“Using the readily available collected data as a means to find solutions to existing issues in Indianapolis to bring about necessary and sustainable public policy reforms”
Nashville, TN.
2015

National Council for Black Studies conference,
“Lieutenant Colonel, Joseph H. Ward, M.D., Medical Corps, United States Army, Reserve”
Los Angeles, CA.
2015

University of Louisville Graduate Student Symposium
“The Edward Phillips murder case and the Indianapolis Police Department – 1876”
Louisville, KY.
2014

National Council for Black Studies
“Does a Conviction in the Trial of a Child Killer Really Equal Success: A Comparison of the 2012 Jarrell Tucker and Trayvon Martin Murder Cases”
Miami, FL.
2014

National Council for Black Studies
“Beyond Madam CJ Walker: A Study of the Black Business and Entrepreneurial Class in Indianapolis”
Indianapolis, IN.
2013

Indiana Association of Historians
“Policing While Black: the haunting case of Wm. Whitfield”
Indianapolis, IN.
2013

IUPUI, Ronald E. McNair Scholars Post-Baccalaureate Achievement Program
“Beyond Madam CJ Walker: A Study of the Black Business and Entrepreneurial Class in Indianapolis”
Indianapolis, IN.
2012

National Council for Black Studies
“Race Relation: The Indianapolis Police Department and the African American Community, 1906 – 1926.”
Cincinnati, OH.
2011

INVITED PRESENTATIONS:

Madame C.J. Walker / Frederick Douglas Lecture Series
“Beyond Madam CJ Walker: A Study of the Black Business and Entrepreneurial Class in Indianapolis”
Indianapolis, IN.
2013