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THE ELAINE RIOT OF 1919: RACE, CLASS, AND LABOR IN THE ARKANSAS DELTA

by

Steven Anthony

A Dissertation Submitted in
Partial Fulfillment of the
Requirements of the Degree of

Doctor of Philosophy

in History

at

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ABSTRACT

THE ELAINE RIOT OF 1919: RACE, CLASS, AND LABOR IN THE ARKANSAS DELTA

by

Steven Anthony

The University of Wisconsin-Milwaukee, 2019
Under the Supervision of Professor Gregory Carter

This dissertation examines the racially motivated mob dominated violence that took place during the autumn of 1919 in rural Phillips County, Arkansas nearby Elaine. The efforts of white planters to supplant the loss of enslaved labor due to the abolition of American slavery played a crucial role in re-making the southern agrarian economy in the early twentieth century. My research explores how the conspicuous features of sharecropping, tenant farming, peonage, or other variations of debt servitude became a means for the re-enslavement of African Americans in the Arkansas Delta. However, as black sharecroppers faced economic, social, and political struggles rooted in racism and discrimination; they attempted to change their surroundings through activism and resistance. A point of interest in this work is World War I and how attitudes following the war shaped the ways in which sharecroppers in the Delta region of Arkansas engaged with race and the social order. The emergence of a labor movement became the catalyst for sharecroppers to form a labor union which represented a material threat to white hegemony. In general, this dissertation will explore the causal connections of the Elaine Riot of 1919 and the circumstances that eventually led to the landmark Supreme Court case *Moore v. Dempsey* (1923).

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TABLE OF CONTENTS

	PAGE
List of Figures.....	v
Acknowledgements.....	vi
Chapter	
INTRODUCTION	1
Background	4
Historiography of the Elaine Riot of 1919	12
1. THE ORIGINS OF DISCONTENT IN THE ARKANSAS DELTA	25
The transition from enslaved to free labor	31
Race and the southern agrarian economy	40
The establishment of Jim Crow	48
2. THE CONTOURS OF CONFLICT	53
Struggle, coercion, and competition for socioeconomic interests	58
The social, cultural, and political transformations from 1865 through 1919.....	65
Explaining black activism as a response to the struggle for wages	83
3. THE FORMATION OF A LABOR MOVEMENT	86
Black organizing and white repression	89
Desperate measures for changes in the sharecropping system	97
The Progressive Farmers and Household Union of America	103
4. A DEADLY RESPONSE	107
Contact with white vigilantes, federal troops, and confrontation.....	116
The wholesale violence and affirmation of white supremacy	127
The Committee of Seven.....	135
5. THE AFTERMATH	143
The fight for justice	153
Testing southern justice in the federal courts	166
The implications of <i>Moore v. Dempsey</i>	189
CONCLUSIONS	194
BIBLIOGRAPHY	202
CURRICULUM VITAE	214

LISTS OF FIGURES

Figure 1. Topographic map of Arkansas.....	24
Figure 2. Map of counties in eastern Arkansas.....	25
Figure 3. PFHUA blank membership card.....	102
Figure 4. Ulysses S. Bratton, PFHUA attorney.....	105
Figure 5. Charles H. Brough in Elaine, Arkansas.....	123
Figure 6. Elaine Twelve defendants.....	161
Figure 7. Scipio A. Jones, Elaine Twelve attorney.....	187

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INTRODUCTION

The period from the collapse of Reconstruction through World War I represents a time of increasing racial prejudice and discrimination, particularly in the South. In order to establish white hegemony, southerners sought to dominate African Americans in several areas including through economic exploitation, politics, and racial segregation. Of these areas of domination, the economic exploitation of black labor was perhaps the most damaging. The prevailing issue for many white southerners was the fact that they had not accepted the terms of life in the region after the American Civil War. In this vein, many chose to forge ahead with the restoration of lost cause sentiments. The one question that especially concerned them was whether or not African Americans would work in the fields performing intense manual labor given an opportunity to seek other types of labor for a paid wage. A dilemma basic to the white southerner's viewpoint was how to deal with African Americans who now had some bargaining power in determining the conditions under which they would work.

The transition from a plantation system with un-free labor to a free market economy gave white southerners an antagonistic posture towards the world around him. The life of white land owning planters changed and his fears about access to a black labor supply were not entirely groundless. However, most historians identify poor white southerners as the primary drivers of turmoil, because their attitudes towards African Americans involved grave injustice and inhumanity which created an atmosphere of persecution and racial hatred. Given such perspectives, poor whites were the most zealous in resurrecting conceptions of the Old South. But their social and political endeavors contributed to a mutual distrust between whites and blacks making the establishment of contractual relationships between them more difficult.

Between 1877 and 1918, the economic, political, and social influence of African Americans was effectively curtailed. Yet, the period cannot be seen solely for the regression of black communities. African Americans were always looking for ways to improve their situation but became trapped in a web of poverty from which they could not escape. The sharecropping systems worked with discrimination, disfranchisement, and segregation to stifle progress. However, the bleak economic outlook gave rise to a spirit of resistance to help sharecroppers. The emergence of coalitions with emphasis on race and class, and the inception of organized protests give this period significant importance.

The beginning of the twentieth century offered new opportunities for mobility to African Americans. The first two decades are marked by World War I and the Bolshevik Revolution in Russia which serve as stimulation to a burgeoning social reform movement by African Americans throughout the United States. African Americans were prompted to pursue unprecedented social change in order to secure political rights and opportunities with greater economic security. Many were willing to press federal, state, and local governments for full citizenship having grown weary of the contradictions between rhetoric professing equality and reality.

America's participation in World War I found its justification based on the premise that the political system of democracy and the ideas of a free society must be preserved and expanded across the non-free world. However, all accounts of black life indicate society failed to embrace the same principles of democracy and a free society as it related to the African American population. By late 1918 as World War I drew to a close, many African Americans were uncertain of their status as citizens of the United States, and questioned whether or not their

support for the war effort in the factories of America and on the battlefields of Europe would translate into improvement in their status as citizens. African Americans were second class citizens excluded from economic mobility and forced into a system of overwhelming racial discrimination.

After the World War I, African Americans challenge the assumption of their own subordination. By 1919, “the new Negro [emerges], the first generation of Negroes to win that appellation and signaled the first new departure since Emancipation in the history of Negroes’ efforts to end their subordination.”¹ African Americans from various segments of society including war veterans, artist, factory laborers, and sharecroppers had aspirations for a better life at home after supporting freedom abroad and were unwilling to return to the status quo. African Americans simply refused to submit quietly to the practices and laws of racial segregation. While the United States emerged on the winning side of World War I, supporters of capitalism viewed communism as a threat to their security. This fact was brought to the forefront by the success of the Bolshevik Revolution. The speed of change in Russia created a sense of unease over the status of African Americans by those who controlled the labor force, particularly the agrarian American South that heavily relied on the cheap labor provided by black workers. The potential connection between the black proletariat and communism raised fear among the white ruling class who became more repressive in dealing with African Americans.

In 1919, a series of race riots took place in several cities in the United States. These incidents of racially motivated violence were similar in type, though not identical in circumstances, and were not the part of a conspiracy by any group or organization. The mob violence occurred in Chicago, Illinois; Washington, D.C.; Omaha, Nebraska; and Elaine,

¹ Arthur I. Waskow, *From Race Riot to Sit-In, 1919 and the 1960's: A Study in the Connection between Conflict and Violence*, (Garden City, New York: Doubleday & Company, 1966), 10.

Arkansas, prompting the field secretary for the National Association for the Advancement of Colored People (NAACP) James Weldon Johnson to coin the term “Red Summer.” Johnson recounts the summer of 1919 by describing the events of that summer in the following manner:

“The Red Summer of 1919 broke with fury. The colored people throughout the country were disheartened and dismayed. The great majority had trustingly felt that, because they had cheerfully done their bit in the war, conditions for them would be better. The reverse seemed to be true.”²

Increasingly, discontent emerged from the failure of the federal government to offer a remedy to the racial oppression that existed throughout the nation; but was particularly entrenched in the South.

On October 1, 1919, African American sharecroppers were conducting a secret union meeting at a church in the rural community of Hoop Spur in Phillips County, Arkansas nearby Elaine. The meeting was led by Robert L. Hill, sharecropper and founder of the Progressive Farmers and Household Union of America (PFHUA) which was formed for the purpose of seeking payment for the previous year’s crop, and better terms of sharecropping for the current season. During the meeting, several white males arrived to investigate the assembly resulting in a heightening of tensions between the two groups. It is unclear who fired the first shot, but it is a fact that the dispute resulted in shots being fired and several people being killed and injured. Following the initial incident, whites in the area formed large mobs for the purpose of seeking out and killing African Americans. To further exacerbate the situation, Governor Charles Hillman Brough of Arkansas contacted the federal government and requested assistance with the incident. The government responded by sending federal troops from Camp Robinson in Little Rock to put down a so-called insurrection of blacks to prevent the killing of white people.

² James Weldon Johnson, *Along This Way: The Autobiography of James Weldon Johnson*, (Cambridge, Massachusetts: Da Capo Press, 1933), 341.

The events of the following week in the Elaine area are subject to debate. “It is documented that five whites, including a soldier, died at Elaine, but estimates of African American deaths, made by individuals writing about the Elaine affair between 1919 and 1925, range from 20 to 856; if accurate, these numbers would make it by far the most deadly racial conflict in the history of the United States.”³ State and local newspaper accounts of the events consistently note five white people were killed during the rioting; however, the number of black deaths may never be accurately known.

This dissertation studies the complexities of the relationships that existed within the sharecropping system and reveals black freedom struggles that demonstrate how ordinary people challenged the courts in the U.S. domestic legal area to live up to the promises guaranteed by the Constitution. In the South, this meant challenging institutional and cultural barriers of white supremacy, often at considerable personal risks. Black life in Arkansas, as in other Southern states presented incidents of mob violence, debilitating forms of labor exploitation, and constraints on attempts to exercise political power. To explain how the extreme racial violence that occurred in Elaine, Arkansas was able to take place, it is necessary to examine the cultural and political aspects of black discontent in addition to the economic and ideological aspects of history in the region. Central to understanding the Elaine Race Riot of 1919 are sources that support a causal connection such as poverty and racial disparities in income, education, and employment. It is the goal of this project to glean understanding to the aforementioned factors and other issues pertinent to African American freedom struggles in the Arkansas Delta such as forms of protests and migration, all documented responses to oppression.

³ Grif Stockley, *Blood in their Eyes: The Elaine Race Massacres of 1919* (Fayetteville, Arkansas: University of Arkansas Press, 2001), xiv.

In this project cues are taken from the written history of the South and previous black freedom struggles of black workers who fought discrimination and labor exploitation. How they responded to conditions and the level of resistance is a history worth telling, and it has to be included in an authentic rendering of the story. But I go beyond recounting the examinations of historians, writers, and scholars who have chosen to emphasize the white against black dichotomy and neglected the class dynamics, which is an important aspect of the history. I explore the ways in which elite white planters, poor whites, and black workers went about the process of shaping their environment and the class struggles that ensued. My topic is the black worker's struggle for better conditions of employment and fairness, from emancipation to about 1923, when the right to due process for black people was affirmed by the Supreme Court. The Elaine Race Riot, I argue, took center stage in the struggle for equality and fairness, both as a way for advancing the collective interests of workers and a symbol of citizenship.

Black activism, and black resistance to white oppression following the World War I, profoundly shaped the ways in which the sharecroppers in Elaine, Arkansas engaged with race and the social order in Phillips County. Black resistance to racism became the catalyst for sharecroppers to form a labor union. Likewise, their efforts in the U.S. domestic legal arena challenged the courts to live up to the guarantees promised by the Constitution. The research will show that the sharecroppers were informed by rhetoric of constitutional responsibility, and inspired by their sense of authentic citizenship. In addition, it will make a contribution to the historiography by addressing the dynamics of race, class, and labor. The most salient issues to understand are what caused the insurgency. Did African Americans in Arkansas have an awareness of class struggle that inspired resistance to exploitation? If so, how did their resistance contribute to the violence that ensued? It is my contention that sharecroppers in

Phillips County, Arkansas made conscious choices based on the culmination of significant historical events and attempted to make changes in their lives.

The history of the Arkansas Delta encapsulated much about how African Americans after emancipation integrated into southern society. Black workers attending union meetings in rural delta communities would have recognized themselves in the essays of Karl Marx.⁴ Perhaps they would have articulated critiques of capitalism and its production processes somewhat differently, reflecting sentiments particular to their ideas as related to African American culture, but they would have, as he did, seen the conflict of interests between workers and the ruling class in a capitalist society. African Americans participated in building a culture that made the Arkansas Delta a unique place. So when they struggled after emancipation, they developed a history that inspired others to become more committed to the concepts of equality.

In the period that witnessed the re-enslavement of African Americans and intense racial strife, black people remained steadfast to the principles of America. Even with the hysteria that reigned after World War I and the specter of domestic Communists and their purported infiltration of American institutions, black people kept alive the American Dream. However, the war attributed even greater transformative power to African Americans dramatic change in attitude towards their acceptance of subordination to whites. This shift inspired new levels of activism and resistance that convinced black sharecroppers that they could be lifted out of the recesses of economic exploitation into the mainstream of society. The history of Elaine reflected a set of on the ground realities that deeply influenced how black workers constructed their responses to exploitation. African Americans had to embark on a path of their own for there were no models for them to follow.

⁴ Karl Marx, *A Contribution to the Critique of Political Economy* (New York: International Publishers, 1970).

The realities of the postwar years left their mark on how African Americans began to process racism and economic exploitation. Black workers functioned in an environment in which private employers could, and did, treat them as they saw fit, where white planters could discriminate against black families without fearing legal penalties and in which institutions made no efforts to hide their racist attitudes towards blacks. Throughout the period under consideration here, racial uplift dominated African American life. With the exception of the black disillusionment associated with the dwindling support of the Republican Party, African Americans subscribed to a vision that stressed a belief in progress and commitment to western values and the idea that people of good will could together eradicate prejudice. Of course, they fretted over the places where obstacles remained firmly fixed, but they carved out positions that reflected influence on their communities.

In the introduction, a description of the time period and background information is provided regarding the Elaine incident. The introduction then analyzes the historiographical debates over causality and the emergence of black freedom struggles and organized labor. Phillips County, located in the rich land of the Arkansas Delta was the center of a prosperous cotton producing region in the antebellum years. It is here that black sharecroppers were most heavily concentrated and the characteristics of labor exploitation were most dramatically expressed after emancipation. The introduction includes background information and the historiography of the Elaine Riot of 1919 which examines the discourse and sets the stage for explaining coalition building during a period when most African Americans in the South worked in agriculture. It also explores the impact of the event on the social, economic, and political realities of rural sharecropping communities.

Chapter one explores the origins of discontent in the region by discussing the transition from enslaved labor to a free market economy, emphasizing the role race played in the agrarian economy of the South, and retelling the establishment of Jim Crow. While emancipation provided freedom, it resulted in the continuation of race based discrimination and the emergence of more stringent laws in Arkansas. This chapter focuses especially on the efforts of southern landowners and businessmen to retain workers with agricultural labor skills, the intensification of racial ideologies in southern culture, and the escalating struggle of African Americans against race and class exploitation. Correlated with the changes in the status of African Americans were larger economic and social issues. At the end of the first two decades of the twentieth century, black sharecroppers in Arkansas painfully experienced the limits of despair when their bid for equality and fair employment practices were soundly rejected by white supremacists. Still, many did not waver in their efforts to obtain mutually beneficial terms and conditions of labor.

In chapter two, my account of the emerging conflict in Phillips County takes up the struggles and competition to secure socioeconomic interests African Americans faced. The chapter describes the social, cultural, and political transformations that took place from emancipation through 1919. The constraints of racial discrimination notwithstanding, emphasis is placed on the realization that in periods of discouragement African Americans consistently adopt doctrines of self-help, racial solidarity, and economic development as techniques to overcome their subordination in the American social order. And in this context, black activism was an appropriate response to the struggles for wages fought by black sharecroppers. The chapter provides a discussion of the social, cultural, and political transformations and an interpretation of their meaning and historical significance.

Chapter three deals with the formation of a labor movement in the Arkansas Delta. The organizational, political, and ideological development of black workers during World War I fostered social and cultural changes that were conducive to the cause of black labor and advancement. Chapter three explores the impact of black organizing efforts and white repression, and the desperate measures for changes to the sharecropping system by tracing the complex interactions between black workers and white landowners and businessmen. The Progressive Farmers and Household Union of America for a brief moment appeared destined to yield encouraging results in the struggle of black workers. Perhaps most important, black workers benefited from the class consciousness they obtained during this period and in the aftermath of World War I became energetic in their pursuit of equality and fairness.

Chapter four deals with the deadly contact between black sharecroppers and white planters in Phillips County. The energetic efforts among black workers to gain equality were brutally suppressed on October 1, 1919. Chapter four addresses the wholesale violence that reaffirmed white supremacy in the region and gave way to the repressive legal environment that put African Americans on the defense and several in jeopardy of the death sentences. Some historians recognize the Elaine Race Riot for the harshness and scale of the violence. In contrast, I argue that while the incident is noteworthy because of the violence, its most lasting impression lies in the implications the event held for black activism and the role of race in the American criminal justice system. In particular, my research reveals that the court proceedings following the violence represents one of the first early twentieth century efforts by African Americans to fight against mob dominated racial violence in the legal arena.

In chapter five, I discuss the aftermath of the Elaine Race Riot and the protracted legal battle that resulted in the landmark Supreme Court case *Moore v. Dempsey*. This case played an

important part in the increase involvement of the National Association for the Advancement of Colored People (NAACP) with the fighting of the lynching of African Americans throughout the United States by working for legislation, lobbying, and educating the public, and providing legal aid and assistance. The involvement of the NAACP with the Elaine Race Riot greatly expanded its role as a political and civil rights organization that increasingly came to symbolize black resistance. This chapter explains how the aftermath of the Elaine Race Riot became a test case that demonstrated the criminal justice system indeed provided “Due Process” for African Americans.

In the conclusion, I ponder the historical legacy of the Elaine Race Riot and black freedom struggles in general. In addition, a sketch of the development of criminal justice in African American communities in the post-Civil Rights era is delivered. Going beyond the turbulent history of the Arkansas Delta, I discuss the evolution of violence and discrimination against large segments of African American communities today.

This dissertation revisits the debates regarding the Elaine Race Riot of 1919 and attempts to understand the historical and political significance of the events surrounding the incident. The emphasis on the critical role of black workers in the agrarian economy is the main contribution of this work, because it helps clarify the picture of race in the South. However, with a clearer understanding of the interrelationships between race, class, and labor, this work seeks to do much more than inform the rather mundane debates of earlier scholars about who fired the first shots and racism. In essence, the project is intended to illustrate the composition and dynamics of an essential and influential sector of the Arkansas Delta after emancipation.

Historiography of the Elaine Race Riot of 1919

In 1919, less than a year after the Elaine Race Riot, Ida Wells-Barnett published the first monograph on the wholesale killing of African Americans in the small rural community.⁵ Wells-Barnett asserted that, “This book shows the riot was a conspiracy by the white men to take the Negroes’ cotton and not a conspiracy by Negroes to kill white people.”⁶ Wells-Barnett claim of a conspiracy to commit murder by white men contradicted the portrayal of the event by mainstream sources as an insurrection by blacks who were attempting to kill white people. Her work in the *Arkansas Race Riot* represented the earliest scholarship that provided the perspective of the black sharecroppers. Various other authors, particularly those allied with white planter interests perpetuated the claim of a black insurrection. In point of fact, Wells-Barnett captured a firsthand accounting of the violence in Elaine from twelve black men who were charged with murder and given death sentences as a result of the incident.

Upon news of the riot, the NAACP, the strongest political organization in the United States to fight for the rights of African Americans in the South, resolved to seek the facts and assist the impoverished black sharecroppers who were involved. The NAACP urged Governor Brough of Arkansas to exercise restraint when attempting to restore order to the region and by mid-October sent Walter White, field secretary to secure information for an article that was published in *The Nation*. Walter White’s article “Massacring Whites in Arkansas,” describes the black sharecropper’s union alliance and the larger community life of the cotton producing town.⁷ He also refuted the notion of a black insurrection characterizing the response of the black

⁵ Ida Wells-Barnett, *The Arkansas Race Riot* (Chicago: Hume Job Print, 1920).

⁶ Wells-Barnett, *The Arkansas*, 62.

⁷ Walter White, “Massacring Whites in Arkansas,” *The Nation*, December 6, 1919; Other important accounts include O.A. Rogers, Jr., “The Elaine Race Riots of 1919,” *Arkansas Historical Quarterly* 19 (Summer 1960), 142-150; Carl H. Moneyhon, *Arkansas and the New South: 1874-1929* (Fayetteville, Arkansas: University of Arkansas Press, 1997), 107-108; Bessie Ferguson, “The Elaine Race Riot,” (M.A. thesis, George Peabody College for Teachers, 1927).

sharecroppers as an act of self-defense when fired upon by angry white citizens intent on disrupting a meeting of the PFHUA.⁸

While Ida Wells-Barnett and Walter White, provided valuable perspectives, there is a clear division between black sharecroppers and white planters. This division is most apparent in the disparate assertions regarding the causes of the riot and the responses of the white community. The impact of race relations is central to causality which stresses southern social and cultural influences on the riot, as opposed to class dynamics or labor. This project will consider all aspects of the event including race, as well as class dynamics and labor. Race relations in the Arkansas Delta is deeply rooted in the victimization of African Americans at the hands of whites. The supposed historical role of African Americans as subservient to whites was dramatically challenged and is noted in the literature. The *Arkansas Gazette* reported that leaders of the PFHUA were encouraging members to “arm themselves for their own protection and to be prepared to respond to attacks from the whites.”⁹ While encouraging self-defense is not an act of militancy, when considered in the context of race relations and southern traditions, it was highly problematic.

In the vein of a source that supports the white planter perspective, J.W. Butts and Dorothy James utilize interviews from white residents of Phillips County in their attempts to unravel the causes of the violence. And while these scholars make a contribution to the historiography, their findings are limited by the scope of their inquiries. By focusing only on white residents, Butts and James observed a brief historical snapshot in their article, “The Underlying Causes of the Elaine Riot of 1919.”¹⁰ Moreover, their examination 42 years after the

⁸ White, “Massacring,” 715-716.

⁹ *Arkansas Gazette*, Oct. 4, 1919, 1.

¹⁰ J.W. Butts and Dorothy James, “The Underlying Causes of the Elaine Riot of 1919,” *The Arkansas Historical Quarterly*, Vol. 20, No. 1 (1961).

riot relies heavily on broad generalizations and loses sight of individual experiences. In a fundamentally unbalanced article, the white privilege of the period is successfully concealed and the black sharecropper perspective excluded.

David Yancey Thomas offered an astute commentary on the conflicting perspectives in *Arkansas and its People: A History, 1541 to 1930*, a decade after the riot.¹¹ Thomas' work represented the earliest example of a white mainstream writer publically repudiating the black insurrection plot theory. The objective literature that started with Thomas characterized the riot as an incident provoked by material causes rather than an inherent desire of blacks to kill whites. Scholars producing literature supporting this approach downplay the black insurrection theory as hyperbolic and an oversimplification of southern planter relationships with black workers. In effect, exaggerated studies like the work produced by Butts and James failed to uncover what drove discontent among marginalized groups or recognize the formation of collective resistance. However, studies that are objective in their approach address labor competition and the solidarity of black workers.

In *From Race Riot to Sit-In*, Arthur I. Waskow delved into the historical nature of riots suggesting that all instances of racial violence can be categorized as pogrom [massacre] or riot with the distinction between the two representing a way to characterize "ideal types" of racially motivated violence. Racially motivated violence develops around the readiness of one group to challenge the claims of another group. For example, in the case of African Americans it involves any challenge to white supremacy. Conversely, for whites it involves the fear of black encroachment upon racially defined territorial and symbolic boundaries. The use of the term

¹¹ David Y. Thomas, *Arkansas and its People: A History, 1541-1930* (New York: American Historical Society, 1930).

racially motivated violence could include pogroms, riots, or lynching.¹² Waskow's study utilized traditional historical research to structure comparisons over time focusing on riots of 1919 in Washington D.C., Chicago, and Phillips County, Arkansas. Following the reasoning in *From Race Riots to Sit-In*, when black sharecroppers sought to upset the social order, white planters contemplated and initiated violence.

Waskow's work aligns with that of Thomas in that both recognized that the labor exploitation of sharecropping was tantamount to enslavement. They also agreed that black sharecroppers were in the least danger during the period of time when there was limited opportunities and information to stimulate their interests. For Waskow, the black sharecropper's unionization efforts were an illustration of their desire to take control over life and labor in the cotton fields. He suggested that it was rather easy to sum up the principal causes of the riot: harsh treatment by white planters, desired control of their labor by black workers, and fear of black encroachment by whites.¹³ In the end, outright hostility towards African Americans, whether in the South, or northern cities, was a common occurrence in 1919.

The patterns of the Elaine Race Riot were atypical of collective racial violence in the early twentieth century. Most disturbances took place in urban environments with significant ethnic populations. Carl Sandburg's recounting of the Chicago Riot makes a lasting impression towards understanding mob dominated violence in northern cities. According to Sandburg, on a July day in 1919, "a Negro boy swam past an invisible line of segregation at one of Chicago's public beaches. He was stoned, knocked unconscious, and drowned."¹⁴ The following three days are remembered for the violence that ensued when white and black citizens decided to

¹² Arthur I. Waskow, *From Race Riots to Sit-In, 1919 and the 1960's: A Study in the Connection between Conflict and Violence*, (Garden City, New York: Doubleday & Company, 1966), 9-10.

¹³ Waskow, *From Race*, 9-10.

¹⁴ Carl Sandburg, *The Chicago Race Riots: July, 1919* (New York: Harcourt, Brace, and Howe, 1919), ix.

reconcile the social and political issues afflicting Chicago. The end of the violence tallied, “twenty negroes dead, fourteen white men dead, and a number of negro houses burned.”¹⁵ Sandburg highlights several conditions that contributed to the riots including dramatic black migration to Chicago’s “Black Belt” which held 125,000 residents in 1919, a figure that doubled five years after World War I.¹⁶ In addition, observations were made in regards to Chicago’s racial dynamics. The large body of mixed nationalities and races including Poles, Blacks, Lithuanians, Italians, Irishmen, Germans, Slovaks, Russians, Mexicans, Englishmen, and Scotchmen created racial volatility at a critical moment impacting housing, politics, and labor.¹⁷

Over the next decades, historians increasingly explored the social and economic conditions leading to the riot. By and large this school of thought stressed the fervent racism and the harshness of the sharecropping system, but regarded the quest for fairness in labor practices as the primary cause of the violence. Moreover, there were links to social activities in African American communities with the Elaine Race Riot of 1919. This linkage consisted of two core ideas: that the riot grew out of a rising tide of activism that built up momentum through World War I and that the violence was orchestrated and initiated by angry whites, rather than a black insurrection.¹⁸ Historians that adhere to this rationale agree on the existence of links between social and economic conditions and the riot, their individual analyses are influenced by a variety of ideologies. Proponents of this approach based their explanations of the riot on traditional and classical positions of Southern history. B. Boren McCool and Francis I. Gwaltney succinctly explained these influences in their respective works.¹⁹ Their ideas drew on the degrading nature

¹⁵ Sandburg, *The Chicago*, 3.

¹⁶ *Ibid.*, 7.

¹⁷ *Ibid.*, 6.

¹⁸ B. Boren McCool, *Union, Reaction, and Riot: A Biography of a Race Riot* (Memphis, Tennessee: Bureau of Social Research, Division of Urban and Regional Studies, Memphis State University, 1970), 23-52.

¹⁹ McCool, *Union*, 23-52; Francis I. Gwaltney, *The Quicksand Years* (London: Seker & Warburg, 1965).

of black life and the natural reaction in favor of equality in the face of the exploitative nature of the sharecropping system. They were fully aware that the discourse of economic progress is closely related to the dominant ideology of racism which held that African Americans were inferior.

It is important to note that the dehumanization process that originated during slavery and continued into the twentieth century was directly correlated to mob dominated violence. A significant phase of racially motivated mob violence was linked to a common trend, that is African Americans killed by white mobs were typically reported by authorities as the perpetrators being unknown. This fact is one of the great catastrophes in the development of African American history and there is substantial scholarship attesting to the brutality that black people suffered. The historian Leon F. Litwack, whose research focuses on slavery, the Reconstruction era, and its aftermath into the twentieth century delivers critical analysis of America's tragic racial past. Litwack's classic, *Been in the Storm So Long* and subsequent *Trouble in Mind*, provided the best contextual overview for understanding the terror that persisted in black communities.²⁰ Yet, who realizes the seriousness of the period better than those living through it. The daily lived experiences of black southerners are best expressed by the words of Sarah Fitzpatrick in her grim account of tension, "de Nigger ain't got no law, no flag, no nothing. He lives under de white man's law, dat's what keeps him dissatisfied, and nervous all de time."²¹ The historiography has been insistence that the prevailing mood among African Americans was foreboding.

²⁰ Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1980); Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998).

²¹ Litwack, *Trouble*, 328.

The theme of racism as social disease that affected the South as a region and impeded progress has been maintained throughout the literature and reflected in black impulses towards progressive reforms that did not overthrow the social or political order but sought to cure the ills. Jeannie Wayne and Pete Daniel both informed the discussion in this area and added clarity to the complexities of race relations within the sharecropping system in delta communities.²² Wayne's work suggested that white planters in the Arkansas Delta were economically doomed and their diminishing opportunities intensified hostility towards blacks. She noted that the formation of a labor union was not only a material threat, it enraged members of the white community.²³ Her research traced the significant transformations in agriculture in the South which are identified as: the transition from slavery to various sharecropping and tenancy farming arrangements, the transition from labor intensive to capital intensive agriculture which is characterized by the migration of black workers out of the South, the emergence of a new plantation model, and the rise of southern agricultural enterprises as part of the holdings of investment firms.²⁴ In the article, "Low Villains and Wickedness in High Places: Race and Class in the Elaine Riots," Wayne focused directly on the riot while reviewing much of what has been written on the event.²⁵ Working through the various perspectives regarding the causality and making extensive use of what predecessors and contemporaries have written, the black freedom struggles in the delta are illustrations of resistance.

²² Jeannie M. Wayne, *A New Plantation South: Land, Labor, and Federal Favor in Twentieth century Arkansas* (Charlottesville, Virginia: University of Virginia Press, 1996); Jeannie M. Wayne, *Delta Empire: Lee Wilson and the Transformation of Agriculture in the New South* (Baton Rouge, Louisiana: Louisiana State University Press, 2011); Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana, Illinois: University of Illinois Press, 1972).

²³ Wayne, *A New Plantation*, 27-28.

²⁴ Wayne, *Delta*, 6.

²⁵ Jeannie M. Wayne, "Low Villains and Wickedness in High Places: Race and Class in the Elaine Riots," *Arkansas Historical Quarterly*, Vol. 58, No. 3 (Autumn, 1999).

On the other hand, Daniel contended like Charles S. Johnson, Herbert Aptheker, and others that like antebellum planters, white planters in the Delta forcefully controlled black workers to promote social stability and minimize labor costs.²⁶ The sharecropping system was consistently altered to meet social and economic needs, and white dominance was an indisputable fact. Perhaps the most lasting contribution Daniel made is the exposure of the substantial scale of peonage (sharecropping and tenant farming) in the rural South throughout the twentieth century and the revelations of a deeply enmeshed statewide system of patronage and favors on the backs of black workers. He notes, “the power of the masters, the corruption of local law enforcement officials, the ignorance of black victims, the apathy of the Justice Department, and the terrorism aimed at potential witnesses,” as being parts of a vicious cycle.²⁷ As Arkansas native, author and journalist Douglas A. Blackmon noted in *Slavery By Another Name*, the South moved from emancipation to the re-enslavement of African Americans.²⁸

In the spirit of progressive labor reform, Nan E. Woodruff pointed out that black workers were exposed to an array of solutions to rectify the race based distribution of power associated with sharecropping.²⁹ The shift towards progressive ideas made it possible for black workers to view reform as an option to improve their lot in life and became a part of their agenda. Woodruff brings together a number of crucial developments in the Delta that are often discussed in isolation from one another. Her analyses in *American Congo* described the development of large scale plantations in the South after emancipation and the convergence of agriculture and

²⁶ Daniel, *The Shadow*, 31-45; Charles S. Johnson, *Shadow of the Plantation* (Chicago, Illinois: University of Chicago Press, 1934); Herbert Aptheker, *The Negro People in America* (New York: International Publishers, 1946).

²⁷ Daniel, *The Shadow*, 124.

²⁸ Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).

²⁹ Nan E. Woodruff, *American Congo: The African American Freedom Struggle in the Delta* (Cambridge, Massachusetts: Harvard University Press, 2003), 38-40.

capitalism in a free market economy. There is considerable attention is given to the Elaine Race Riot and her account of black resistance to white oppression which includes an interpretation of race and class dynamics. Most compelling is Woodruff's comparison of the Delta to European colonies in Africa and Asia and its "oppressive labor conditions that drew on peonage, convict labor, and eventually murder and torture."³⁰ She also gave the PFHUA a proper examination making clear the role that the unionization efforts of black sharecroppers played towards the road to violence. Woodruff noted that the PFHUA was brutally suppressed because it demanded that black sharecroppers be allowed to sale their own crops directly on the market and challenged white planters.³¹ It becomes clear that understanding the collective organized struggle is necessary before attempting to evaluate black activism in Phillips County, Arkansas during the autumn of 1919.

The desire for progressive labor reforms and racial equality did not resolve the question of on whose terms whites and blacks would work together. Race and class dynamics has been presented in some studies of the period. A notable work by Fon Louise Gordon examined these factors as seen in Arkansas with great specificity.³² Gordon's monograph on the subject investigates how African American class structure responded to the dilemmas of the era. The study expanded out general knowledge of race and class dynamics in the Arkansas, but it does not specifically center on the riot. However, Gordon's work moved beyond the dichotomy of white oppression and black victimization to a more complex explanation of how African Americans in Arkansas responded to the failures of Reconstruction. For a brief time, the black middle class flourished, while rural blacks became mired more deeply in sharecropping. In the

³⁰ Woodruff, *American*, 33-37.

³¹ *Ibid.*, 75.

³² Fon Louise Gordon, *Caste and Class: The Black Experience in Arkansas, 1880-1920* (Athens, Georgia: University of Georgia Press, 1995).

face of Jim Crow, agricultural and laboring black workers advocated for self-help, labor reform, and acted independently during the Great Migration to northern cities during and after World War I.³³ The inclusion of poor whites and white planters and businessmen into the equation exacerbated class distinctions making conflict more likely to occur.

The changes in class structure coincided with hysteria stemming from the Bolshevik Revolution of 1917 in Russia. White planters assumed with some justification that African Americans would gravitate towards the socialist ideology that was a part of Bolshevik propaganda. In his article, “The Red Scare in Arkansas: A Southern State and National Hysteria,” Joey McCarty added breadth to historiographical understanding about the influence of radicalism in Arkansas.³⁴ McCarty argues that class struggle was a component of the black sharecroppers’ fight for labor rights that was essentially forced upon them by virtue of the racist society that existed at the time, but failed to forcefully take off because the Delta was not adequately industrialized.³⁵ The International Workers of the World (IWW) was identified as a radical organization that attempted to organize blacks working in the cotton fields and is mentioned by individuals involved with the Elaine Race Riot.³⁶ In the Delta, the IWW, in conjunction with black workers, played a visible, if limited role in laying the foundation for the PFHUA.

It is clear that one of the main themes of the literature stems from the need of African American communities to have salvation in a hostile environment and be united in their efforts. This idea was true even in urban centers where black workers were less marginalized than in the

³³ Gordon, *Caste*, 140.

³⁴ Joey McCarty, “The Red Scare in Arkansas: A Southern State and National Hysteria,” *Arkansas Historical Quarterly*, Vol. 37, No. 3 (Autumn, 1978), 264-277.

³⁵ McCarty, “The Red,” 265-267.

³⁶ *Ibid.*, 269.

rural areas. It is a natural assumption that African Americans throughout the South had commonalities and wanted to resist systems of exploitation and writing about resistance has generated literature. With his comparative study of urban and rural race relations in Arkansas between the end of the American Civil War and the early part of the twentieth century, John W. Graves revealed a glimpse of the attitudes towards race held in Little Rock, Pine Bluff, and rural Delta communities.³⁷ He noted that racial antagonism persisted throughout Arkansas regardless of location, “as planters in the black belt Delta region nursed old and new grudges and wrongs, real and imagined, they demanded no less from their urban counterparts on the proper view of race relations.”³⁸ While *Town and Country* was more narrow in scope, its contents were reminiscent of a much larger work on southern race relations, C. Vann Woodward’s *The Strange Career of Jim Crow*.³⁹

Recent scholarship on the Elaine Race Riot of 1919 has emphasized the extent to which events in Phillips County were connected to “Due Process” and civil rights for African Americans. Unlike other incidents of racially motivated mob dominated violence, the successful Supreme Court case *Moore v. Dempsey* (1923) rejected the practice of vigilante justice in favor of the rule of law and constitutional guarantees. The trial of the black sharecroppers began as a legal challenge to the practices of local law enforcement. However, Richard C. Cortner noted that it became, “a milestone in the modern interpretation of the Due Process Clause of the Fourteenth Amendment.”⁴⁰ In hindsight, the cases that evolved from the riot emerge as one of the most significant constitutional cases of the early twentieth century. Among the most

³⁷ John W. Graves, *Town and Country: Race Relations in an Urban-Rural Context in Arkansas, 1865-1905* (Fayetteville, Arkansas: University of Arkansas Press, 1990).

³⁸ Graves, *Town*, 163.

³⁹ C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

⁴⁰ Richard C. Cortner, *A Mob Intent on Death: The NAACP and the Arkansas Riot Cases* (Middletown, Connecticut: Wesleyan University Press, 1988), 185.

important facts taken from Cortner's work, was the capacity of the NAACP to undertake litigation on behalf of oppressed people. Although the NAACP was conceived in the spirit of social and political reforms, the effectiveness of the NAACP Legal Defense Fund was revealed after *Moore v. Dempsey*. The scholarship emphasized how the legal implications of the riot pushed ideas of fairness and equality further than any southerner imagined.

The increasing interests in the legal aspects of the riot can be seen in a monograph published in 2001. This book, *Blood in Their Eyes*, emerged after a period of relative dormancy in studies focusing on Elaine, Arkansas.⁴¹ Grif Stockley highlighted the complexity of the era and the connections between events in Arkansas with the larger issue of criminal justice. In Stockley's interpretation of the riot, elements of the federal government through the role of U.S. Army troops intensified the killing of blacks in the region. He contended that the U.S. Army became a major perpetrator of violence by engaging in a murderous "scorched earth policy."⁴² While such an interpretation of the involvement of federal troops has not flourished, the historiography has overlooked the critical role the federal government held in curtailing or increasing volatility. Many scholars assumed that the federal response was implemented in such a way as to save lives which may not be consistent with the truth when considered in the context of the time period. Stockley attempted to quantify the number of people killed suggesting that there is evidence of a tally from 20 to 856.⁴³ In fact, he argues the total is closer to the high end due to the convergence of local and regional whites, and U.S. Army troops on the region.

⁴¹ Grif Stockley, *Blood in Their Eyes: The Elaine Race Massacres of 1919* (Fayetteville, Arkansas: University of Arkansas Press, 2001).

⁴² Stockley, *Blood*, 51.

⁴³ *Ibid.*, xiv.

A few years after Stockley's work, Robert Whitaker in *On the Laps of Gods*, examined the trial, the ensuing appeals, and the ultimate success of *Moore v. Dempsey*.⁴⁴ In his work, Whitaker illuminated the contributions of Scipio A. Jones, a prominent African American attorney in Little Rock who became a vital counsel for the black sharecroppers tried in Phillips County. *On the Laps of Gods* provided a detailed description of the complex legal battles that followed and directs our attention through the decision of the U.S. Supreme Court. Whitaker explored the legal implications of Elaine and the general claim of its validity as a landmark court decision. In the end, he arrived at solid conclusions regarding the importance of *Moore v. Dempsey* and the attempts of African Americans to make a better life for themselves.

In conclusion, the historiography of the Elaine Race Riot is substantial and diverse. And while it is true that not every work regarding the riot in Phillips County has been reviewed here, it is accurate to suggest that the most salient sources, assertions, and conclusions have been addressed. Many of the authors listed are bound in one way or another by their backgrounds. However, more often than not the commonalities of their scholarship lies in the fact that the overarching political, social, and economic conditions played a large role in explaining when mob dominated violence occurred. Historians have written about mob dominated violence since the antebellum period. It is true that a relatively constant factor that is reflected in the literature regardless of era are the material circumstances. Ultimately, this dissertation will synthesize previous works and form a unique way of understanding how the knowledge of past violence comes to bear on the present.

⁴⁴ Robert Whitaker, *On the Laps of Gods: The Red Summer of 1919 and the Struggle for Justice that Remade a Nation* (New York: Crown Publishers, 2008).

CHAPTER 1 THE ORIGINS OF DISCONTENT IN THE ARKANSAS DELTA

“After freedom, we worked on shares a while. Then we rented. When we worked on shares we couldn’t make nothing, just overalls and something to eat.” Henry Blake, *Arkansas Slave Narrative*

After emancipation, white southerners were baffled about what to do with the African American labor force that drove the agrarian economy. While the American Civil War settled definitively the question of succession from the Union, there was no coherent strategy devised for reconciling the South’s economic and cultural dependency on the enslavement of African Americans. Still, vast swaths of the region, including a long curve of mostly alluvial cotton farmland viewed enslavement as essential to southern life and they proceeded to re-establish white hegemony over African Americans. In this region, labor was more akin to a source of fuel than a mode of production and it was the planter’s goal to get as much work out of African Americans as they could possibly perform. With the end of slavery, enterprising white planters reshaped the southern economy by introducing a variety of labor arrangements as a means of supplanting the labor force. In the wake of emancipation, the prevailing attitude among white southerners was that a re-subjugation of black workers was not only acceptable, it was essential.

The study of the Arkansas Delta offers an important opportunity to develop a keen understanding of southern rural African American life after emancipation. While the region underwent a dramatic transformation, it maintained the relatively predictable seasonal calendar that dominated agricultural production and the demands for black workers in a market that was inundated with economic downturns. Moreover, blacks in the Delta throughout the regions history filled the role of agricultural workers. There are certain aspects of the regions geography that helped determine the repressive measures that followed emancipation. Historian Willard B. Gatewood Jr. characterizes the region in the following manner:

To an extraordinary degree, the Arkansas Delta represents in microcosm the distinctive environment, behavior, and historical experience of the South. In few other areas have the tensions characteristic of southern society been more obvious than in the Arkansas Delta. These tensions have manifested themselves in various ways between man and the physical environment, between whites and blacks, between rich and poor.¹

To this geographic space black workers added a sense of purpose and hope for a prosperous future and collusion based on fellowship and common interests. The inhabitants of the region are often romanticized because of their and the areas relative isolation from large cities. Although life in the Arkansas Delta took on unique characteristics, like African Americans elsewhere in the United States, black workers were in a state of flux after the American Civil War concerning how to utilize their labor. By most critical economic measures, black workers were significantly disadvantaged, a reality underscored by the fact there was a great mass of poor whites that surrounded them in the region.

The geography of the Arkansas Delta is situated in Mississippi Alluvial Plain which extends along the Mississippi River southward into the Gulf of Mexico. While the Mississippi Alluvial Plain covers seven U.S. states, it is predominantly located in Arkansas, Louisiana, and Mississippi. The portion of the Mississippi Alluvial Plain known as the Arkansas Delta consists of ten million acres of land and a third of the seventy-five counties in Arkansas.² The rich alluvial soil, numerous waterways including the Mississippi, Arkansas, St. Francis, and White rivers, and the climate made the area ideal for agriculture. However, agricultural production did not begin to develop until the Louisiana Purchase when Arkansas was surveyed as part of the newly acquired land from France. Until 1803, Arkansas and the Delta region was considered a frontier society with the potential for economic growth and expansion.

¹ Willard B. Gatewood and Jeannie M. Whyne, *The Arkansas Delta: Land of Paradox* (Fayetteville, Arkansas: University of Arkansas Press, 1993), 5.

² Gatewood, *The Arkansas Delta*, 3.

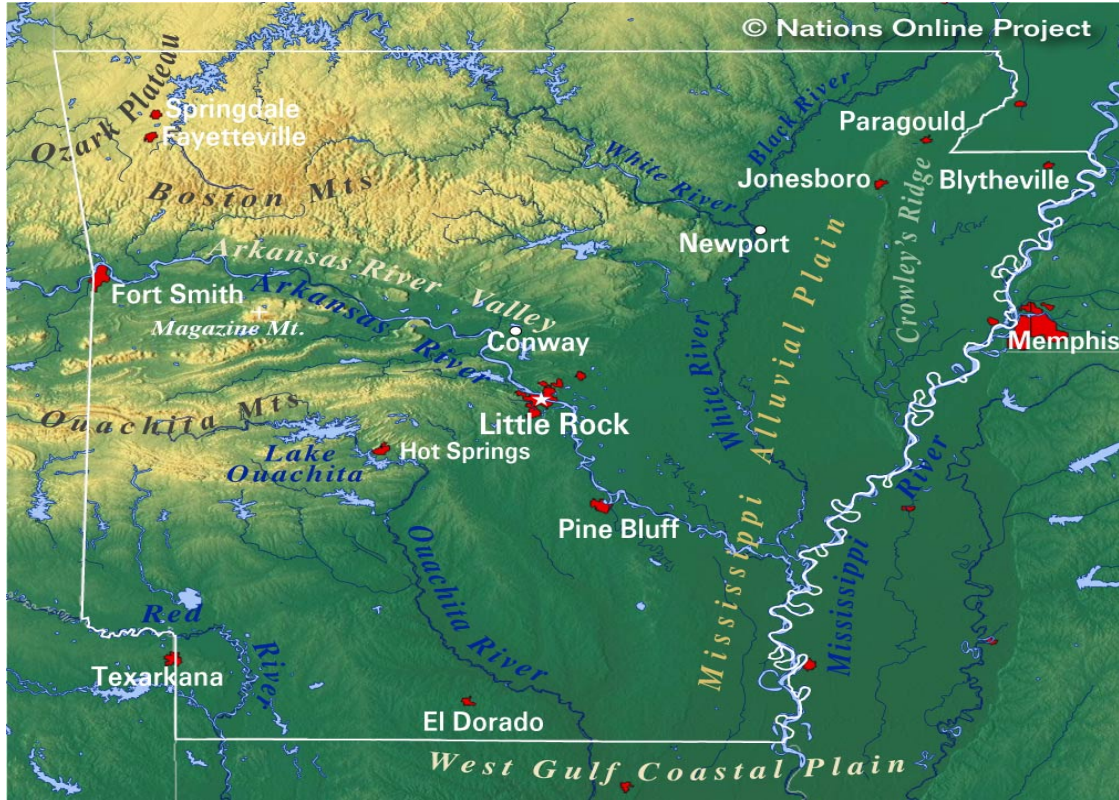


Figure 1. Topographic map of Arkansas showing major physiographic regions of the state. *Courtesy of the National Atlas of the United States.*

In 1820, Phillips County was established as one of the earliest settlements in Arkansas. The geography of Phillips County was congenial to agricultural development as it provided easy access to markets because of the numerous rivers and possessed fertile lands. The physiographic layout of the county is as follows: the alluvial plains lay north of Helena (county seat), along the Mississippi River, and at the mouths of the L'Anguille and St. Francis rivers and south between the Mississippi and White rivers. The land was favorable to plantation agriculture and large scale agriculture which required a gang labor force. This fact greatly contributed to the high demand for enslaved workers in the region during the antebellum years.

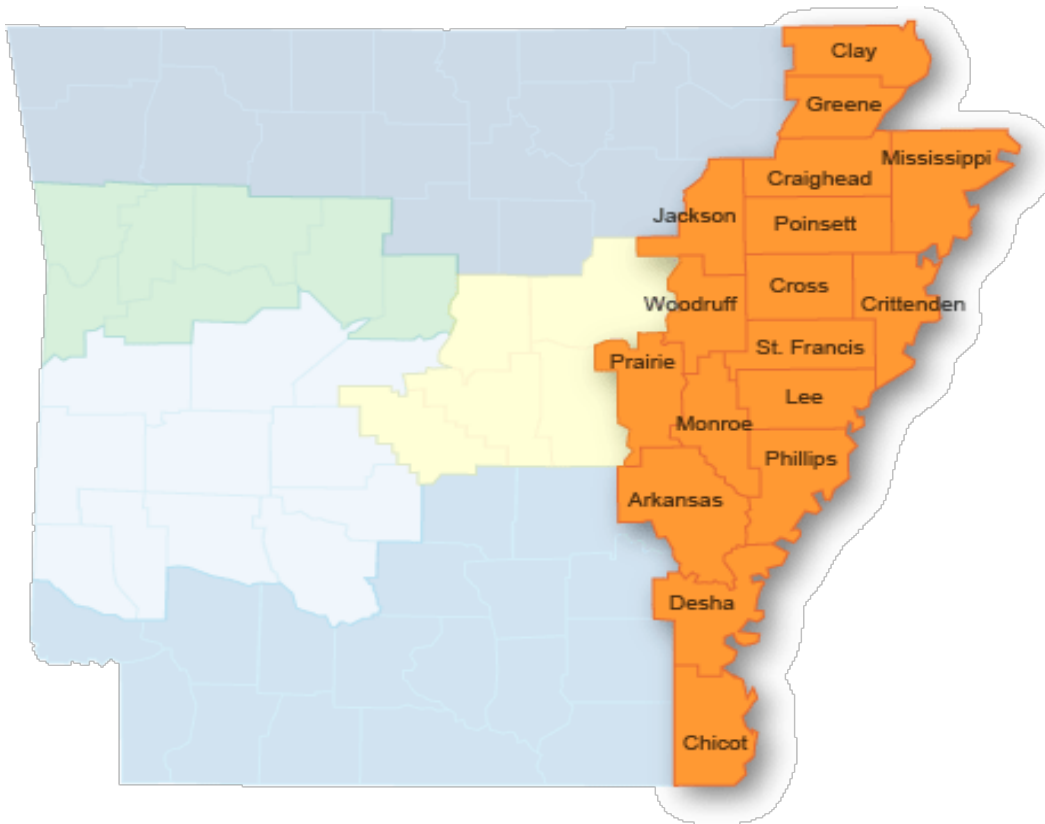


Figure 2. Map showing counties in eastern Arkansas that make up the delta. *Courtesy of the Arkansas Department of Finance and Administration.*

By 1850, the Arkansas Delta had developed a substantial plantation system with considerable capital accumulation from cotton production relative to its counterparts in the Mississippi Delta on the eastern bank of the Mississippi River.³ Phillips County, emerged as a center of black life in the region. It was here that black workers were heavily concentrated and southern life gained its most characteristic expressions. The plantation communities dramatically expanded as evidence by the federal census in that year reporting cash value of county farms at \$1,016,068 with county residents possessing farm implements worth \$70,707,

³ Carl H. Moneyhon, *The Impact of the Civil War and Reconstruction Arkansas: Persistence in the Midst of Ruin* (Baton Rouge, Louisiana: Louisiana State University Press, 1994), 24.

producing 5,165 bales of cotton.⁴ These numbers placed Phillips County as second in the state in terms of agricultural wealth behind Chicot County in 1850.

By 1860, the cash value of county farms increased to \$8,037,268 with cotton production at 26,993 bales keeping Phillips County among the highest in the state.⁵ As cotton production increased, it corresponded to an increase in the number of plantations and enslaved workers. In Phillips County, over twenty-five percent of slaveholders held twenty or more slaves and while large planters represented only eleven percent of landowners, they produced over forty-five percent of the cotton.⁶ In terms of tax value assessments, the assessment of Phillips County was \$11,490,549, while Chicot County reported at \$8,844,309, making Phillips County the wealthiest county in the state.⁷ This trend continued until the onset of the American Civil War which was disastrous for the economy of the Arkansas Delta.

Under the impact of a rapidly changing economy, Arkansas underwent a dramatic transformation during the American Civil War. When the Union forces occupied Helena, the county seat of Phillips County in July 1862, slavery as it previously existed in the Arkansas Delta effectively ended. Union forces aimed to successfully isolate Confederate troops and confiscate the goods and property of Confederate citizens in order to cut off commerce and therefore weaken the rebel forces to facilitate surrender. Both before and during the war, the Delta economy was organized around trade, specifically the exchange of plantation commodities, manufactured goods, and supplies. Confederate leaders understood that the continuation of

⁴ J.D. DeBow, *The Seventh Census of the United States: 1850, Embracing a Statistical View of Each of the States and Territories* (Washington, D.C.: GPO, 1953), 554-557.

⁵ U.S. Bureau of Census, *Eighth Census of the United States, 1860: Agriculture of the United States, 1860* (Washington, D.C.: GPO, 1864), vii, 6-9; U.S. Bureau of the Census, *Statistics of the United States (Including Mortality, Property, etc.) in 1860* (Washington, D.C.: GPO, 1866), 296.

⁶ Carl H. Moneyhon, "The Impact of the Civil War in Arkansas: The Mississippi River Plantation Counties," *Arkansas Historical Quarterly*, Vol. 51, No. 2 (Summer, 1992), 107-108.

⁷ *Biennial Report of the Auditor of Public accounts of the State of Arkansas*, for 1859 and 1860 (Little Rock, Arkansas, 1860), table H.

slavery was key to their survival, but found themselves in a desperate situation. The federal government therefore sought to inflict material losses upon the South in hopes of crippling the economy and ultimately causing the collapse of the Confederacy.⁸

In Arkansas, the people of Phillips County experienced significant losses and these losses brought about change. The most immediate change came in the form of the disruption to the availability of enslaved workers. In effect, Union occupation of the region created a rupture between the Delta and the rest of the state thereby ending slavery. The Confiscation Act of 1861, authorized the confiscation of any Confederate property by Union forces (including slaves) and this strategy was implemented throughout the South.⁹ Under the provisions of this law, slave owners who allowed their slaves to be employed in hostility to the United States “would forfeit the services of those slaves and such persons shall be discharged there-from.”¹⁰ The disruption to labor destabilized the economy and suppressed the plantation export system. The levels of trade never returned to the antebellum numbers and there was steady decline throughout the Reconstruction era.

Arkansas lost a total of \$51,620,075 from 1860 to 1870 in terms of farm valuation, including a loss of almost \$2,000,000 in farm implements and machinery, a total of 56 percent of the state’s total agricultural wealth. For the average farm, that represented about 70 percent of the cash value and 64 percent of farm machinery value. These numbers resulted in an aggregate reduction in cultivation of approximately 37 percent. Per capita, farm values dropped over 60 percent, and unimproved acreage fell 16 and 32 percent respectively.¹¹ In addition, emancipation

⁸ Lawrence Powell and Carl H. Moneyhon, “The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin,” *American Historical Review* 100, no. 5 (1995), 1688.

⁹ Confiscation Act of 1861, 12 Stat 589.

¹⁰ Confiscation Act of 1861, 12 Stat 589.

¹¹ See Table 14, p. 160; Table 15, p. 161, “National Historical Geographic Information System,” Integrated Public Use Microdata Series (IPUMS), <http://www.ipums.org/>. (Accessed July, 2018).

deprived white planters of financial capital in the form of slaves. As the editor of an Arkansas newspaper noted, “A great part of our wealth consisted in slaves upon which all our great commercial prosperity was based and this part of our resources is gone, a total loss.”¹² Since slaves could be used as collateral, sold when their owners had cash shortages, and worked on plantations, the implications of such a loss proved critical.¹³

The Transition from Enslaved to Free Labor

The end of the war signaled the beginning of a contentious relationship between southerners and the federal government, and the tension is clear in how both parties addressed in practical terms the impact emancipation had on American society, the southern economy, and the lives of the former enslaved. How would the transition to free labor affect the economy? The creation of a free market economy in a population with limited experience with hiring wage paid workers was fraught with conflict and confusion. After 1865, African Americans “found themselves enmeshed in a seamless web of oppression, whose interwoven economic, political, and social strands all reinforced one another.”¹⁴ Despite the combative nature of the relationship between the South and the federal government, the country was at the threshold of a dramatic period of change. It is also true that distinct sectionalism blurred the assumptions about the federal governments obligations and commitments to the South. Consequently, local circumstances, customs, and traditions, often influenced the agendas of southern communities.

¹² *Washington Telegraph*, June 19, 1865, 2.

¹³ Ryan Poe, “Working Families and the Reconstruction of Hempstead County,” Fayetteville, Arkansas (PhD Dissertation: University of Arkansas, 2010), 83. Also see Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (New York: Cambridge University Press, 1977); Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986).

¹⁴ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863 to 1877* (New York: Harper and Row, 1988), 598.

Thus, the reliance on a one crop agricultural system, that is cotton, and the use of enslaved workers, made the transition to free labor problematic.

Emancipation solicited an array of responses from white and black southerners. That life in the South was superficial, obsessed with race, is a generalized narrative of Southern history. The most accurate accounting of life after emancipation is often lost to central themes like race, wealth, honor, and poverty. But I do think that it is an error in underestimating these themes as they had formative power in shaping Southern culture. After the American Civil War, the white land owning planter class, which dominated the region, became frantic with worry and guilt over the place of African Americans in the post-Civil War South. African Americans were no longer isolated on remote plantations and the skepticism of white planters about the federal government became displaced by the emotionalism of attempting to negotiate with black workers to contract for wages. In their efforts to recruit and control black workers, white planters employed a variety of legal and extralegal practices, reinforced by the white supremacy ideology of the South.¹⁵

The number of land owning southern whites was reduced during the Confederacy's decline and emancipation. Instead, there were a great many poor whites who did not own property, and lived in small towns rather than on plantations. In the Arkansas Delta, poor whites lived a rural existence in agricultural societies, attended religious meetings, participated in political events, and generated their own thoughts and expressions. However, their views were certainly those of the South, insofar as they were flawed by racial biases or fragmented with sectionalism. The point of view shared by the majority of whites regardless of socioeconomic

¹⁵Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970).

status was reversing the polarities established after 1865 about the role of the South in politics and creating a favorable outcome for whites within an unfavorable context.

The war and emancipation altered labor arrangements as well as relationships between whites and blacks. At the center of debates over labor shortages was the assumption that the majority of agricultural labor would continue to be shouldered by African Americans or immigrants. The problem with this scenario is whites had no leverage from which to bargain as they were in dire straits. Nevertheless, poor whites demonstrated an irrational stubbornness and refused to concede their visions of land ownership. This translated to resounding resentment and hostility until the realities of having to perform agricultural labor was forced upon them.¹⁶ For poor whites, the shift from their antebellum experiences defined by an elevated socioeconomic status, to competing for labor with former slaves was undoubtedly traumatic. Yet, a good number of them survived the aftermath of the war by laboring alongside African Americans.

The devastating outcome of the American Civil War served to strengthen community values and religious beliefs because of the experiences of defeat and poverty shared by all white southerners. However, emancipation left white southerners with recourse to an economic existence that they were ill equipped to confront and fostered resentment. In Phillips County, whereas the antebellum population of the county had been forty percent white, by 1870 less than one in three residents was white, and the 1880 Census revealed that African Americans accounted for nearly three quarters of the population.¹⁷ The limited resources in the area created a situation that found landless whites in competition with former slaves. To complicate matters

¹⁶ Jacqueline Jones, *The Dispossessed: America's Underclasses from the Civil War to the Present* (New York: Basic Books, 1992), 48-53.

¹⁷ Thomas C. Kennedy, "Another Kind of Emigrant: Quakers in the Arkansas Delta, 1864-1925," *Arkansas Historical Quarterly*, Vol. 55, No. 2 (Summer, 1996), 205; Also see U.S. Census Office, *Statistics of the Population of the United States at the Tenth Census* (Washington, D.C.: GPO, 1883), 381.

further, white land owning planters preferred to employ black workers because they rarely succeeded at taking legal action against an employer, were more adept at agricultural labor, and worked for less money than poor white sharecroppers or tenant farmers.¹⁸ When white southerners understood that the war produced an indifferent, shattered society, they moved to adopt new practices with customary energy and applied the values of the Old South.

The period after the war saw the continuation of the process of trying to find ways to supplant labor. Although the federal government tried to revive the southern economy, they did so with only marginal success. In Helena, Arkansas (Phillips County), the first site at which large numbers of former enslaved workers gathered, in the spring of 1863, the federal government authorized Adjutant General Lorenzo Thomas to initiate a program that would enable blacks to “support themselves and to furnish useful service in any capacity to the Government.”¹⁹ The basic model used by General Thomas allowed the federal government to lease abandoned and confiscated plantations for white planters to hire emancipated slaves to work the land. In theory, this would allow black workers to gain employment whereby they could earn wages and become self-supporting.²⁰ The plan never attracted large numbers of leases in Arkansas and regulations required that plantation leases consist of relatively large parcels of land. As a result, small farmers with limited financing had little chance to rent land from the government. In essence, the program perpetuated large scale plantation farming as it existed prior to the war.

¹⁸ James C. Cobb, *The Most Southern Place on Earth: The Mississippi Delta and the Roots of Regional Identity* (Oxford: Oxford University Press, 1992).

¹⁹ Carl H. Moneyhon, “From Slave to Free Labor: The Federal Plantation Experiment in Arkansas,” *Arkansas Historical Quarterly*, Vol. 53, No. 2 (Summer, 1994), 139.

²⁰ Moneyhon, “From,” 140.

The records of the Bureau of Refugees, Freedmen, and Abandoned Lands or Freedmen's Bureau provides the best glimpse of the ineffectiveness of the plantation lease program. In 1865, in the Little Rock district, the department's agent reported twelve plantations leased in Pulaski County, five in Jefferson County, and one in Prairie County. In the Helena district, officials reported twenty-three plantations leased. All plantations in southeastern Arkansas were abandoned. The number of leased plantations dropped from as many as one hundred to forty-three.²¹ The correspondence between the General Superintendent of the Freedmen and the Little Rock agent demonstrates that the program was ultimately unsuccessful.

One of the things that happened to postbellum white southerners is the fact that they had not accepted the terms of life in the region after the war. In this spirit, many chose to defy history by forging ahead with the restoration of lost cause sentiments. The one question that especially concerned them is whether or not African Americans would work in the fields performing intense manual labor given an opportunity to seek other types of labor for a paid wage. Mostly, the socioeconomic grip of emancipation on the Southern imagination was crippling. It was poor white southerners who were the primary drivers of turmoil, because their attitudes towards African Americans involved grave injustice and inhumanity which created an atmosphere of persecution and racial hatred. Given such perspectives, poor whites were the most zealous in resurrecting conceptions of the Old South. But their social and political endeavors contributed to a mutual distrust between whites and blacks making the establishment of contractual relationships between them more difficult.

²¹ Special Orders, No. 94, November 5, 1865, in *Report of the General Superintendent of Freedmen, Department of the Tennessee and the State of Arkansas* (Memphis, 1865); Also see, Statement Showing the Leasing of Plantations in the Little Rock district, Arkansas, for the Year 1865, Special Agent at Little Rock.

On the other hand, elite white planters understood the tide of change that would occur after a desperate struggle like the American Civil War and sought continuity, a distinctive trait of southerners. The elite white planters came to realize that there would be no return to the golden age, but there was a moment of flexibility in the relationship of blacks and whites in the South from which they could gain a decisive advantage. The elite white planter class proceeded in earnest to position themselves politically, and codify their advantages and maintain economic dominance.

The State of Mississippi and its reaction to emancipation furnishes a view of the white response to the transition from a plantation system to a free market economy in microcosm. Although not all of the principle responses in the State of Mississippi are intrinsic to the Arkansas Delta, it provides a template for understanding how white southerners sought to undo emancipation. In 1865, Mississippi was among the first Southern states to enact legislation which regulated the lives of emancipated African Americans. The Mississippi Black Codes granted African Americans certain rights such as legalized marriage, ownership of property, and limited access to the court system. But it also denied them the right to testify in court cases that only involved whites, serve on juries, or in state militias, or to vote. African Americans were compelled to work on plantations, and those who did not have the required labor contracts could be arrested and hired out to white land owners.²² The Mississippi Black Codes as well as debt and vagrancy laws were indicative of how other Southern states would regulate African Americans when given a free hand by the federal government. They also violated the principles of a free market economy and contradicted Reconstruction policies.

²² Laws of the State of Mississippi, *Mississippi Black Code Passed at a Regular Session of the Mississippi Legislature*, November 1865, 82-93.

The use of labor contracts developed out of agreements between white southerners and black workers throughout the South following emancipation. In addition, there was some level of cooperation between white planters and the federal government because of the need to maintain a viable labor force. To this end, a labor contract system created a stable option. Despite the widespread desire for land, few African Americans were able to acquire land of their own, so many signed contracts to work on plantations. Most ended up sharecropping, that is working on white owned land for a share of the crop at the end of the growing season. In the beginning, sharecropping contracts represented a compromise because it gave white planters a stable force of labor to work in the fields and black workers a degree of independence. But over time, sharecropping favored white planters as black workers found it difficult, if not impossible to make a profit.

By the beginning of the twentieth century, every Southern state legislature had passed a contract labor law that resembled Old South enslavement. Under such laws, whites were afforded a tremendous amount of latitude in regards to the treatment of African Americans. Once a contract was signed, it became a criminal offense for a black worker to leave his job. In most cases the options were simple, a person could work out the terms of the contract or work on a county owned farm. The terms and conditions of the contract favored the white planters giving them the power to deal with African Americans who violated the contract as they wanted. In theory, the labor contract gave the black worker a chance to become the manager of a plantation or eventually purchase land of his own. In fact, sharecroppers struggled to survive and receive a fair price when the crop sold at the end of the year. Few African Americans were able to escape the cycle of debt that was a major component of sharecropping.

The African American population remained closely associated with agriculture after emancipation. Black people held hopes of acquiring land from the federal government through the Freedmen's Bureau. In general, the Freedmen's Bureau failed to achieve their objectives of assisting with the transition to freedom and African Americans became tenants on farms and rarely land owners. At the turn of the century, the sharecropping system remained the prevailing employment status of African Americans in the South. The following data provides a view of African American land ownership after emancipation. In 1890, 78 percent of black farmers in the United States were tenants in the sharecropping system. The number increased from 429,000 in 1890, to 557,000 in 1900, to almost 673,000 in 1910.²³

To achieve a successful transition of labor, a widespread program of land redistribution was necessary to ensure that former slaves did not become an impoverished underclass without land. It is an unfortunate fact that African Americans never attained adequate land reform which is a general failure of Reconstruction.²⁴ The lives of African Americans in the South was intertwined with the land and its cultivation. It is in this aspect of Reconstruction that a historian must closely examine the federal response. The familiar phrase of "forty acres and a mule" never materialized for the overwhelming majority of African Americans.²⁵ Land disputes and the failure to redistribute land provoked major disagreements that greatly stagnated economic development. In response, the federal government introduced measures through the Southern Homestead Act of 1866, to break the cycle of debt and give African Americans an opportunity to

²³ Robert Higgs, *Competition and Coercion: Blacks in the American Economy, 1865 to 1914* (London: Cambridge University Press, 1977), 66-67.

²⁴ W.E.B. DuBois, *Black Reconstruction in America* (New York: The Free Press, 1935), 369-368; Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), 158-164; Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, Massachusetts: Harvard University Press, 2005), 146-150.

²⁵ Special Field Orders, No. 15, Headquarters Military Division of the Mississippi, January 1865, Orders & Circulars, series 44, Adjutant General's Office, Record Group 94, National Archives.

purchase land for a low price. Some estimates indicate that the Southern Homestead Act of 1866 opened up approximately 46,398,544.87 acres of public land for sale in Alabama, Arkansas, Florida, Louisiana, and Mississippi.²⁶ It is estimated that black farmers filed approximately 6,500 claims for homesteads and approximately 1,000 resulted in deeds for property.²⁷ The federal government failed black farmers in this matter as negligible numbers were able to acquire land certificates for ownership.

By the end of 1867, it was obvious that the land reform efforts of the federal government were not going to provide former enslaved workers the independence they so desperately desired. This failure left black workers with a lasting bitterness for decades to come. As a former slave in Mississippi stated, “The slaves expected a heap from freedom they didn’t get, they promised us a mule and forty acres of land.”²⁸ Despite the failures of land reform, former slaves developed different labor arrangements with white planters primarily through contracts which varied by region. African Americans proceeded with earnest to pursue prosperity which became an endless struggle.

Out of the milieu of the postbellum years, there arose the systems of sharecropping, land tenure, or peonage which came to characterize the rural South. The transition from wage labor to sharecropping was gradual, taking place over a period of years. Also, contracts varied with respect to shares between the planters and black workers, and the duties of each in the planting operations. An Arkansas white planter remarked, “I furnish everything but clothes and give my freedmen one third of the crop they make. On twenty plantations around me, there are ten

²⁶ Paul Wallace Gates, “Federal Land Policy in the South, 1866-1888,” *Journal of Southern History*, 6 (August 1940), 303-330.

²⁷ Claude F. Oubre, *Forty Acres and a Mule: The Freedmen’s Bureau and Black Land Ownership* (Baton Rouge, Louisiana: Louisiana State University Press, 1978), 188.

²⁸ Foner, *Reconstruction*, 164.

different styles of contracts.”²⁹ The entire process greatly contributed to discontent in the Delta for a number of reasons. African Americans were continuously ill-treated and poorly paid, and expected land reform that never came. To make matters worse, they were pushed back to plantations where attempts to legitimately reconcile labor issues were gradually superseded by systems of sharecropping and renting in order to insure a steady and reliable labor force.

The primary complaints of African Americans in the South was the fact that conditions of employment and attitudes had not changed much since the days of enslavement. African Americans were always looking for ways to improve their situation but became trapped in a web of poverty from which they could not escape. The economic conditions reverted back to close to what it had been during enslavement. The sharecropping systems worked with discrimination, disfranchisement, and segregation to stifle progress. However, the bleak economic outlook gave rise to a spirit of resistance. This is why sharecropper organizations like the PFHUA were able to take root during the early part of the twentieth century.

Race and the Southern Agrarian Economy

The theoretical foundation and essential nature of institutions were much the same from state to state. Yet, the daily life of an African American in the South bore little resemblance to the life of African Americans in northern cities. What Reconstruction did not produce was an erasure of racist aims and sentiments. Unlike northern cities, not only was the South the center of deep seeded racist ideology, the plantation system relied heavily on African American labor. Southern customs and traditions, coupled with economic factors proved to be ominous for the

²⁹ John Townsend Trowbridge, *The South: A Tour of its Battlefields and Ruined Cities, a Journey through the Desolated States, and Talks with the People: Being a Description of the Present State of the Country, its Agriculture, Railroads, Business, and Finances* (Hartford, Connecticut: L. Stebbins, 1866), 391.

success of black freedom struggles. In addition, elements of racism and economic factors moved southerners towards a concerted effort to restore white supremacy and stability.

African American leadership was interested in political rights, civil rights, education, and land distribution, particularly in the South where black farmers who were pushed into labor contracts wanted to own their own farms. The rights of African Americans were beginning to be challenged by white southerners who questioned the validity of federal authority to enact the Reconstruction amendments. Political debate and conflict surrounding how civil rights protections were to be applied contributed to the creation of the Bureau of Refugees, Freedmen, and Abandoned Lands or Freedmen's Bureau. It is the Freedmen's Bureau who engaged in the first struggles with southern whites over the distribution of land and political power. In a short amount of time, the political landscape began to take shape revealing the ineffectiveness of the federal government in regards to African Americans in the South.

The elite white planter's conception of race caused them to resist the use of poor whites as agricultural field workers. Much of the literature surrounding the postbellum South paints an image of a society ruled by force and violence, divided by racism and class distinctions, and immobilized by agrarian traditions.³⁰ White southerners were accustomed to black servants and workers and preferred to retain them after emancipation. As a consequence, race and relations between the races permeates every aspect of the problems related to agricultural during Reconstruction and into the twentieth century. As journalist and historian Ray Stannard Baker noted, "The chief difficulty in understanding the Negro problem lies in showing how much of the complication in the South is due to economic readjustments and how much to instinctive race

³⁰ For a review of this theme, see Robert Higgs, *The Transformation of the American Economy, 1865-1914* (New York: John Wiley, 1971, 107-114; Stanley L. Engerman, "Some Economic Factors in Southern Backwardness in the Nineteenth Century," in *Essays in Regional Economic* (Cambridge, Massachusetts: Harvard University Press, 1971.

repulsion or race prejudice.”³¹ The extreme racial prejudice of whites against land ownership on the part of African Americans must be noted. This sentiment captured by a journalist in the South summarizes the prevailing view among whites throughout the cotton regions of the Delta:

“The feeling against any ownership of the soil by Negroes is so strong that, the man who should sell small tracts to them would be in actual personal danger. Every effort will be made to prevent Negroes from acquiring land; even the renting of small tracts to them is held to be unpatriotic and unworthy of a good citizen.”³²

The commentary obtained by Whitelaw Reid, while touring the South suggests selling land to African Americans posed a risk of violence to both the buyer and the seller. Given such hostile attitudes, it suffices to say that black farmers faced serious obstacles in obtaining independence. This is not to say that there were no African Americans who could own land and successfully operate an agricultural operation, it simply suggests that they were rare and became even more so in the years moving into the twentieth century.

The negative implications of race were not confined to land ownership. The ability to access financial capital was also influenced by white control over institutions. In order to evaluate a person’s fitness to obtain a loan, lenders required information on assets, education, and relevant business history. In these instances, race provided potential lenders an opportunity to deem African American applicants less credit worthy than a white person. As a result, blacks were either denied credit opportunities or offered exorbitant terms and conditions that made profitable farming difficult. The postbellum South witnessed a gradual increase in the number of national, state chartered, and private banks; however, such banks were unable to meet the credit needs of African

³¹ Ray Stannard Baker, *Following the Color Line: An Account of Negro Citizenship in the American Democracy* (New York: Doubleday, Page & Co., 1908), 37.

³² Whitelaw Reid, *After the War: A Tour of the Southern States, 1865-1866* (London: Samson Low, Son, & Marston, 1866), 564. This situation refers to the Mississippi Delta; however, similar views were held across the Mississippi River on the western bank in the Arkansas Delta.

Americans without assets. The effect was that bank credit in the South was inadequate resulting in the development and reliance upon other, costly forms of credit by black farmers.³³ As historian Lerone Bennett, Jr. concluded, “Without land, without tools, without capital or access to credit facilities, the freedmen drifted into a form of peonage, the sharecropping system.”³⁴ The discrimination in lending against African Americans left them with meager resources and unable to establish a credit rating.

Still, African American sought to define their independence without sufficient assets often through arrangements with area merchants. Through land tenancy relationships with white planters, merchants provided black farmer with basic food necessities, farming equipment, and the supplies necessary to plant a crop. The suppliers of these necessities sold goods for inflated credit prices driving the black farmer into debt. Roger L. Ransom and Richard Sutch suggests that the racial bias of merchant relationships with black farmers resulted in higher prices and lower credit limits for so-called high risk black farmers.³⁵ A study conducted by economic historian Jacqueline P. Bull compared the cash and credit prices of eleven staple items and determined that the credit price paid by black farmers was 55.3 percent higher than the cash price.³⁶

In spite of these unfavorable conditions, the cultivation of cotton went on. The preeminent issue of race undermined African Americans in the South access to a better life for themselves and their families, but it stimulated a strong desire for autonomy. Indeed, the black farmer and African

³³ Charles S. Johnson, Rupert B. Vance, Will Alexander, and Edwin R. Embree. *The Collapse of Cotton Tenancy: Summary of Field Studies & Statistical Surveys* (Chapel Hill, North Carolina: University of North Carolina Press, 1935), 26.

³⁴ Lerone Bennett Jr., *Before the Mayflower: A History of Black America, 4th edition* (Chicago, Illinois: Johnson Publishing, 1969), 224.

³⁵ Roger L. Ransom and Richard Sutch, “The Ex-Slave in the Postbellum South: A Study of the Economic Impact of Racism in the Market Environment,” *Journal of Economic History*, Vol. 33, No. 1, The Tasks of Economic History (March, 1973), 142.

³⁶ Jacqueline P. Bull, “The General Merchant in the Economic History of the New South,” *Journal of Southern History*, Vol. 18, No. 1 (1952), 49.

Americans were looked upon with disdain by white planters. The perpetuation of racial discrimination within the agrarian system was not merely the result of the attitudes and practices of capital and finance, more profoundly, it was a consequence of actions throughout the entire South. The notions of black inferiority were frequently a part of the public discourse during this period. These words spoken by Georgian R.P. Brooks are emblematic of the majority of white southerners in regards to African Americans at the time, “The mass of the race are wholly unfit for independence, planters know that skill, industry, knowledge, and frugality are essential to successful farming, and they know that negroes in general lack these qualities.”³⁷ Even many white northerners some of which had sought equality in regard to African Americans became disillusioned with the seemingly lack of progress in the South. While the majority of northerners did not have exalted notions about race and equality, once memories of the war began to fade, they leaned towards reconciliation.

The most glaring exercise of racism in the postbellum southern agrarian economy was best manifested in the settling of accounts with sharecropping and tenant farmers. These transactions typically took place during the fall when the year’s crop was harvested and sold at market. During the settling period, black sharecroppers were forced to submit to the accounting records of white planters and merchants, which meant that they were cheated. The nature of the practice and the record keeping left African Americans with no recourse to challenge the year end settlement. As a black sharecropper in Arkansas explained when he attempted to question the white planter, he was simply told, “figures didn’t lie.”³⁸ But in some instances, the mere act of questioning a white

³⁷ Gavin Wright, *Old South, New South: Revolutions in the Southern Economy since the Civil War* (New York: Basic Books, 1986), 100-101.

³⁸ James Horton and Lois Horton, *Slavery and the Making of America* (Oxford: Oxford University Press, 2006), 215.

planter could be life threatening. The following comments by a black sharecropper in the Delta succinctly explains the dilemma faced by African Americans:

“I have been living in this Delta thirty years and I know that I have been robbed every year; but there is no use jumping out of the frying pan into the fire. If we ask any questions we are cussed, and if we raise up we are shot, and that ends it.”³⁹

Under the weight of such threats, many African Americans chose to remain silent, at least for the time being to save themselves from retaliatory violence. The discriminatory attitudes and practices of white planters was reinforced by the state which excluded African Americans at every turn.

African Americans found it nearly impossible to get supervisory roles in their agricultural jobs. This reality is yet another aspect of racial oppression within the southern agrarian economy. After the war, the employment of black farmers in supervisory roles was highly sensitive to social customs and traditions in the South. By and large, white planters attempted to preserve the past by reverting to engendered views regarding the inferiority of African Americans and their performance as a free market worker. Since they insisted that African Americans were incapable of working without direct supervision, the emergence of sharecropping included a role similar in responsible to that of the overseer (white male) in the slave regimes of the Old South. In this transition, white planters rigidly supervised their plantations which contributed to a postbellum hierarchy of labor that closely resembled the slave system. Likewise, force was used to control labor to extract higher levels of production, and quash labor organizing efforts.⁴⁰

³⁹ Litwack, *Trouble*, 132.

⁴⁰ John Dollard, *Caste and Class in a Southern Town* (New York: Doubleday, 1949); Also see, Jay Mandle, *Not Slave, Not Free: The African American Economic Experience* (Durham, North Carolina: Duke University Press, 1992).

The implementation of a racist postbellum southern agrarian economy did not develop overnight in a vacuum, but piece by piece. The federal government played a major role in sustaining racial oppression by failing to respond to economic and social pressures and regional events. In the matter of civil rights, the federal courts narrowed the scope of the Fourteenth amendment in several cases that held serious implications for African Americans between 1873 and 1876. In these cases, beginning with the *Slaughterhouse Cases*, the Supreme Court ruled on critical aspects of the Fourteenth amendment.⁴¹ The issues in dispute are as follows: Whether the federal government had the power to protect the fundamental rights of citizens from infringement by state governments and how much power the Congress has to protect the civil and political rights of citizens. Of particular interest was whether Congress could enact legislation to prevent mobs or other private individuals from violating a person's fundamental rights.⁴² In essence, the Court was tasked with deciding if Congress had the power to protect the civil rights of African Americans.

In 1873, the *Slaughterhouse Cases* represented the Supreme Court's first interpretation of the Fourteenth amendment.⁴³ After the state of Louisiana granted a monopoly for one company to operate a slaughterhouse in New Orleans, several local butchers filed suit arguing that such a mandate deprived them of their livelihoods. The butchers argued that the monopoly of the New Orleans slaughterhouse infringed on their rights as citizens by violating the "privileges and immunities" clause of the Fourteenth amendment without "due process of law." The Court ruled against the butchers and allowed the slaughterhouse monopoly to stand.⁴⁵ The ruling is

⁴¹ *Slaughterhouse Cases*, 83, U.S., 36, (1873).

⁴² Robert J. Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice, and Civil Rights, 1866-1876* (New York: Oceana Press, 1985).

⁴³ *Slaughterhouse Cases*, 83, U.S., 36, (1873).

⁴⁵ *Slaughterhouse Cases*, 83, U.S., 36, (1873).

significant because it removed the Privileges and Immunities Clause of the Fourteenth amendment as a safe guard for fundamental rights and rendered it impotent.⁴⁶ This meant the U.S. Constitution afforded no remedy when the States violated fundamental rights. For African Americans, protection of civil rights would have to be sought through the Due Process Clause of the Fourteenth amendment, a strategy still used to this day.

Perhaps the most notable development is the damage inflicted on civil rights by *U.S. v. Cruikshank*.⁴⁷ In 1872, the Louisiana gubernatorial election between John McEnery and William Pitt Kellogg created a volatile dispute between white Democrats and African Americans that led to the Colfax Massacre of 1873. As a result of armed conflict over the outcome of the election and racial tensions, three whites and an estimated 150 blacks were killed.⁴⁸ The case in *U.S. v. Cruikshank* considered an appeal of the convictions of three white individuals on federal charges stemming from the mass murders at Colfax, Louisiana.⁴⁹ At issue was the application of the Enforcement Act and the distinction between state and national citizenship. In the end, the Court applied the ruling in the *Slaughterhouse Cases* to decide that the conduct of the Colfax Massacre defendants constituted private action and not state action. It was for the State, and not the federal government to punish their behavior.⁵⁰ By making such a decision, the Supreme Court effectively diminished African American gains in the legal arena during Reconstruction and gave white southerners a green light to use domestic terrorism for political gain.

The South succeeded in creating a region that operated to support and legitimize racially oppressive economic arrangements. The economic developments of the postbellum years

⁴⁶ Robert J. Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice, and Civil Rights, 1866-1876* (New York: Oceana Press, 1985).

⁴⁷ *U.S. v. Cruikshank*, 92, U.S., 542, (1876).

⁴⁸ Charles Lane, *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction* (New York: Holt and Company Publishers, 2008).

⁴⁹ *U.S. v. Cruikshank*, 92, U.S., 542, (1876).

⁵⁰ *U.S. v. Cruikshank*, 92, U.S., 542, (1876).

brought with them the hegemony of the white planter class and the subjugation of African Americans. In their attitudes towards African Americans, white southerners viewed blacks as economic rivals and they were scapegoats for the difficulties of poor whites. Carter A. Wilson refers to this period in the South as the “hegemony crisis and planter counterrevolution.”⁵¹ Although the shape of the “planter counterrevolution” varied from state to state, it took issue with Reconstruction era policies, embraced localized issues such as the dislocations of the war, and emphasize both the supremacy of the planter class and the establishment of re-enslavement.

By the 1890’s, the appropriately termed “planter counterrevolution” was reinforcing southern racism at full strength. The acquisition of overseas empire by the United States was especially significant as it was associated with racism abroad and it was not overlooked by southerners who were aware of its implications for their own causes. Certainly, southern customs and traditions, imperialism, and racist Social Darwinism all combined to make the sunset of the nineteenth century and the beginning of the twentieth century interesting moments in regard to race relations. Correlated with these factors is the status of African Americans, and economic and social issues. In this context, poor white southerners rose to political consciousness and moved towards power in state legislatures and oppression of African Americans.

The Establishment of Jim Crow

If state’s rights were the whole story, it would be a relatively simple case of each state enforcing its own law within its own jurisdiction. The complexity of racist practices and policies resulted in large part from the interplay and conflict of overlapping jurisdictions. As a consequence, racial segregation by location dominated the mind of southern leadership and

⁵¹ Carter A. Wilson, “Debt Peonage and Dominative Aversive Racism,” in *Racism: From Slavery to Advanced Capitalism* (Thousand Oaks, California: Sage Publications, 1996).

implicated the federal government in the years after Reconstruction. In the waning years of the nineteenth century, *Plessy v. Ferguson* (1896) stood as a historical legal marker that sanctioned the physical separation of races in the United States.⁵² The origins of the landmark case can be traced to the inception of a series of test cases orchestrated by African American opposition to the Louisiana Separate Car Act which became law in the 1890.

The first surge of laws legalizing racial segregation or Jim Crow laws came in the years 1887 to 1891, when Democrats gained power in state legislatures and amended state constitutions throughout the South. In order to completely rework Reconstruction and overthrow Republican rule, white southerners pursued strategies designed to prevent African American political participation and expose them to subjugation under color of law. It was depriving African Americans of the franchise that served to help consolidate white hegemony. The Jim Crow system was characterized by disenfranchisement, legal segregation, and the widespread practice of mob execution of African Americans in the absence of the rule of law. Segregation or its informal designation, Jim Crow consisted of a network of state and local ordinances that enforced strict separation of the races in all spheres of public life including schools, restaurants, restrooms, and transportation. At its core, Jim Crow epitomized a system of total political, economic, and social domination based on race.

The Supreme Court's decision in *Plessy* is historically not well understood, but is more coherent when placed in "the constitutional-legal context of southern race relations and American racism from the end of the Civil War to the turn of the century."⁵³ The real basis for conflict is derived from racism in the form of Social Darwinism and the system of laws and customs that embodied the social order of the time in the South. In fact, racial ideology and

⁵² *Plessy v. Ferguson*, 163, U.S., 537, (1896).

⁵³ Charles A. Lofgren, *The Plessy Case: A Historical Interpretation* (New York: Oxford University Press, 1987), 5.

culture shaped attitudes toward race in the years following Reconstruction. Over time, segregation would evolve from *de facto* (in practice) to *de jure* (in law) and *Plessy v. Ferguson* represented the codification of segregation.⁵⁴

The *Plessy* case specifically addressed discriminatory practices on public accommodations.⁵⁵ However, the common trend around 1890, indicates that typically discriminatory practices developed outside the framework of legislative regulations. But whites realized that statutory law offered a tool for shaping relations between the races on public carriers. There are no large surprises revealed by the transition from *de facto* to *de jure* segregation; southern states predictably began passing mandatory Jim Crow transportation laws in waves around 1890 with the final southern states of Maryland and Oklahoma, passing legislation in 1904 and 1907, respectively.⁵⁶ The passage of these discriminatory laws set the stage for African American opposition.

The opposition to government sanctioned segregation in *Plessy* is more complex and nuanced because of its origins in New Orleans, Louisiana.⁵⁷ African American resistance to the Louisiana Separate Car Act coalesced around the issue of equal rights making an argument that citizenship is national and has no color. However, the most significant question interjected into the debate was how to define race as it related to members of the Creole community in Louisiana, who took great pride in distinguishing themselves as free people of color who were not always immediately identifiable as mixed race. The Creole community made attempts at racial categorization problematic further adding to the complexities of using racial identity as a means to restrict access to public accommodations. The African American community and the

⁵⁴ *Plessy v. Ferguson*, 163, U.S., 537, (1896).

⁵⁵ *Plessy v. Ferguson*, 163, U.S., 537, (1896).

⁵⁶ Lofgren, *Plessy*, 21-22.

⁵⁷ *Plessy v. Ferguson*, 163, U.S., 537, (1896).

New Orleans Creole community recognized their commonalities as people of African descent and engaged the court system in test cases that pushed the debate over equality to the Supreme Court.

In one of the most defining cases related to race, the Supreme Court ruled against Homer Plessy, a Creole who was not immediately identifiable as a person of African descent. In essence, the decision rested on the broad conclusion that separation by race on railways was a valid exercise of state power, consistent with the Fourteenth amendment. The institution of Jim Crow segregation was effectively affirmed by the highest court in the land and the doctrine of “separate but equal” public facilities among the races was now officially sanctioned by the federal government.⁵⁸

After 1890, the Republican Party for all practical purposes conceded the South to the Democratic Party because of its expanding electoral base. As a consequence, white politicians in Arkansas joined the nation in legislating the first measures requiring segregation on the state’s railroad cars. The mounting racial tensions during this period were due to the races being brought into closer contact than ever before which led to clashes over public space. A Fort Smith newspaper claims poor hygiene and rowdy behavior as motivating factors for the seeking such legislation explicitly making the point:

The people of Arkansas have borne with this negro nuisance on railroads a long time, hoping that the negroes would learn how to be decent, and while a great many of them do behave themselves, other are intolerable. In this portion of the state the people have no conception of the degree of offensiveness borne by respectable people at the hands of drunken, insolent blacks in the black district of the state. A Saturday night train out from Little Rock to Pine Bluff is hardly safe, to say nothing of the fact that not one in eighty uses Pear’s soap or any other kind.⁵⁹

⁵⁸ *Plessy v. Ferguson*, 163, U.S., 537, (1896).

⁵⁹ *Arkansas Gazette*, January 26, 1891, quoted in the *Fort Smith Times*, no date available.

In line with other southern states, Arkansas proceed under the sponsorship of Democratic Senator J.N. Tillman of Washington County to move the bill forward through the general assembly. In terms of actual content, Tillman touted the Arkansas Separate Coach Law of 1891, as providing equal accommodations for African Americans and no different than the existing segregation found in the churches, hotels, and boarding houses of the day.⁶⁰

The primary opposition to the law came from a special committee of black leaders from Little Rock including John E. Bush, co-founder of the Mosaic Templars of America; George N. Perkins, an attorney and city councilman; W.H. Scott, a landowner; Reverend Y.B. Sims; and Dr. J.H. Smith, a Little Rock dentist.⁶¹ These men crafted and adopted a resolution denouncing the separate car proposal. However, in the end, despite a well-organized resistance, the Arkansas Separate Coach Law overwhelmingly passed the legislature with a tally of seventy-two to twelve.⁶²

As the dynamics of race relations began to shift, the merging of individual struggles with the broader collective interest of sharecroppers created possibilities for organized labor to test the limits of white planter authority. By 1919, considerable disaffection appeared in the Arkansas Delta which had been years in the making, starting with the gutting of the Fourteenth amendment, the constitutional disenfranchisement of African American voters, and the economic exploitation of black sharecroppers, to the final codification of Jim Crow segregation delivered in *Plessy*.⁶³ It is the culmination of all these events that converged on Phillips County, Arkansas to set the stage for the resistance that lead to a wave of racially motivated violence.

⁶⁰ Speech delivered by Senator John N. Tillman in the Arkansas Senate, January 29, 1891, printed in the *Arkansas Gazette*, January 30, 1891.

⁶¹ *Arkansas Gazette*, January 20, 1891.

⁶² *Arkansas Gazette*, February 14, 1891.

⁶³ *Plessy v. Ferguson*, 163, U.S., 537, (1896).

CHAPTER 2 THE CONTOURS OF CONFLICT

“The government made a great blunder when it adopted those amendments, and it must retrace its steps. We have our choice, disfranchisement of the colored race or a bloody revolution.” *Arkansas Gazette*, December 29, 1888

The years following Reconstruction’s end through the early twentieth century represented the height of volatility in terms of American race relations. It was during this period of the history that racism in the South and throughout country was at its most severe point since the American Civil War. The period is marked by racial violence, segregation, and expressions of white supremacy. This complex time period was especially popular moment for white men to discourage the gains of African Americans after the war. According to James Loewen, the period is characterized as “a cultural movement, stemming from the decay of Civil War idealism, the evolution of ideas such as imperialism and eugenics, changes in the Republican Party, and other historical developments.”¹ However, it was the growing stresses of political, cultural, and economic developments that gave rise to the racial turmoil in the Arkansas Delta.

The primary facilitators of conflict during this era was the Democratic Party because the party represented the landed interests of the state as an extension of the postbellum white planter elite. Increasingly, the Democratic Party relied upon fraud and intimidation to achieve electoral ends, with the year 1888, serving as an example of mob dominated activities in delta elections. In Crittenden County, African Americans held almost every county office and made up eighty-five percent of the population. On July 13th of that year, a mob of white men marched to the

¹ James Loewen, *Sundown Towns: The Hidden History of American Racism* (New York: The New Press, 2005), 32; Also see, Rayford Logan, *The Negro in American Life and Thought: The Nadir, 1877-1901* (New York: Dial Press, 1954).

county courthouse and forced several African American to resign at gunpoint.² Then the mob rounded up other prominent African Americans in the community, transported them to Memphis, Tennessee, just across the Mississippi River, and warned them never to return.³ Historian Story Matkin-Rawn notes that the plan to expel African American elected officials from office and intimidate black citizens was apparently approved by Governor Simon Hughes as he readily accepted the resignations of the officials.⁴ When assistance was requested by the African American officials who were forcefully removed from office, Governor Hughes insisted that he could only intervene if requested to do so by the county sheriff, who was white.⁵ The inadequate response by the governor, the willingness to use the threat of violence by an angry white mob, and racial intolerance superbly illustrates the level of conflict in the area.

The dominance of the Democratic Party was guaranteed by the enactment of a series of election reforms such as the Election Law of 1891, which disenfranchised many people whose votes typically went to Republican or Populist candidates. Among the provisions of the law was one which centralized the voting system by creating a State Board of Election Commissioners consisting of the governor, auditor, and secretary of state. This board would appoint three election commissioners for each of the state's counties, and these commissioners would select three judges for every voting precinct.⁶ Given the control the Democratic Party held at the state level, the provision ensured Democratic access to local elections even in those counties that favored Republicans. Another provision forbade illiterate voters from being assisted at the polls

² Story L. Matkin-Rawn, "We Fight for the Rights of Our Race: Black Arkansans in the Era of Jim Crow (PhD dissertation: University of Wisconsin-Madison, 2009), 55-56.

³ Matkin-Rawn, "*We Fight*," 55-56.

⁴ *Ibid.*, 55-56.

⁵ Graves, *Town*, 68-69.

⁶ Arkansas General Assembly, *Acts and Resolutions 1891*, VII, 36.

but required them to request assistance from precinct judges.⁷ The implementation of this law had a negative effect on the Republican and Populist candidates in the Arkansas Delta and subverted the democratic process.

The passage of the Election Law of 1891 and the ratification of a poll tax amendment to the state constitution in 1892, effectively disfranchised African Americans and quelled any threat they posed to Democratic Party.⁸ The poll tax amendment diminished the pool of qualified African American voters in simple terms. Many Arkansas farmers, whether black sharecroppers, tenants, or white landowners were immersed in the crop lien system with little to no cash on hand during the season. This realization made it difficult for them to spend any amount of money for the right to vote. Furthermore, under the terms of the Election Law of 1891, an illiterate man had to apply to precinct judges at the polling place who prepared the ballot for them to vote.⁹ This process discouraged many who could not read from going to the polls and fostered fear and intimidation among African American communities.

In order to broaden its appeal to include poor whites, the Democratic Party adopted the language of populism and demagoguery. The inclusion of a populist tone made it easier for poor whites to identify with the white planter elite and align with them against increasingly powerless African Americans. Prominent among early advocates of this approach was the noted politician, Jeff Davis, who served as governor of the state from 1901 to 1907, and went on to be elected to the U.S. Senate. A native of Arkansas, for Davis this period of discord provided the perfect opening for him to capitalize on agrarian protest and populism. Davis was eminently fitted to express the philosophy of white supremacy. He also accepted what essentially became a one

⁷ Arkansas General Assembly, *Acts and Resolutions 1891*, VII, 36.

⁸ *Arkansas Constitution* (1874), Article 3, Sec., 1, 2.

⁹ Arkansas General Assembly, *Acts and Resolution 1891*, VII, 36.

party system with Democratic control of the political process. Through a mix of politics and agitation, Davis rhetorically predicted that ruin would follow if white planters and poor whites failed to combine their forces. On October 25, 1905, during a visit to Little Rock by President Theodore Roosevelt, Davis made the following racist statements in defense of lynching and the southern way of life:

“Charitable and indulgent as we have ever been to an inferior race, cheerfully contributing bountifully of our time and means toward their material and moral betterment, still, if the brutal criminals of that race lay unholy hands upon our fair daughters, nature is so riven and shocked that the dire compact produces a social cataclysm, often, in its terrific sweep far beyond the utmost counter efforts of all civil power.”¹⁰

It is a fact of history that President Roosevelt used the opportunity to publically chastise Governor Davis and repudiated his position on lynching. Roosevelt responded in the following manner:

“To avenge one hideous crime by another hideous crime is to reduce the man doing so to the bestial level of the bestial scoundrel; and the hideous effects of lynch law are shown in the fact that three-fourths of the lynchings are not for that crime at all, but for other crimes. And you and I, Governor, and all other exponents of the law, owe it to our people, owe it to the cause of civilization, to do everything in our power, officially, directly and indirectly, to drive the menace and reproach of lynch law out of the United States.”¹¹

This language, spoken from the highest level of state government in the presence of the President of the United States was much more than political rhetoric, it undoubtedly resonated in delta communities.

Broadly speaking, while all whites did not hold to the entire white supremacy ideology that was a part of southern culture, the political developments, or the value of segregated social institutions, each of these viewpoints grew in popularity and there was a marked tendency for

¹⁰ *Arkansas Gazette*, October 26, 1905.

¹¹ *Ibid.*

them to cluster together. A significant number of white Arkansans subscribed to the whole, or nearly whole, spectrum of ideas thereby contributing to the malignancy of the state. As African Americans moved into the twentieth century, the instances of lynching intensified. For example, in 1908, black sharecroppers on a Lonoke County plantation operated by W.K. Oldham were fired upon and the perpetrators were allegedly unknown. An article in the *Arkansas Gazette* reporting on the incident notes, “Darkies on other plantations are also terrorized because of shots sent in their direction.”¹² In the delta, violence was carried out against African Americans in the name of maintaining white supremacy and economic stability.

The economic developments of the postbellum years brought with them industrial enterprises. The progress of the time included attempts at labor and agrarian reforms that are a distinct characteristic of the Progressive era. In Arkansas, as in other parts of the country, a struggle ensued between reformers and the dominant economic interests, and in this clash, African Americans were among the less fortunate. The expansion of the state’s railroad system stimulated economic growth in other areas, but it did not push aside traditional plantation agriculture in the delta which was an intricate component of the economy. The expansion of the railroad system into the delta was predicated upon transporting cotton to national markets, and these railroad connections spurred the growth of cotton enterprises. Ultimately, industrial growth in the Arkansas Delta was tied primarily to the cotton culture, despite efforts to diversify and attract new industries, there were few changes to the basic components of the area’s economic makeup.

¹² “Shoot into the Negroes’ Cabin,” *Arkansas Gazette*, April 10, 1908.

Struggle, Coercion, and Competition for Socioeconomic Interests

For many families, black and white, the end of the nineteenth century marked a descent into desperation. There was greater competition between poor whites and African Americans, therefore racial hostility increased. However, the political and economic hold of the white planter class over southern life remained virtually unchallenged. The planter elite aligned with the growing industrial sector once the fear of a black takeover was subdued. At the time, the struggle to survive in a world of increasing poverty and decreasing agricultural prospects placed an ever increasing burden on black and white families. To a large extent, the reaction of all people was shaped by their social class interests. As it turns out, both poor whites and African Americans were dependent on the white planter class for their livelihood as sharecroppers and tenant farmers. Therefore, white planters greatly benefited from the hatred poor whites directed against African Americans. C. Vann Woodward notes, “it took a lot of ritual and Jim Crow to bolster the creed of white supremacy in the bosom of a white man working for a black man’s wages.”¹³ This is why the white planter class constantly worked to reinforced racist notions by poor whites about their superiority over African Americans. There is evidence that the white planter class effectively prevented cooperation between poor whites and African Americans.

The postbellum period opened an era of intense struggle between white planters, poor whites, and African Americans. The white planter class sought to conserve social and economic power by keeping African Americans tied to the plantation, while poor whites former slave catchers and overseers, failed to recognize their commonalities. Although, African Americans and poor whites would briefly ally in the agrarian populist movement of the 1890’s, the movement was not sustained and circumstances vengefully turned to a period dominated by

¹³ C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge, Louisiana: Louisiana State University Press, 1971), 211.

violence. In fact, the rise of poor whites to political consciousness and power was directly related to the oppression of African Americans. However, the presence of contradictory tendencies among poor whites is evident in the labor movements that equivocated and finally evaded the commonalties related to class that poor whites and African Americans shared. It was of the utmost strategic importance for the white planter class to gain the support of poor whites whether by force, persuasion, or coercion.

The white planter class cultivated their relationships with poor whites in order to disrupt the rise of agrarian and labor reform movements emerging throughout the South. Their perspectives, however, did not take into account the self-interest of poor whites and African American wariness of trusting white planter economic relationships. The struggle between the groups intensified in the 1890's through the strenuous efforts of an American politician elected to Congress on a third-party ticket, Thomas "Tom" Edward Watson from Georgia who created an alliance of poor whites and African Americans, the Farmer's Alliance. Watson attempted to unite farmers across class and racial divides and supported the rights of African Americans to vote. In 1892, excerpts from an essay written by Watson reveal his hopes that a farmer's alliance would break the grip of the Democratic Party in the South and end the oppression of sharecroppers and tenant farmers, black and white. Watson states, "You are made to hate each other because upon that hatred is rested the keystone of the arch of financial despotism which enslaves you both. You are deceived and blinded that you may not see how this race antagonism perpetuates a monetary system which beggars both."¹⁴ The ideas expressed by Watson were enough to alarm Democrats representing southern planter interests that it was necessary to not

¹⁴ Paul F. Boller and Ronald Story, *A More Perfect Union: Documents in U.S. History, 2 vols* (Boston, Massachusetts: Houghton Mifflin, 1984), 83-85.

only deprive African Americans of the right to vote, but create a wedge between poor working class people of all races that encompassed all aspects of life.

The Farmer's Alliance included several parallel but independent political organizations, the National Farmers Alliance and Industrial Union among white farmers in the South, the National Farmer's Alliance among white and black farmers in the Midwest, and the Colored Farmer's National Alliance and Cooperative Union made up of African American farmers in the South. These organizations began to spread throughout the nation and expanded their membership by seeking to end the adverse effects of sharecropping and tenant farming through government regulation of the industry, the establishment of an income tax to restrict speculative profits, and adoption of monetary policies designed to ease the burden of repayment of loans by debtors. Ultimately, the philosophies of the various alliances for organizing sharecroppers and tenant farmers would be replicated and adopted into the platform of the Democratic Party to appeal to a wider electorate.

The white ruling class felt the solution lay in the further manipulation of the political system. It became the consensus of white planters and businessmen alike that drastic measures were acceptable to address unholy alliances. From their perspective, the political process must be cleansed of those constituting the major part of the threat which included the poor, uneducated, those without property, and in debt. By manipulating the political system in this fashion, the white ruling class assured political dominance and this meant dominance over desperate poor whites, to whom the agrarian populist message was alluring, and formed the collective resistance to white planter rule. Thus, the manipulation of the political system by the Democratic Party, and the race and class struggle were intertwined.

The more enthusiastically the agrarian populist movement identified with the cause of black sharecroppers, the more disconcerted and determined white planters became, substantially increasing their efforts to destroy opposition. Even the hint of relaxed racial attitudes prompted overt reactions from Arkansans. For instance, the Democratic leaning newspaper, the *Arkadelphia Siftings* predicted, “This is a white man’s country, and white men are going to rule it, and when the third party opened its arms to the Negro at its state convention, it invited it certain death at the polls next fall.”¹⁵ The potential of white and black farmers sustaining an alliance fueled racial antagonism, and was used to undermine the cause of unity as it presented an ominous threat to southern society.

The spirit of a third-party with an emphasis on promoting the agrarian political viewpoint emerged in the form of the Agricultural Wheel in Arkansas. In fact, the Agricultural Wheel was a farmer’s union formed in the Arkansas Delta to advocate for changing the conditions under which sharecroppers and tenant farmers labored and were forced to sell their crops at the lowest price. However, the Agricultural Wheel quickly came to influence state politics through an alliance with the Knights of Labor, which openly espoused the causes of black sharecroppers. The two organizations formed the interracial Union Labor Party as the official outlet for their political activities and attempted to gain footing in mainstream state political arena.¹⁶ However, the Union Labor Party lost influence among farmers once the Democratic Party adopted an agrarian platform of its own that appealed to poor whites. The disfranchisement of African Americans that came with the Election Law of 1891 and the poll tax amendment to the Arkansas Constitution decimated the prospect of third-party success and the Union Labor Party

¹⁵ *Arkansas Gazette*, June 30, 1892, quoting the *Arkadelphia Siftings*, no date available.

¹⁶ Matthew Hild, “Labor, Third-Party Politics, and New South Democracy in Arkansas, 1884-1896,” *Arkansas Historical Quarterly*, vol. 63 (Spring 2004), 24-43.

disintegrated by the end of the decade. Along with the disintegration of third-party politics, came the disappearance of any hopes of a coalition between poor whites and African Americans farmers and laborers.

It was not difficult for the South's ruling elites to promote division among the races. The division between poor whites and blacks people dates from the colonial period when indentured servants both black and white joined a frontier rebellion in Jamestown, part of the British Colony of Virginia. While Bacon's Rebellion was unsuccessful, it caused alarm among the ruling class and hastened the hardening of racial lines as a way for the planters class of the colony to control poor people.¹⁷ In the conflict between the haves and the have nots, impoverished whites consoled themselves with the belief that they were blessed with a status that they viewed as somehow superior to that of African Americans. The coercion was constant and most pronounced in the rank and file of poor whites because for them the presence of African Americans in the labor market meant the potential loss of opportunity and personal embarrassment.

The outlook for African Americans took a number of different forms. The Republican Party became increasingly more indifferent towards them and they no longer held the ability to influence elections that the power of the franchise provided. The majority of the state's African American population found themselves as part of the agricultural and laboring classes primarily located in the plantation economy of cotton cultivation in the Arkansas Delta. Along with the racial antagonism in politics, black sharecroppers confronted growing inequality in the community life of delta towns. The manifestations of Jim Crow expanded to the state's educational and social welfare institutions creating a dire forecast for African American

¹⁷ William J. Cooper, *Liberty and Slavery: Southern Politics to 1860* (Columbia, South Carolina: University of South Carolina Press, 2001), 9.

communities. For many black sharecroppers, the agrarian reform tenets of the Union Labor Party provided hope that an interracial coalition would deliver long term economic progress. Therefore, the eventual failure of the party became a harsh reality check. During this turbulent period some African American leaders were not averse to working with Democrats, while others disenchanted with the state of affairs gravitated towards political cooperation with paternalistic upper class southern whites.

As early as 1888, in fact, considerable disaffection appeared in the Republican Party's position related to race. The Arkansas state convention of 1888, after sharp debate moved towards the exclusion of African Americans from declaring their participation inexpedient and counterproductive to their interests. At the state convention, Judge John McClure, a Republican leader and former state supreme court chief justice concluded that African Americans were a liability, the party was at a crossroads, and would have to decide to be all white or all black, but it could not remain an interracial organization.¹⁸ Yet, there were African Americans, though increasingly critical of the party, who never left it.

The new century saw black disfranchisement grow and black officeholders disappearing from the scene. African Americans became understandably disillusioned with politics and placed more emphasis on economic and moral development as a substitute for political participation. The government did not recognize their plight and political power was so limited that it was widely held that in order for African Americans to advance within society, they needed to so favorably impress whites that their rights would be accorded to them. Perhaps no one individual captures this sentiment better than Booker T. Washington. In a letter to John E. Bush, one of the most influential African American leaders in Arkansas at the beginning of the

¹⁸ *Arkansas Gazette*, April 11, 1888.

twentieth century, Washington discouraged black political participation in Arkansas politics. Washington on April 24, 1906, expressed the following in regards to the Republican Party in the state pressing for an African American candidate, “Put the white faces in front, and don’t let them see us until the day after the election. Put the white Republicans ahead and they will pull us after them. If the black men try to lead we will all be out. Put out a county ticket and let it be white. I would just as soon have white Republicans in as white Democrats. One negro on the ticket, on the top of it, in the middle of it or at the end of it would ruin it.”¹⁹ For some, the conciliatory approach espoused by Washington gave African Americans the best opportunity to achieve their socioeconomic goals. However, noted historian C. Vann Woodward suggests Washington’s compromising stance including the abandonment of political participation hastened the deterioration of African American status.²⁰ It is clear that ideas concerning how to proceed after political opportunities were curtailed were adrift.

On the other hand, a considerable desire for advancement continued which included political activism. There were many who held to full citizenship rights and integration into society and believed that economic and moral development would help African Americans assimilate. Yet, the vast majority were caught in the plantation system with limited education and entrepreneurial skills making the creation of opportunities an impossibility. Black sharecroppers found themselves stuck in poverty, and stripped of political power, and engaged on a course of self-preservation. Agriculture represented the single most important occupation during the period. Between 1890 and 1920, 73 percent of all gainfully employed African

¹⁹ Booker T. Washington to John E. Bush, April 24, 1906, box 8, reel 7, Booker T. Washington Papers, 1856 to 1915, University Libraries, University of Arkansas, Fayetteville, Arkansas.

²⁰ Woodward, *Origins of the New South*, 323.

Americans in Arkansas were engaged in agriculture.²¹ The complex set of circumstances discouraged and stagnated the delta for decades to come. In addition, the absence of alternative employment opportunities helped to maintain an oversupply of black workers until World War I which provided opportunities in northern urban areas.

The Social, Cultural, and Political Transformations from 1865 to 1919

The history of the United States from 1865 through the end of World War I includes the rise of industrialization which held serious implication for agriculture in the South. Our knowledge of life and labor in the Arkansas Delta is dramatically expanded by charting the relevant transformations during the late nineteenth and early twentieth centuries that shaped the history. Many scholars writing about Southern history focus on the end the emergence of a New South and the pervasiveness of Jim Crow segregation. While it is true that Jim Crow is a characteristic of Southern history, at the same time southern blacks made the complicated transition from rural enslavement to life in a new industrial America by the close of World War I. Key to this portrait is the process of African Americans surviving the period of neo-slavery and drawing knowledge and inspiration from outside the Delta. This process involved not only interaction between white planters and the state of Arkansas, all of which practiced racial discrimination, but the dynamic actions of African Americans themselves. Indeed, the social boundaries between blacks and whites were hostile and rigid, but black sharecroppers demonstrated they were not impermeable.

²¹ U.S. Department of the Interior, Census Office, *Eleventh Census of the United States: 1890, Population*, vol. 1, 302, 348-49; U.S. Department of Commerce and Labor, Bureau of the Census, *Special Reports: Occupations at the Twelfth Census: 1900*, 226, 228; U.S. Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: 1920, Population*, vol. 1, 46.

There is much interest in the history of African Americans from emancipation through World War I. During those years, African Americans experienced an abrupt shift in their hopes and aspirations which are marked by economic deprivation, political disenfranchisement, and the same racial sentiments that caused and prolonged the American Civil War. Nonetheless, the African American experience during this time is perhaps the most influential because it left a legacy of unresolved social issues to afflict later generations. So, by way of the African American perspective, this period represents a time of obtaining and losing political and civil rights.

From a legal standpoint, I contend that the congressional amendments to the U.S. Constitution during this period had a powerful influence upon the life of African Americans. During this time, the Thirteenth, Fourteenth, and Fifteenth amendments were added to the Constitution. These amendments intended to give rights to emancipated African Americans established the following: The Thirteenth amendment abolished slavery and involuntary servitude²²; the Fourteenth amendment provided citizenship and equal protection for all citizens²³, and the Fifteenth amendment prohibited discrimination in voting rights based on race or previous condition of servitude.²⁴ The amendments rested on the idea that laws implemented after the American Civil War would hold together relations between blacks and whites and temper the underlying volatility of life in the South. By World War I, enslavement was illegal in the United States but so firmly implanted in the South that African Americans understood the nuances between slavery and other forms of servitude.

²² U.S. Constitution. Amendment. XIII, § 1.

²³ U.S. Constitution. Amendment. XIV, § 1.

²⁴ U.S. Constitution. Amendment. XV, § 1.

In the years that followed, Arkansas experienced changes that paralleled trends taking place elsewhere in the nation. The Gilded Age that was enjoyed by America's businessmen fueled an industrialized economy in northern cities and increasing interest in economic development in the South. It was further driven by a period of wealth transfer to a growing middle class that spurred social changes. The most significant factor in terms of economic development was the expansion of the state's railroad system. By 1895, the state tallied approximately 2,373 miles of railroad networks.²⁵ The emergence of railroads developed in conjunction with growth in the lumber industry which experienced considerable growth from 1890 to 1900.²⁶ However, the development of railroads and new industry did not push aside traditional plantation agriculture and its staple crop of cotton. In delta communities, social institutions, and government organized to ensure the operations of the plantation economy, but at the same time stood as obstacles to change. In fact, sharecropping and tenant farming were not just a part of the plantation economy, it defined a way of life. Basic social, cultural, and political institutions were closely connected to the plantation economy that they ensured the stability and order of the region and farming operations.

The beginning of the twentieth century marked the high point of African American interest in populist agrarian reform. After this period, black sharecroppers became disillusioned with exclusionist and discriminatory policies that failed to unite blacks and whites across color lines and achieve class consciousness. Perhaps some felt ambivalent in more pointed ways than the significant number who wanted equal rights, equal opportunities, and a fair wage. For these people, life centered on isolated plantations, but change was on the horizon that would put them

²⁵ Carl E. Moneyhon, *Arkansas and the New South, 1874-1929* (Fayetteville, Arkansas: University of Arkansas Press, 1997), 27.

²⁶ George W. Balogh, *Entrepreneurs in the Lumber Industry: Arkansas, 1881-1963* (New York: Garland Publishing Inc., 1995).

in contact with the wider world than during the antebellum period when they seldom saw or participated in outside activities. The lower classes consisting of sharecroppers and tenant farmers found economic survival very hard with stifling poverty that relegated poor whites and black sharecroppers to the bottom of southern society and kept them living on the margins.

The major philosophies of economic advancement were part of a larger complex of ideas that promoted manufacturing, and diversification of agriculture by producing other crops besides cotton as a means to produce a New South. Though it must be emphasized that such ideas were regarded as ambitious and optimistic, they underscore the understanding that there was a need for change. As a matter of fact, the theme of creating a New South through manufacturing and diversification of agriculture gained momentum, but failed to materialize in the Delta. New South initiatives were primarily restricted to the Little Rock area and central Arkansas. For example, the Little Rock Cotton Mills company was considered the most successful and enterprising of the manufacturers.²⁷ While there were significant efforts to attract industry to other parts of the state like Pine Bluff, Fort Smith, and Helena, by and large, Little Rock became the center of manufacturing. The local businessmen and entrepreneurs who worked for economic development in the state approached the issue using the same model as other parts of the country. The process included securing investment capital to build railroads and improve infrastructure. Then promoting agricultural diversification to generate the revenue necessary to build factories and capitalize on the state's natural resources.

Out of these attempts at development came efforts to regulate farming and help them avoid falling into debt. By 1873, John T. Jones, a politically prominent white planter in Phillips County, organized local chapters of the National Grange of the Patrons of Husbandry also known

²⁷ *Arkansas Gazette*, May 18, 1875.

as the Grange for the purpose of uniting farmers for the advancement of their common interests.

The following excerpt from the *Arkansas Gazette* newspaper sets forth the plans of the organization:

One of the distinguishing features of the present as compared with the former times, is the tendency in every department of business to associated effort. Organization is the watchword of every enterprise. The merchant, the politician, the speculator, and indeed every class of men with whom intelligence is the moving force, have not been slow to avail themselves of a power which, collected even from feeble sources, is, when agitated, well-nigh irresistible. The agricultural interest alone, perhaps, furnishes an exception. The husbandmen alone have not manifested the disposition, if they have possessed the power, to organize. They have been beggars who have received the crumbs that have fallen from the tables of others.²⁸

The article further suggests that while experimental, through a network of manufacturers, bankers, merchants, railroad officials, and politicians, farmers could improve their conditions:

This movement undoubtedly partakes of the nature of an experiment, and what other great enterprise has not? Yet, even as an experiment, it offers possibilities so large and inviting that we may well take counsel of our hopes rather than our fears. It is only just to add that those who have examined the workings of the order most thoroughly, and have had the best opportunity of noting its reception among the agricultural class, are most hopeful of its success and expectant of its benefits.²⁹

With the infusion of capital scarce, planters tried to form cooperative relationships in order to open the door to the promise of a better day as the nation moved into the twentieth century. The Grange emerged out of the needs felt by vulnerable planters in their status in the social order. However, the Grange movement in Arkansas was not sustained during this dynamic period of history.

By 1890, the Grange was absorbed by the National Farmer's Alliance and Industrial Union of America also known as the Southern Farmer's Alliance. While the Southern Farmer's

²⁸ *Arkansas Gazette*, December 28, 1872, quoted in *Helena World*, no date available.

²⁹ *Ibid.*

Alliance did not allow African American members, from 1888 to 1896, it became highly visible in Arkansas politics. The Farmer's Alliance demanded cooperative economic exchange, government regulation of banking, and flexible national currency. These demands stem in part from the frustration caused by the strong grip of the political and economic machines that controlled the South. Yet, as C. Vann Woodward states, "the prophets of the New Order were hard put to explain where the farmer fit in and why it was that as the cities rose and the country seemed to decline."³⁰ Of much greater value was the influence of at least the rhetoric of improvement in the conditions of sharecropping and the encouragement of social and political activities.

At the turn of the century, Arkansas was still mostly a rural agricultural state not suited for the changes that were sweeping across the nation under the progressive spirit. Most of the manufacturing still revolved around cotton production with minimal input from other industries like timber, oil, and bauxite operations.³¹ While wages increased for workers between 1900 to 1920, it was only modest improvement and the prosperity was not equally shared. Arkansas Progressivism created challenges to the status quo, especially in regards to longstanding patterns of race relations.³² Consequently, African Americans saw little improvement to their daily lives from Progressive era reforms. It appears that African Americans were practically omitted from the Progressive era's program of reform and the movement was "for whites only."³³ For black sharecroppers, restrictive social customs failed to attack fundamental problems in agrarian communities.

³⁰ Woodward, *Origins*, 175.

³¹ Moneyhon, *Arkansas*, 95-113.

³² *Ibid.*, 105.

³³ Woodward, *Origins*, 369-390.

In the South, reform was implemented within the segregated framework of the region. In 1896, when *Plessey v. Ferguson* instituted the doctrine of “separate but equal,” it feed into all facets of life in Arkansas limiting opportunities or the behavior of certain groups in American society.³⁴ In a broad sense, the African American of progressivism turned to collective organization, and directing resources toward community growth, advancement, and uplift. Much like white reform efforts, African Americans wanted to achieve a greater sense of community and order to preserve their values and utilize social institutions. The protest oriented faction of progressivism led to the Niagara Movement and the creation of the NAACP. While conservatives such as Booker T. Washington exercised their version of progressivism by placing great emphasis on farmers and institutes to improve black rural life and health. Regardless of the approach, African Americans upon a common, even if ambiguous path, expressed a progressive disposition toward addressing human and social problems.

The most powerful social and cultural institution in the South was the black church. Historians focusing on Southern history acknowledge the role of the black church in shaping major events. In reality, the black church demonstrated social consciousness throughout the nation well before the turn of the twentieth century and gave African Americans an institution within which they had autonomy. However, more important than religious doctrine, was the willingness of the black church to engage in activities that extended their missions beyond sanctuaries into the streets of urban areas and into the countryside. The black church filled the vacuum created by racial exclusion and helped to expand black leadership. African American religious leaders and fraternal organizations adapted southern cultural traditions to a new social context that worked to reconcile socioeconomic and political interests within their communities.

³⁴ Jeannie M. Whyne, et al., eds., *Arkansas: A Narrative History* (Fayetteville, Arkansas: University of Arkansas Press, 2002), 294.

The influence of the church upon the life of African Americans in Arkansas cannot be overestimated. It was an uplifting organization and played an important role within their life.

A survey of the African Methodist Episcopal (AME) Church's impact will illustrate its importance. The AME Church was founded in Philadelphia, Pennsylvania in 1787, by Richard Allen after white members forced out members of African descent. While it did not appear in Arkansas until 1863, by 1866 the black citizens of Helena founded Carter's AME Chapel which became the largest congregation in the Delta. A view of the 1890 census reveals that the AME Church in Arkansas included 333 churches and 27,956 members.³⁵ The beginning of the twentieth century is marked by AME members continuing to fight for social justice in the state and effect change. Most notably, attorney Scipio A. Jones, who successfully defended the black sharecroppers sentenced to death following the Elaine Race Riot of 1919, belonged to the Bethel AME Church in Little Rock.

Closely aligned with the black church were fraternal organizations formed to offer mutual aid to African American communities. Before their decline in the late 1920's, fraternal organizations played a key role alongside the black church, in transforming African American social, cultural, and political life in Arkansas. Prominent African American politician and businessman John E. Bush recognized the need for such organization when he was approached by an aged African American woman while conversing with a white businessman and asked to help burying her deceased husband. The embarrassment of the incident moved Bush and colleague Chester W. Keatts, who was also African American, to found the Mosaic Templars of America. By 1913, the order operated a burial and insurance program, a building and loan association, a hospital in Hot Springs, and owned an international headquarters in Little Rock

³⁵ Misti N. Harper, "African Episcopal Church," *Encyclopedia of Arkansas History & Culture*, <http://www.encyclopediaofarkansas.com/entry-detail.aspx?entryID-10> (Accessed October 7, 2018).

with chapters in twenty-six states, Central and South America, the Canal Zone, and the West Indies.³⁶ The 1900-1901, Little Rock city directory listed forty-three separate lodges in town.³⁷ Some of the black fraternal organizations that operated during this period include the Shriners, Knights of Pythias, International Order of Twelve, Knights and Daughters of Tabor, Royal Circle of Friends of the World, Order of the Eastern Star, Household of Ruth, and the Grand Order of Calanthe.³⁸

The black church and fraternal organizations were cushions against hard times in African American communities and their cooperation crossed state lines. Excluded from the tenets of progressive reform promoted by white organizations, these institutions were important alternatives that stimulated a degree of cooperation and cohesion among black people. These organizations gave them a platform for their own values and the opportunity to pursue their racial, class, and material interests within the framework of their own social, cultural, and political needs. They used the black church and fraternal organizations as a means of economic survival and as a way to address the social demands of the expanding industrialization of the South.

The most transformative period took place between the years 1914 to 1919 with America's involvement in World War I. During the period of neutrality most African Americans were indifferent to the larger political issues surrounding the hostilities in Europe. As a consequence, President Woodrow Wilson's proclamation that the United States was fighting, "to make the world safe for democracy," rang hollow for black sharecroppers in the delta.³⁹

³⁶ A.E. Bush and P.L. Dorman, *History of the Mosaic Templars of America: Its Founders and Officials* (Little Rock, Arkansas: Central Printing Company, 1924).

³⁷ *Little Rock City Directory*, 1900-1901, 71-81.

³⁸ Tom Dillard, "Scipio A. Jones," *Arkansas Historical Quarterly*, vol. 31 (Autumn 1972), 205-208.

³⁹ Woodrow Wilson address delivered to Joint Session of the Two Houses of Congress, April 2, 1917; *U.S. 65th Congress, 1st Session*, Senate document 5.

However, American interests in the war and its implications began to shift once it caused a disruption to the labor force. When the United States formally declared war against Germany, the demand for soldiers to join the war effort depleted the availability of workers in northern industrialized cities.

A primary question that came to the forefront is how would African Americans in the South respond to the call for arms. Many African Americans viewed World War I as an opportunity for them to bring about true democracy in the United States by faithfully serving their country. In the South, the war represented an opportunity to press forward with demands for equality. Yet, there existed a degree of cautious optimism among members of the white community as evidence by the comments captured in Magnolia, Arkansas newspaper. John C. Murphy worried that black Arkansans were “loyal to the country and government but they need guidance and look to the white man for it. They should be visited immediately at their school houses and churches all over the country.”⁴⁰ For African Americans, World War I became a crucial test for America’s commitment to the ideal of democracy and the rights of citizenship for all people regardless of race.

Prior to World War I, 90% of the nation’s African American population lived in the South.⁴¹ This number changed once northern labor agents began to recruit black workers from the South to work in factories in northern cities. The dramatic population shift or Great Migration represented an important avenue for African Americans improving their overall lives. However, it altered the social, economic, and political dynamics of the South and the areas of

⁴⁰ *Columbia Banner*, April 25, 1917, 3.

⁴¹ Campbell Gibson and Kay Jung, *Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States* (Washington, D.C.: U.S. Census Bureau, 2002), 56.

destination. As black workers arrived at urban destinations, they brought with them customs and traditions that forever changed the landscape of northern cities.

The commonly accepted statistical data concerning the migration estimates that between 1910 and 1970, six million African Americans left the South to seek opportunities elsewhere.⁴² This massive movement of people took place in two phases with the first movement taking place from 1910 to 1940, numbering approximately 1.6 million participants; and the second movement from 1940 to 1970, numbering approximately 5 million participants. Numerical estimates regarding the size of the migration have been made in different ways. In some cases, historians have based their assessment of the numbers upon recorded statements of observers, and in other instances the movement has been quantified based upon the growth of cities established as destinations for African Americans. It became apparent during the first phase of migration that very large numbers were moving as African American population in villages, towns, and counties in the South was greatly depleted. At the same time the population of northern urban communities increased.

In the Delta, black farmers were motivated to leave for a variety of reasons including a desire for political participation, a yearning for better wages, to flee southern barbarism and the injustices associated with Jim Crow, and to escape natural disasters such as the boll weevil infiltration and flooding. Theoretically, the Great Migration is conceptualized as a result of the Push and Pull Theory, which is commonly used to describe why African Americans left the South. The notion of push and pull factors contributing to migration were first reported by Ernst Ravenstein in his seminal work, *The Laws of Migration* (1885).⁴³ Ravenstein's ideas were later

⁴² U.S. Census Bureau, "The Great Migration, 1910-1970," <http://www.census.gov/dataviz/visualizations/020/.htm>. (Accessed March 21, 2017).

⁴³ Ernst Ravenstein, "Laws of Migration," *Journal of Statistical Society*, no. 46 (1885): 167-235.

modified and developed by other scholars, most notably Everett S. Lee. Lee proposed a model in his study *A Theory of Migration* (1966) that is applicable to the dramatic migration of southern blacks that started during the first part of the twentieth century. His “push-pull” model summarizes factors which entered into the decision of black migration and the process of migration under four heading. The headings are as follows: Factors associated with the area of origin, factors associations with the area of destination, intervening obstacles, and personal factors.⁴⁴

Twentieth century social theorist have attempted to explain the unprecedented, large scale urbanization of blacks. The race relations cycle is a key paradigm used to understand the migration patterns of black migrants. The contributions made by Robert E. Park in this area are significant as Park developed an explanation for migration based on stages of interaction through which racial groups progress irreversibly: contact, competition, and accommodation, culminating into eventual assimilation.⁴⁵ At its core, the race relation cycle is a theory of assimilation; however, because the root of the idea places emphasis on race relations, it can be extended to immigrants and African Americans alike. Comparatively, immigrants and African Americans typically come from a rural background, migrate to urban areas, and encounter a clash of cultures.

In *Introduction to the Science of Sociology* (1921), Robert E. Park and Ernest Burgess of the Chicago School of Sociology explain in great detail the process individuals undertake when they decide to relocate and assimilate into a different geographic area. Park and Burgess make the following argument in explaining the processes that impact migration:

⁴⁴ Everett S. Lee, “A Theory of Migration,” *Demography*, No. 3 (1966): 3-47.

⁴⁵ Matthew Desmond and Mustafa Emirbayer, *Racial Domination, Racial Progress: The Sociology of Race in America* (New York: McGraw Hill, 2009), 131.

Competition drawing from Biology is universal and elementary in all natural or biotic orders. While competition over resources and space is ongoing and impersonal, conflict is a conscious process intended to secure social status and relative control associated therewith.⁴⁶ The third process is accommodation, which denotes a temporary end to conflict and the support of the prevailing hierarchy through measures of social control (such as law or custom).⁴⁷ Finally, come assimilation, in which dissimilar people and groups share their experiences and form a truly common culture.⁴⁸

Much of the early literature focuses on quantifying the massive shift in population that took place in American cities by describing the movement in two phases. The most common estimate of black population change examines the years from 1910 to 1970. During this timeframe, approximately six million African Americans left the South to seek opportunities elsewhere.⁴⁹ In 2005, James N. Gregory published a monograph that deals directly with the number of black migrants who left the South. Gregory's work, *The Southern Diaspora*, expands our general historical knowledge of the period; but it does not specifically focus on the environmental aspects of migration. However, Gregory argues that the actual total number of migrants is larger than other scholars have reported. He notes, "Over the course of the twentieth century, close to 8 million black southerners, nearly 20 million white southerners, and more than 1 million southern-born Latinos participated in the Diaspora, some leaving the South permanently, others temporarily."⁵⁰ Gregory's work reinforces the idea that American cities grew steadily and were changed forever. His research also allows for a comparative analysis

⁴⁶ Ernest W. Burgess and Robert E. Park, *Introduction to the Science of Sociology* (Chicago, Illinois: University of Chicago Press, 1966), 505-507.

⁴⁷ Burgess, *Introduction*, 664-665.

⁴⁸ *Ibid*, 729-735.

⁴⁹ U.S. Census Bureau, "The Great Migration Statistics, 1910-1970," <http://www.census.gov/schools/resources/visualizations/great-migration.html>. (accessed March 21, 2017).

⁵⁰ James N. Gregory, *The Southern Diaspora: How the Great Migration of Black and White Southerners transformed America* (Chapel Hill, North Carolina: University of North Carolina Press, 2005), 14-15.

between the races of migration participants, which contributes to a better understanding of the event.

Most of the contemporary literature on migration carries a general theme of identifying northern cities as a type of “Promised Land” for black migrants with the potential of allowing them to earn a much higher wage than could be made in the South sharecropping. Nicolas Lemann’s monograph, *The Promised Land* emphasizes the economic setbacks associated with cotton farming, natural disasters, and the low price of cotton. Lemann notes that black migrants poured into the Midwest and other regions of the country rapidly enough that by 1970, “urban” had become a euphemism for “black.”⁵⁰ These migrants brought with them southern customs and traditions that over time evolved into something uniquely black and urban. Various other authors including James H. Dillard, George E. Haynes, and Emmett J. Scott, have focused on the economic motivations for the mass migration of blacks with varying assertions regarding the movement. All attempt to unravel the complexities of the period and make an important contribution to the field of study.

James H. Dillard explains that the actions of blacks leaving the South were a natural response in favor of independence from the oppressive and exploitative nature of white supremacy. Dillard explores migration insisting it was rooted in the desire of migrants to improve their economic situations. His full study of the movement, *Negro Migration in 1916-1917*, explicitly identifies the regions from which the migrants came as geographically located in twelve southern states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. Of these states, he contends the largest number of migrants came from the following: Virginia, North Carolina,

⁵⁰ Nicholas Lemann, *The Promised Land: The Great Migration and How It Changed America* (New York, New York: Alfred A. Knopf, 1991), 6.

South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Tennessee. In respect to rank and order of states with the largest number of migrants, Mississippi stands alone with Alabama and Georgia following in that order.⁵¹ Dillard wrote extensively on the subject and his contributions are influential.

Yet, other studies offer a more nuanced approach to understanding the departure of black migrants by focusing on the demand for labor that attracted workers. For example, G.E. Haynes' *The Negro New-Comers*, examines Detroit during the first phase of migration and provides good detail. According to Haynes, northern cities capitalized on the surplus labor created by the influx of black workers, but were ill prepared to deal with the difficult challenge of providing adequate housing to migrants.⁵² However, a significant shortcoming of the work is that it fails to fully examine how black people viewed the migration. Haynes delivers the analysis in the form of an official report with no proximity to the subjects. Nevertheless, *The Negro New-Comers* provides insight not previously available.

On the other hand, Emmett J. Scott's monograph *Negro Migration during the War* delivers a study that captures the effects of oppression and southern barbarism. Scott's work published in 1920, addresses the treatment of blacks at the hands of the courts and the white power structure. He notes, "Negroes largely distrust the courts and have to depend on the influence of their aristocratic white friends. When a white man assaults a Negro he is not punished. When a white man kills a Negro he is usually freed without extended legal proceedings."⁵³ Scott's work represents a departure from the research of Dillard and Haynes

⁵¹ James H. Dillard, *Negro Migration in 1916-1917* (Washington, D.C.: Government Printing Office, 1919), 11.

⁵² George Edmund Haynes, *Negro New-Comers in Detroit, Michigan: A Challenge to Christian Statesmanship, a Preliminary Study* (New York, New York: Home Missions Council, 1918).

⁵³ Emmett J. Scott, *Negro Migration during the War* (New York, New York: Oxford University Press, 1920), 20.

because of its closeness to the cause of the migrants. But the overall conclusions of these studies remain fundamentally the same; the basic motivation of the migration was economic.

Migration enthusiasm and black mobility deeply concerned white planters and the federal government in reference to planting and harvesting crops in the region. The primary concerns were whether there would be enough black workers to sustain the sharecropping system and how to quantify the effects of the pull to northern industrialized cities.⁵⁴ Furthermore, the labor situation was exacerbated by labor agents representing northern business interests who urged black workers to leave the delta. For example, a 1917 *Arkansas Gazette* article reports labor agents in the delta town of DeWitt, Arkansas urging black sharecroppers to quit work and join the migration to the North.⁵⁵ In response, local law enforcement set out to punish the so-called “labor agitation” and the U.S. Commissioner of Labor for Arkansas, assured the Helena Business Men’s League that “labor agents representing other than government interests will be persuaded to keep their hands off the labor situation.”⁵⁶

By 1918, the end of World War I and the experience of black soldiers in Europe encouraged racial and political consciousness which had a profound impact on the rise of black resistance to white supremacy. The most common strain of radicalism is seen in the 1919 publication of Claude McKay’s militant sonnet, “If We Must Die” which captures the tone of relations between the races declaring, “That if we must die, O’ let us nobly die.”⁵⁷ Likewise, W.E.B. DuBois’ provocative essay “Returning Soldiers” was a call to action for African American soldiers returning from war in Europe to prepared to fight for their rights in America.

⁵⁴ U.S. Department of Labor, *Monthly Review of U.S. Bureau of Labor Statistics* (January 1918), 45.

⁵⁵ *Arkansas Gazette*, September 7, 1917, 2.

⁵⁶ *Helena World*, August 10, 1917, 1.

⁵⁷ Claude McKay, “If We Must Die,” in *Harlem Shadows: The Poems of Claude McKay* (New York: Harcourt, Brace, & Company, 1922), 19.

DuBois asserts, “Make way for democracy! We saved it in France, and by the Great Jehovah, we will save it in the United States of America, or know the reason why.”⁵⁸ A common theme promoted by black leaders urged African Americans to fight against exploitation and move toward equality, justice, and economic power. Especially since African American soldiers helped to secured these ideas abroad.

The following firsthand accounts of black soldiers from Arkansas during World War I provides a glimpse into their mindset and the shifting of their attitudes. Private William Brown of Helena wrote his grandmother, “I am awful proud that I came over to France to fight for my country for now that we have gone over the top we can go back home with our chest’s stuck out like a peacock’s about it.”⁵⁹ In another correspondence, Private Brown, stationed in Tille, France, from July 18, 1918 to August 17, 1919, makes the following inquiry to his grandmother, “How are the crops this year? And what is the price of cotton? How much cotton did Timpey Brown make this year?”⁶⁰ Another black soldier, Cliney Trammell from Magnolia writes, “we are here to do our best, our very best, we have valiant soldiers who do not fear to die.”⁶¹ The black World War I soldiers from Arkansas served primarily in engineer, quartermaster, and infantry units in the United States and Europe.

As suggested, considerable evidence points to the fact that World War I represented a turning point in African American social and political consciousness. The return of black servicemen made possible the popularization of the term “New Negro” meaning that the conservative approach of leaders like Booker T. Washington had been replaced by a new, more militant advocacy for immediate equal rights and access to the principles of America for African

⁵⁸ W.E.B. DuBois, “Returning Soldiers,” *Crisis*, XVIII (May, 1919), 13.

⁵⁹ *Helena World*, February 3, 1919, 5.

⁶⁰ *Ibid.*, August 28, 1918, 4.

⁶¹ *Columbia Banner*, September 18, 1918, 1.

Americans. Following the war, the NAACP became the leading organization that aggressively lobbied for the rights of black people. In 1918, the new era ushered in NAACP chapters in Little Rock and Fort Smith, making Arkansas one of the last southern states in the nation to have chapters.⁶² Indeed, World War I created a transformation that moved thousands of black workers from the South to northern industrialized cities and gave African Americans in general a new vision of fuller participation in American society.

The exposure of World War I also stimulated widespread fear throughout the nation of a rise in communism, anarchism, and radical politics. The so-called Red Scare began following the Bolshevik Revolution of 1917 in Russia which coincides with the years of World War I. While the Red Scare in the United States primarily stems from the labor strife and turmoil that took place in industrialized cities, Arkansas was not immune from labor strife when considering its past attempts at populist reform. The efforts of the International Workers of the World (IWW) in their attempt to organize black sharecroppers created hysteria in the delta that contributed to the passage of anti-Bolshevik legislation. Act 512, passed into law on March 28, 1919, to prevent the unlawful attempt to overthrow the present form of government in the State of Arkansas or United States.⁶⁴ Based on the lack of evidence citing arrests, indictments, or convictions, it is likely that the anti-Bolshevik law of Arkansas was passed to allay the fears of white planters in the delta of black sharecroppers organizing unions or conducting strikes.

Particularly evident in the summer of 1919, is the reality that African Americans were collectively fighting back against oppression. The summer of 1919 became known as the “Red Summer” because of the wave of racially motivated mob violence that engulfed the entire country. The riots were no isolated aberration but an amalgamation of circumstances from the

⁶² *Crisis*, XVIII (April 1919), 285.

⁶⁴ Arkansas General Assembly, *Arkansas Acts*, 1919, 388-389.

preceding decades of oppressive social, economic, and political policies. The “Red Summer” was the inevitable consequence of mounting black frustration and the traditional white response to black resistance. A report by George Edmund Haynes, the first executive director of the National Urban League, published in the editorial page of the *New York Times* meticulously outlines the violence of the summer. Haynes connects the riots to the disregard for black life associated with lynching and appeals to the federal government to address the ills that contributed to the riots. The report makes the following observations:

Persistence of unpunished lynchings of negroes fosters lawlessness among white men imbued with the mob spirit, and creates a spirit of bitterness among negroes. In such a state of mind a trivial incident can precipitate a riot.

Disregard of law and legal process will inevitably lead to more and more frequent clashes and bloody encounters between white men and negroes and a condition of potential race war in many cities of the United States.

Unchecked mob violence creates hatred and intolerance, making impossible free and dispassionate discussion not only of race problems, but questions on which races and sections differ.⁶⁵

The NAACP responded to this dark period of American history by expanding the organization of their anti-lynching campaign and improving efforts to quantify accounts of the cold-blooded murder throughout the nation.

Explaining Black Activism as a Response to the Struggle for Wages

The wartime industries associated with World War I and military service opened new opportunities for black sharecroppers. And as the literature shows, a great number of African Americans went to northern cities in search of economic improvement. The effect of these changes on labor relations was leverage or bargaining power for those who remained in the region. During the war, on many plantations, white planters were forced to pay higher wages as

⁶⁵ *New York Times*, “For Action on Race Riot Peril,” October 5, 1919.

sharecroppers threatened to withhold their labor driving daily earnings from the usual \$1.50 to as high as \$4.50.⁶⁶ Not surprisingly, this arrangement did not meet with the support of white planters who deeply resented having to negotiate and settle for measures pressed by black workers. The bargaining power of for an increase in their wages also minimized the coercive authority and persuasion largely relied upon by planters for generations. From the perspective of black sharecroppers, however, the ability to bargain was a crucial breakthrough in the context of previous experiences in the Delta. The newly acquired economic leverage transcended the issue of wages and gave sharecroppers greater independence and mitigated white planter control over their lives.

The fact that African Americans understood the dynamics that existed and initiated a concerted effort to bring pressure on white planters was a tremendous encouragement for the potential of black activism. It was even more remarkable that the new form of black activism was not violently subdued even while the United States was in the midst of a world war. However, government agencies authorized wartime state and local councils of defense, composed of landowners, businessmen, bankers, and agricultural extension agents to monitor communities and plantations for labor agitation. The Arkansas Council of Defense was one such organization created on April 6, 1917, by Governor Charles Hillman Brough. In addition to monitoring communities for labor agitation, the council mobilized labor, aided local draft boards in securing inductees, conducted liberty bond drives, and instilled loyalty to the war effort.⁶⁷

⁶⁶ Nan E. Woodruff, "African American Struggles for Citizenship in the Arkansas and Mississippi Deltas in the Age of Jim Crow," *Radical History Review*, no. 55 (1993), 33; G.B. Ewing to Arkansas Council of Defense, October 23, 1918, *Arkansas State Council of Defense Papers*, folder 57, Arkansas History Commission, Little Rock, Arkansas.

⁶⁷ Mark K. Christ, "Arkansas Defense Council," *Encyclopedia of Arkansas History & Culture*. <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=5080> (Accessed October 10, 2018).

While the Arkansas Council of Defense pressed the importance of the war effort and attempted to control so-called labor agitation, African Americans drew from other channels of information that shaped their views and expectations. The *Crisis*, the official magazine of the NAACP and the *Chicago Defender* newspaper, became popular sources of information among African American communities.⁶⁸ It was through the dissemination of these periodicals that African Americans in the delta developed political awareness that encouraged action. It also coalesced around the opening of NAACP chapters in 1918 throughout the state that provided a means to organize against unrest and dissatisfaction at the hands of planters. With the awakening of political awareness, local and state officials observed an increasingly defiant attitude among black workers. In writing about delta sharecroppers, members of the Arkansas Defense Council notes, “We have noticed for some time, a very perceptible difference in the hitherto respectful demeanor of the colored people of this locality.”⁶⁹ Other council reports mention the presence of the IWW as a concern in regards to the agitation of black workers.⁷⁰ Not surprisingly, the boost to self-confidence gave black workers the confidence to contest the terms of their wages.

⁶⁸ Elliot Rudwick, “W.E.B. DuBois: Protagonist of the Afro-American Protest,” in *Black Leaders of the Twentieth Century*, eds. John Hope Franklin and August Meier (Urbana, Illinois: University of Illinois Press, 1982), 75-77.

⁶⁹ C.T. Carpenter to Chairman, Arkansas Defense Council, July 25, 1917, *Arkansas Council of Defense Papers*, folder 98, Arkansas History Commission, Little Rock, Arkansas.

⁷⁰ Lloyd England and Wallace Townsend to Chairmen, County Councils of Defense, February 16, 1918, folder 181, *Arkansas Council of Defense Papers*.

CHAPTER 3 THE FORMATION OF A LABOR MOVEMENT

“The revolution is upon us, and since we are largely of the laboring population, it is very natural that we should take sides with the labor forces in their fight for a juster distribution of the results of labor.” T. Thomas Fortune, 1884

The nineteenth century gave rise to numerous protest organizations throughout the South designed to help poor farmers, both black and white. Arkansas was fertile ground for populist activism that briefly attempted to reform labor across racial lines. In fact, “Arkansas had the deepest and widest tradition of radicalism and organization of all southern states during this period.”¹ Yet, despite this tradition, agricultural labor organizations failed to bring about significant change in the state. The formation of a labor movement began in the 1880’s with the emergence of a cluster of organizations including the Agricultural Wheel, the Knights of Labor, and the Colored Farmer’s Alliance. However, the movement shifted from organizing along economic lines to independent political organizing. African Americans utilized collective action to oppose the Democratic Party and white planters whenever it was feasible for them to do so by asserting their independence through political resistance, but also by militant tactics such as strikes.

White repression of attempts at labor organization proved truly disastrous for African Americans at a time when those in Arkansas who sought to maintain the status quo used any weapon they could find to defeat labor based movements for change. The documentary evidence suggests that it is appropriate to focus on the black sharecroppers of the Delta as the protagonists and to blame white supremacy and white ruling elites for the continuous destruction of collective action. Nevertheless, the self determination of black agricultural workers in their efforts to attain

¹ Edward Ayers, *The Promise of the New South: Life After Reconstruction* (New York: Oxford University Press, 1992), 244.

a fair wage give the formation of a labor movement even a greater ethos. The freedom struggles in Phillips County were not only about the collective bargaining power of black sharecroppers and conditions of work, but also about opposing the inequities of racism and creating a more just democratic society.

There were indeed various social and ideological forces at work that made the Delta into a region ripe for resistance. Economically, sharecropping and farm tenancy was unsustainable and inflicted devastating poverty on black families. While white planters in Arkansas generally paid higher wages than other southern states, it was not enough. Black sharecroppers earned on average about \$10.00 per month, and top earners made from \$15.00 to \$25.00 per month.² The soaring demand for agricultural labor coupled with the lack of cash or access to credit by white planters led to severe tensions and occasional violent outbursts. Another development affecting African Americans was the complete absence of intervention by the federal government. Even more important was the ideological dimensions of the period. There existed a blatant contradiction between democratic ideals and the exploitation and racial oppression experienced by African Americans that was conveniently ignored by the American public. This contradiction increasingly became impossible to ignore.

By the end of the nineteenth century it was clear that African Americans must work out their own salvation in a hostile environment and the formation of collective action represented the epitome of this sentiment. In such an inhospitable environment as the Delta, an emphasis on self-help was applied to efforts of protest and agitation and were foundational to the emergence of organized labor. Organizing took place in Arkansas, particularly among agricultural workers

² Horace D. Nash, "Blacks in Arkansas during Reconstruction: The Ex-Slave Narratives," *Arkansas Historical Quarterly* 48 (Autumn 1989), 243-259; Also see George P. Thompson, *Arkansas and Reconstruction: The Influence of Geography, Economics, and Personality* (Port Washington, New York: Associated Faculty Printers Inc.).

reflecting the dominance of agriculture on the state's economy. This included the arrival of the Knights of Labor in Arkansas which formed in Philadelphia, Pennsylvania in 1869 and affiliates or influenced groups, but it also included political organizations like the Arkansas Agricultural Wheel of the Union Labor Party which formed in 1888. At the same time, independent African American labor unions, in some cases affiliated with white groups formed, but were regularly ignored by the mainstream.

Perhaps no organization was as influential at the inception of Arkansas' agrarian labor movement in stimulating the interests of black sharecroppers as the Colored Farmer's Alliance, which by 1890 claimed some 1,200,000 members nationwide. Of their total membership, approximately 20,000 were sharecroppers from Arkansas located primarily in the Delta, and many of them once belonged to the Arkansas Agricultural Wheel.³ Local chapters were formed, but the organization was operated from Texas and financed by funds supplied by membership dues. The Colored Farmer's Alliance was one of the best known southern agricultural organizations of its time and affirmed African American faith in the belief that collective action would make a difference in resolving labor grievances. The union frequently employed non-conciliatory tactics that refused to absolve white planters of responsibility for the condition of black sharecroppers. It is also associated with setting the tone for a climate that was prime for resistance.

For black Arkansans, the collective resistance of labor represented real possibilities for a breakthrough by radical means. What is particularly interesting about all of the organizations

³ John William Graves, *Town and Country: Race Relations in an Urban-Rural Context, Arkansas, 1865-1905* (Fayetteville, Arkansas: University of Arkansas Press, 1990), 138-141, 203-205; F. Clark Elkins, "Arkansas Farmers Organize for Action: 1882-1884," *Arkansas Historical Quarterly* 13 (Autumn 1954), 231-248 and "The Agricultural Wheel: County Politics and Consolidation, 1884-1885," *Arkansas Historical Quarterly* 29 (Summer 1970), 152-175.

that were in existence, is that they formulated a network that brought together activists from various other organizations who were committed to transforming conditions, thereby creating a movement. The convergence of interests was not an explicit plan to attain equality for agricultural workers, but had substantial ties not only within left wing labor, but among moderate forces as well. This development is all the more significant because it occurred at a time when African Americans were the most vulnerable after emancipation.

Black Organizing and White Repression

The story of Reconstruction era black labor organizer Bryant Singfield is the earliest example of a failed attempt to organize black workers in Phillips County. The legend of Bryant Singfield offers insight into how history and black activism shaped the terrain. It also provides a stirring narrative of how black workers could affect their destinies through their own actions. Singfield, a former enslaved black sharecropper organized black workers to negotiate new labor contracts with landowners in the region. Black sharecroppers sought to improve wages and working conditions and free themselves from oppression. The freedom struggle lead by Singfield is made palpable in large part through oral histories collected by the Federal Writer's Project of the 1930's. The events were significant enough to be revealed by Henry Turner, a former enslaved Arkansan interviewed for the project. Turner's description of the events describes how angry, inspired, and organized black sharecroppers drew on traditions of struggle going back to slavery, and how through experimentation and social learning, they defined their own issues and collective bargaining power.⁴

⁴ United States Work Project Administration, Federal Writer's Project: Slave Narrative Project, Vol. 1, *Arkansas*, Part 6, Henry Turner, 1936, 363-368.

Bryant Singfield and other unknown numbers of protestors were identified as the sources of unrest and targeted for murder presumably by hostile whites never to be seen again. Henry Turner's interview powerfully renders the tragedy of a local legend and it is said that for many years thereafter, Singfield's ghost haunted a local swamp in Phillips County where he was killed.⁵ The legend and folklore notwithstanding, the black response against the intolerable conditions of the sharecropping system placed the Delta squarely in the middle of Arkansas' agrarian labor movement. Tragically, however, early protests and worker visions of orderly improvement did not materialize.

The broad consensus in favor of collective action was predicated upon the expectation that negotiating with white landowners would improve their earnings and allow African Americans to return to normalcy. Black workers were increasingly energized by a multifaceted movement with a base in black churches and fraternal organizations as well as plantation communities. The proliferation of organizations exclusively focused on the needs of agricultural workers succeeded in creating an innovative class consciousness within the agrarian labor movement. The formation of an agrarian labor movement was possible because of the particular historical context of the 1880's. The populism of the period and grassroots organizations created specific mechanisms for African Americans to exercise a new kind of consciousness of rights supported by black intellectuals and political activism in the South.

Black labor organizers recognized their common cause and that the struggle for a prosperous future was between capital and labor and landlord and tenant. The decline of political fortunes and attempts at agrarian reforms forced them to turn their greatest efforts toward achieving economic goals through more radical means. African Americans prompted

⁵ United States Work Project Administration, Federal Writer's Project: Slave Narrative Project, Vol. 1, *Arkansas*, Part 6, Henry Turner, 1936, 363-368.

powerful intermittent attempts to remake the South and forge respectable public opposition to exploitation, white terror, and hostility. In place of their occasional allies and politics, blacks turned inward toward self-determination which is visible in the actions demonstrated during this period. Even so, black sharecroppers faced sharp opposition from both poor whites and elite white planters. These farm hands, who had witnessed a brief moment of progress, and developed a strong sense of loyalty to a cause, resolved to reject repeated efforts at exploitation. Still, the economic environment associated with agriculture was uncertain and made for a difficult future.

The history of labor activism demonstrates that even in the closed society that the region represented, black sharecroppers and their leftist ideals could challenge white hegemony by employing education, collective action, holding church and union meetings, and seeking to build a movement for economic and social change. The efforts of the Colored Farmer's Alliance put into practice progressive ideas regarding labor, religion, race, and class in the Delta. This alliance played an important role in the creation of successor organizations like the Progressive Farmers and Household Union of America (PFHUA) and the Southern Tenant Farmers' Union (STFU) of the 1930's. These unions suggest the degree to which radical reformers sought to remake the southern economy by drawing on desires of the nation's most marginalized working class.

In Arkansas, encouraged by episodes of progressive reform, black sharecroppers became strong advocates of organized labor. They took advantage of whatever spaces for resistance they could find within racist America and organized. Since Arkansas was a predominantly rural state, much of the organizing efforts occurred in small towns or plantations communities. The advent of labor unions like the Knights of Labor deepened awareness among African American workers and became a means for acquiring a greater class consciousness, and expressing it. The creation

of labor alliances between whites and African Americans proved fragile and increasingly became more frail over time. This point of fact was present from the very beginning of the agrarian labor movement in Arkansas. At the time of its inception issues regarding race imposed limitations on the movements growth, debarred many potential recruits, and divided the unity of the cause. Particularly in the Delta where successful collective action required a measure of interracial cooperation because of the commonalities shared by black sharecroppers and poor whites.

In many small Arkansas communities, however, poor whites did not view organizing with black sharecroppers as being in their own best interests and took measures to prevent it. In July 1889, the Arkansas Agricultural Wheel, when forced to defend the rights of African Americans by condemning a race riot in Forrest City, Arkansas, proceeded to adopt new rules expelling all African Americans from the organization.⁶ Thus, a peculiar interest in racial economic development arose among participants of the agrarian labor movement in Arkansas. The identity of the movement developed from the conditions of race as much as from the economic conditions African Americans had in common with white farmers. So, despite a common interest with white farmers, black sharecroppers formed independent groups.

The idea of African Americans trying to peacefully assert their labor rights frightened southern whites of all classes, who often accused blacks of contemplated violence as an excuse for using violence against them. The notion of black sharecroppers being paid a higher wage and forming cooperative enterprises were actions that posed a severe and immediate threat to a crucial economic asset of white planters, cheap black labor. In urban centers, factories and businesses could operate on a surplus of cheap labor.⁷ But in small rural communities like

⁶ F. Clark Elkins, "The Agricultural Wheel: County Politics and Consolidation, 1884-1885." *Arkansas Historical Quarterly*, XXIX (Summer 1970), 245-249.

⁷ Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 212.

Phillips County, agriculture was the primary enterprise, and most farm hands were African Americans who worked for lower wages than poor white would accept. Near the end of the nineteenth century, an Arkansas farm operator explained that he only occasionally hired white farm hands because few of them were willing to work for lower wages than blacks.⁸

The white hysteria surrounding the fear of violence associated with the assertion of black labor rights is derived from the antebellum period when southern whites lived in constant fear of slave revolts of the kind perpetrated by Nat Turner. However, after the American Civil War, southern whites shifted their apprehension towards the possibility of social equality. According to historian George B. Tindall, the new fear, “made the reaction of whites far more violent toward acts of crime by Negroes and toward assertiveness or efforts by Negroes to press their newfound rights.”⁹ Probably no other issue contributed to the rise of violent repression than the hostile attitudes of whites towards Arkansas’ agrarian labor movement and the plight of black sharecroppers.

This terror sometimes manifested itself in race riots. For example, in the Howard County Race Riot of 1883, armed mobs of white locals from Howard and Hempstead counties murdered no less than six African Americans whom they accused of plotting an insurrection against whites and killing white sharecropper Thomas Wyatt. The reported cause of the incident stemmed from a fight between Wyatt and brothers Prince and James Marshall, black sharecroppers who farmed the adjacent property in which Wyatt, “knocked one of them down with a fence rail.”¹⁰ In an interview published by the *Arkansas Gazette* two days later, Howard County sheriff Robert G. Shaver, was much more succinct in his explanation describing the events as being due to African

⁸ United States Work Project Administration, Federal Writer’s Project, Vol. 9, part 3, *Arkansas*, 30.

⁹ George B. Tindall, *South Carolina Negroes, 1877-1900* (Columbia, South Carolina: University of South Carolina Press, 1952), 233.

¹⁰ “The Uprising of the Negroes in Hempstead County,” *Arkansas Gazette*, August 12, 1883, 5.

Americans in the area including some from Little River and Sevier counties gathering in the Saline River bottoms, and organizing to protest the conditions of sharecropping.¹¹

Scholar Peggy S. Lloyd noted that events in Howard County may have been part of a plot by white landowners to frighten black labor organizers and prevent the disruption of the sharecropping system.¹² Lloyd's theory is credible because the effectiveness of the sharecropping systems was based on the inordinate control white landowners held over the mode of production. Therefore, black efforts to organize a protest whether real or imagined provided fertile ground for poor whites and white planters to fear so-called insurrection because black activism and action carried serious implications for white social, economic, and political dominance.

The trend of white repression of black efforts to organize their labor is well documented. For example, on April 21, 1888, the *Arkansas Gazette* detailed threats of violence by whites against African Americans in the Delta town of Paragould, Arkansas in Greene County. Mifflin Wistar Gibbs, an African American resident of the town stated, "They burn our houses down and church down, and in fact we can't have no peace here."¹³ In another incident recorded by the *Arkansas Gazette*, African Americans faced the possibility of a so-called labor race war after whitecappers (a member of a self-appointed secret group who use extralegal acts of violence to target select individuals or groups) in Lawrence County gave black mill workers and farm hands notice to leave the area or face severe consequences.¹⁴ The troubles in Greene and Lawrence counties sprang primarily from attempts by African Americans to improve themselves financially. The most revealing aspects of these incidents lies in the fact that black labor had

¹¹ "Nipped in the Bud," *Arkansas Gazette*, August 14, 1883, 5.

¹² Peggy S. Lloyd, "The Howard County Race Riot of 1883," *Arkansas Historical Quarterly* 59 (Winter 2000), 358.

¹³ "Disgraceful if True," *Arkansas Gazette*, April 21, 1888, 4.

¹⁴ "Whitecaps," *Arkansas Gazette*, January 17, 1894, 2.

made significant inroads and threatened to become a means by which African Americans might lift themselves from the bottom rung of the social class ladder. Therefore, Arkansas whites sought the destruction of African American alliances in a violent manner. Well into the twentieth century, white mobs proved willing to use violence to prevent any social, economic, or political gains by African Americans.

It is not necessarily the success of black workers that was remarkable, but rather their optimism in the face of great odds. In his address before a group of landless black tenant farmers and sharecroppers, Scott Bond, a successful black farmer and entrepreneur from St. Francis County asserted the necessity of African American economic control. Bonds exhorted, “The world depends on the farmer. We have the world by the tail and a down-hill pull; we are in position to make all city dudes pull their hats off to us. We can feed them on whatever we see proper to feed them on. This talk I am making is to call attention to the power the Negro has in his hands if he will use it, to master the entire world along economic lines.”¹⁵ Despite the hardships, Bond believed the black farmer could prosper in agriculture but would need to employ a variety of strategies to surmount the obstacles in their way. At the very least, black sharecroppers must rely upon the support of the African American community, as available historical information repeatedly emphasizes.

In order for black sharecroppers to succeed, they often required some form of support from black enterprises. Thus cultivating support from organizations like Booker T. Washington’s National Negro Business League became an important component of black labor development. In addition, numerous industrial schools and institutes were established to help the landless, uneducated, and deprived masses of black agricultural workers. Founded on July 4,

¹⁵ Dan A. Rudd and Daniel Arthur, *From Slavery to Wealth: The Life of Scott Bond, the Rewards of Honesty, Industry, Economy, and Perseverance* (Madison, Arkansas: The Journal Printing Company, 1917), 347.

1881, Tuskegee Institute quickly emerged as an organization responsible for uplifting more than 1,000,000 black farmers in the South.¹⁶ In Arkansas, Branch Normal College, which opened in Pine Bluff in 1875, developed similar training for black farmers focusing their attention on poverty stricken sharecroppers and the things they could do in their homes, on farms, and churches for self-improvement. Branch Normal College was, originally, a branch of the state university in Fayetteville, then called Arkansas Industrial University, both supervised by a single board of trustees. However, Branch Normal, located in the Delta, was intended to serve the “poorer classes,” that is to say African Americans.¹⁷ Emphasizing the virtues of racial solidarity, self-help, and economic development, the ideology of progress emerged at the center of black labor.

At the same time, black workers and the black middle class were highly conscious of class dynamics and even regarded the interactions of all groups with a measure of suspicion. For example, Dr. D.B. Gaines, a black graduate of Meharry Medical School, wrote the following regarding black sharecroppers: “The relation of the races in Little Rock and other large towns and cities in the state is not so strained however, as it is in some of the smaller towns and some localities in the county, especially on the large farms where the more ignorant Negro lives and the rule or power is exercised by unrefined and in many cases inhuman white men, and indeed the situation in some places is far from satisfaction. So very much so until in some places where the Negro is entirely unprotected he is forced to leave his home and belongings at the discretion of his white brother. The writer does not pretend to say the cause of these things, but declares it is to be deplored and should be looked after by the proper authorities and adjusted according to

¹⁶ Theodore Saloutos, *Farmer Movements in the South, 1865-1933* (Berkeley, California: University of California Press, 1960), 31-43.

¹⁷ Elizabeth L. Wheeler, “Isaac Fisher: The Frustrations of a Negro Educator at Branch Normal College, 1902-1911,” *Arkansas Historical Quarterly* 41 (Summer 1982), 4.

right principles.”¹⁸ The agrarian labor movement heightened class consciousness among African Americans and worsened the mutual antagonism between classes. While an important undercurrent of antagonism characterized relations between the black middle class and black farmers, in the hostile racial environment of Arkansas they understood the necessity of unity.

Desperate measures for changes in the Sharecropping System

As early as 1886 black Arkansans concluded that since whites were determined to destroy the cause of organized labor, African American would not only fight the battle, but attack the problems directly. In the spring of 1886, the Knights of Labor engaged in two strikes in Arkansas. The first of these strikes became known as the Great Southwestern Strike and involved action against the railroad system controlled by Jay Gould, which included the Missouri Pacific; Missouri, Kansas and Texas, and the Wabash lines. At the center of the dispute was a ten percent reduction in wages ordered by Gould to be enforced on the Southwestern system portion of the railway lines.¹⁹ As a result of the reduction in pay, members of Knights of Labor assemblies voted to walk off of their jobs including white and black members. The strike was called off by the Knights of Labor on May 4th, at the request of a citizen’s committee resulting in the majority of the black strikers losing their jobs.²⁰ While the Great Southwestern Strike began in March and ended in failure by May 1886, it deserves recognition because it demonstrates the deep conviction black workers held for their cause, the labor movement.

¹⁸ D.B. Gaines, *Racial Possibilities as Indicated by the Negroes of Arkansas* (Little Rock, Arkansas: Philander Smith College, 1898), 22-23.

¹⁹ *Arkansas Gazette*, March 7, 1886. See also “Report of the House Select Committee on Labor Troubles in Missouri, Arkansas, Kansas, and Texas,” House Doc., 49th Cong., 2nd session, 1886-1887, No. 4174, 385-386.

²⁰ Norman J. Ware, *The Labor Movement in the United States, 1860-1895* (New York: D. Appleton and Company, 1929), 148.

The second strike took place during the summer of 1886 when forty black sharecroppers, thirty of which were Negro assemblies members of the Arkansas Knights of Labor from the Tate Plantation in Pulaski County engaged in a strike for higher wages.²¹ The Tate Plantation was an operation managed by D.H. Fox and his brothers C.G. and J.C. Fox devoted primarily to the cultivation of cotton. At dispute was a request for an increase in wages of the sharecroppers from \$0.75 cents to \$1.00 per day because of a particularly grassy crop of cotton. The Fox Brothers responded to their request by informing the black sharecroppers that current market prices made it impossible for them to pay more than the \$0.75 cents rate and countered with a request for workers to resign and give up their farm houses if they refused to work at the present rate of pay. After the request for higher wages was refused, a general strike was initiated on July 2, 1886. According to the *Arkansas Gazette*, thirty men quit and refused to return to work under the previous conditions of employment.²² The strike continued through the weekend at which time Pulaski County Sheriff Robert W. Worthen arrived at the Tate Plantation to take control of events that was quickly spiraling out of control.

The incident attracted national attention because of its potential for stirring a racial violence. For example, the *New York Times* wrote that many believed the “county is on the verge of one of the bloodiest race conflicts that has occurred since the war.”²³ Closer at hand was the characterization of the strike by Sheriff Worthen as a general Negro uprising. In a public meeting of Little Rock citizens, the sheriff alleged that workers intended to destroy the crops and buildings on the Tate property, attack the surrounding plantations, and kill authorities, none of which was verified. In addition, Sheriff Worthen solicited volunteers to serve as deputies in the

²¹ *Arkansas Gazette*, July 6, 1886.

²² *Arkansas Gazette*, July 8, 1886.

²³ *New York Times*, July 7, 1886.

event of trouble.²⁴ The inflammation of tensions by authorities and mischaracterization of facts relating to the labor action represent the continuation of a pattern that remained for the decades to follow.

On July 5, 1886, the strike was ended with the arrest of one of the strike leaders Hugh Gill. When deputies attempted to arrest Gill, he was shot in the arm with a shotgun for allegedly resisting arrest. After the non-fatal injury, approximately 250 black men, many of them armed, were convinced to disperse by two Arkansas Knights of Labor leaders, an African American man identified as Merriman and Dan Fraser Tomson, one of the founding members of the first assembly in Arkansas. By July 7, for all intents and purposes the strike was considered over. The majority of the sharecroppers were rehired but at no pay increase and under the same conditions of employment. And while the labor action cannot be considered a success in terms of collective bargaining accomplishments, it was an effort by black workers to gain economic redress by means of strike. It also served as a precedent for collective action by members of the Colored Farmer's Alliance in Lee County to engage in a strike five years later for higher wages.

The situation of black sharecroppers had hardly improved since the Tate Plantation Strike of 1886. They continued to operate under extremely exploitative conditions and were excluded from reasonable labor negotiations. In 1891, the Colored Farmer's Alliance under the leadership of R.M. Humphrey advocated a strike by the nation's black cotton pickers in an effort to increase their wages. On September 7, 1891, newspapers throughout the nation reported that within a few days, cotton pickers would strike unless they received \$1.00 for every 100 pounds. At the time most sharecroppers received between fifty and sixty cents per hundred pounds.²⁵ In an attempt

²⁴*Arkansas Gazette*, July 8, 1886.

²⁵*Arkansas Gazette*, September 12, 1891; *Houston Daily Post*, September 6, 1891; *Memphis Appeal-Avalanche*, September 6, 1891; *Detroit Plaindealer*, September 11, 1891.

at a bold scheme to gain leverage in negotiating, the strike was scheduled during the harvest time. However, the idea of a national strike encountered opposition with the Colored Alliance making the success of such a measure less likely. In order to counter opposition to a national strike, Humphrey focused attention on the formation of a Cotton Pickers League, a faction of the Colored Alliance which consisted solely of landless black field hands who worked on plantations in the deep South. The distinction between the League and the Alliance is not made clear in the historical record and the Colored Farmer's Alliance is generally credited with sponsoring the strike.

The formation of the Cotton Pickers Strike of 1891 marked a shift in the agrarian labor movement because it attempted to use a widespread strike as a means to improve the lot of landless black field hands. The circumstances that existed in Lee County proved ideal for such a strategy because of the class dynamics at play. The county consisted of plantations and small trading centers, however, Memphis served as the major business center for the Delta, and many plantation owners lived there. In the days after the September national strike announcement, large scale action never materialized. But in just over a week later, however, workers from Lee County, organized by Ben Patterson of Memphis, Tennessee, went on strike. Patterson arrived in Lee County in early September about the time of the national strike announcement, and during the next three weeks urged black field hands to refuse to work unless they received higher wages. The record indicates that Patterson traveled throughout the Delta urging others to join the movement with marginal success.

On September 25, 1891, the conflict resulted in two cotton pickers being killed. According to newspaper reports, strikers rode onto one plantation and demanded that cotton pickers join them; the pickers refused and a fight ensued in which men, women, and children

participated, “armed with hoes, sticks, knives, and revolvers.”²⁶ The armed strikers allegedly went from plantation to plantation, trying to drive other cotton pickers from the fields until wages were increased. In response, whites formed a large mob under the leadership of Sheriff W.T. Derrick and began a manhunt for Patterson and the strikers. The violence culminated on September 29th, with the white mob capturing the strikers on Cat Island in the Mississippi River ending the labor action. The strike was effectively ended, resulting in fifteen African Americans being killed, among them Ben Patterson, and the arrest of six others.²⁷ The attempts that black workers made to organize threatened the sharecropping system and the wealth of white planters. However, the Cotton Pickers Strike of 1891 demonstrated a willingness by sharecroppers to utilize desperate measures for change.

The strike also showed the extent to which white mobs would ruthlessly suppress collective action as a way to discourage others from contemplating similar action. Cynicism dominated white attitudes towards black labor activism. The bitter mood of the time is invoked in the commentary of Memphis *Appeal-Avalanche* which editorialized that, “The Negroes should be made to understand that they cannot commit these outrages with impunity, and “that the penalty is very severe.”²⁸ The widespread sentiment among black opinion leaders against the exploitative nature of sharecropping also found its way into the pages of the black press, which printed articles critical of the actions of the Colored Farmer’s Alliance as “economic heresy” for advocating such a scheme as a strike and condemned the brutal methods used to put down the strike.²⁹ Other black publications suggested a fear that the number of African Americans killed during the violence might be much higher than reported in the southern press and could

²⁶ St. Louis *Post Dispatch*, September 27, 1891.

²⁷ “Peace Prevails,” *Arkansas Gazette*, October 3, 1891.

²⁸ Memphis *Appeal-Avalanche*, September 28, 1891.

²⁹ Kansas City *American Citizen*, October 9, 1891.

encourage whites to inflict violence.³⁰ One article, published in *St. Louis Post-Dispatch*, went so far as to suggest that the “Liberia craze” or migration had broken out among cotton pickers in Arkansas and others wanted to move to the Oklahoma Territory to escape their economic circumstances.³¹

The political implications of the failed strike for the Colored Farmer’s Alliance were grave. The Alliance maintained both their white and black members, but after 1891 the national organization faced public disrepute and organizational difficulties impossible to overcome. The Cotton Pickers Strike of 1891, undertaken by an unlikely group, occurred at an improbable time and place. It was a courageous, if foolhardy action undertaken by black workers with the knowledge of certain defeat which hastened the demise of the Colored Farmer’s Alliance. However, the event greatly contributed to legacy of black protest and activism in the Delta.

Yet, the continued existence and development of agricultural labor unions in rural areas like Arkansas to further the economic interests of black workers were not evenly spread over the nation but limited to area workers engaged in cultivating commodities like cotton including those employed on a wage contract such as hired hands and casual workers. For roughly thirty years after a white mob violently quashed attempts at organizing landless black sharecroppers in Lee County, a coherent strategy for the causes of black labor lay dormant. The black leadership of Arkansas kept telling the masses that racism was the ideology of the enemy and resisting its manifestations was an act of strength and a moral obligation. This message clearly comes through in the fraternal and partially labor organizations of black workers.

At the same time, America’s entry into World War I introduced the prospect of a solution to the economic and racial difficulties that received considerable attention, migration. The

³⁰ Detroit *Plaindealer*, October 9, 1891; New York *Age*, January 2, 1892.

³¹ St. Louis *Post-Dispatch*, October 4, 1891.

coming of World War I provided an unexpected opportunity for the African American community because it provided black workers, particularly sharecroppers the stimulus for migration to urban centers in the North for greater economic opportunities. It is therefore necessary to mention migration as part of the response of black Arkansans to the inequalities of sharecropping. Many black Arkansans participated in the Great Migration between 1900 and 1920. For example, in 1890, there were sixteen counties in which blacks comprised 50 percent or more of the population. In 1910, the number of counties declined to fourteen, and by 1920, the number of counties had fallen to eleven.³²

Progressive Farmers and Household Union of America

In the wake of World War I, black sharecroppers in Phillips County joined the PFHUA to retain the economic gains made during the war which were rapidly eroding. The PFHUA explicitly sought to change the economic circumstances of its members by attempting to build a stable and efficient union to encourage members and outsiders to work for changes to the sharecropping system. A close look at the organization reveals that the lower class made up its rank and file membership, I found that black sharecroppers' religious identification was entangled with economic, social, and cultural traits. As evidence by the organization's by laws, membership questionnaires make the following inquiries: Do you give due respect to all humankind? Do you obey the law at all times? Do you believe in court? And will you defend the government and her Constitution at all times? Finally, "God grant that all men be equal in

³² Fon L. Gordon, *Caste & Class: The Black Experience in Arkansas, 1880-1920* (Athens, Georgia: University of Georgia Press, 1995), 122.

thy sight and the sight of men.”³³ For black sharecroppers religious faith was central to the formulation of their class values.

The PFHUA formed in 1918 in response to the escalating volatility of sharecropping, which experienced a labor shortage following the war. Membership in the PFHUA was open to tenant farmers, sharecroppers, small farmers, farm workers, and other interested individuals who did not ally themselves with white planter interests. During its brief history, membership in the organization was concentrated in the Arkansas Delta, where agriculture dominated the economy. In 1918, the union’s total membership is not specifically known, membership was expanded to both male and females, they were issued membership cards, paid membership fees, and operated lodges in Hoop Spur, Elaine, and Ratio, small communities within Phillips County. The PFHUA organized in spite of reprisals against union activity by planters, local law enforcement, and politicians. In its broad outline, the founding of the organization was based on the willingness of sharecroppers to gather and challenge the dominance of their landlords. PFHUA members simply wanted to break from white dominance and seek legal action against economic oppression.

Not surprisingly, historians have characterized the PFHUA as radical in the face of the numerous racial violence that followed when African Americans dared to protest against oppression. But the formation of the PFHUA is more accurately described as a moment when class consciousness threatened the Delta’s prevailing social order. The PFHUA brought together black farmers in a fraternal like organization with a mission to mobilize the region into action. It took up the cause of improving the lives of black sharecroppers and their families, by seeking

³³ *The United States Constitution and By-Laws of the Progressive Farmers and Household Union of America*, roll 820, 5.

fair treatment, equal rights, and economic independence. The first focus of the organization was on fair wages and treatment within the system.

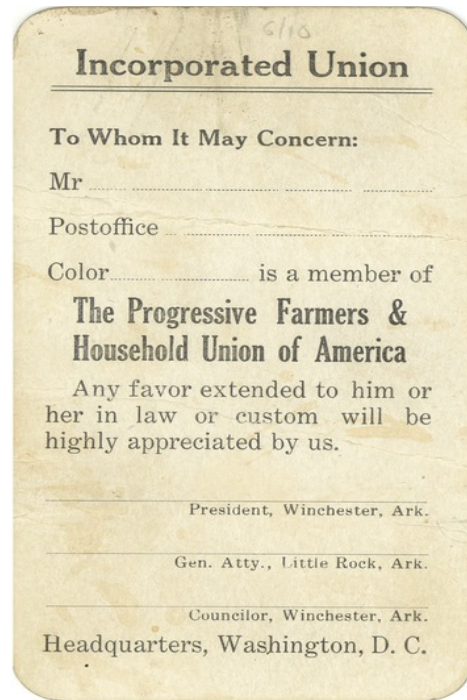


Figure 3. Progressive Farmer and Household Union of America, blank membership card. *Courtesy W.E.B. DuBois Papers, Special Collection and Archives, University of Massachusetts Amherst Libraries.*

The PFHUA carried on their efforts to solicit change because of its potential to disrupt the sharecropping system. Because of the tremendous dependency of white planters on black workers, African Americans believed the task of staving off the threat of collective labor action fell on the shoulders of whites who had no choice but to seek some type of solutions. However, they also understood the dangers associated with threats to the material interests of planters. And as they went about crafting a strategy for fair wages, they wanted to work within a legal framework, this is why union members hired attorneys to take action in court. But when it came

to the economic challenges imposed on them the larger issue was overcoming the ideology of white supremacy which asserted black subordination.

Under the leadership of Robert L. Hill, the PFHUA developed a more social orientation. The organization was established in Winchester, Arkansas a small community located in Drew County. According to Bureau of Investigation records, Robert L. Hill was born on June 8, 1892 or 1898 in Dermott, Arkansas in Chicot County.³⁴ Hill was not a religious leader or politician, but by all indications he was enthusiastic in his leadership of the PFHUA and gained the trust of its members. At a time when black Arkansans were disfranchised, black sharecroppers in Phillips County developed a brand of racial solidarity, marked by a demand for equality, albeit on a segregated basis. Hill's appeal was authentic and he was active at the local level in the PFHUA in the Delta. Although Robert L. Hill is remembered for drifting away under threats of death after the Elaine incident, his development of the PFHUA in a short period of time is an achievement that includes being the first landmark Supreme Court case of the twentieth century to reinforce the Due Process rights of African Americans.

³⁴ Investigative Case Files of the Bureau of Investigation, 1908-1922, National Archives and Records Administration, publication number M1085, case number 373159, roll 820, 11.

CHAPTER 4 A DEADLY RESPONSE

“The whites sent us word that they was coming down there and kill every nigger they found.”
Frank Moore, Elaine defendant

It was a well-kept secret in the state that was revived in the Spring of 1997, a secret that had been kept for almost eighty years by everyone touched by Elaine, black and white, the living and the dead. For the better part of a century, through numerous U.S. presidents, from Warren Harding to Bill Clinton, the citizens of Arkansas, some out of fear, others out of shame, operated on the belief that a bad memory is best forgotten. The success of the historical drama film *Rosewood*, which was released in February 1997, is an important moment in the history of the Elaine Race Riot. The film, based on historic events of the 1923 Rosewood massacre in Florida, when a white mob killed blacks and destroyed their town, revived memories of Arkansas' dark past and symbolized the cultural, social, economic, and political life of African Americans in the South during the early part of the twentieth century. Director John Singleton's film about a massacre in Florida was a powerful tool for a resurgence of the production of history emphasizing a close examination of the climate that existed in the United States, especially in the Deep South where a mob of angry whites could turn to attack blacks with little provocation. Furthermore, no one would know when or why such an attack might come.

The people in Elaine had no way to know that when they attended a meeting of the PFHUA on September 30, 1919, that they would face a crowd of armed, angry white men. Arkansas had its share of racially motivated violence during the years leading up to the incident, but the black men of Phillips County seemed to think that it would not happen to them, until it did. As the autumn picking season began in 1919, a superficial sense of normalcy settled over

the area. Up before dawn, families of black sharecroppers made their way to the cotton fields from their shacks, where the primary task of the harvest season was to divide the land into parcels to be picked based on expected yields of the crop. That is to say, the fields of cotton with the expectation of yielding the best price taking priority over others in terms of picking order.

Life was familiar, but much had changed. Many of the cotton pickers working in the fields that year were members of the PFHUA and had retained the services of former assistant U.S. Attorney in the Eastern of Arkansas Ulysses S. Bratton, who had previously prosecuted white planters in violation of peonage laws in Mellwood, Arkansas, a delta community in Phillips County, nearby Elaine.¹ The impact of the previous years' low market price for cotton left many families either in debt or still seeking payment for last year's crop. As a result, blacks pooled their money to finance legal representation in order to gain payment from the previous year and negotiate for a fair price for the cotton crops of 1919. For many, they believed collective action was their only chance to get the monies owed to them and establish a semblance of equity from the debilitating sharecropping system. Eventually, they accepted the ideas that labor organizing and legal action would provide the pathway towards a more stable life. Encouraged by Robert L. Hill and Ulysses S. Bratton, the black workers of the PFHUA prepared to exercise their rights.

As the new century bloomed, the U.S. District Court for the Eastern District of Arkansas recognized the potential for economic promise held far more for African American if in fact federal laws were enforced. To that end, the U.S. Attorney's Office began to enforce statutes prohibiting "white capping" or the extralegal acts of violence targeting African Americans carried out by vigilantes beginning around the 1900's to enforce community standards of

¹ Ida B. Wells-Barnett, *The Arkansas Race Riot* (Chicago: Hume Job Print, 1920), 54.

appropriate behavior and traditional rights and peonage. On May 8, 1903, U.S. Attorney William G. Whipple requested and received approval for funding to investigate the activities of white perpetrators. Whipple wrote U.S. Attorney General Philander C. Knox that an “inferior class of white men feeling themselves unable to compete with colored tenants combined to drive them out of the country.”² Whipple, with help from assistant U.S. Attorney Bratton resolved to prevent these actions by bringing several cases in federal court. Most notably, *Hodges v. United States* (1906) which attempted to prevent white men from using intimidation against African American sawmill workers in Whitehall, Arkansas.³ While the decision in *Hodges* established that the Thirteenth Amendment does not authorize Congress to protect labor rights from racially motivated attacks, bringing the case gave Whipple and Bratton reputations for enforcing federal laws that protected black Arkansans.

Ulysses S. Bratton, no longer an assistant U.S. Attorney, had demonstrated a willingness to consider the cause of black sharecroppers as evidence by the enforcement of anti-peonage laws of the federal government. As an assistant U.S. Attorney, he had reported about the illegal practices of white planters. Bratton noted that the breaking up of an open system of peonage in Mellwood, Arkansas only contributed to white planters devising another plan and “another system followed in its wake.”⁴ By all accounts Bratton was a person of superior moral character and believed that African Americans could attain material prosperity if given an opportunity. When he was approached by Robert L. Hill of the PFHUA to help its members, Bratton indicated, “we did not hesitate to take their cases, they came to us from distant parts of the state,

² Pamela S. Karlan, “Contracting the Thirteenth Amendment: *Hodges v. United States*,” *Boston University Law Review* 85 (2005), 785.

³ *Hodges v. United States*, 203 U.S. 1 (1906).

⁴ U.S. Bratton to Frank Burke, Assistant of Division and Chief of Bureau of Investigation, Dept. of Justice, November 6, 1919.

our office being located in Little Rock, more than one hundred miles from Phillips County, wherein are Helena, Elaine, and where the recent trouble, heralded as race riots was had.”⁵ Bratton agreed to serve as attorney for the PFHUA, putting his life at serious risk. Then he partnered with a local attorney G.R. Casey in Helena and opened an office on 427 Cherry Street close to the county courthouse under the name Bratton, Bratton and Casey.⁶ On September 25, 1919, just days before the riot, Robert L. Hill is on record in a speech at a PFHUA lodge in Ratio, Arkansas, telling members, “a white lawyer would protect them and see that they got their rights.”⁷

But to most white people, the black workers of the PFHUA and the arrogance of Bratton made the Delta a confused and twisted domain in which all of the most sacred values of the South were being mocked and trampled. A white planter, T.W. Keesee spoke of the PFHUA and Bratton as villainous troublemakers who sought to rise up against white citizens. Keesee was typical of Phillips County natives in his disdain for whites who sought to co-exist with African Americans and live with them on terms of equality. Bessie Ferguson’s dissertation about the riot cited Keesee’s characterization of Bratton as a “carpetbag Republican.”⁸ In fact, Bratton was born in Wiley’s Cove, a small town in northwest Arkansas and his father and uncle had fought for the Union during the American Civil War. But he was an Arkansan who believed the federal government and the law should offer a place of refuge for most marginalized citizens including African Americans. His evocative sense of post-emancipation freedom diverged from the path of the South’s evolving economics and social and cultural traditions. Yet, Bratton’s background

⁵ Ibid.

⁶ *Arkansas Gazette*, October 4, 1919, 1.

⁷ C.M. Walser and C.R. Maxey, Report, Investigative Case Files of the Bureau of Investigation, 1908-1922. NARA: publication number M1085, case number 373159, roll 820-823.

⁸ Bessie Ferguson, “The Elaine Race Riot,” (Master’s thesis: George Peabody College for Teachers, 1927), 68.

suggests it was a natural undertaking for him to fight for equality within labor and the rights of African Americans to compete on a level playing field.



Figure 4. Ulysses S. Bratton, Attorney hired by the PFHUA to sue planters for unpaid crop shares. *Courtesy of the Butler Center for Arkansas Studies, Central Arkansas Library System.*

Elite white planters like T.W. Keese, blamed Ulysses S. Bratton for working with African American to obtain equality, but the man they hated was Robert L. Hill, the founder and leader of the PFHUA movement. Often, they framed their objections to him as complaints about his lack of qualifications and con-man qualities. The *Arkansas Gazette* characterized Hill as “an ignorant, illiterate country farm hand,” but he proved to be much more formidable than his portrayal.⁹ He was not educated, yet fate has him as the chief organizer of a labor action. On top of that, he was willing to face white planters with a clear understanding of what such a confrontation entailed.

⁹ *Arkansas Gazette*, January 22, 1920, 13.

But to most whites, the essence of the affront was racial. They lived during a time when the façade of white supremacy was beginning to crack. So now what had once been a murmur of discontent, turned into a steady drum beat with discharged soldiers from World War I trickling back into the county. In early 1919, the white leaders of Phillips County created a “citizen’s committee” to keep an eye on the racial situation. The committee made up of Phillips County residents E.C. Hornor, Sebastian Straub, E.M. Allen, T.W. Keesee, Sheriff Kitchens, and three others failed to report specific problems, yet rumors persisted that something was brewing.¹⁰ Sometime, in July 1919, the unusual number of African Americans entering the offices of Bratton, Bratton, and Casey, gave the citizens committee located in Helena their first indication that black workers were planning to take legal action. A 1960 interview with Charles Straub, the son of committee member Sebastian Straub revealed the discovery of PFHUA pamphlets which began to surface in the area around June of 1919. The noticeable activity at the law offices and the existence of union literature prompted the committee to hire a detective to ascertain the specific plans of the PFHUA.¹¹

The tensions continued to rise when news of racial violence was reported in Chicago on July 27, 1919. The local media reported the violence in Chicago as a “race war” with mobs of angry whites going through the streets to kill unruly blacks.¹² A few days later on August 6, 1919, the hysteria associated with the Red Scare arrived in Helena when workers of the Iron Mountain Railroad line struck for higher wages.¹³ For all who were watching, it seemed that the

¹⁰ Robert Whitaker, *On the Laps of Gods: The Red Summer of 1919 and the Struggle for Justice that Remade a Nation* (New York: Crown Publishers, 2008), 71.

¹¹ J.W. Butts and Dorothy James, “The Underlying Causes of the Elaine Race Riot of 1919,” *Arkansas Historical Quarterly* 20, no. 1 (1961), 95-104; Research materials for Butts and James, “Underlying Causes,” Charles Straub, interview, October 15, 1960, In possession of Helena Library.

¹² “Kill the Coons!” *Helena World*, July 30, 1919.

¹³ Willie Mae Countiss Kyte, “Elaine, Arkansas,” *Phillips County Historical Quarterly* 23 (December 1984), 38-67.

social order had been turned topsy-turvy. Helena businessmen and elite planters did not ignore events taking place throughout the nation, they proceeded with earnest to prepare for the onset of a race war in Phillips County. The leaders might have been alarmed, but they did not appear surprised. The presence of white terrorist organizations like the Ku Klux Klan do not appear to be the primary purveyors of turmoil. Yet, the statewide network of white vigilantes was still in place. Undoubtedly, members of the PFHUA must have known that their actions would provoke a response from these forces.

But now, the citizen's committee as the protectors of white hegemony felt they could suppress the dangers of conflict. By September 1919, white citizens confidently predicted that trouble was coming and everyone should be prepared for it. According to a statement provided by J.W. Butts, whose father owned a plantation near Elaine, his father advised white citizens "to get ready for trouble."¹⁴ Instead of trying to avoid the conflict, white citizens dug in and planned to maintain the status quo to complete the cotton harvest. Their confidence in part was due to the inside information the citizen's committee obtained from black collaborators who reported on Robert L. Hill and the PFHUA. As planter Lynn Smith of Ratio, Arkansas commented, it was thanks to the tattling of a "few darkies," they knew the plans of the union and the names of their leaders.¹⁵

Still there were people who did not like what they were hearing about the looming violence and were willing to consider modest measures to ensure survival in the Delta's peculiar environment. The staunch pro-planter *Helena World* newspaper editorialized that "the negro is an asset which the community can ill afford to lose or abuse or neglect," suggesting that white

¹⁴ Research materials for Butts and James, "Underlying Causes," J.W. Butts, interview, October 17, 1960, In possession of Helena Library.

¹⁵ Research materials for Butts and James, "Underlying Causes," Lynn Smith, interview, October 28, 1960, In possession of Helena Library.

planters engaged in dialogue to treat the sharecroppers better.¹⁶ And while no one visualized a scenario in which the two races would harmonize and live together on the basis of equal civil and political rights, white planters understood the importance of reassuring the community at large that they were in command of the crisis. And, crucially, the citizen's committee succeeded in forming a type of county militia under its control, consisting of "designated citizens" to call, this would prompt hundreds of men to report to the sheriff's office where guns and ammunition could be handed out.¹⁷ Some members and associates of the citizen's committee reported a sense of going out of their way to compel black workers not to embark on their campaign of lawsuits and strikes. In the words of one "designated citizen," All of the necessary preparations had been made, and in some instances sharecroppers were warned what to expect should they dare strike, "if they got out of line, there would be no compromise with sudden death."¹⁸

The elite planters of Phillips County were in no position to sustain protracted court appearances or strikes; most were too busy trying to save their family estates from financial distress. Though the cotton crop of Fall 1919 was projected to be better than the previous year, it was still short of what the Delta area had produced before. Compounding the crisis was the uncertainty of not having a reliable labor force of cotton pickers to harvest the crop. Perhaps if the black workers had acquiesced to intimidation, the collision course that both parties were on may have been avoided. But black workers did not retreat from their plans to level the economic playing field and instead drew inspiration from black publications like the *Crisis* and the *Chicago Defender*. The white planter's world was hanging in a delicate balance when the September 1919 issue of the twentieth century African American political and literary magazine

¹⁶ "More Agitation," *Helena World*, May 14, 1919.

¹⁷ Research material for Butts and James, "Underlying Causes," Charles Straub, interview, October 15, 1960, In possession of Helena Library.

¹⁸ Whitaker, *On the Laps*, 79.

the *Messenger* arrived at the Phillips County post offices with an editorial urging black sharecroppers to rise up against the capitalist system and strike.¹⁹ The timing of the publication suggests some knowledge of what was to come, but in reality with picking season at hand, black sharecroppers possessed optimum leverage to negotiate with white planters. Therefore, the editors of the *Messenger* encouraging a strike and promoting a socialist political view is reasonable considering the context.

The next turn of events undoubtedly infuriated the citizen's committee and is subject to questions in regards to the veracity of the incident. On September 25, 1919, Ed Ware and other PFHUA members gathered for a union meeting in Elaine. Apparently, the potential for violence did not dissuade them from continuing to seek a resolution to their labor problems. In fact, by all accounts the number of members who turned out was significant and they were accompanied by others interested in joining the cause. At some point during the evening, the gathering was observed by two white men, twenty-eight-year-old Henry Bernard and friend who decided to listen in on the union meeting and report back to authorities. Henry Bernard claims to have heard the meeting being led by a white man and black participants telling each other to "get rid of the boss man," in particular local plantation owners Will Cragg and K.P. Alderman.²⁰ Bernard's allegations seem to be the heart of the black insurrection theory as being the cause of the riot. Nevertheless, in Arkansas a victim or witness to a crime would need to swear out a complaint against the alleged perpetrator. The judge would then issue a warrant, and the sheriff would make an arrest, with the help of his own chosen deputies or sometimes a posse made up of

¹⁹ Ibid., 79; "Strikes," *Messenger*, September 1919.

²⁰ Research material for Butts and James, "Underlying Causes," Henry Bernard, interview, December 7, 1960. In possession of Helena Library.

citizens specially sworn in for the task. There is no evidence that such a process was followed in this case.

The justice system failed to operate properly on the fateful evening of September 30, 1919, when Deputy Sheriff Charles Pratt, Missouri-Pacific Railroad agent W.A. Adkins, and Phillips County jail trustee Kid Collins, an African American prisoner, attempted to check on a gathering of African Americans and the potential of a union meeting at a church in Hoop Spur in Phillips County. African Americans in Phillips County knew that many times enforcement of the law took the form of white vigilantes masquerading as police officers. So when attendees at the September 30th meeting saw headlights from an automobile observing, they immediately became suspicious. By the end of the night, W.A. Adkins was killed, Charles Pratt was wounded, and Kid Collins escaped and telephoned a report of the shootings to the local authorities who formed a sheriff's posse to take control of the situation.²¹

Contact with White Vigilantes, Federal Troops, and Confrontation

The violent events multiplied in the hysteria that had been brewing for months. Upon notice of the killing of Adkins and wounding of Pratt, Sheriff Frank Kitchens hurried and initiated the citizen's committee plan to confront the union members and put down any resistance. By now, it was the early morning hours of October 1, 1919, and word had spread of fighting between whites and blacks in Phillips County. Before daylight, an unknown number of white men associated with the citizen's committee and vigilantes from Clarendon, Marianna, and Marvell, Arkansas and from Lulu, Tunica, Friars Point, and Clarksdale, Mississippi converged on the communities of Hoop Spur and Elaine.²² The reports indicate they were armed with all

²¹ Richard C. Cortner, *A Mob Intent on Death: The NAACP and the Arkansas Riot Cases* (Middletown, Connecticut: Wesleyan University Press, 1988), 8.

²² Cortner, *A Mob*, 8.

manner of weapons including pistols, rifles, and shotguns. On October 1, the riot tallied three white men, Clinton Lee, James A. Tappan, and Orley R. Lilly dead, and seven black deaths, but their names weren't reported.²³ A short distance from the church in Hoop Spur where the shooting started, Missouri-Pacific Railroad agent H.F. Smiddy, Deputy Sheriff Dick Dalzell, and others arrested several blacks who were attempting to hide without incident. Agent Smiddy recalled that Kidd Collins, the African American trustee present during the initial shooting stated the riot started when they arrived at the church for the purpose of breaking up the union meeting. When they stopped in the road, W.A. Adkins begun shooting, the African Americans returned the fire and shooting became general.²⁴ Despite all that had happened, Agent Smiddy reported that after the first few hours of the riot, it seemed calmer minds might prevail.

The prospect of calmer minds prevailing would not come to fruition. Sheriff Kitchens dissolved into fury. The shooting had wounded one of his own deputies and killed a fellow law enforcement officer. What enraged him, though, was that African Americans had dared to challenge white authority and upset the social order. Kitchens spoke angrily to the *Arkansas Democrat* one day later, "It was just as the town had feared, the Negroes were rising up against the white residents of the southern part of Phillips County."²⁵ He further speculated that he had a pretty good idea who the culprits were and would make sure they suffered the penalty of the law. The question was how to make good on his vow to hold the alleged culprits accountable. Instinctively, Kitchens helped mobilize forces of white possess to round up blacks as he oversaw all operations from the county courthouse. The roundup of blacks was not difficult as most of the sharecroppers who fled the union meeting were still in the area and others were not fully

²³ Ibid., 9; *Arkansas Gazette*, October 2, 1919.

²⁴ Whitaker, *On Laps*, 87.

²⁵ "Negroes Had Plot to Rise Against Whites, Charged," *Arkansas Democrat*, October 2, 1919.

aware of the situation. But that would all change once white mobs came into contact with the black citizens of the county. The scheme of white vigilantes was so sinister that it could have only germinated in the hotbed of racial hatred in the Arkansas Delta.

Fleeing into the woods after angry white mobs started to attack African American homes, many sharecroppers and their families faced certain death if found. Ed Ware, a sharecropper who was present at the initial shootings, described the terror of the white mobs roaming the area. According to Ed, “a gang of white people had killed a little fellow they called Lemon, and were coming to kill me and every Negro they saw.”²⁶ Upon learning that he was a target, Ed Ware was on the run and so too was every other African American in the area whether they were a part of the union meeting or not. A crowd of armed white men now milled around the area seeking to confront any black person they encountered to kill them. As Ware and others including Albert and Milligan Giles were trying to devise a plan, someone glanced at the women and children, huddled together in a wooded ticket of brush. In and around the cotton fields lived hundreds of sharecropping families, most occupying the small shacks that were built after emancipation. They survived on a pauper’s wage from white planters augmented by chickens, corn, and vegetables they raised, and small game they shot in the nearby woods. In self-defense and having no chance to safely surrender to authorities, they retreated into an area known as Govan Slough. There, they resolved to wait out the trouble and defend themselves when necessary. Several men who were armed decided to hide for protection, but to not fire unless directly threatened. Joe Fox recalled being told, “if they didn’t bother us, don’t bother them.”²⁷ The only

²⁶ Appellant’s Brief and Abstract, *Ed Ware et al. v. State of Arkansas* (Arkansas State Court, 1920), Butler Center for Arkansas Studies, Little Rock, Arkansas, 90. The brief and abstract in the retrials of the Ware defendants bear no case number nor specific date.

²⁷ *State of Arkansas v. Joe Fox and Albert Giles*, transcript, 26, (Arkansas State Court, 1921), Special Collections, University of Arkansas at Little Rock, William H. Bowen, School of Law Library, Elaine Race Riot materials.

problem was that white vigilantes had decided to fire on all blacks and kept shooting even as they attempted to surrender.

As African Americans fled into the night, white mobs fired wildly after them. The killing that spilled over into Govan Slough is emblematic of the barbarity. Missouri-Pacific Railroad Agent H.F. Smiddy, a witness and party to the awful spectacle recalls patrolling the southwest portion of the slough when five to six African Americans came out the area “unarmed, holding up their hands and some of them running and trying to get away, they were shot down and killed.”²⁸ For his part, Smiddy admitted to killing a teenaged boy hiding in the brush, “he was not trying to shoot anybody and didn’t have a gun.”²⁹ This admission provides evidence that the mission of the mob had shifted from seeking justice to more a deadly response. Agent Smiddy’s statement demonstrates that once the outbreak of violence started, whites were intent on the total suppression of the black masses. Phillips County had been seething for months over the discontent and labor rumblings and now elite planters, businessmen, and poor whites alike joined forces to implement terror.

A short distance to the south of Govan Slough, was another group of sharecroppers who organized under Frank Moore, a U.S. Army veteran. Moore was an active member of the PFHUA and attempted to help the families in crisis because of his military background. The leaders of the Elaine chapter of the PFHUA, Ed and Frank Hicks were also among the group. The record revealed that Frank Moore received warnings from blacks fleeing Govan Slough, that white people were coming to “kill all the Negroes they could find.”³⁰ Furthermore, it was believed that Ed and Frank Hicks were specific targets because of their leadership roles in the

²⁸ Affidavit by H.F. Smiddy, Special Collections, University of Arkansas at Little Rock, William H. Bowen, School of Law Library, Elaine Race Riot materials.

²⁹ Ibid.

³⁰ Wells-Barnett, *Arkansas Race Riot*, 32.

PFHUA.³¹ The group crossed into the darkness of the night and did not dare return to their homes for fear of being killed.

During the course of the first two days, there were others who would draw the ire of white mobs. By October 2, Robert L. Hill was once again fine tuning the radical ideological invasion of Phillips County by doing as he promised at a union meeting in Elaine the previous week and bringing “a white lawyer who would protect them [sharecroppers] and see that they got their rights.”³² Hill was accompanied by Ocier Bratton, law partner and son of Ulysses S. Bratton, lead counsel of the PFHUA on a train ride from McGehee to Ratio, Arkansas. Hill and Bratton were on a mission to gain supporters and demonstrate the strength of the union when a carload of heavily armed white men drove up. The meeting was taking place at the Theo Fathauer plantation and apparently neither Hill, Bratton, nor the sharecroppers in attendance at the union meeting were aware of the shootings the previous night.

At any rate, Robert L. Hill was able to escape by blending into the crowd of black men, but Ocier Bratton was arrested and later charged with crimes related to inciting the riot.³³ Word of Bratton’s son quickly spread and his enemies responded. There was talk of lynching Ocier Bratton but those threats didn’t materialize. But the white mob busied themselves in other ways, according to the *Arkansas Gazette*, Bratton was arrested with several black men and paraded down Cherry Street downtown Helena.³⁴ There was even speculation that he would be charged with murder because of his alleged involvement with inciting the riot. Ocier Bratton remained in jail for almost one month before being release with no charges.

³¹ Ibid., 32.

³² C.M. Walser and C.R. Maxey Report. Investigative Case Files of the Bureau of Investigation, 1908-1922. NARA: publication number M1085, case number 373159, roll 820-823.

³³ U.S. Bratton, Jr., is Charged with Inciting Blacks,” *Arkansas Gazette*, October 2, 1919.

³⁴ *Arkansas Gazette*, October 2, 1919.

Given the antagonism Robert L. Hill faced, and the seriousness of the crisis still swirling around, he probably considered the option of leaving the Delta an acceptable one. With angry white murders roaming the community it was best for Hill to convey concerns about the riot from another space. After less than two weeks, during which he kept a low profile, Hill left Arkansas, traveling to Boley, Oklahoma, which was an all-black community and to South Dakota before reaching Kansas.³⁵ After the events in Elaine and Hoop Spur, there could be no negotiations between the PFHUA and sharecroppers with elite white planters. Once he had physically survived the riot, Hill's thoughts turned to speaking his truth about the conditions that led cotton pickers to organize a union, as he publically repudiated the story that he and the union was alleged to have played in instigating the violence. In an open letter to the *Helena World* newspaper, he wrote, "to my white friends, we negroes love you all and could not do without you. We helped you fight the Germans, and are ready to help you fight the next fellows that get after you, but we want to be treated fairly."³⁶ Further proof of the motivation and intent of Robert L. Hill and the PFHUA is found in statements recorded by Ida B. Wells-Barnett. A review of statements taken from the central figures from the sharecroppers perspective, is void of Hill promoting violence towards whites.³⁷ Similarly, the constitution and by-laws of the PFHUA does not contain any language pertaining to the use of violence.³⁸

On the evening of October 2, 1919, Governor Charles H. Brough, requested the assistance of Major General S.D. Sturgis, the commander of Camp Pike, a U.S. Army base near

³⁵ John Gruber, "Robert Lee Hill, 1892-1963." *The Encyclopedia of Arkansas History & Culture*. <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=3026>. (Accessed December 20, 2018).

³⁶ "Alleged Open Letter from Robert L. Hill," *Helena World*, December 17, 1919.

³⁷ Wells-Barnett, *Arkansas Race Riot*, 13-19.

³⁸ *The United States Constitution and By-Laws of the Progressive Farmers and Household Union*. Investigative Case Files of the Bureau of Investigation, 1908-1922, National Archives and Records Administration, publication number M1085, case number 373159, roll 820, 11.

Little Rock. When he arrived, General Sturgis found the governor attentive, faced with deciding what action the state should take during the crisis. Undoubtedly influenced by his background as a native of Mississippi, Governor Brough decided to use his power over the state apparatus to ensure victory for white planters and restore order. For the governor, his decision was not just a matter of public safety, but also political. To be a successful politician in Arkansas meant forming a coalition that counted on support from old former Confederate soldiers and hardline white supremacist to politically cautious whites who had once joined the Republican Party but were now redeemed. In such defining moments as Elaine, white supremacists demanded that closeted moderates define themselves through their actions. And with hundreds of angry white vigilantes operating around the state, it was not safe to be perceived as moderate.

The initial request by the governor to send federal troops to Elaine was refused based on a jurisdictional dispute. Then, the governor notified U.S. Secretary of War Newton D. Baker via wire that, “four whites said to be killed and negroes said to be massing for attack.”³⁹ Following communication with the Secretary of War and the intervention of both U.S. Senators from Arkansas, the War Department sent orders for 583 officers and soldiers from the Third Division and the 57th Infantry, under the command of Colonel Isaac C. Jenks to enter Elaine.⁴⁰ The soldiers accompanied by Governor Brough arrived in Elaine on the morning of October 2, 1919. All things considered, it was a reasonable response for the governor to send federal troops in view of the information that he was provided. As the train proceeded across the state, maybe there was a chance to quell the violence because the presence of the U.S. Army would provide stability.

³⁹ Charles H. Brough to Newton D. Baker, letter, Charles Hillman Brough Papers, Special Collections Division, University of Arkansas Libraries, Fayetteville, Arkansas, Box 2, file 27.

⁴⁰ Cortner, *A Mob*, 11.

Unfortunately, the arrival of U.S. troops did nothing to reduce tensions in the area. In fact, the intervention of battle hardened soldiers who had served in France as part of the American Expeditionary Force, exacerbated problems. A major problem that can be blamed on the intervention of federal troops was the infusion of superior firepower and men who were trained to utilize these weapons for maximum effects. There were over five hundred troops sent to the area, some of them armed with machine guns. It is documented that the soldiers seemed anxious to engage the black citizens and expected the unit's machine guns "to have powerful moral effect upon the rioters."⁴¹

Also the racial animosity of the soldiers played a part in influencing their interaction with the black citizens. In his research of the riot, journalist Robert Whitaker points out that a number of problems arose between black and white soldiers at Camp Pike. For example, on April 1, 1918, Captain E.C. Rowan refused to order his brigade next to a Negro company, stating that it would embarrass his men and violate their self-respect. Six months later, an army investigator who visited the camp observed that it seemed to be established rule or custom in the camp for white officers and noncommissioned officers to address Negro soldiers as "you niggers."⁴² Given the racial animus displayed by the soldiers of Camp Pike a year earlier, it is plausible that some may want to capitalize on the violence, and be willing, almost eager, to practice the destruction of black lives. For this purpose, being activated to quell a riot could be especially useful.

The way was now clear for white vigilantes and federal troops alike to assert their power over black lives. Now, instead of being a place where black workers shuffled from plantation to plantation to make a crop of cotton, the county was reduced to a killing field. The soldiers of

⁴¹ "500 Camp Pike Soldiers," *Arkansas Gazette*, October 2, 1919.

⁴² Whitaker, *On the Laps*, 106

Camp Pike, sometimes acting together with white civilians, and sometimes acting alone, engaged in acts of murder and the destruction of property. Many years later, the prosecuting attorney in the Elaine cases, John E. Miller, in 1976 provided secondhand corroboration of the horrific events that the U.S. military had played a part. During an interview fifty-seven years after the event, when asked what had occurred in Elaine, Miller answered: “Brough sent the national guard in there. The Negroes had been told that the army would come in there and protect them and they were looking for it. And a train with boxcars with state militia largely on the boxcars went out of Helena and just before it got to Elaine, the niggers thought the train had U.S. troops, they rode up on both sides with their guns, two or three hundred of them on both sides, and by God that alerted the national guard and the national guard fired on them and they must have killed 100 niggers right there.”⁴³ The major problem with Miller’s recollection, is he referred to both the U.S. Army and national guard being sent to restore order and said it was the national guard who fired on the sharecroppers from the train. But the Arkansas National Guard was not called to the incident, so if this occurred, it would have been the Camp Pike troops who did the shooting. The incident had an electrifying effect on the local African American population. Fearing that the clash was only the first of many to come, African Americans were stuck in a nightmare scenario where no one would protect them.

Governor Brough and federal troops entered the southern part of Phillips County and pursued a plan to regain control of Elaine. As a politician, it was natural for the governor to think in terms of process and order, and he devised a plan that involved arresting the alleged black perpetrators while giving law abiding black workers an opportunity to return to the cotton

⁴³ John E. Miller, interview with Walter Brown, Fort Smith, Arkansas, March 18, 1976, Special Collections Division, University of Arkansas Libraries, Fayetteville, transcript 35, MC 279; Grif Stockley, *Blood in Their Eyes: The Elaine Race Massacres of 1919* (Fayetteville, Arkansas: University of Arkansas Press, 2001), 40.

fields under the umbrella of safety. African Americans were told, “all you have to do is remain at work just as if nothing had happened.”⁴⁴ Meanwhile, Colonel Isaac C. Jenks and Major Nathaniel Callen were in charge of disarming blacks and arresting perpetrators. Reporter Paul Grabiell from the *Arkansas Democrat*, who was embedded with the soldiers recalled “the troops are all under orders to kill any negro who refuses to surrender immediately.”⁴⁵

The wrath of the white power structure extended beyond impoverished sharecroppers into the realm of affluent African Americans. Dr. A.E. Johnston, an African American dentist, who was unarmed headed to Helena from Ratio by train with three of his brothers Dr. L.H. Johnston, Gibson Allen Johnston, and Leroy Johnston. At the train stop in Elaine, Dr. Johnston encountered Helena Alderman Orly Lilly, a person he knew from town and a group of armed white men. The contact between the men was not random, as Lilly was tasked with gathering the leaders of the so-called insurrection and suspected Dr. A.E. Johnston as a “ringleader” of the unrest. Dr. Johnston and his three brothers were arrested for allegedly distributing ammunition to the insurrectionists. However, none of the black men were ever arraigned in a court of law because all four ended up dead in the hail of gunfire from the white mob.⁴⁶ In addition, it was never proven that the Johnston brothers had any connection with the PFHUA. Given their backgrounds it is unlikely. It is plausible that the brothers may have been sympathetic to their cause, but that hardly made them union leaders or insurrectionists. Alderman Lilly was also killed and is considered a martyr of the riot by Helena’s white citizens.

⁴⁴ Stockley, *Blood in Their Eyes*, 34.

⁴⁵ “4 Negroes, One White Man, Killed,” *Arkansas Democrat*, October 2, 1919.

⁴⁶ “How O.R. Lilly was Murdered,” *Helena World*, October 3, 1919.



Figure 5. Charles H. Brough (right) talks with Colonel Isaac Jenks, U.S. Army officer in Elaine, Arkansas. *Courtesy of Arkansas State Archives.*

The following day, soldiers had control of Elaine and remaining parts of the county, where white mobs seemed to have a monopoly on the violence. As African American families, women and children were apprehended, they were held in vacant buildings under armed guards. By some accounts, reporters thought that the worst part of the troubles had come to an end and the region could return to normal because the blacks did not have “hardly any guns and

ammunition.”⁴⁷ Yet, the killing that went on after October 3, consisted of scattered events rather than concerted efforts by organized mobs. The reduction in violence gave Governor Brough an opportunity to claim the entire riot intervention a success. But given the loss of life and scale of the inhumane hostilities, it’s difficult to understand how victory was claimed. Nevertheless, that is precisely what the governor did.

The Wholesale Violence and Affirmation of White Supremacy

As part of their hasty propaganda effort, the governor and his friends in Helena began planting editorials in pro-planter newspapers throughout the state, touting the insurrection theory. The front page of the October 3, issue of the *Helena World* newspaper read, “Elaine Insurrection is Over: Committee of Seven in Charge.”⁴⁸ According to an *Arkansas Gazette* story not worthy of belief, blacks were well armed, well disciplined, and confident of success, its headline reading, “Vicious Blacks Were Planning a Great Uprising.”⁴⁹ The cause of the riot was being purposely shifted to include accounts that blacks had been urged to attack whites. Meanwhile, nothing could be admitted and the insurrection theory was put forth as the official version of events. White supremacy meant white men had to control the narrative. It also meant that the true number of African Americans who were killed was intentionally obscured. The altering of facts began with accounts of the Pratt and Adkins shootings. For example, early versions of their story deny that the two men had knowledge of the PFHUA meeting and claim they were shot while changing a flat tire by blacks at the church in Hoop Spur.⁵⁰ Other accounts of the shootings attempted to justify the wholesale killing of blacks by claiming that Negroes were doing the unthinkable and

⁴⁷ “Press Reporter Spends Two Days at Helena and Elaine, *Memphis Press*, October 4, 1919.

⁴⁸ *Helena World*, October 3, 1919.

⁴⁹ *Arkansas Gazette*, October 4, 1919.

⁵⁰ “Ten Dead, Dozen Hurt, Race War at Elaine, Ark.” *Arkansas Gazette*, October 2, 1919.

waging a war on whites.⁵¹ The white press described the riot in terms of insurrection and placed the cause of the entire affair at the feet of angry blacks who were stirred up by union agitators and Ulysses S. Bratton.

Upon returning to Little Rock, Governor Brough held a press conference and reported to the media that the situation in Elaine was now under control and further fabricated the narrative of an innocuous intervention. He reported, “The situation at Elaine has been well handled and is absolutely under control. There is no danger of any lynching. The saying is current among the white citizens that Phillips County has never had a lynching and would not have one now even in this crisis. The white citizens of the county deserve unstinting praise for their actions in preventing mob violence.”⁵² Of course, nothing could have been further from the truth, for two days white mobs roamed Phillips County killing untold numbers of black citizens and many of the journalists present at the press conference were firsthand witnesses to the violence. Still, white Arkansans lauded the indiscriminate killings as honorable. At the same time, the white casualties of the riot were memorialized as heroes of a great cause. Some attempted to construct grand narratives, describing the chronology of events that culminated in the massive slaughter. Most relied on particular aspects of the event they found familiar to memorialize the white lives lost during the riot. For example, the Helena American Legion passed a resolution citing James Tappan and Clinton Lee for their courage and bravery.⁵³

By putting grand words on paper in resolutions, conveying emotions, and ideas in honorable and lofty terms, white Arkansans constructed a vast spontaneous conspiracy that sought to keep alive the image of white supremacy and suppress the reality of hundreds of black lives

⁵¹ “Quiet Reigns After Day Wide Unrest,” *Helena World*, October 2, 1919.

⁵² *Arkansas Gazette*, October 4, 1919.

⁵³ Ivey Gladin, “Early Days of the Richard L. Kitchens Post of the American Legion,” *Phillips County Historical Record* 27 (1989), 4.

destroyed. In that demagogic environment that was early twentieth century Arkansas, everyone opposed recalling the victims of the riot and pointing out the evils of the perpetrators. Within the errors of silencing the history of Elaine, the Justice Department's Bureau of Investigations official reports stand in stark contrast to much of what was written within the state. The confidential reports of Frank Burke, chief of the Bureau of Investigation and agents McElveen, Walser, Maxey, and Kerwin are more objective in their summaries of the events. Bureau of Investigation reports clarify that there was no evidence of an insurrection plot by sharecroppers and note that the potential mass murder of whites was a major point of interest for their interviews. Agent McElveen notes that he failed to discover a list of white bosses to be killed written or otherwise and he found the allegations of large caches of weapons and ammunition by blacks to be greatly exaggerated.⁵⁴ The most glaring failure of the Bureau of Investigation was not attempting to accurately quantify the number of black citizens killed when evidence suggests agents knew that the numbers of dead blacks reported by local media sources was much higher. Agent McElveen reported to Frank Burke an estimate of "anywhere from fifty to eighty negroes were killed."⁵⁵ But this information remained hidden in confidential bureau reports. During the same period, state media sources estimated the black victims to be ten dead, a number that was on its face roundly inaccurate.⁵⁶

As on the scene African American commentators surveyed the riot, they reported much of what constituted balanced examinations. The NAACP was a constant observer of the racial turmoil throughout the nation intently focused on the events in Elaine. In the midst of white media sources reporting a conspiracy to commit mass murder by black sharecroppers, the NAACP sent

⁵⁴ McElveen to Department of Justice, October 7, 1919, FSAA, reel 12.

⁵⁵ McElveen to Department of Justice, October 7, 1919, FSAA, reel 12.

⁵⁶ "Ten Dead, Dozen Hurt, Race War at Elaine, Ark.," *Arkansas Gazette*, October 2, 1919.

Walter White to Phillips County. White addressed the inconsistencies growing out of the riot with factual information about the killings. As an African American who could pass for white, the white citizens of Phillips County were willing to speak with him. During travels all over the county days after the riot, people shared with him what they had seen in the area and how so many black citizens came to be murdered. Many of these unfortunate people did not know about the troubles with the sharecroppers and were not directly involved with the union and were shot and killed on the highways.⁵⁷ Based on the accumulation of several conversations with white men, White places the number of killed blacks at more than one hundred.⁵⁸

On October 18, 1919, the NAACP held a press conference in Chicago and presented their findings from Walter White's travels to Phillips County. The most salient points of the findings suggested that the riot was instigated by Adkins and Pratt, who fired into the church in Hoop Spur first, prompting sharecroppers to respond in self-defense, and introducing the possibility that most of the blacks killed had nothing to do with labor organizing. Talk of the economic exploitation and peonage punctuated the press conference, setting the tone for future discourse to be taken up by other African American sources. For example, the *Chicago Defender* featured an article related to the peonage in Arkansas that illuminated the riot and drew attention to the domination of sharecropping as a system.⁵⁹ The black press described the realities of life for African Americans in Arkansas and throughout the South, acknowledging the vast changes that needed to take place in the structure of power, particularly as a result of labor exploitation in which the African American communities have been decimated.

⁵⁷ Walter White, "Massacring Whites in Arkansas," *Nation*, December 6, 1919.

⁵⁸ Walter White, "The Race Conflict in Arkansas," *Survey*, December 13, 1919.

⁵⁹ "Expose Arkansas Peonage System," *Chicago Defender*, November 1, 1919.

Ida B. Wells-Barnett devoted much time to pondering the catastrophe in the Delta. Wells-Barnett articulated a very immediate and reasoned response to the riot. Already a fierce anti-lynching advocate, she took a train to Little Rock and met with the wives of the black men who were charged with the murders of the white casualties of the riot.⁶⁰ When it came to providing for the needs of the survivors, confronting the perpetrators, and correcting the record, Wells-Barnett was very practical. Pretending to be a family member of the black men arrested following Elaine, Wells-Barnett gained entry to the jail and captured interviews with the alleged black perpetrators of violence. What she wrote explored what happened as a result of black determination to form a union. But it lends no credibility to the mainstream narrative about the riot and makes no pretenses in regards to evidence from the white planter's perspective.

The cumulative effect of the riot on the region was terrifying and reverberated long after the shooting stopped. The death of white men after blacks dared to shoot back sent waves of outrage through the Delta. The fact that the white deceased epitomized white supremacy, only heightened fury. For example, James Tappan's passing struck a serious nerve because of what his family background and reputation represented. He had been a first lieutenant in World War I, and his father, James C. Tappan, served as a brigadier general in the Confederate Army during the American Civil War.⁶¹ In addition, Tappan was a member of the elite white planter class. So as whites assembled to hand out justice, they uttered prayers, and their grief was probably already vengeful. As one unnamed white citizen stated years after the riot, "the fact that even one white man had to lose his life in the riot is cause for deep regret."⁶² Phillips Counties' white supremacists saw black resistance as a preeminent danger.

⁶⁰ Wells-Barnett, *Arkansas Race Riot*, 20.

⁶¹ Whitaker, *On the Laps*, 92.

⁶² L.S. Dunaway, *What A Preacher Saw Through A Keyhole in Arkansas* (Little Rock, Arkansas: Parke-Harper Publishing Company, 1925), 101.

Now that the riot was over, the white power structure devoted their energies to a different fight, bringing those deemed responsible to justice. The jailing of sharecroppers began on October 1, and lasted until October 4. The number of blacks arrested is astonishing, within days of the initial shootings, 285 African Americans were taken from the temporary stockades to jail in Helena.⁶³ On October 31, 1919, a Phillips County grand jury charged 122 African Americans with crimes stemming from the riot. The charges ranged from making terroristic threats to murder, the most serious of the charges handed out. There were 73 black men charged with murder and no whites indicted as a result of the incident.⁶⁴ All of the union leaders were arrested and charged with the murders of the white men involved with the riot with the exception of Robert L. Hill, who fled the state never to return. The court system operated swiftly convicting the first twelve black men charged with murder and giving them death sentences on November 5, 1919.⁶⁵ As a result of their speedy convictions, 65 others entered guilty pleas and accepted sentences of up to twenty-one years for second degree murder. Others had their charges dismissed or were not prosecuted. The condemned black men whose names were Frank Moore, Frank Hicks, Ed Hicks, Joe Knox, Paul Hall, Ed Coleman, Alfred Banks, Ed Ware, William Wordlaw, Albert Giles, Joe Fox, and John Martin, came to be known as the Elaine Twelve.

In a sense, the trials were used to celebrate slaughter and white supremacy. Rather than try to convince jury members and the general public that the white mob's actions in Elaine and elsewhere were regrettable. Defense attorneys John Ike Moore and Edwin Bevins acknowledged their presence during the aggressive and abusive interrogations conducted by the investigators.⁶⁶

⁶³ Grif Stockley, "The Elaine Massacre," The Encyclopedia of Arkansas History & Culture. <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=10> (Accessed December 20, 2018).

⁶⁴ Cortner, A Mob, 15; *Arkansas Gazette*, October 30, 1919.

⁶⁵ *Arkansas Gazette*, November 9, 1919.

⁶⁶ Whitaker, *On the Laps*, 160.

And in some instances area planters specifically named in the incident stopped by the Phillips County jail to see how the interrogation of prisoners was going. For example, white planter Gerard Lambert visited the jail while prisoners were being interrogated on numerous occasions.⁶⁷ The white power structure of Phillips County took a candid approach to dealing with the event that reflected their understanding that the sharecroppers had no rights that they were bound to respect, so legal procedures were ignored to keep order. During the trials black prisoners testified to interrogations with sheriff deputies which resulted in them being beaten. According to Will Wordlow, “I was frequently taken from the cell, blind folded, whipped and tortured to make me tell things I did not know, and furnish false information, and testify against other of the negroes.” Wordlow further stated, “They whipped and tortured all or nearly all of the negroes in the same manner and for the same purpose, the officers would tell me that I knew things I did not know, and that I had to tell it or they would kill me.”⁶⁸ What followed being held face down was whippings with a leather strap to extract information about involvement with the PFHUA and riot. The whipping of black men was a symbol of the racist legacy that permeated the legal process.

The use of torture was employed to compel the desired testimony from sharecroppers. When black men were questioned about their involvement or the involvement of others in the trouble, they had no choice but to offer incriminating statements or face beatings. It is documented that defendant Frank Moore was tortured using an array of methods at least three times. Frank Moore was whipped with a leather strap, strangled with a cloth soaked in formaldehyde, and shocked in an electric chair to coerce statements against himself and other PFHUA members.⁶⁹

⁶⁷ Ibid.

⁶⁸ Affidavit by Will Wordlow, December 18, 1919, Special Collection, University of Arkansas at Little Rock, William H. Bowen, School of Law Library, Elaine Race Riot materials.

⁶⁹ Abstract and Brief, *Moore et al. v. Dempsey*, 261 U.S. 86 (1923), Special Collection, University of Arkansas at Little Rock, Williams H. Bowen, School of Law Library, Elaine Race Riot materials.

Yet, he still refused to make false statements. The white power structure used whatever influence they had to right the wrongs that occurred against the white citizens of Phillips County. It became apparent that criminal justice would be applied according to the tenets of southern law and it was not going to be impartial.

Of the matters that dominated the process of shifting through the basic facts of what had taken place, few loomed larger than the concerns involving white mobs resuming their violent actions. This issue caused officials to blur the lines between ethical legal process and the pacification of the white masses. For one court official, prosecutor John E. Miller, Elaine still inspired loathing decades after the events. In an interview years later, Miller acknowledged the pressure that he felt to deliver quick legal process to the sharecroppers even at the expense of violating their constitutional rights. He admits that the justification for the wholesale killings was based on a lie, no Negro conspiracy to commit mass murder ever existed.⁷¹ The social customs were used as a rationale for court officers to bury their discomfort with injustice and proceed in a nefarious way. Miller reasoned that blacks had shot whites, so apparently they had no right to self-defense and union members were provocateurs, so they were guilty. This contortion allowed him and other members of the justice system to pursue and prosecute men for crimes, most of whom were innocent, without shame or discomfort. In his own words, Miller stated, “I went in there and tried to uphold the law.”⁷² Perhaps they did it out of a sense of commitment and in the context of southern realities.

The white citizens of Phillips County were fortunate in one thing, of all of the judges who might try the Elaine cases, the person selected was one of their own, Jimason Jackson of Arkansas’

⁷¹ John E. Miller, interview with Walter Brown, Fort Smith, Arkansas, March 18, 1976, Special Collection Division, University of Arkansas Libraries, Fayetteville, Arkansas, transcripts, 11, 16, 19, 21, MC 279.

⁷² Ibid.

First Judicial Circuit Court. What distinguished Jimason Jackson, was his shared belief in the ideology of the white mobs that perpetrated violence. There was nothing expedient about Judge Jackson's attachment to white supremacist ideas, which he had probably absorbed as a child of the Delta, it was just a part of who he was. He was born into one of the most prosperous elite white planter families in the region, the grandson of Confederate soldier John P. Moore.⁷³ Most people had little doubt that Judge Jackson was just the right person to deliver justice. There was very little that separated Jackson from the white mobs because he was determined to apply capital punishment to union members in a state where blacks had been routinely whipped and killed by whites for generations, with total impunity. The fact that he hoped to send black men to the electric chair based on coerced testimony was not surprising.

The outcome of the trials was a hurried process that consisted of little more than a rush to judgement. The proceedings opened the door to an array of constitutional questions related to due process and the rights of the accused. In presiding over the Elaine cases, Judge Jackson gave prosecutors broad leeway in their interpretation of the Fourteenth Amendment. And this was an issue that would ultimately entangle the State of Arkansas in a protracted federal appeals process. The legal ramifications of the Elaine cases might have easily ended if not for the willingness of the condemned black men to fight for promises guaranteed by the Constitution.

The Committee of Seven

After the riot, the Committee of Seven assumed the chore of representing the interests of the Phillips County and investigating the causes of the violence. In Helena, a Committee of Seven formed with the approval of Governor Brough and its members were H.D. Moore, the county judge; F.F. Kitchens, the sheriff; J.C. Knight, the mayor of Helena; E.M. Allen, president

⁷³ Dallas Herndon, ed., *Centennial History of Arkansas* (Chicago: S.J. Clarke Publishing, 1922), 405.

of the Helena Business Men's League; Sebastian Straub; E.C. Hornor; and T.W. Keesee.⁷⁴ In the political turmoil over the riot, two matters in particular are noteworthy about the creation of this committee. First, each member was compromised by inherent conflicts of interest because of their proximity to the case. The approval of these individuals to oversee the investigation by the state made it clear that the African Americans who lived through the catastrophe had less chance of objective findings than surviving the shootings. Many of the committee members, men like F.F. Kitchens, the sheriff, and T.W. Keesee, an elite planter had actively collaborated with white mobs who eagerly participated in the slaughter. But in the eyes of state authorities, they engendered the sympathy of the public as vanguards of justice, whereas the African American survivors did not. Historian D.Y. Thomas, who wrote about the riot put it quite bluntly, "out of fear, out of shame, many of those who knew what had happened wouldn't and couldn't tell the truth."⁷⁵

Second, the failure of Governor Brough to demand an independent investigation eliminated the possibility of impartiality even if it was unlikely. In addition, the governor had no authority to appoint a private group of white citizens to oversee the investigation of state and federal crimes. The Committee of Seven was given total control over all affairs dealing with Elaine and it had a particular preference for exonerating the white citizens of Phillips County. The members of the Committee of Seven recognized that the state apparatus did not want to see evidence of atrocities against African Americans. On this, the broad base of white Arkansans stood in solidarity. Indeed, when the governor announced the formation of the committee, the *Helena World* newspaper voiced its support, "the Committee of Seven was in control and was

⁷⁴ *Arkansas Gazette*, October 8, 1919.

⁷⁵ D.Y. Thomas, *Arkansas and Its People: A History, 1541-1930* (New York: American Historical Society, 1930), 294; Stockley, *Blood in Their Eyes*, 78-79.

acting in full cooperation with the governor.”⁷⁶ Undoubtedly, the governor’s advisers warned him against taking the unpopular stand of starting an independent investigation.

African Americans as individuals, and black organizations marshalled their limited political strength, given their influence, to make their case for an impartial investigation that so clearly went against the current. They wrote letters and editorial pieces, reached out to potential allies, and held meetings to discuss ways to bring fairness into the process. African Americans recognized the necessity for involvement and pressed when they could for inclusion. Black Arkansans pressed Governor Brough to consider the moral debt owed to humanity to find out the truth, so about two months later he would appoint African Americans to a statewide biracial committee in Little Rock that had no formal authority to investigate Elaine, though in private Elaine would be discussed, but it was not in Little Rock and seemed to be a world away.⁷⁷

In the inner discussions of the black community, activists minced no words when describing the riot and subsequent efforts to limit the investigation as a travesty. Ida B. Wells-Barnett stirred three black organizations, the Equal Rights League, the People’s Movement, and the Negro Fellowship League to write letters warning Governor Brough, that his failure to evenly seek justice would result in a migration campaign. These organizations advised that they “would immediately take steps to see that thousands more of our people who had enriched the South by their labor would leave Arkansas, never to return.”⁷⁸ The black community implored the governor to use his influence for humanity.

Knowing that it was not politically expedient to intervene in the investigation, Governor Brough shirked responsibility and fell back to the insurrection theory rather than address the

⁷⁶ *Helena World*, October 3, 1919.

⁷⁷ Stockley, *Blood in Their Eyes*, 77.

⁷⁸ “Arkansas Rioters Look to Chicago for Help,” *Chicago Defender*, December 13, 1919; Whitaker, *On the Laps*, 200-201.

concerns of black citizens. The surge in black activism to compel fairness in Elaine case did not have the desired effect. The governor continued to follow the state talking points, in response to criticism from the Equal Rights League, he stated, “I was on the ground during that insurrection and I know what transpired, and I am therefore a better judge of the situation than somebody in New York.”⁷⁹ African Americans and their organizations expressed frustration at their inability to influence the judicial process or mainstream public opinion. But despite that disappointment, black organizations kept up the pressure.

Amid the frustration of black Arkansans and African Americans throughout the country, the Committee of Seven triumph when it came to pursuing their agenda. In writing about the riot, historian Grif Stockley summarized four tasks of the Committee of Seven: “First, it had to break the union once and for all; second, it had to get blacks back in the fields to complete the harvest; third, the committee had to prevent more rampages by whites, which would only worsen the problems of getting blacks back to work as well as fuel black’s desire for revenge; fourth, it had to put in place the fiction that there had been an aborted insurrection that had been put down with a minimum amount of loss to the black community.”⁸⁰ On this matter, they did not have to depend on others. The breakup of the union began when the first shots were fired and ended with the death sentences of the Elaine Twelve. Once the shooting stopped, the committee printed a circular with the aim of promoting calm among black workers so that they would return to the cotton fields. The wording of the circular dated October 7, 1919, was as follows:

⁷⁹ “Governor Scores Action of Equal Rights League,” *Arkansas Democrat*, November 16, 1919.

⁸⁰ Stockley, *Blood in Their Eyes*, 81.

TO THE NEGROES OF PHILLIPS COUNTY

The trouble at Hoop Spur and Elaine has been settled. Soldiers now here to preserve order will return to Little Rock within a short time. No innocent Negro has been arrested, and those of you who are at home and at work have no occasion to worry. All you have to do is remain at work just as if nothing had happened. Phillips County has always been a peaceful, law-abiding community, and normal conditions must be restored right away. Stop talking! Stay at home, Go to work, don't worry!⁸¹

Black workers gradually started to return to the fields around October 9, and after that date the committee was well in control of the environment and narrative. E.M. Allen, a real estate broker and businessman in Elaine, was chosen as the chief spokesman for the Committee of Seven and had put the spin machine in full throttle.

The Committee of Seven's work in the days, weeks, months, and years after the riot involved maintaining an iron grip over all aspects of the cases. Immediately following the riot, this meant controlling the interrogation of prisoners, retaining two additional prosecutors, P.R. Andrews and J.D. Mosby. The committee even worked with Judge Jackson to create an acceptable list of seven defense attorneys for the sharecroppers.⁸² Nothing was taken for granted to ensure the much desired convictions. Locally, a network of like-minded individuals was put in place to address as best as they could what was needed to attain the aforementioned tasks.

On a more sinister level, the committee made preparations for more violence. On October 9, a request was telegraphed to Governor Brough for weapons and ammunition for "the absolute need of providing means of preserving peace in the event of trouble." The committee asked the governor to, "kindly go to the War Department and requisition or bring our community 100 regulation army rifles with 25,000 rounds of ammunition and six Browning rifles with 5,000

⁸¹ Report of Col. Isaac Jenks to Commanding General, Camp Pike, Arkansas, October 14, 1919, National Archives, Record Group 407, Box 1229, File "Race Relations at Camp Pike," Stockley, *Blood in Their Eyes*, 81.

⁸² Whitaker, *On the Laps*, 168-169.

rounds of ammunition.” The committee then assured the governor, “the arms will be in charge of the sheriff and used only in the event of a riot.” When the War Department informed state officials that it had no authority to comply with such a request, Arkansas Congressman Thaddeus H. Caraway of Jonesboro intervened to secure the weapons.⁸³ They managed to navigate the system, despite bureaucratic hurdles or opposition to their cause.

The practical work of the Committee of Seven can be measured by its ability to control the news media. Influenced by the Committee of Seven, the *Arkansas Gazette* became a supporter of the insurrection theory, suppression of the riot, and interference in the legal process of the sharecroppers. The version of the cause of the riot promoted by the Committee of Seven was strenuously endorsed by both Governor Brough and the *Arkansas Gazette*. In one crucial respect, the *Arkansas Gazette* continuously portrayed the black people of Phillips County as attackers and used these articles as a wedge between propaganda and objective reporting. The stories printed were clearly a paradigm used by the committee to frame the riot, killings, and court cases as unfortunate, but hardly unprovoked. The mainstream public accepted that interpretation because the fact was there was a struggle between black and white, and the haves and have nots, albeit an unequal one. The newspaper repeatedly pointed out that the riot had been handled entirely within the law, and no mob violence occurred.

In the press, black Arkansans were reduced to “a race of children.” Accordingly, “[negroes] need the oversight and management of the stronger race, and if the average Southern manager is to blame, it is rather for being too easy in dealing with his labor,” the *Arkansas Gazette* contended.⁸⁴ Probably the most frequent variant of this argument, however, was the notion that, when all the circumstances are considered, the white people of Phillips County are

⁸³ *Arkansas Gazette*, October 10, 1919; Cortner, *A Mob*, 15.

⁸⁴ *Arkansas Gazette*, November 14, 1919.

entitled to great credit for handling a very ugly situation in an admirable manner.⁸⁵ These articles fused the themes of white supremacy, black treachery, and black ignorance into a single diatribe that was incendiary.

The tale crafted by the committee was powerful, but false. Untold numbers of blacks had been fatally shot, most of them unarmed and unfamiliar with the activities of the PFHUA. According to Joe Fox's firsthand account, "we saw about 150 armed white men coming to our house and we left the house and ran on down into the woods and carried our sister down in the wood." He continues, "We do not know how the shooting started that night, because we were not there. We got the news the next day that they were going to kill every Negro they saw."⁸⁶ Based on this version of events, on the first night of the riot, white mobs were searching for any black person to kill and word of this plan was out. There are numerous variations of the Fox account provided by black witnesses that were simply ignored. It seems doubtless that some innocent people were killed, and it is appalling that the official committee designated to investigate the crimes, could not find sufficient evidence to indict not one white vigilante. To the contrary, great pains were taken to fully accept the findings of the Committee of Seven, regardless of how unreasonable they were.

The Committee of Seven yielded noting spectacular or earth shattering in their findings. The primary blame for the riot was placed on the leaders of the PFHUA and Robert L. Hill, who the committee portrayed as a con-man out to get the sharecroppers money. According to the committee, Hill used deception to convince sharecroppers that they could overthrow the white planters and demand better wages by armed violence.⁸⁷ However, their plans went awry once

⁸⁵ Cortner, *A Mob*, 23.

⁸⁶ Wells-Barnett, *Arkansas Race Riot*, 14.

⁸⁷ Cortner, *A Mob*, 13; Guy Lancaster, ed., *The Elaine Massacre and Arkansas: A Century of Atrocity and Resistance, 1819-1919* (Little Rock, Arkansas: Butler Center Books, 2018), 243.

discovered by local law enforcement and interrupted in Hoop Spur. Following the interruption of plans, the start of a premature insurrection began.⁸⁸ Furthermore, the committee asserted, it was the actions of local law enforcement, aided by federal troops from Camp Pike, that prevented the success of the insurrection and massive loss of white lives.⁸⁹ Their findings only raised more questions in the minds of objective observers, but served as an affirmation of white supremacy for others.

⁸⁸ Cortner, *A Mob*, 13; Guy Lancaster, ed., *The Elaine Massacre and Arkansas: A Century of Atrocity and Resistance, 1819-1919* (Little Rock, Arkansas: Butler Center Books, 2018), 243.

⁸⁹ *Ibid.*

CHAPTER 5 THE AFTERMATH

“They exhorted each other to be faithful to the end, expressed their innocence of wrongdoing and readiness to die if it was God’s will they should do so.” Ida B. Wells-Barnett

In early November, a jury pool was called in Helena, Arkansas to take up the murder cases of the white victims of the Elaine riot. Though scant evidence of murder existed, people filed into the Phillips County courthouse with its striking Corinthian columns and an impressive bell tower located at 622 Cherry Street in the heart of downtown. The courthouse would soon be the scene of the most notorious series of trials in the annals of Arkansas criminal justice that served as a historical marker for African American constitutional rights in the twentieth century.

In reality, few people expected anything but outright convictions or guilty pleas for all of the black defendants. The Elaine Twelve defendants would be extended the role of martyrdom for the cause of their union and the prospect of a fair trial was an impossibility. Nevertheless, spectators packed in the Phillips County courthouse for the start of the trials on November 3, 1919, that of Frank Hicks for the murder of Clinton Lee. John E. Miller, prosecuting attorney who had labored to build the cases allowed his assistant, P.R. Andrews, who was from Helena to try the first defendant. The courtroom was filled from aisle to aisle, every seat taken, and the room was divided by race with blacks sitting up in the balcony because of Jim Crow laws. It was P.R. Andrews who was given the nod and now he stood center stage in front of spectators from all parts of state and country.

Any skepticism about the facts, the validity of the sketchy evidence, and questionable investigations, quickly dissipated when defense counsel Jacob Fink and Greenfield Quarles took their seats. Fink and Quarles were two of several attorneys approved by Judge Jackson to

represent the defendants. Fink and Quarles seems never to have been bothered by their duty to zealously represent their clients. In fact, Fink noted he, “had not had time to talk to witnesses in the case.”¹ In addition, he accepted without objections, the first twelve white men selected as jurors, guaranteeing an all-white male jury, a practice maintained throughout in other trials. In Arkansas, as in many judicial jurisdictions in the nation, African Americans were systematically excluded from grand and petit juries. With Frank Hick’s life hanging in the balance, his defense team did not file any motions requesting a continuance due to the short preparation time for the trial or attempt to attain a change of venue from Phillips County. All measures most attorneys would have pursued.

P.R. Andrews made his opening argument on the first day following the same outline as the narrative developed by the Committee of Seven. He pointed out that Frank Hicks was a member of the PFHUA and the basis of the union’s plan was to kill white planters if they failed to meet their demands for payment of the cotton crop.² It was not until mid-morning that the prosecutor brought on his first witnesses about the shooting of Clinton Lee, two black sharecroppers John Jefferson and George Green. Both men had admitted to being new members of the PFHUA and being present when shots were fired by Hicks. But the testimony of the two men did nothing to prove the existence of a plan to kill whites, the existence of a hit list, or as an eyewitness account of Hicks shooting Lee.

During cross examination, the issue of how guns came to be brought to the union meeting followed the most interesting testimony of the Hicks trial, perhaps because it gave some indications about the intent of the union. Jacob Fink (defense attorney) and John Jefferson (witness) had this verbal question and answer exchange:

¹ *Helena World*, October 3, 1919; Stockley, *Blood in Their Eyes*, 111.

² *Ibid.*

Jacob Fink: Why did you bring guns to the meeting?

John Jefferson: Just told to bring it, because they was looking for to break this up, looking for them to come down there and break the meeting up.

Jacob Fink: Who told you that?

John Jefferson: This fellow Hill.

Jacob Fink: He told you to arm yourselves because they were coming there to break up the meeting?

John Jefferson: Yes sir.

Jacob Fink: What did you all understand your union was going to do?

John Jefferson: Give us legal rights and everything, and we would have justice in the law and everything.

Jacob Fink: Was that the way you were going to get it, with your guns and pistols?

John Jefferson: No sir. [Hill] said we all was going to have our rights, we was going to get along better in this world, but it might cause trouble.

Jacob Fink: And then, if you had any trouble, you wanted to have your guns with you?

John Jefferson: Yes sir. He told everybody to come and bring their guns to the meeting.³

Jefferson provides further testimony regarding two shots he alleges Frank Hicks fired in the direction of Clinton Lee. This testimony is important because of the distance and conditions that the shots were fired. If believed, Hicks would have made a fantastic shot in the dark of night. The fact that numerous people were discharging their firearms, any number of which could have intentionally or accidentally fired upon Lee raises more doubt about who may have killed him. The following statements were made by Jefferson about the location and distance of shots fired by Hicks:

Jacob Fink: Do you know where Mr. McCoy's house is up the road from where the shooting occurred?

John Jefferson: Yes sir.

Jacob Fink: How far was it from where the shooting occurred up to the automobile?

John Jefferson: I guess it is a quarter of a mile.

Jacob Fink: Could you see the men up there in the automobile?

John Jefferson: Yes sir.

Jacob Fink: What did he do when he raised up his gun?

John Jefferson: He raised up and made one shot.

Jacob Fink: Then what did he say?

³ *State of Arkansas v. Frank Hicks*, Phillips County Circuit Court, #4509 (November 3, 1919), transcript, 37, University of Arkansas at Little Rock, William H. Bowen School of Law Library.

John Jefferson: I didn't hear him say anything, he taken down and unloaded and he raised up again and somebody in the crowd hollered don't shoot, he says, yes I'm going to shoot, and he made the second shot.

Jacob Fink: Then what did he say?

John Jefferson: He says I would have got that guy if it hadn't been for that horse.

Jacob Fink: Did you see anybody on a horse up there?

John Jefferson: There was a loose horse in the road, between him and the car.

Jacob Fink: What time of day was that as near as you can come at it?

John Jefferson: I guess one or two o'clock.⁴

As the prosecution ended its case, the final witness called was the mayor of Elaine, Sid Stoaks. Stoaks then proceeded to lay out how he himself had questioned Frank Hicks accompanied by others including J.C. Brow, K.P. Alderman, Mr. Nelson, C.W.L. Armour, and J.M. Countiss. Stoaks stated that Hicks confessed to his involvement in the killing of Lee without any threat of whippings.⁵

Andrews appealed to the sympathy of the jurors by emphasizing that blacks were organizing to resist economic exploitation, carried firearms to their union meetings, and were looking for trouble. The prosecution's strategy failed to provide direct evidence of a plot or hit list, but it delivered on the sensitive issue of black resistance to white authority which was taboo. The implications of the prosecution's case suggested that if blacks were allowed to take such aggressive actions as unionize, arm themselves, and resist economic oppression, it might upset not only Phillips County, but the entire South. While this message was not explicitly stated, it was clearly implied.

Having failed to assist their client in the jury selection process, defense attorneys Fink and Quarles did not perform much better when given an opportunity to present a defense to the first degree murder charge. When it came time for the defense team to present their case, no witnesses were called. Fink and Quarles provided no defense of their client, they merely cross

⁴ *State of Arkansas v. Frank Hicks*, transcripts 38-39.

⁵ *Ibid.*, transcript, 52.

examined the witnesses presented by the prosecution. The defense team also did not take the time to deliver a closing argument. The number of black spectators in the gallery was huge, but none expected a favorable outcome for Hicks. Upon receiving the case, Judge Jackson charged the jury to perform their civic duty and return a verdict. Yet, as the spectators listened, none could have realized that Judge Jackson was pushing the cases through the court system in record speed. From the grand jury deliberations which finished on October 31, and the first trial on November 3, the jury was now given instructions. The *Helena World* reported that the twelve white men retired to begin their deliberations at 2:24 p.m., and returned with a guilty verdict eight minutes later.⁶ Astonishment hit the faces of dozens of the black spectators who expected the coming verdict to be fast. But all stifled any impulse to cry out at the lightning speed at which Frank Hicks was convicted.

The verdict was clearly a message, hashed out among twelve men who were sons of the South, frightened of what might happen to their society if blacks were not kept in their proper place. The African American community was dismayed by the results and suspected that the fix was in from the start. Then, on the same day, Frank Moore, Ed Hicks, J.E. Knox, Paul Hall, and Ed Coleman were all tried together as accessories to the murder of Clinton Lee. It was the contention of the state that all of these men had in some way been accessories to the murder of Clinton Lee. It would be prosecutor John E. Miller, who was the lead for the state and court appointed lawyers John I. Moore and Greenfield Quarles, who represented the defendants. What had begun in the aftermath of the riot rapidly devolved into a proceeding with little credibility. The first trial was used as a model that was followed throughout the subsequent trials.

⁶ *Helena World*, November 4, 1919.

Prosecutors would offer black witnesses to incriminate the defendants and white witnesses as the final prosecution witness to close.

Things began well for the state prosecution. The defense attorneys, all court appointed, did not rise to the challenge of helping the impoverished sharecroppers. For his part, Judge Jackson pushed forward with the selection process of another jury to try Frank Moore, Ed Hicks, Joe Knox, Ed Coleman, and Paul Hall for aiding and abetting in the murder of Clinton Lee. Soon, a steady stream of witnesses, mostly black men a little shaken by the sudden interest by powerful whites in their testimony about the riot. The state called many of the same witnesses who testified in the trial of Frank Hicks to establish how Clinton Lee was allegedly killed. The second trial's most extraordinary paradox was that John Jefferson testified in a similar fashion as in the Hicks trial but nothing he said showed evidence of aiding and abetting or a conspiracy to kill whites by any of the defendants. The testimony of Jefferson proved that weapons were taken to the union meeting for self-defense more than anything else.

Frank Moore was presented as the leader of the group, a role for which he was adequately cast because of his past experience in the U.S. Army and strong character. It was the testimony of Dave Archer, a sharecropper who worked for planter Sid Stoaks that was the most damaging to the men. It was Archer who testified that Moore stated he was going to kill white people when they come to the area.⁷ However, Archer did not testify to or corroborate testimony that implicated the other defendants. It was apparent that they had committed no crime. No one other than Moore was accused of firing a gun, and none of the defendants were charged with being in possession of a gun. The facts were the group gathered in the middle of the night

⁷ *Frank Moore et al. v. State of Arkansas*, U.S. 955 (1921), transcript 24, Special Collections, University of Arkansas at Little Rock, William H. Bowen School of Law Library, Elaine Riot materials.

because of the violence taking place all around them. As the group was confronted by angry white mobs, they responded by hiding in the woods for basic survival.

Still, with similar haste as the first trial, the defense team did not call witnesses or present closing arguments. Again, Judge Jackson charged the jury to perform its civic duty and return a verdict. The all-white jury after an even shorter deliberation period than the first trial returned verdicts of guilty for all of the defendants. After one day of court, and in record time for court proceedings, the prosecution with Judge Jackson presiding had delivered six sweeping convictions with more trials to follow the next day on November 4. The *Helena World* predicted that the convictions would result in sentences of death in the electric chair at a later time prescribed by the judge.⁸

The next round of trials began early on November 4, the evidence presented in the same manner quickly led prosecutors to the fate of Albert Giles and Joe Fox, who were tried for the murder of James A. Tappan, a favorite son of Phillips County. This time, members of the first white mobs to arrive in Govan Slough testified that they were attempting to find blacks in the woods and advised them that no one would be hurt if they surrendered.⁹ According to white vigilante Herbert Thompson, rather than come out of the wooded area, the blacks hiding in the tickets began to return fire, striking Tappan in the face.¹⁰ The trials of Fox and Giles provided the first testimony of any of the accused as both men took the witness stand in their own behalf and directly rebutted Thompson's claim of shouting to sharecroppers to come out and they would not be hurt. Both Fox and Giles testified that neither of them heard anyone request a safe

⁸ *Helena World*, November 4, 1919.

⁹ *State of Arkansas v. Joe Fox and Albert Giles*, transcript, 9, 10, Special Collections, University of Arkansas at Little Rock, William H. Bowen School of Law Library, Elaine Riot materials.

¹⁰ *Ibid.*

surrender.¹¹ In addition, Giles pointed out being shot and noted his wounds on the witness stand.¹² Despite the façade of judicial process, once the case went to the jury, they returned quick verdicts of guilty.¹³

In the final trial of the day, Alfred Banks Jr., John Martin, and Will Wordlow, were tried for the murder of W.D. Adkins, who was killed on the night the riot began. The focus of this trial was the activities of the law enforcement officers and Kid Collins, the black trustee on the night they interrupted the PFHUA meeting in Hoop Spur. It was the testimony of Deputy Pratt that secured the convictions of the three defendants. Pratt testified to being fired upon after stopping on the road in Hoop Spur outside of the church where the union meeting was being held to “take a leak,” after preliminary statements of having a flat tire.¹⁴ According to Pratt, between 50 to 100 shots were fired and he narrowly escaped alive with a gunshot wound to the knee.¹⁵ In the same hail of gun fire, W.D. Adkins was not so fortunate and succumbed to a gunshot wound to the stomach. His testimony was accepted by the jury and all three defendants were given verdicts of guilty.

After two days of trials, the vast legal proceedings started to take a strange turn. Plea negotiations for the remaining untried defendants were in full swing. It seemed that the trials of Banks, Martin, and Wordlaw had convinced many of the black men yet to have their day in court that it was in their best interests to enter guilty pleas. Since all of the convicted men were expected to receive death sentences, the other defendants began pleading to lesser charges rather than test the evidence against them in court. So the succession of speedy trials and quick

¹¹ Ibid.

¹² *Helena World*, November 4, 1919.

¹³ *Helena World*, November 5, 1919.

¹⁴ *State of Arkansas v. John Martin and Alfred Banks Jr.*, Phillips County Circuit Court, 4482, transcript, Special Collections, University of Arkansas at Little Rock, William H. Bowen School of Law Library, Elaine Riot materials.

¹⁵ Ibid.

convictions was enough that the black men accused of wrongdoing voluntarily submitted to their fates. All were charged with second degree murder. After several days locked in the Phillips County jail, they were brought before Judge Jackson, who accepted their guilty pleas. The pace of plea negotiations was so frantic the *Helena World* reported, “In accord with rumors the pleas of guilty began to come thick and fast, lasting until 11 o’clock, up to which time 24 negroes had been sentence.”¹⁶ Most associated with the trials anticipated that with the guilty pleas, the entire process would be over by weeks end.

There was nothing more for the state to do. No charges would be filed for the killing of U.S. Army corporal Luther Earles, due to a lack of evidence. Earles’ murder was especially disheartening to the white vigilantes and they wanted anyone involved to be captured, tried, and executed. The officials specifically blamed union members for the soldier’s death, for supposedly inviting the presence of the U.S. Army because of the disorder. The investigation into the death had fallen short but managed to arrest and convict a large number of targets including the alleged ringleaders for prosecution so the thirst for retribution had at least been partially filled.

In the weeks after the riot, the fall of 1919, Arkansas was whipped into a fury by weeks of exaggerated and fabricated accounts published in *Arkansas Gazette*, *Helena World*, and other newspapers of blacks allegedly planning an insurrection. November 11, 1919, was now the day of reckoning for those convicted of perpetrating the crimes. The first to be sentenced was the accused leader of the violence, Frank Moore. Judge Jackson raised a strong voice in favor of severe punishment with his sentencing. He stated, “Been declared guilty by a jury of your own choosing of murder in the first degree, and it is the judgement of the court that you be delivered

¹⁶ *Helena World*, November 5, 1919.

to the sheriff, who shall cause you to be put to death by electrocution between the hours of sunrise and sunset on the 27th of December, 1919.”¹⁷ The judge signaled further disdain adding, “The court is more lenient with you than you were to your victims, for you sent them to their death without warning and without time in which to make preparation for meeting their Maker.”¹⁸ The other defendants received the same sentences, to be carried out on December 27, 1919 and January 2, 1920, respectively.¹⁹

The only defendant yet to be tried was Ed Ware, who had escaped to New Orleans, Louisiana following the riot, but had been captured and was to be returned to Helena. The trial of Ed Ware started on November 18, and he was prosecuted for the alleged murder of W.D. Adkins. Ware testified on his own behalf and acknowledged being the secretary of the PFHUA because he was literate, but denied killing Adkins. The prosecution presented a different witness by the name of Suggs Bondsman, who did not testify in the previous trials, but the outcome was still the same. Bondsman portrayed Ware as one of the union leaders bent on violence.²⁰ In a familiar turn of events, Ware was found guilty on November 18, and sentenced to die in the electric chair by Judge Jackson on January 2, 1920.²¹ With the conviction of Ed Ware, the men who became known as the Elaine Twelve was formed.

Having failed to secure justice during the trial stage, the only hope for the condemned men was to gain new trials or raise constitutional challenges concerning the fairness of their legal proceedings. The major problem with these options was that litigation had shown that the justice system was sensitive to the concerns of the Southern people, and might not be persuaded to

¹⁷ *Arkansas Gazette*, November 12, 1919.

¹⁸ *Ibid.*

¹⁹ Cortner, *A Mob*, 17; *Arkansas Gazette*, November 12, 1919.

²⁰ *Helena World*, November 17, 1919.

²¹ *Arkansas Gazette*, November 20, 1919.

intervene on behalf of African Americans. But if the courts did act, there would be decisive action in regards to the treatment of blacks in the justice system, particularly as it relates to the brand of southern justice that had been practiced for decades.

The Fight for Justice

The Cummins State Prison Farm loomed in the minds of the twelve men convicted in the riot cases. The prison farm was nothing more than a state ran plantation located in Lincoln County also in the Arkansas Delta region. Some of the most savage thieves and murderers in the South were incarcerated there serving long sentences or awaiting execution and it would be the facility to house the condemned sharecroppers. They were taken to their new home by railway which was the customary procedure for transporting prisoners at the time. A train pulled into the station in Helena and it was through a grim ride that Sheriff Frank Kitchens and several deputies escorted the twelve prisoners on November 21, 1919. The *Arkansas Democrat* described the scene, “Even though the train had arrived at 6:30 a.m., a huge crowd had gathered at the station, and as the twelve farmers, all chained together shuffled by, the blacks in the audience stood in hushed silence.”²² They arrived at the death house at Cummins Prison Farm to drafty cells with hard beds, but were given a fresh pair of prison overalls which was a blessing because most were still wearing the same clothing from their arrest over a month ago.

By December, a movement to seek justice for the sharecroppers was rising in the African American community. Out of this surge of interests in the plight of the Elaine Twelve, a defense committee of prominent blacks formed consisting of Scipio A. Jones, attorney; J.M. Conner, Bishop A.M.E. Church; John Hibbler, attorney; Thomas Price, attorney; and Joseph R. Booker, attorney. Eschewing open advocacy for justice, the committee tried to keep the governor open to

²² “Twelve Negroes Under Death Sentence Arrive at Prison,” *Arkansas Democrat*, November 22, 1919.

their cause or at least sympathetic. The Little Rock lawyer Scipio Africanus Jones chaired the committee. Jones, a man of mixed race heritage had earned a respectable reputation as a lawyer in Arkansas as a black attorney with success arguing cases in court at a time when black lawyers were not welcome in southern courtrooms.

After Reconstruction failed, Jones devoted himself to such causes as fighting Arkansas' Separate Coach Law of 1891 requiring separate coaches on railway trains for white and black passengers. And even though the act passed the General Assembly, Jones emerged from the freedom struggle as a genuine black leader. He also resisted the ideological shift of the Republican Party in Arkansas from a one that embraced African Americans to a party of "Lily Whites" who supported Jim Crow laws and disenfranchisement. In 1919, Jones, "had argued before the state's highest court seventeen times, with a record on appeal of eight wins, eight losses, and a tie."²³ Jones had the talents the defendants desperately needed, the knowledge of the appeals process, and the political astuteness that would be necessary to gain support. He had a knack for recasting the most repressive racial struggle and political demands in layman's terms that would attract the attention of people from all walks of life who wanted to help. Jones sensed that there was much progress to be made in the riot cases by insisting that the real problem in Arkansas was blacks being deprived of Due Process.

As soon as the Elaine Twelve reached Cummins Prison Farm, Jones, with the support of the defense committee volunteered to represent them. Later, Colonel George W. Murphy, a white attorney sympathetic to the Negro cause was recruited to the legal team. Murphy, a former officer in the Confederate Army during the American Civil War, was recognized as one of the best criminal defense attorneys in the state and had been the attorney general for the state of

²³ Whitaker, *On the Laps*, 193.

Arkansas from 1901 to 1905.²⁴ For Jones, Murphy, and the supporters of the Elaine Twelve, the defendants were the perfect case to energize African Americans in Arkansas. Theirs was the story of every black sharecropper who had tried to stand up in self-defense against the evils of economic exploitation or who had only dreamed of doing so. The Elaine supporters knew their appeals could be used to speak against a range of injustices from racial discrimination to economic and political inequality.

Jones and Murphy began a campaign of lobbying, speech making, and press coverage. Jones and his allies launched fundraising efforts while the defendants were still locked up in the Phillips County jail. John Hibbler (attorney), noted that the committee raised \$1,500.00 among themselves.²⁵ In the days after the convictions, Thomas Price (attorney) wrote a letter to Walter White of the NAACP requesting \$10,000.00 or any substantial amount to help stay the executions.²⁶ Eventually, it was the NAACP that mobilized on behalf of the prisoners to fund their defense. Word of the death sentences and circumstances that led to them had spread throughout the nation from New York City to Chicago and black people wanted to help. The outrage was welcomed because it would not be cheap to fight the state and possibly take the cases to the Supreme Court. All of the indigent men's legal expenses had to be paid whilst they languished in prison. There was, of course, a fine line between helping sharecroppers from a poor, rural county defend their rights and attempting to capitalize on their misfortunes for the sake of notoriety. The defense team and the NAACP had to find this balance as the pro-planter media was watching.

²⁴ Stockley, *Blood in Their Eyes*, 141.

²⁵ Whitaker, *On the Laps*, 198.

²⁶ Arthur L. Waskow Papers, NAACP files of Elaine Riot, Thomas Price to Walter White letter, Wisconsin Historical Society Library, University of Wisconsin, Madison, Wisconsin.

As the defense fund swelled through donations collected by black business leaders in Little Rock, the defense team took their campaign to the NAACP in New York City. Ulysses S. Bratton, the attorney hired to represent the PFHUA joined the efforts to save the sharecroppers from the electric chair. It was Bratton who traveled to the Manhattan offices of the NAACP to discuss the Elaine Race Riot case and it was him who explained that the blame for the riot lay with the exploitative nature of sharecropping which was essentially a system of peonage that he had fought against for years in Arkansas. Bratton explained, “a condition of peonage was being practiced whereby the colored people were being held under the pretense that it was a violation of the law for them to leave their landlord while they were indebted to them, and the landlord, having absolute control over the situation.”²⁷ He explained the conditions in Arkansas to the NAACP, provided information to the Department of Justice, and was prepared to testify before Congress. The primary task to be accomplished by Bratton was to secure the commitment of the NAACP to support the Elaine Twelve and this was done by educating the organization’s board members about the importance of the case to American justice and the national attention that it would garner.

The Department of Justice and Congress paid no heed to the miscarriages of justice reported by Bratton, they read the reports and it was forgotten. The Department of Justice claimed to be engaged in an ongoing investigation about the violence and could not comment until it was completed. But both the Senate Judiciary Committee and the House of Representatives showed no interests in the Elaine Riot case. On November 24, the NAACP agreed to assist the sharecroppers and work closely with the defense team in Arkansas with an initial financial arrangement of \$3,000.00.²⁸ The NAACP could see what the future held as

²⁷ Stockley, *Blood in Their Eyes*, 139; Ulysses Bratton to Department of Justice, November 6, 1919, NAACP MS.

²⁸ Minutes of the NAACP Board of Directors, November 24, 1919, NAACP Papers, A-1.

black leaders were rallying across the nation and agreed to start funding the appeals process. It was clear that appealing the convictions of twelve men would be an arduous task under any circumstances, let alone men convicted of killing whites in the South.

The NAACP had a preference for Colonel George Murphy serving as lead counsel. For fear of defying a deep rooted tradition that frowned upon black attorneys being in charge. In addition, the organization did not routinely trust black lawyers most often opting to use white attorneys as local counsel. In correspondence to NAACP board member Robert Church Jr. of Memphis, Executive Secretary James Weldon Johnson is on record saying, “We do not want Mr. Price to gum up the case. We do not know how good a lawyer he is.”²⁹ In their arrogance, perhaps Colonel Murphy was the only attorney the organization deemed competent.

In truth, it was Scipio Jones who visited Frank Moore and the other men repeatedly during the first two weeks of December to prepare their case. On December 20, when Judge Jackson gave the defendants sixty days to file an appeal to the Arkansas Supreme Court, it was Jones who filed the motions within three weeks. And it was Jones who raised the issue of coercion due to whippings, ineffective counsel, and concluded that the defendants had been deprived of their rights, especially the 14th Amendment which promised “equal protection under the law.”³⁰ The next step would take them into the Arkansas Supreme Court, which had jurisdiction over all appeals involving the interpretation or construction of the state constitution; criminal appeals in which the death penalty or life imprisonment has been imposed; petitions relating to the actions of state, county, or municipal officials or circuit courts; appeals pertaining to election matters; appeals involving attorney or judicial discipline; second or subsequent

²⁹ James Weldon Johnson to Robert R. Church, December 2, 1919, NAACP MSS.

³⁰ Abstract and Brief, *Moore et al. v. Dempsey*, 261, U.S. 86 (1923), University of Arkansas at Little Rock, William H. Bowen School of Law Library.

appeals; and matters required by law to be heard by the court.³¹ As time passed, much popular interest was manifested in the upcoming appeals which was scheduled for oral arguments on March 22, 1920.

The appearance before the Arkansas Supreme Court moved forward without delay the third week in March. Jones had previously argued four murder cases before the court and lost and his main concern was the fact that all of the judges were Democrats which in Arkansas meant they held white supremacist views. Jones and Murphy mounted technical attacks on the convictions claiming they were invalid because of due process violations and coerced confessions. Then the attorneys raised a serious challenge to the all-important jury pool from which blacks were excluded. They wanted to include blacks in the jury selection process, preferably Republicans. Under the established practices for cases in Arkansas, blacks were excluded because they theoretically lacked sufficient intelligence. The origins of this practice stemmed from the U.S. Supreme Court decision in *Strauder v. West Virginia* (1880) which required jurors to be “honest and intelligent.”³² This exclusionary qualification was used by the state of Arkansas to eliminate blacks from serving on grand and petit juries. The names of potential black jurors would be written down to be rejected. Also, state law called for the sheriff to draw a jury pool by lot from all the registered voters of the county. If this procedure were followed, it would help provide potential black jurors. The problem was the majority of the registered voters in Phillips County were white, and almost all were Democrats.

In the meantime, a continuation of the fight to help the defendants was tied to the attainment of an anti-lynching bill. The NAACP plunged into efforts to convince members of

³¹ Williams B. Jones Jr., “Supreme Court of Arkansas,” *The Encyclopedia of Arkansas History & Culture*. <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=10> (Accessed January 10, 2019).

³² *Strauder v. West Virginia*, 100 U.S. 303 (1880); Whitaker, *On the Laps*, 215.

Congress to make lynching a federal crime. In 1920, several NAACP leaders appeared before House and Senate committees to testify about the need for federal protection against race related killings and the Elaine cases were attached to this cause. Although nothing materialized from the Department of Justice investigation of the riot, the NAACP secured two congressional hearings that included testimony about what the black press termed the “Elaine massacre.”³³ While the committees did question the labor system in Arkansas and the violence, they focused on whether or not legislating an anti-lynching law was constitutional. The committees rejected in a rather condescending manner and made no secret of its displeasure with the NAACP’s attempt to conflate the riot with the legal aspects of a federal anti-lynching law. House Judiciary Committee member and Arkansas congressman Thaddeus Caraway took issue with NAACP representatives coupling the Elaine Riot with the need for anti-lynching legislation. He called the hearings a “perversion of the truth” and indicated he had little choice but “to denounce it.”³⁴ Caraway and others on the committee concluded that there was little need for a federal law and rejected moving forward with the consideration of a new law to the displeasure of NAACP representatives.

The core opposition to pushing the state affairs into the purview of the federal government was from a group that consisted of Governor Brough, Arkansas’ congressional delegation, and state and local politicians. While they did not question the right of the accused men to pursue appeals in the courts, they resented what was considered interference from outsiders, a theme repeated throughout various stages of the Civil Rights movement. For the time being, however, the campaign for a federal anti-lynching law had come to a halt. Yet, the

³³ NAACP testimony to House Judiciary Committee, U.S. House of Representatives, “Segregation and Antilynching,” 66th Congress, 2nd Session (1920).

³⁴ House Judiciary Committee, U.S. House of Representatives, “Antilynching Bill,” 66th Congress, 2nd Session (1920), report 1027.

Elaine lawyers continued to focus on the upcoming court appearance with an understanding of the importance the Arkansas Supreme Court decision would have.

The first round of the judicial fight came to a head on March 29, when the Arkansas Supreme Court handed down its decision. The centerpiece of the cases was due process or fairness under the Fourteenth Amendment. All other issues raised in the oral arguments were intended to demonstrate how the court violated the basic constitutional and civil rights all citizens have as protection. The decision of the Arkansas Supreme Court deliberately disregarded the Fourteenth Amendment arguments opting to give the Elaine prosecutors a free hand in the enforcement of law. For all practical purposes, the State of Arkansas made it clear that state's highest appellate court felt the defendants received a fair and impartial trial. The court also rejected the issue of discrimination in the jury selection process, indicating that the issue was not raised in a timely manner. For a moment, it appeared as if the appeals process would be a total defeat.

However, in the cases of Ed Ware, Will Wordlow, Albert Giles, Joe Fox, John Martin, and Alfred Banks Jr., a new trial was ordered. The decision focused on a technicality in sentencing during which time the six men were improperly sentenced for second degree murder in error. This technical mistake resulted in verdicts in those cases that were "fatally defective" as a matter of statutory law.³⁵ The court found that the cases must be remanded because the verdicts were so defective that no judgement could be entered. The opportunity for new trials gave half of the Elaine Twelve a glimmer of hope. The remaining six defendants would not have the same chance. The court unanimously agreed that Frank Moore, Frank Hicks, Ed Hicks, Paul Hall, Joe Knox, and Ed Coleman had received fair trials and the state could proceed with new

³⁵ *Banks v. State of Arkansas*, 143 Arkansas, 154 (1920).

executions dates. From this point on, the lawyers for the Elaine Twelve would deal with two separate cases, the Ware defendants and the Moore defendants. The Ware defendants would be getting a new trial and the Moore defendants would be facing another execution date. In a bit of irony, the decisions of the Arkansas Supreme Court coincided with Governor Henry J. Allen's refusal to extradite Robert L. Hill, PFHUA founder from Kansas to face charges in Arkansas.³⁶ At the same time union members were fighting for their lives, Hill was given a reprieve.

On May 3, 1920, the appointed day for the Ware defendant's retrials, Jones and Murphy knew that the courtroom would be crowded with people on both sides of the cases. An uneasy reunion of the Philips County population took place as the blacks took their seats in the upstairs balcony section. Scipio Jones had requested the trials be delayed but Judge Jackson true to personality wanted to set the earliest possible date.³⁷ In these trials, the attorneys mounted a defense, first filing a motion for a change of venue to U.S. District Court on the grounds that the Ware defendants could not receive a fair trial because of local publicity and due to the attention given the Committee of Seven's report that the riot had resulted from a planned insurrection against whites.³⁸ Then, Jones and Murphy filed motions to quash the charges against the defendants arguing that the indictments should be invalid because no African Americans had served on the grand or petit juries.³⁹ Ultimately, Judge Jackson denied the motions and the trials proceeded in the original courtroom. Having failed to thwart the indictments on technical grounds, having failed to change the location of the trials, still the defense conceded nothing and fought.

³⁶ *Topeka State Journal*, March 22, 1920.

³⁷ *Arkansas Gazette*, April 27, 1920.

³⁸ *Ware v. State of Arkansas*, 146, Arkansas, 321, 324-325 (1920); Cortner, *A Mob*, 91.

³⁹ *Ware v. State of Arkansas*, 326-327; Cortner, *A Mob*, 92.

The first two days of court Colonel Murphy began painting a very different picture of the sharecroppers. Finally, he could speak for the voiceless men and lay out an alternative narrative to the one that had been printed in the newspapers. However, as the second day began, while Murphy was addressing the horrible facts of the case, he became gravely ill with chest pains. From this point, Scipio Jones took the lead on the cases. Jones moved on to the origins of the troubles. The core of the prosecution's cases against the Ware defendants was based on the shooting of W.A. Adkin outside the church at Hoop Spur. From the beginning, Jones was able to show the sharecroppers in a different light. In each case, the defendants testified on their own behalf about the whippings they received in order to compel statements. Then, each defendant's wife was called to the stand to tell about how their husband became involved with the union. Jones hammered home the point that the union was organized to help sharecroppers better themselves and "care for one another."⁴⁰ While not even attempting to deny that they had been armed in anticipation of trouble, he argued that any resort to firearms had been purely defensive. In addition, the union meeting had been lawful and the possession of firearms legal. He asked black witnesses to describe how the white mobs patrolled Govan Slough and the wooded areas surrounding Elaine driving them deeper into hiding.

In graphic terms, witnesses were called to recall how they were fired upon. For example, union member Lizzie Wright testified that she was in the church when all of a sudden "shooting commenced, and it came in the windows, and threw splinters of glass over the church."⁴¹ Another witness, Vina Mason, testified that she was holding her baby when she was shot in the shoulder, and in fact, the bullet was "still in her."⁴² Jones countered the claims that union

⁴⁰ Whitaker, *On the Laps*, 227.

⁴¹ Appellants' Brief and Abstract, *Ware et al. v. State of Arkansas* (Arkansas State Court, 1920), Butler Center for Arkansas Studies, Little Rock, Arkansas, 30.

⁴² Brief and Abstract, *Ware et al. v. State of Arkansas*, 38.

members fired on the car parked outside with eyewitnesses. For the first time since the ordeal started, the defendants had reason to believe, if only marginally, reasonable doubt had been accomplished. Jones' stature grew by leaps and bounds during the Ware defendant trials adding to his legend.

For the prosecution, the sequence of events that contributed to Scipio Jones taking over the cases was embarrassing and concerning. The pro-planter *Arkansas Gazette* and *Helena World* newspapers censored their coverage of the Ware defendant retrials. The reason for this was twofold, first the newspapers did not wish to glamorize Scipio Jones, the African American attorney fighting for the rights of blacks. But there were also real concerns related to the testimony in the trials. Jones was able to produce compelling testimony that seriously undermined the Negro uprising theory as the cause of the riot. In addition, serious questions had been raised about the level of violence demonstrated by the white mobs. As a consequence, the white press kept much of what was written about defense testimony in the Ware defendant retrials out of the front page.

However, the historical record is clear in establishing the legal expertise of Scipio Jones. NAACP board member Mary W. Ovington described Jones' skill at the cross-examination of witnesses as "masterly." In her book, *Portraits in Color* (1927), Ovington explains how at each trial, Jones introduced into evidence union documents that showed the PFHUA as a non-violent organization seeking fairness for workers.⁴³ Likewise the lead prosecutor John E. Miller is on record describing Jones in glowing terms. In speaking of Jones years later, he said, "his skin was black but by God he was a good man. He was honorable in every way, shape, form, and fashion.

⁴³ Mary W. Ovington, *Portraits in Color* (New York: Viking Press, 1927), 98.

And smart, too.”⁴⁴ Nevertheless, given the realities of the sharecroppers, Jones anticipated verdicts of guilty for each defendant and he was right.

And so it went for the rest of the prosecution’s case, one after another of the Ware defendants were again convicted, this time of first degree murder. On May 4, John Martin became the first defendant convicted. By the following week, defendants Will Wordlow, Albert Giles, Joe Fox, Alfred Banks Jr., and Ed Ware were all convicted of first degree murder. On May 11, 1920, Judge Jackson sentenced the six men to death by electrocution to be carried out on July 23, 1920. The men were transferred back to the state penitentiary the following day to await their punishment. In the meantime, Scipio Jones and others with the support of the NAACP, plotted their next course of action to save their lives.

Having been convicted of first degree murder and sentenced to death, the Ware defendants were entitled by law to an appeal hearing before the Arkansas Supreme Court. The defense lawyers prepared briefs based on the rulings of Judge Jackson which challenged his refusal to transfer the Ware cases to the federal courts due to an inability to receive a fair trial in Phillips County and the court’s failure to include African Americans in the grand and petit juries. However, it was the defense’s contention that the indictments against the Ware defendants should be invalid because no African Americans served on the grand or petit juries that bore fruit. The Arkansas Supreme Court agreed with the Ware appellants granting them yet another reversal and a second retrial. In its decision the supreme court held that the denial of African American jurors was indeed a violation of the Equal Protection Clause of the Fourteenth Amendment in the following language, “the discrimination of the jury commissioner against the

⁴⁴ John E. Miller, interview with Walter Brown, Fort Smith, Arkansas, March 18, 1976, Special Collection Division, University of Arkansas Library.

colored race in the selection of the petit jury, by which negroes were excluded from that jury solely on account of their color, rendered that selection illegal as to the appellants.”⁴⁵

Yet, while the Ware defendants enjoyed temporary success in the legal arena, the situation for the Moore defendants was more grave. In January of 1921, the newly elected Governor Thomas C. McRae set new execution dates for Frank Moore, Ed Hicks, Frank Hicks, J.E. Knox, Ed Coleman, and Paul Hall scheduled for June 10, 1921. Even though the Moore defendants had been subjected to the same racially discriminatory jury selection processes, they could not seek the same legal remedies as the Ware defendants because the original trial counsel had not raised the issue at the original trials.⁴⁶ And while the dramatic highlights of the court battles of 1920 had been significant, the year 1921 was destined to be more harrowing.



Figure 6. The Elaine Twelve defendants. *Courtesy of the Butler Center for Arkansas Studies.*

⁴⁵ *Ware v. State of Arkansas*, 146, Arkansas, 321 (1920), 335.

⁴⁶ Cortner, *A Mob*, 104.

Testing Southern Justice in the Federal Courts

In 1920, the Citizen's Defense Fund started by Scipio Jones and others had contributed more than \$10,000.00 to the defense of the Elaine Twelve. However, going into 1921, the monetary and political involvement of the NAACP shifted with the organization spending more than \$8,000.00 on the defense of the sharecroppers.⁴⁷ The situation with the Moore defendants grew more serious as the execution date approached and actions were taken to gain a stay of execution. Colonel Murphy had died from complications of a heart ailment and was replaced by his law partner Edgar L. McHaney. On May 13, 1921, Scipio Jones and Edgar McHaney filed petitions to stay the execution of the six men. The details of the petitions emphasized the torture the condemned men received at the hands of white vigilantes and law enforcement.

The first week of June arrived with no response from Governor McRae and the general mood was one of desperation. The African American community demonstrated overwhelming support for stopping the executions and formed a delegation of Negro ministers to request clemency from the governor.⁴⁸ Perhaps the most interesting request asking Governor McRae to step forward and stop the executions was that of Robert T. Kerlin. Kerlin's support of the Moore defendants was intriguing because he was a white professor at Virginia Military Institute, a military academy that became a symbol of the South. He challenged the convictions of the defendants on moral grounds. In correspondence to Governor McRae, Kerlin referenced the exploitation of peonage that was sharecropping, indicated that the defendants had not received a fair trial because of torture and coercion, and questioned whether the trouble was "a riot of the blacks or of the whites" because of the number of African Americans killed. Finally, he

⁴⁷ *Crisis*, February 1921, 164-165; Memorandum of Expenses, Arkansas Riot Cases, no date available, NAACP Papers, C-196.

⁴⁸ *Arkansas Democrat*, June 8, 1921.

compared the executions to a crucifixion stating, “In the execution of those men a race is suffering crucifixion. I entreat you to take the matter into your private chamber and give it an hour’s earnest consideration, as before the Eternal Judge.”⁴⁹

The letter prompted responses from several white Arkansans associated with the cases. E.M. Allen, spokesman for the Committee of Seven countered the morality issues outlined by Kerlin with assertions that the sharecroppers received a fair trial and were represented by “the ablest and most honorable members of the Phillips County bar,” and denied that a system of peonage existed.⁵⁰ In a detailed letter to Governor McRae, Judge Jackson, who presided over the trials, concurred with Allen’s assessment that the condemned men received a fair trial stating, “The defendants had a fair trial, as I doubt if anywhere a racial clash has been handled with the same degree of absence of mob violence, leniency and respect for law as that which was shown in the Elaine insurrection.”⁵¹ Despite the declarations that justice had been served, the sense of urgency displayed by the black community, public interests, and correspondence apparently raised some serious doubts in the mind of Governor McRae about the upcoming executions as he requested that John E. Miller, prosecutor in the cases submit a report of his view of the facts. This request is an indication of the governor’s reticence in moving forward with the death sentences.

As requested, Miller filed a report with the governor’s office in June stating his position related to the facts of the Moore defendant cases. He informed the governor in no uncertain terms that he gave no credibility to the tide of supporters pleading for intervention on behalf of the men or a letter written by someone who was unfamiliar with the cases. Miller retorted, “The

⁴⁹ Letter of Robert T. Kerlin to Governor McRae, Waskow Papers; Cortner, *A Mob*, 109-110.

⁵⁰ *Arkansas Democrat*, June 9, 1921.

⁵¹ *Arkansas Gazette*, June 9, 1921.

letter [Kerlin letter] shows on its face that he is unadvised of the facts surrounding this awful event, and I am inclined to believe the writing of that letter was prompted by some outside influence, rather than the pleading of the still small voice.”⁵² He also fell back to the story of the union being formed as an act of armed insurrection. In essence, the report repeated the basic arguments presented during the trials.

Based on news reports, and the swirl of activities surrounding the execution dates, Governor McRae was convinced that the Moore defendants had in fact, not received fair trials, but he was not going to interfere with the legal process. If the executions were going to be stopped, it would have to come from another source.⁵³ However, Scipio Jones believed that Governor McRae was someone who could be swayed by the logic of argument. In his communication with the NAACP, he is on record saying, “I entertain some hope that the governor will postpone indefinitely the electrocution of the six men until after the trials of the other six men.”⁵⁴ Of course, at this point the governor had not taken any actions to halt the executions, so Jones and McHaney filed a petition for a writ of habeas corpus in federal district court in Little Rock. Unfortunately, Judge Jacob Trieber who would have heard the case was away on temporary assignment and not due back until after the scheduled date of the executions.

In an act of desperation, the petitions for a writ of habeas corpus was filed in Pulaski County Court before chancery judge John Martineau, who had no authority over criminal cases. One can surmise that the selection of Judge Martineau’s court was a strategic decision made by the lawyers because of their personal knowledge of the man. Historian Fay Williams in writing about Judge Martineau characterized him as “liberal in his views and humanitarian in his

⁵² *Arkansas Gazette*, June 9, 1921.

⁵³ *Arkansas Democrat*, June 9, 1921.

⁵⁴ Scipio Jones to Walter White, letter, May 30, 1921, NAACP, part 7, series a, reel 8.

rulings.”⁵⁵ Upon receiving the petitions, Judge Martineau ordered the warden of the state penitentiary E.H. Dempsey to appear in court on June 10, the date of the executions with the six men and issued an injunction preventing the state from carrying out the death sentences until a habeas corpus hearing could be held.⁵⁶ In response, the Arkansas Attorney General J.S. Utley challenged Judge Martineau’s authority to issue the injunction or conduct a habeas corpus hearing in the Arkansas Supreme Court. On June 9, a petition for a writ of prohibition was filed by Attorney General Utley.⁵⁷ Utley tried to explain to the press that the state should simply carry out the sentences without regard to the injunctions.⁵⁸ This sentiment was echoed by the Committee of Seven and expanded upon, anonymous members of the committee questioned what a chancery judge in Pulaski County has to do with Phillips County affairs.⁵⁹ For the time being, the Moore defendants were not in imminent danger of execution.

On the other hand, Governor McRae took no action in favor of moving forward with the execution dates for fear of exposure to contempt of court. The governor erred in favor of allowing the court process to resolve the matter despite outrage from white Arkansans. In a shift from its usual hardline, the *Arkansas Democrat* editorialized that, “Thinking people everywhere in this state must be glad that sanity has won in the cases of the six Elaine negroes who were to have been electrocuted.”⁶⁰ The newspapers further argued that, “The cases of all twelve of the men convicted and sentenced to death must be considered together, since all were convicted of the same offense upon the same evidence, and if one is guilty, any or all may be

⁵⁵ Fay Williams, *Arkansas of the Years, vol. 2* (Little Rock, Arkansas: C.C. Allard and Associates, 1952), 219.

⁵⁶ Record, *Moore v. Dempsey*; Scipio Jones to NAACP, June 8, 1921, NAACP, part 7, series a, reel 8.

⁵⁷ Record, *Moore v. Dempsey*.

⁵⁸ *Arkansas Democrat*, June 9, 1921.

⁵⁹ Ibid.

⁶⁰ “Sanity Wins in Elaine Cases,” *Arkansas Democrat*, June 11, 1921, editorial.

guilty; if one is innocent any or call of the others may be innocent.”⁶¹ The *Arkansas Democrat* also published the petitions for writ of habeas corpus which included the allegations of torture and coercion of testimony.⁶² This reporting marked the most balanced reporting by the white press that the Elaine Twelve had received. But the *Arkansas Gazette*, continued to tout the merits of the state’s case reporting that it was clear that the men were guilty.⁶³

Just a few days later, on June 12, Edgar L. McHaney made oral arguments before the supreme court. Chief Justice Edgar McCullough’s position was blunt and logical, he informed McHaney that the question at hand was whether or not a chancery court had the power to take jurisdiction over criminal cases.⁶⁴ Chief Justice McCullough refused to consider the other legal issues McHaney attempted to raise. In its decision on June 20, the Arkansas Supreme Court unanimously agreed that, “Courts of equity have to do with civil and property rights, and they have no jurisdiction to interfere by injunction with criminal proceedings.”⁶⁵ While the tactic used by the Moore defendant attorneys was rejected by the supreme court, it succeeded in stopping the executions from moving forward.

In communications to Walter White of the NAACP following the supreme court appearance, Scipio Jones informed the organization that the defendants were in no immediate danger of the executions taking place since Governor McRae had not yet set a new date.⁶⁶ Now, the defense team had to plan the next course of action as another execution date could be set after fifteen days by Governor McRae. Following the decision, Jones and McHaney filed an appeal of

⁶¹ Ibid.

⁶² “Petitions for Writs of Habeas Corpus,” *Arkansas Democrat*, June 9, 1921, 3-11.

⁶³ *Arkansas Gazette*, June 13, 1921.

⁶⁴ *Arkansas Gazette*, June 14, 1921.

⁶⁵ *State of Arkansas v. Martineau*, 244; Stockley, *Blood in Their Eyes*, 191.

⁶⁶ Walter White to Moorfield Storey, June 21, 1921, NAACP Papers, C-76, Scipio Jones is quoted in Walter White to Moorfield Storey.

the court's decision to the U.S. Supreme Court which in effect postponed the executions indefinitely. It was during this period that the attorneys secured new evidence from unlikely sources, two white law enforcement officers, H.F. Smiddy and T.K. Jones who were substantive witnesses to the riot. In correspondence with the NAACP, McHaney advised that he expected the new witnesses to show, "that the white men started the trouble by going to the meeting house [in Hoop Spur] and breaking up the meeting of the PFHUA, and that the white folks fired the first shot." He continued, "we will be able to prove by these witnesses that the colored men in jail were whipped and tortured most unmercifully to compel them to give evidence against the others, especially the men who had been tried and convicted."⁶⁷ The emergence of Smiddy and Jones as witnesses for the condemned men, provided corroboration of the allegations of abuse, torture, and coercion. In addition, this information came at a crucial time as the Moore defendants awaited a response from the U.S. Supreme Court in regards to their appeal of Arkansas Supreme Court's rejection of their injunction on jurisdictional grounds.

Jones and McHaney were jubilant about the discovery of new evidence and endeavored to prepare motions to file in U.S. District Court for the Eastern District of Arkansas. The Smiddy and Jones affidavits seemed to prove the sharecropper's versions of events. And, because the two men provided critical testimony in the original trials, it was difficult for the state to claim the evidence wasn't relevant. There is no doubt that H.F. Smiddy and T.K. Jones were present at important moments during and after the riot. T.K. Jones was on the scene the first evening and recalled that he, "had not seen a single negro with a gun or weapon of any kind during the whole day I was in the country." He added, "From the information I gathered while I was down there, the whole trouble started because the white folks objected to the negroes having

⁶⁷ E.L. McHaney to Mary W. Ovington, letter, August 3, 1921, Waskow Papers.

this union.”⁶⁸ Jones also affirmed the whippings and treatment of the black prisoners in detail admitting that he saw, “a great many negroes whipped on the third floor of the county jail to compel them to give evidence against themselves and others about the trouble.”⁶⁹ According to the affidavit, the methods of torture included not only being whipped, but, “formaldehyde was put to their noses and they were stripped naked and put into an electric chair which they had in a room.”⁷⁰ Those implicated as participants in the whippings were Dick Dazell, Louis Anselman, Charles Gist, and others whose names could not be recalled.⁷¹ Most astonishing was Jones’ admission that, “I whipped probably two dozen of them myself. I do remember I helped to whip Frank Moore and J.E. Knox.”⁷² This admission corresponded exactly to the testimony Frank Moore provided in his own defense at trial.

The information provided by H.F. Smiddy carried a similar theme of violence, torture, and coercion. Smiddy joined one of the white mobs when the riot started and was a party to the wholesale killing. According to his statement, the mob, “marched down the thicket to the southwest I saw about five or six negroes come out unarmed, holding up their hands, and some running and trying to get away. They were shot down and killed by members of the posse.”⁷³ Smiddy also claimed he was present when James Tappan was killed stating his death was accidental. According to Smiddy, “he [Tappan] was accidentally killed by a member of our own posse which was firing on the other side of the thicket from us.”⁷⁴ He added more information related to the investigation after the riot. When the interrogation of suspects began on October 7,

⁶⁸ Affidavit of T.K. Jones, September 19, 1921, Special Collection, University of Arkansas at Little Rock, William H. Bowen, School of Law Library, Elaine Race Riot materials.

⁶⁹ Affidavit of T.K. Jones, September 19, 1921.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Affidavit of H.F. Smiddy, September 19, 1921, Special Collection, University of Arkansas at Little Rock, Williams H. Bowen, School of Law Library, Elaine Race Riot materials.

⁷⁴ Affidavit of H.F. Smiddy, September 19, 1921.

“sharecroppers would be stripped, blindfolded, and made to lie face down on the concrete floor, with four Negroes men held in the Helena jail on charges not related to the riot pinning down the man’s arms and legs.”⁷⁵ The attorneys had secured evidence that should have brought new trials, but public sentiment being as it was, the result of federal court proceedings offered no guaranteed results.

The Smiddy and Jones affidavits were significant because they introduced new evidence, specifically information that proved the sharecroppers were tortured and forced to provide false testimony. Even more significant, was the nature of the atmosphere surrounding the trials which were fundamentally unfair to the accused. In addition, the newly attained statements refuted the insurrection theory that had been a major component of the prosecution’s cases and exposed the random killing of innocent blacks. These were all important issues for litigation.

On August 4, the U.S. Supreme Court refused to review the decision of the Arkansas Supreme Court ordering the injunction with regards to the Moore defendants. This was followed by Governor McRae’s refusal to commute the sentences of the prisoners or postpone the executions until after the Ware defendants had been tried. The governor set September 23, as new execution dates and the countdown resumed. Hence the attorneys filed a petition for a writ of habeas corpus in U.S. District Court for the Eastern District of Arkansas on September 21. Habeas corpus is a recourse in law through which a person can report an unlawful detention or imprisonment to a court and request that the court order the custodian of the person, usually a prison official, to bring the prisoner to court, to determine whether the detention is lawful.⁷⁶ The petition was requested pursuant to the Habeas Corpus Act of 1867 which authorized federal

⁷⁵ Ibid.

⁷⁶ Aaron Larson, “What is Habeas Corpus,” Expert Law. http://www.expertlaw.com/library/criminal/habeas_corpus.html. (Accessed January 5, 2019).

courts to act on behalf of any persons restrained of his or her liberty in violation of the Constitution or any treaty or law of the United States.⁷⁷ The petition combined previous arguments and included the affidavits of H.F. Smiddy and T.K. Jones. The language of the petition drew heavily from Fourteenth Amendment and the fact that the defendant's due process rights had been violated since the evidence against them had been obtained through the use of torture, their trial had been mob dominated, and the grand and petit juries that had indicted and convicted them had been conducted in a racially discriminatory manner.⁷⁸ With the filing of the petition for writ of habeas corpus, the executions were once again postponed as habeas corpus proceedings in federal court stayed death sentences in the State of Arkansas.

Upon receipt Judge Jacob Trieber signed the petition, but immediately recused himself due to being a past resident of Phillips County. The hearing was to be presided over by Judge J.H. Cotteral, a federal judge with origins in Oklahoma. On September 27, Jones and McHaney entered the courtroom in Little Rock ready to argue the validity of their petition confident in the merits of their case. The results of the hearing were surprising in a variety of ways. First, the court took on a posture that seemed favorable to the defendants. Judge Cotteral certified that there was probable cause for appeal, but dismissed the petition for writ of habeas corpus, authorizing the defendants to file motions in the U.S. Supreme Court.⁷⁹ Second, Arkansas Attorney General J.S. Utley requested and the judge granted a demurrer in the case. In legal terms, a demurrer is a pleading that objects, but is a way of saying so what to the petition. A demurrer generally assumes the truth of all material facts alleged in the complaint and evidence cannot be presented to the contrary.⁸⁰ For the state to take this position is very significant

⁷⁷ Judiciary Act of February 5, 1867, 14 Stat. 385-386.

⁷⁸ Record, *Moore v. Dempsey*.

⁷⁹ Record, *Moore v. Dempsey*, 101-102; *Arkansas Gazette*, September 27, 1921.

⁸⁰ Paul D. Jordan, *Paralegal Studies: An Introduction* (Albany, New York: Cengage Learning), 183.

because it meant the court was bound to treat the facts alleged by the Moore defendants as though they were true, which included the H.F. Smiddy and T.K. Jones affidavits that outlined murder, torture, and coercion. These developments had to please the defense attorneys as they forged ahead with their odyssey.

Next, the scenario that the NAACP had dreaded for weeks played out at the most inopportune moment. Defense attorney E.L. McHaney, having demanded more money for the payment of fees and expenses, notified the NAACP board of directors of his resignation from the cases. In a letter sent to the NAACP, McHaney stated, he and his firm, “are not getting the support we are entitled to receive in these cases here and we respectfully tender our resignation as attorneys for the defendants and ask that you secure other counsel.”⁸¹ A major issue of contention for the board of directors was the fact that McHaney’s firm had agreed to terms for their services and settled on the amount of \$5,000.00.⁸² James Weldon Johnson, Executive Secretary of the organization responded to McHaney reminding him of the firm’s obligations to the defendants, and declined the resignation. Johnson wrote, that the NAACP, “declined to accept your resignation and shall expect you to carry the cases through to a conclusion in accordance with your agreement with us. We shall carry out all our obligations with you and assume you will do no less.”⁸³ It was provocative for an attorney to seek removal from a case at such a critical juncture, and it is doubtful if McHaney would have been formally removed by the court. From this point on, McHaney took on a secondary role on the defense team with Sicipio Jones serving as principal counsel.

⁸¹ Murphy, McHaney, & Dunaway to the NAACP, letter, September 16, 1921, Waskow Papers.

⁸² Minutes of the Board of Directors, September 12, 1921, NAACP Papers, A-15.

⁸³ James Weldon Johnson to Murphy, McHaney, & Dunaway, letter, September 17, 1921, Waskow Papers.

Meanwhile, in the arena of state court, the Ware defendants, who had been scheduled for retrial on October 10, received a request for a continuance from the newly elected Phillips County prosecutor, E.D. Robertson. It seemed the new evidence that emerged from the Smiddy and Jones affidavits were cause for enough for concern that the prosecution was willing to delay moving forward with the trials. And while the Ware defendants were incarcerated in the state penitentiary, they were not in imminent danger of electrocution.

On October 21, 1921, Scipio Jones completed and filed a notice of appeal of Judge Cotteral's decision in the U.S. Supreme Court. The Elaine Twelve were now poised to have their story heard by the entire nation and reviewed by the highest court in the United States. The importance of the *Moore v. Dempsey* case was not lost on the black press.⁸⁴ W.E.B. DuBois who recognized the Supreme Court's significance in protecting the rights of African Americans stated, "The greatest case against peonage and mob law ever fought in the land, and involving twelve human lives, comes before the highest court!"⁸⁵ But a constitutional challenge to state court proceedings took time, and with the overbooked docket of the U.S. Supreme Court, it was expected to be at least a year before the appeal would be heard. It was Jones who did the meticulous work of preparing the briefs, a job for which he was aptly suited. However, it was Jones who suggested a different attorney to argue the case before the Supreme Court. It seems nothing was left to chance, Jones wrote the NAACP, "secure the services of the ablest constitutional lawyer obtainable."⁸⁶ While he desired to be present during oral arguments, it would be another attorney who would serve as lead.

⁸⁴ *Moore et al. v. Dempsey*, 261 U.S. 86 (1923).

⁸⁵ *Crisis*, January, 1922, 117.

⁸⁶ Report of the Secretary, November 10, 1921, NAACP Papers, A-15.

The NAACP had one of the “ablest constitutional lawyer[s]” as a member of the organization, Moorfield Storey, who served as president. Storey’s background and qualifications were impeccable. He was born in Boston, Massachusetts to an attorney father who had close connections with the abolitionist movement and believed in racial egalitarianism. Much of his life was spent fighting for civil rights early on as the private secretary of U.S. Senator Charles Sumner, the co-author of the Civil Rights Act of 1875 and noted leader of the Radical Republicans during Reconstruction. Throughout his career as a lawyer, Storey demonstrated a willingness to use the federal law to protect the basic rights of all Americans regardless of race. Most notably he was lead counsel before the U.S. Supreme Court in *Buchanan v. Warley* (1916).⁸⁷ In that case, the Court overturned a Louisville, Kentucky law that racially segregated African Americans by specific city blocks. At the founding of the NAACP in 1909, Storey was chosen to be its first president. There were few people in America at the time more uniquely qualified to help the Elaine Twelve.

Even so, Storey was reluctant to accept the challenge of trying to overcome the legal hurdles created by the State of Arkansas. At the onset of the Moore defendant’s foray into the highest court, NAACP members began recruiting him as lead counsel. Mary W. Ovington wrote Storey, informing him, “I know you will be tremendously interested to learn that these cases have reached our highest tribunal. Of course, we want to aid you in every possible way.”⁸⁸ For his part, Storey admitted being intrigued, but was not certain about the legal foundation of the cases, and in fact if they were winnable. In correspondence with James Weldon Johnson, Storey wrote, “I do not wish to refuse absolutely to appear for the Arkansas Negroes in the Supreme Court of the United States, but I must be satisfied before I do appear that they have a good case.

⁸⁷ *Buchanan v. Warley*, 245 U.S. 60 (1916).

⁸⁸ Mary W. Ovington to Moorfield Storey, letter, October 24, 1921, NAACP Papers, C-70.

I do not mean by that that they have a case that is good in facts, but that there is some authority which will sustain their present application to the court.”⁹⁰ Despite his reluctance, the NAACP remained steadfast in their pursuit of Storey to make what could be the final push for justice on behalf of the defendants.

In the months after the NAACP called upon Moorfield Storey to use his knowledge of constitutional law in the Supreme Court, the legal basis for success was researched. Storey had been concerned about the outcome of the case because of the precedent established in *Frank v. Mangum* (1915).⁹¹ Like the case of the Elaine Twelve, the trial of Leo Frank, a Jewish American factory superintendent convicted of murdering thirteen year old Mary Phagan in 1913 in Atlanta, Georgia, centered around mob dominated justice. After the failure of numerous motions and state appeals, Frank’s attorneys petitioned for a writ of habeas corpus in federal district court, its denial brought the case to the U.S. Supreme Court. The basis of the petition was that mob domination had effectively denied Frank the due process afforded by the Fourteenth Amendment.

In 1915, Justice Mahlon Pitney writing for the majority, saw any improprieties of the Georgia state courts were rectified by the appeals process, but Justice Oliver Wendell Holmes, in dissent, condemned the trial and the intimidation of the jury. The Court concluded, “In our opinion, he [Leo Frank] is not shown to have been deprived of any right guaranteed to him by the Fourteenth Amendment or any other provision of the Constitution of the United States; on the contrary, he has been convicted, and is now held in custody under due process of law within the meaning of the Constitution.”⁹² The eventual commutation of Leo Frank’s death sentence to

⁹⁰ Moorfield Storey to James Weldon Johnson, letter, November 3, 1921, NAACP Papers, C-75-77.

⁹¹ *Frank v. Mangum*, 237 U.S. 309 (1915).

⁹² *Ibid.*, 345.

life imprisonment by Georgia Governor John Slaton on June 21, 1915, is followed by his death by mob lynching on August 17, 1915. Because of the similarities, it was the Supreme Court's decision in the Frank case that Storey found troubling and he expressed as much in correspondence with the NAACP. In a letter to Mary W. Ovington, Storey wrote, "I am very much afraid that under the decision of the Supreme Court in the case of Leo Frank, whom you will remember was tied under very bad circumstance in Atlanta, we shall not be able to win the case, but I am going to try."⁹³ In November 1922, Storey committed to arguing the case before the Supreme Court.

The concerns about the precedent set by the Leo Frank case notwithstanding, the Moore defendants defense team had plenty of reasons to have confidence in their case. Scipio Jones had crafted an eloquent and convincing argument which would be used as the centerpiece of the preparation. Storey came to realize the appeal of Jones' approach as one based on morality. It was the expectation of all citizens to be treated fairly by public officials which was very much in question in the Elaine cases. The Arkansas courts had given its blessings to torture and sham trials that did not provide any semblance of due process. So at the core of the constitutional argument, Storey questioned the entire state process. In the appellant's brief to the U.S. Supreme Court, Storey wrote, "Nowhere in the history of the case from beginning to end is there any indication that prior to the conviction there was any serious attempt made to ascertain whether the defendants were really guilty."⁹⁴ He also gained more confidence in the foundation of the case. In more encouraging words to Walter White of the NAACP, Storey wrote, "It is rather my habit when I enlist in a case to grow more and more confident that my cause is just, and that process is going on in the Arkansas cases. The Supreme Court in the Frank case made it clear

⁹³ Moorfield Storey to Mary White Ovington, letter, November 13, 1922, Waskow Papers.

⁹⁴ Whitaker, *On the Laps*, 278; Appellant's Brief, *Moore v. Dempsey*, UALR.

that a case can be presented in which habeas corpus will issue, and I cannot help thinking that if that is so, it would be impossible to find a stronger case than the one which we have.”⁹⁵ The time was fast approaching to test southern justice in the federal courts.

The U.S. Supreme Court heard oral arguments on January 9, 1923. It was the time of year for court justices to make changes that shaped the criminal justice system throughout the nation. The lawyers gathered at Union Station in Washington D.C., boarded a train and proceeded to the Capitol building old Senate chamber. The members of the defense team arriving in D.C., included Moorfield Storey and U.S. Bratton who had been chosen to present before the Court. The interest of the state was represented by Arkansas Attorney General J.S. Utley, and Assistant Attorney General Elbert Godwin. The attorneys had plenty of time to settle and were briefed on the court’s agenda, starting with the scheduled time oral arguments were set to begin. The case of the Elaine Twelve had risen to the pinnacle of the judiciary from the depths of the Arkansas Delta. To the lawyers of the appellants, Washington D.C., had probably never looked more like the capital of a great nation than it did on that day. There were few men prepared to speak more eloquently in favor of the rule of law and the circumstances of the sharecroppers than Storey and Bratton.

When the judge’s chamber door opened, and the cry of “All rise!” rang out, the justices entered in order of seniority with Chief Justice William H. Taft mounting the bench first. Taft, a rotund former U.S. President seemed to tightly fill the space behind the bench, but in his profession, he was an eminent lawyer. The other justices followed their places on the bench reflected by the pecking order with Joseph McKenna and Oliver W. Holmes Jr., seated in that order. The remaining justices were Willis Van Devanter, James C. McReynolds, Louis Brandeis,

⁹⁵ Moorfield Storey to Walter White, letter, November 16, 1922, Waskow Papers.

Edward T. Sanford, George Sutherland, and Pierce Butler. In addition to their legal abilities, these men were loyal supporters of the federal government's constitutional authority to rule on matters of law. But each of the men came to the bench from different backgrounds some of whom never seemed to have been troubled by racial inequality. To some extent, this reflected Chief Justice Taft's own background as president. During his inaugural address Taft announced that he would not appoint African Americans to federal jobs, such as postmaster, where this would cause racial friction. This differed from Theodore Roosevelt, who would not remove or replace black officeholders with whom local whites would not deal. Taft's Southern Policy, effectively invited white protests against black appointees and is followed by the removal of most African American office holders in the South, and few appointments of African Americans anywhere.⁹⁶ But it was a judge's lot to make decisions on matters of law some of which on a personal level they may disagree.

U.S. Bratton opened oral arguments and implored the all-white panel of justices to imagine the life of a black sharecropper. Bratton described sharecropping as a system of peonage stating, "the conditions that have grown up in the Arkansas Delta are worse now than before the Civil War." He added, "I speak from my knowledge gained during my twelve years of experience as a legal representative of the Department of Justice."⁹⁷ Bratton reminded the justices that African Americans were forced to occupy a role less than citizenship because of the economic exploitation of sharecropping and racial injustice. In the days following his appearance before the Court, Bratton advised Walter White of the NAACP, "I endeavored to get

⁹⁶ Louis R. Harlan, *Booker T. Washington: Volume 2: The Wizard of Tuskegee, 1901-1915* (New York: Oxford University Press, 1983), 341.

⁹⁷ U.S. Bratton to Walter White, January 11, 1923, NAACP files of Elaine Riot, Arthur Waskow, Wisconsin State Historical Society Library, University of Wisconsin, Madison.

a mental picture in the minds of the Court as to the exact conditions in Arkansas.”⁹⁸ In order to paint a mental picture, the vicious nature of sharecropping was explained to those with no firsthand knowledge of its evilness. Bratton understood the experiences of those who directly participated in the system and came to see the struggle against it as a moral crusade against racism and to preserve the constitutional values of the United States. It was also Bratton who informed the Court that as many as two hundred innocent African Americans were killed during the riot.⁹⁹

It was Storey who made the constitutional argument. The State of Arkansas, had objected that the appeal ran afoul of the Supreme Court’s interpretation of the Fourteenth Amendment. But Storey said that he was convinced the Moore defendants never received a fair trial because the atmosphere was rife with mob domination. Storey noted that the white citizens of Phillips County, “were determined that the men should be convicted and they manufactured the evidence for that purpose.”¹⁰⁰ The Fourteenth Amendment not only concerned the due process rights of U.S. citizens, which the State of Arkansas eviscerated. It also had an equal protection clause guaranteeing the citizens of each state the equal protection of the laws. And, Storey argued, “If the record in this case does not warrant the relief demanded, then that part of the Constitution should be eliminated as it would mean nothing.”¹⁰¹ He asserted that surely equal protection applies to impoverished sharecroppers. It was an appeal to the belief that Americans were people of good character and reasonable thinking and a reminder of the necessity of fairness. However, a major flaw of his argument was the notion that elite white planters could be relied upon to balance profits against the needs of workers.

⁹⁸ U.S. Bratton to Walter White, January 11, 1923.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

The State of Arkansas could hardly have been more problematic in regards in its positions related to the case. The certification of probable cause for the petition for writ of habeas corpus granted by Judge Cotteral placed the case in the purview of the Supreme Court. But it was the demurrer pleading requested by the Arkansas Attorney General and granted by the U.S. District Court that was most damaging. This decision is an odd curiosity because it left the state in the position of arguing the law and in the fact that Arkansas had met the “corrective process” standard established by *Frank v. Mangum*, but ignored the new critical evidence that was introduced.¹⁰² The State of Arkansas basically admitted to murder, torture, and coercion through the demurrer pleading and did not attempt to refute the serious allegations raised by the Smiddy and Jones affidavits. The calculation fell short as evidence by the recollection of U.S. Bratton. According to Bratton, during oral arguments Assistant Attorney General Godwin countered that there had been no massacre of African Americans or torture of prisoner when he was interrupted by Chief Justice Taft who stated, “Yes, but you demurred to the petition, thereby admitting the allegations.”¹⁰³ There is no doubt that the Attorney General had been in no hurry to reach a moment when the case focused on his equivocations about inflammatory affidavits and took on a generally defensive posture. Going into oral arguments, Chief Justice Taft was probably considered an ally. But his statement likely reflected the thoughts of other justices who would decide the case. The State of Arkansas needed five votes to win, and based on the revelations in oral arguments, there was some doubt as to where they would come from.

On February 19, 1923, the U.S. Supreme Court announced its decision in *Moore v. Dempsey* with the Moore defendants winning a resounding victory. The Court decided in a 6-2 vote that the mob dominated atmosphere had in fact violated the sharecroppers of their right to

¹⁰² *Frank v. Mangum*, 237 U.S. 309 (1915).

¹⁰³ Bratton to White, January 11, 1923.

due process and equal protection under the Fourteenth Amendment. In writing the majority opinion, Justice Oliver W. Holmes pointed directly to the actions of the Committee of Seven in assuring the white citizens of Phillips County the sharecroppers would be tried and executed if they did not lynch them. Holmes noted, “it was recognized, of course, that if in fact a trial is dominated by a mob, so that there is an actual interference with the course of justice, there is a departure from due process of law; and that if the state supplying no corrective process, carries into execution a judgement of death or imprisonment based upon a verdict...the state deprives the accused of his life or liberty without due process of law.”¹⁰⁴ Justice Holmes also took issue with the Arkansas Supreme Court’s failure to take corrective action in preventing discrimination against petitioners by the exclusion of colored men from the jury. Holmes noted, “We shall not say more concerning the corrective process afforded to petitioners than that it does not seem to us sufficient to allow a judge of the United States to escape the duty of examining the facts for himself.”¹⁰⁵ Holmes applied the same reasoning to the Fourteenth Amendment which he had cited as authority for the Leo Frank case but stated the Arkansas Supreme Court had failed to live up to its responsibilities.

Justice James C. McReynolds wrote the dissenting opinion joined by Justice George Sutherland. McReynolds was being consistent with his thoughts in *Frank v. Mangum*, which left the power to correct cases with state courts.¹⁰⁶ While McReynolds indicated he understood, “the matter is one of gravity,” the issue of a state court’s authority seemed of utmost importance rather than justice. He stated, “If every man convicted of crime in a state court may thereafter resort to the federal court, and, by swearing, as advised, that certain allegations of fact tending to

¹⁰⁴ *Moore v. Dempsey*, 261 U.S. 86 (1923).

¹⁰⁵ *Ibid.*

¹⁰⁶ *Frank v. Mangum*, 237 U.S. 309 (1915).

impeach his trial are true to the best of his knowledge and belief; and thereby obtain as of right further review, another way has been added to a list already unfortunately long to prevent prompt punishment.”¹⁰⁷ But to deprive an individual their constitutional right to due process for the sake of process promotes a position that is contrary to the role of Associate Justice of the U.S. Supreme Court.

The NAACP hailed the Supreme Court’s decision as a victory for African Americans that effectively demonstrated the federal courts could be used successfully to protect the rights of the accused. It provided black Arkansans and African Americans in the rest of the South, a means to resist the abuses of racial discrimination. Many saw the decision as a way for the NAACP to utilize the federal courts to fight for both criminal and civil rights. Prominent civil right attorney Louis Marshall referred to the decision as “the cornerstone for building a new temple of justice.”¹⁰⁸ There is no doubt that the white power structure in Phillips County, those white vigilantes, and members of the Committee of Seven now understood that if they violated the rights of a black man, the strong arm of the federal government would protect him. The *Crisis*, published an article comparing the decision to the Emancipation Proclamation citing the significance of the case to the rights of African Americans.¹⁰⁹ The prevalent theme was the idea that African Americans no longer had to passively endure the most intolerable wrongs, but rather they could take up the problem as a matter of law in court.

Of course, not all reactions to the court decision were favorable or they were non-existent. The majority of the national press reacted to the decision with a benign neglect that attempted to avoid the racial issues of the South. For example, there were no editorials published

¹⁰⁷ *Moore v. Dempsey*, 261 U.S. 86 (1923).

¹⁰⁸ Whitaker, *On the Laps*, 292; Louis Marshall to Walter White, March 12, 1923, NAACP, part 7, series a, reel 20.

¹⁰⁹ “Walter White, “The Defeat of Arkansas Mob Law,” *Crisis*, April 1923, 261.

in the *New York Times* or the *Washington Post*. The *Arkansas Gazette*, consistent with its position throughout the cases, generally endorsed the view of the minority opinion of the Court in regards to state authority. The *Arkansas Gazette* editorialized, “the statement of ignorant negro convicts is sufficient to overturn the ruling of the highest court in Arkansas.”¹¹⁰ The *Arkansas Gazette* seemed to speak for many white people in the state. Scipio Jones lamented the extreme views of the newspaper and the political climate that existed within the state. Jones wrote Walter White and communicated the content of the editorial stating, “the *Gazette* has fought us ever since this unfortunate occurrence and is still fighting us, as you will see from reading the editorial.”¹¹¹ Jones had no illusions about what the decision would mean for African Americans in Arkansas. He had seen indications of the lengths to which white citizens would resist equality in the political ranks of Arkansas’ Republican Party and in the courtrooms. So he knew too well that an important battle had indeed been won, but the war was not yet over.

Attention then shifted to the Ware defendants who were still being held pending retrial. During the year of the Moore defendants fought legal battles in federal court, the Ware defendant had received two continuances requested by the prosecution. Because of the delays in going to trial, Scipio Jones took advantage of an Arkansas statute governing delays in trying persons under indictment for criminal offenses. Based on Arkansas law, if a person is not tried within two court terms following indictment, “he shall be discharged so far as it relates to the offense for which he is committed.”¹¹² In April 1923, Jones filed motion to discharge all of the Ware defendants from the custody of the state under the provisions of this statute. Apparently, after each continuance requested by the prosecution, Jones informed the court that the defendants

¹¹⁰ “The Decision in the Elaine Cases,” *Arkansas Gazette*, February 21, 1923, 6.

¹¹¹ Scipio Jones to Walter White, letter, February 23, 1923, Waskow Papers.

¹¹² *Ware v. State of Arkansas*, 159 Arkansas, 540 (1923).

were ready to proceed with trial. The prosecution objected to the motion claiming the defense team consented to the continuances. However, on June 25, the Arkansas Supreme Court who heard the case on appeal rejected the prosecution's argument and ordered the Ware defendants discharged.¹¹³ The Arkansas Supreme Court noted that the purpose of the statute was to promote the dispatch in the administration of justice and "justice delayed is justice denied."¹¹⁴ This decision meant the Ware defendants were going to finally be released.

In Little Rock, Governor McRae had become weary of the entire ordeal dealing with the Elaine Twelve. The Moore defendants had been remanded from the U.S. Supreme Court to U.S. District Court in the Eastern District of Arkansas. This meant the defendants were still in danger of life and limb because it was entirely possible that the U.S. District Court might hold that the torture issue had not been adequately raised in the Arkansas Supreme Court and as a consequence, the issue could not be raised in a petition for a federal writ of habeas corpus.¹¹⁵ The entire issue of torture and coercion was still a contentious proposition for African American defendants to litigate in the South, despite the Supreme Court's decision in *Moore v. Dempsey*.¹¹⁶

Ever the astute lawyer, Scipio Jones thought the climate was right to negotiate a final resolution for the remaining defendants and dispose of the cases once and for all. To this end, Jones began the process of communicating with relevant parties to gauge their thoughts about a potential settlement. The historical record indicates the NAACP's reaction to the plan was initially guarded. In a letter to Walter White, Moorfield Storey wrote that he would "dislike to have the prisoners plead guilty and take a five-year sentence. They had better lie in jail without plea for a year or two than incur certain imprisonment and discredit all our attempts to save them

¹¹³ Ibid., 546-547.

¹¹⁴ Ibid., 553-554.

¹¹⁵ Cortner, *A Mob*, 174.

¹¹⁶ *Moore v. Dempsey*, 261 U.S. 86 (1923).

by pleading guilty.”¹¹⁷ However, Walter White was more forthright about negotiating with the state. In a letter to Jones, White wrote, “the NAACP is not unmindful of the personal interest of the men involved, nor of the conditions obtaining in a state like Arkansas.”¹¹⁸ Ultimately, the decision on how to proceed on behalf of the defendants was going to be up to Scipio Jones.

Behind the scenes, Jones was able to negotiate a masterful plan for the release of the remaining Elaine defendants. The matter was greatly influenced by Little Rock attorney George B. Rose, who lobbied Governor McRae for the release of the men at the request of the NAACP. Apparently, Rose had met Moorfield Storey in Washington D.C., after his appearance before the U.S. Supreme Court and was impressed with his performance. Jones urged Storey to contact Rose for his help gaining the release of the condemned men and he relented. Storey wrote Rose, “Perhaps you will be willing to let Mr. Scipio Jones, who has been counsel in Arkansas in these matters, call upon you and discuss the situation.”¹¹⁹ Rose’s effort to assist the defendants was favorably received by Governor McRae as evidenced by the outcome. Under the terms of the agreement, rather than risk litigation in U.S. District Court on the remanded case, the men would enter a plea of guilty in state court and their sentences would be commuted to second degree murder and a term of twelve years. Governor McRae would then sign an order granting the men indefinite furloughs thereby releasing them from custody. On January 13, 1925, as one of his last official acts in office, Governor McRae signed the furlough order ending a dark chapter in the history of Arkansas.¹²⁰ On January 14, 1925, Frank Moore, J.E. Knox, Ed Hicks, Frank Hicks, Ed Coleman, and Paul Hall were all released from the state penitentiary and left the State of Arkansas in the middle of the night.

¹¹⁷ Report to the NAACP Secretary, April 16, 1923, NAACP Papers, A-15.

¹¹⁸ Walter White to Scipio Jones, letter, May 7, 1923.

¹¹⁹ Moorfield Storey to George B. Rose, June 7, 1923,

¹²⁰ *Arkansas Gazette*, January 14, 1925.



Figure 7. Scipio Africanus Jones, noted Little Rock attorney for the Elaine Twelve defendants. *Courtesy of the Butler Center for Arkansas Studies.*

The Implications of Moore v. Dempsey

The impact of *Moore v. Dempsey* should be viewed with full knowledge of its implications for African Americans as it provided distinct protections against mob dominated justice.¹²¹ There is little room to doubt that the U.S. Supreme Court's decision in *Moore* was the forerunner for future cases involving African American defendants, most notably *Powell v. Alabama* (1932), which established that in a capital case the defendant must be given access to counsel upon their own request as part of due process.¹²² In a similar fashion as the sharecroppers in Elaine, the black defendants in Alabama were denied effective assistance of

¹²¹ *Moore v. Dempsey*, 261 U.S. 86 (1923).

¹²² *Powell v. Alabama*, 287 U.S. 45 (1932).

counsel. In addition, the case of *Brown v. Mississippi* (1936), established that a defendant's involuntary confession that is extracted by police violence cannot be entered as evidence as it violates the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.¹²³

Through court decisions that started with the cases in Arkansas, the U.S. Supreme Court made it clear that it would be willing to intervene to ensure fairness in southern courtrooms.

Across the South, the case helped bring about criminal justice reform in many states, more black prisoners than ever before compelled state courts to live up to the promise of the Constitution. The State of Arkansas was no longer free to deny African American defendants their due process rights without fear of judicial review. The authority of federal courts to review state court decisions and determine if constitutional protections are safeguarded is perhaps the most significant gain of the *Moore* case.

The years following the riot set new standards for what constituted a fair court proceeding. To the African American community, this meant protection against mob dominated courtrooms, guaranteed counsel in capital cases, and protection against forced or coerced confessions. Prior to the court challenges put forth in the Elaine cases, the U.S. Supreme Court demonstrated no interest in guaranteeing racial equality in the court system. For this reason, the cases that stemmed from the riot mark a seminal moment in shaping fairness in courtrooms. The U.S. Supreme Court began to turn away from the errors of the past such as *U.S. v. Cruikshank*, which gutted the Fourteenth Amendment, and once again established a precedent of overturning state trials that were unfair.¹²⁴

The success of the Elaine cases also provided the NAACP the momentum to enlarge their focus on litigation as a form of resistance to white supremacy and discrimination. If the court

¹²³ *Brown v. Mississippi*, 297 U.S. 278 (1936).

¹²⁴ *U.S. v. Cruikshank*, 92 U.S. 542 (1876).

system could be used to defend African Americans in criminal proceedings, it could undoubtedly be used for the same end to pursue Civil Rights. Subsequent to the cases in Arkansas, the NAACP would broaden the scope of their legal defense work increasing the legal defense fund budget from \$25,000 to \$50,000.¹²⁵ This change in funding is evidence of a shift in strategy from one of publicity and politics to that of legal litigation. The Elaine cases demonstrated that American courtrooms could now be used to push forward the African Americans struggle for racial equality.

The fact that a concerted effort of grassroots organizations, local businessmen and attorneys, and the NAACP had successfully brought legal action against the State of Arkansas was a tremendous encouragement for the future. It was even more remarkable that the activism in the black community was not subdued by an acquiescence to patriotism after World War I. On the contrary, African Americans understood the importance of protesting racial discrimination in the years following the war. The mounting racial tensions afterwards was hardly due to agitation and Communist subversion, but rather to the fact that the rapid industrialization in urban centers gave African Americans other options through migration and influenced their resistance to the economic exploitation of sharecropping.

In subsequent years, the NAACP committed itself to secure the proper legal aid to maintain and defend African American rights. To be sure, most of the cases received by the organization never made it to the U.S. Supreme Court. The bulk of the work, as it is reflected in the organization's records, was made up by routine cases on the local level that did not produce much publicity. However, if litigation appeared promising, the national office would provide financial assistance and legal advice. Information and affidavits were collected, which then were

¹²⁵ Board Minutes, February 5, 1923, NAACP Papers: Board of Directors, Correspondence, and Committee Materials 1919-1939, taken from reel 1, 0743.

sent to law enforcement for investigation. This was an important revelation because it exerted pressure on local and state officials albeit sometimes with little response. But the methods of shifting through the real world evidence to seek justice was perfected with the fights that emerged from a Phillips County courtroom.

In its public pronouncements following the decision, the NAACP celebrated the case by claiming, “The victory is one of greater significance to the race than can now be imagined, not only the race but America as well has profited by the freeing of these men.”¹²⁶ Obviously there was a bit of propaganda at play with the statement. But at a closer look, the decision amounted to an important victory. The Supreme Court not only distanced itself from the precedent set in *Frank v. Mangum* of allowing state courts to have a “corrective process,” but by stressing the equal protection clause openly acknowledged that the federal government has a constitutional responsibility to protect all citizens.¹²⁷ And this decision was supported by a clear majority. Understandably, the NAACP congratulated itself that it had prevented the State of Arkansas and white vigilantes from acting with impunity against African Americans citizens.

The result of events following Elaine moved black Arkansans as they began to more actively participate in black freedom struggles, using its success to advocate for the political agenda they considered in their own interests. Isaac Shaw, a member of the PFHUA, ushered in the Depression era with a message undoubtedly influenced by his experiences in 1919. In 1934, Shaw who became one of the founding members of the Southern Tenant Farmers Union (STFU) in the delta town of Tyronza, articulated a message of racial unity arguing for poor black and white sharecroppers to stand together. Shaw asserted, “As long as we stand together, black and

¹²⁶ “Colored Editors Comment on Arkansas Victory,” January 30, 1925, NAACP, part 7, series a, reel 21.

¹²⁷ *Frank v. Mangum*, 237 U.S. 309 (1915).

white together in this union, nothing can tear it down.”¹²⁸ A concept that has always been frightening for those in control of the capitalist system since the inception of the republic. So the decision of the court that centered on due process was a key component of a broader movement.

Certainly, the check on white supremacy and the strengthening of federal authority in *Moore v. Dempsey* were milestones on the road to racial equality.¹²⁹ The combined impact of mass murder and court litigation made it easier to mobilize black Arkansans for change. What did they have to lose? And, what would they accomplish by doing nothing? For the most part, the riot demonstrated black empowerment at a moment when it appeared to be extinguished. The authorities in Phillips County tried to undertake a colossal miscarriage of justice but the cases they brought collapsed. The U.S. Supreme Court had meanwhile interpreted African American’s constitutional rights as valid. In considering the circumstances of the Elaine Twelve, the Court impeded the second class citizenship and violence imposed upon African Americans by white supremacists.

But the *Moore* cases demonstrated that time was running out on white supremacy in Arkansas and the myths that had helped to sustain it. World War I had been a struggle to make men free in Europe and forced Americans to face the contradiction between the ideals fought for abroad and the denial of human rights to African Americans. The U.S. Supreme Court, responding to arguments presented by lawyers of the NAACP, became the catalyst for change in 1923 with its ruling that compelled state authorities to comply with the rule of law. It is therefore appropriate to treat the court decision that followed as an important episode in the long trajectory of black freedom struggles in America.

¹²⁸ Langley M. Biegert, “Legacy of Resistance,” *Journal of Social History* 32 (1998), 73-99.

¹²⁹ *Moore v. Dempsey*, 261 U.S. 86 (1923).

CONCLUSION

Two years after being released from the Arkansas state penitentiary, Ed Ware, an Elaine defendant relocated to the city of Chicago like many black Arkansans and African Americans throughout the South. Presenting himself in Chicago as a migrant in search of opportunity, Ware was one of thousands of African Americans who left the agrarian economy in hopes of finding a job in the industrialized Midwest. Not long after his arrival, he visited Ida B. Wells-Barnett, who offered tremendous support during the ordeal of the Elaine Twelve. He recalled the words of encouragement Wells-Barnett provided at an emotional moment during his incarceration. She told the men to pray to God “to open our prison doors like he did for Paul and Silas,” and “after that we never talked about dying anymore.”¹ To be sure, the fight to save the lives of Ed Ware and others was an important victory in the annals of civil rights and criminal justice. But contrary to the congratulatory pronouncements that followed the release of the defendants, the State of Arkansas maintained the economic exploitation of black sharecroppers for years to come.

The prevailing theme that followed the next three decades consisted of a continuation of the overtly racist southern culture and an economic system designed to enslave or intimidate African Americans into obedience. With the attempted formation of a labor union crushed, blacks were still pressed through local customs and arrangements into compelled labor agreements. The subjugation of African Americans appeared to be firmly secure despite the emergence of black freedom struggles such as the Elaine incident. Although the resistance to white supremacy for African Americans often seemed insurmountable throughout these decades, they never lost faith in the ideals of American democracy or the stopped believing that the rule of

¹ Ida B. Wells, *Crusade for Justice: The Autobiography of Ida B. Wells* (Chicago: University of Chicago Press, 1972), 404.

law would prevail over racism. As long as discriminatory laws and segregated labor markets barred African Americans from adequate employment in the larger economy, black freedom struggles would continue to flare up.

The legacy of the Elaine Riot is one of mixed reactions when analyzed by historians. It would be grossly inaccurate to characterize the riot as being rooted in the narrow interests of a small group of black sharecroppers in the Arkansas Delta. For one thing, the events surrounding the labor dispute in Phillips County represented a microcosm of similar activities that were taking place in other regions of the South in that blacks were not content with their terms and conditions of employment under the sharecropping system. However, the creation of the PFHUA for collective action and the retention of legal counsel to take white planters to court set Elaine apart from the discontent in other parts of the South. While the strategies and methods used were considered insidious by white planters, the struggle against economic exploitation constituted a unifying interest of all African Americans. Moreover, after World War I, African Americans understood that it was time to promote economic interests as well as secure legal and political rights.

Despite the reaction of white Arkansans, the goals of the PFHUA were never aimed at a radical transformation of American capitalism but remained a reform effort. First, members wanted fair and equal employment and any barriers to this removed. Second, they simply wanted to be paid a fair market wage for the services they provided. These were hardly radical ideals for an organization to pursue. The efforts of the sharecroppers remained closely tied to the institutional framework of the peonage which was an error. The union should have sought more radical changes to the economic systems such as the complete overthrow of sharecropping and the implementation of equitable farming practices. Collective action as a strategy to force social

change was rejected. Instead, violence and mass murder were condoned as legitimate tactics by white mobs to exert pressure and control.

Although the union was not successful, it was important because it set the stage for a growing consolidation of southern blacks for their own interests. The events surrounding the riot laid the groundwork for organizations like the NAACP and others to launch a critical assault on racism with the Civil Rights movement. That the least among black Arkansans were willing to risk life and limb in working to secure their rights was an impressive testimony to their belief in the transformative power of black activism. At the same time, a willingness to utilize the courts to settle labor disputes communicated a message that perhaps there could be peaceful solutions to rectify the race based issues of the South. This message is clearly articulated during and in the aftermath of the riot and resonated at the height of the Civil Rights movement.

There were indeed forces at work that made World War I into a catalyst for change. From an economic standpoint, the wartime boom for the first time gave black workers opportunities for gainful employment outside of the South. Even more important, the war exposed the hypocrisy of fighting for democratic ideals abroad while practicing racism at home. In subsequent years, black activism became more assertive, a reality best reflected in the events surrounding the riot. Scipio A. Jones had a long history of battling racism in Arkansas through his work as a prominent black attorney. The interest in the Elaine cases ignited ordinary black citizens to action for their common good. So resistance in the form of a union and the black activism surrounding the unfair treatment of the Elaine defendants represented a crucial breakthrough that created a valuable precedent for reaffirming the role of the federal government.

Black Arkansans in the years from the end of World War I into the Civil Rights era didn't have much to say about the catastrophe, many participated in the Great Migration and chose to leave the delta. Yet, it still moved them, and angered them. Black Arkansans of the postwar years had practical reasons to consign the tragic events into obscurity. The reasons they did this are simple, it helped their survival. Because there were no real benefits to telling of the tragedy, they suppressed it and moved on. Still, within African American communities, references to racially motivated incidents of violence are kept a part of the oral traditions and such was the case with the Elaine Riot.

The story, regardless who has told it, ran along a standard track. According to the prevailing narrative, the African Americans who came out of the World War I experience were "New Negroes" who witnessed the emergence of a cultural, social, and political awakening, lived through the throws of Jim Crow, migrated to industrialized centers, and participated in the coalescence of the modern Civil Rights movement had no room in their psyche for the tragedy.² In fact, the story of what took place only began to emerge in the mainstream in 1997, with the release of historical drama film *Rosewood* based on the events of the 1923 Rosewood massacre in Florida. The movie encouraged the families of victims, scholars, historians, and officials to gradually come out of their amnesia and admit similar acts of violence had happened in Arkansas.

The reasoning that places the 1997 film at the center of consciousness about the riot begins with the specifics of elation over the victories that were set against the dire circumstances of cotton pickers and assumed doom. The protracted legal battles and victories supported and lead by African Americans, made Arkansans proud and willing to go public with their past.

² Alain Locke, *The New Negro: An Interpretation* (New York: A and C Boni, 1925).

Now, the riot could be associated with something positive, strong, and triumphant in contemporary society, rather than the state's darkest chapter. In essence, the reemergence of stories about Scipio A. Jones, the Elaine Twelve, and the NAACP made it easier for Arkansans to look back to that horrendous time in which many innocent lives were lost.

Returning from relative historiographical obscurity, contemporary literature about Elaine refocused incisively on the court cases and efforts to secure due process in the courts. The Due Process Clause of the Fourteenth Amendment took center the strategy to win freedom for the Elaine Twelve and equality for African Americans both as the symbol of citizenship and as a crucial weapon for compliance with the Bill of Rights in state criminal trials. Scholars like Richard C. Cortner, Grif Stockley, and Robert Whitaker framed the legal successes in the landmark *Moore v. Dempsey* around criminal justice and the legal ramifications of the court decision.³ Their legal approach to the study of the riot underscores the long struggle by African Americans to fully realize the benefits of American citizenship. Given the South's long record of social, economic, and political domination over the lives of blacks, the legacy of Elaine played no small role in the continuing quest of African American not just for legal equality, but economic and social equality as well.

In the closing years of the twentieth century, African Americans lived in a different country, one in which they felt comfortable looking back. African Americans lived in an America governed by civil rights legislation which they benefited from and which made overt discrimination a historical fact rather than a lived reality. These developments made the African American world a very different entity than the one that had been in existence during the Red Summer of 1919. The nation contrasted dramatically with the one that postwar black workers

³ Cortner, *A Mob*; Stockley, *Blood in Their Eyes*; Whitaker, *On the Laps*.

had lived in which they struggled for equal footing and ultimately left the South in massive numbers in search of opportunities elsewhere.

In the post-Civil Right era, Elaine is often viewed through the lens of race rather than an incident that represented the complex intersections between race, class, and labor. Historians like J.W. Butts and Dorothy James recount the conflict as a historical legacy of Arkansas that stemmed from the burden of Jim Crow.⁴ While racial discrimination is a fact of the event, some hope for more literature that will address the issues of economic inequality, and the plight of workers. That most Arkansans would rather not rethink the details of how their ancestors benefited from the racial attitudes in the early twentieth century is perhaps to be expected. More puzzling is that fewer historians have explored the complexities of the riot with emphasis on other dynamics.

As suggested, by examining the black sharecroppers experience within the particular geographical context of the Arkansas Delta and the historical context of early twentieth century America, and by analyzing that experience within the multiple frameworks of race, class, and labor, and by treating the black defendants as actors in the drama we gain a better understanding of causality. As noted by historical sociologist Edna Bonacich, the real issue is how capitalism shaped the interests and actions of various segments of society, and how those interests and actions in turn shaped the direction of authorities.⁵ In this equation, race was secondary to the material interests of capitalists.

In returning to the question of whether or not African Americans in Phillips County had an awareness of class struggle that inspired their resistance to economic exploitation, the written

⁴ J.W. Butts and Dorothy James, "The Underlying Causes of the Elaine Riot of 1919," *Arkansas Historical Quarterly* 20, no. 1 (1961), 95-104.

⁵ Edna Bonacich, "Capitalist and Racial Oppression: In Search of Consciousness," in *Research in Urban Sociology*, vol. 1, *Race, Class, and Urban Change* (Greenwich, Connecticut: JAI Press Inc., 1989), 185.

history suggests several conclusions. In the case of the PFHUA members, it is clear that Robert L. Hill and his followers understood the leverage and power of black workers. More than even the most astute Marxist, the sharecroppers of Phillips County rejected the way they were forced to work without any say in the production process or control over their terms or conditions of employment. There is little doubt that the rejection of white planters control over the sharecropping process was inspired by a higher understanding of the social dynamics at play in the delta. While it is more likely that their awareness was derived from innate origins rather than developed from the study of classical Marxism, how the workers became inspired is less relevant than the actions they took. Undoubtedly, the tension created by the formation of the PFHUA fostered an antagonism in the area that ultimately contributed to the violence of the riot. Such is the case when different groups of people struggle for their own interests.

Historians are now writing about black life after the Civil Right movement through a process of redefining racism. Despite notable gains in the area of civil rights, there is still irrefutable evidence of structural racism in American society. Civil rights activists Derrick Bell declared that racism, “is an integral, permanent, and indestructible component of this society.”⁶ Yet others like William Julius Wilson have argued that racism can no longer be adequately explained by racism, but are derived from larger forces that emerged from post-industrialism and a globalized economy.⁷ According to Wilson, urban decline is linked to these factors and have greatly contributed to the escalation of violence in African American communities. The common themes shared by these scholars is the idea that African Americans have enjoyed tremendous

⁶ Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York: Basic Books, 1992), 9.

⁷ William J. Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions* (Chicago: University of Chicago Press, 1978).

racial change and process that few people could have imagined at the beginning of the twentieth century. However, the issues that African Americans are confronted with transcend race.

If African Americans are excluded from opportunities in urban areas where they now live, they will be more vulnerable to the exploitive dimensions of capitalism than their positions in the South where they faced abusive contracts and disenfranchisement reinforced by racial violence, including lynching and race riots. The legacy of exploitation that includes Jim Crow, second class citizenship, urbanization, and all of the different stages that black people have been through contribute to a culture that is self-destructive. Still, as in the past, African American communities have limited economic alternatives, particularly in urban settings. At present it is a tedious and frustrating affair and will remain so in the near future.

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Straub, Charles. October 15, 1960. Helena, Arkansas.

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TEACHING EXPERIENCE

University of Wisconsin-Milwaukee, Milwaukee, Wisconsin 2014 to 2016
Graduate Teaching Assistant

Responsible for performing teaching or teaching related duties to assist faculty members, professors, department heads, and other faculty. Proctors exams, grades test and homework, and records grades. Performs other duties as determined by the supervising professor.

- Attend lectures, read assignments, and lead classroom discussions.
- Schedule and observe sufficient office hours, and help with departmental activities.
- Attend meetings periodically within the department and with the supervising professor.
- Assist supervising professor with classroom instruction, exams, record keeping, and other miscellaneous projects.
- Tutor and mentor students enrolled in course.
- Prepare presentations for lectures.
- Deliver lectures as required by supervising instructor.
- Assist supervising professor with the development of course plans.
- Create and write materials such as a syllabus, visual aids, answer keys, and supplementary notes.
- Correspond with students on D2L or related inter-campus communication systems.

Courses:

American History to 1877
American History since 1877
The Vietnam War
American History to 1877 (Online)

OTHER EXPERIENCE

Sprint Nextel Corp, Waukesha, Wisconsin 2009 to 2013

Small Business Account Executive

Oversaw the development of regular and ongoing training programs and business development plans targeting a defined geographic location.

- Responsible for sales growth in the 3rd party sales force and company owned retail locations.
- Build and manage influential relationships with sales makers, managers, and dealer principles with the intent of increasing market share and reducing customer churn in the small business segment.
- Establish training sessions, business development meetings, market contacts, sales planning, analyze customer needs, and identify wireless, voice, data products and services that will appeal to small business segment.
- Increase business sales effectiveness of 3rd party agents, Sprint retail stores, and local sales locations.
- Manage a network of sales associates by creating expertise and awareness of the services portfolio offered in the small business segment.
- Achieve higher close rates within all channels of distribution to attain all quota metrics.

Accomplishments:

2011 Sprint Reward & Recognition (Mar 110%, Apr 146%, May 103%, Jun 106%) Milwaukee Market.

2010 Sprint Reward & Recognition (Apr 118%, Jul 119%) Milwaukee Market.

U.S. Cellular®, Waukesha, Wisconsin 2005 to 2009

Agent Account Executive

Liaison between U.S. Cellular® and its national and local authorized agents.

- Responsible for the management and support of agent accounts, the proper execution of sales and organizational goals, and delivery of excellent customer service.
- Also responsible for the implementation of policy and procedures related to the agent operations, as well as the design and delivery of training programs for new agents.
- Successfully executes business planning, advertising strategy, merchandising, and sales activities.
- Responsible for business and sales plans/strategies, communicating sales goals and productivity expectations, tracking agent productivity and trend analyses in order to

provided coaching and feedback to agents. Also responsible for recognizing high performing agents and making recommendations for low performing agents.

- Provides agent customer service by visiting agent locations and assisting with troubleshooting regarding customer request. Makes final resolution and proper adjustments to accounts when necessary. Assist agents with contracts, service orders, and co-op.
- Provides agent education by assessing training needs and requirements, coordinating training events, conducting agent training, retraining in floor selling techniques, selling skills, positioning products/services, and customer interaction etiquette. Also provides timely feedback and coaching.
- Conducts administration activities such as preparing and submitting reports, recruiting new agents, documenting sales information, maintaining a calendar of activities and events. Participates in staff meetings and develops a network of people to assist with procedures and or problem issues.

Accomplishments:

2008 Dynamic Achievers Club (Jan, Mar, Jun, Jul, Oct, Nov) Milwaukee Market

2007 Dynamic Achievers Club (Jan, Feb) Milwaukee Market.

1st Quarter Award 2006 (Top Gross Adds) Chicago Market.

2006 Management Development Forum (Successful Completion).

3rd Quarter Award 2005 (99% of Sales Quota) Chicago Market.

4th Quarter Award 2005 (82% Avg. Mystery Shop Score) Chicago Market.

4th Quarter Award 2005 (Values: Respect) Chicago Market.

Top Gross Adds 2005, Chicago Market.

SCHOLARSHIPS, FELLOWSHIPS, AND AWARDS

Advanced Opportunity Program Fellowship, University of Wisconsin-Milwaukee, 2018-2019.

Advanced Opportunity Program Fellowship, University of Wisconsin-Milwaukee, 2017-2018.

Wisconsin Labor History Society, Frank Zeidler Academic Award, First Runner Up, 2016-2017.

Advanced Opportunity Program Fellowship, University of Wisconsin-Milwaukee, 2016-2017.

Frederick I. Olson Scholarship, History Dept., University of Wisconsin-Milwaukee, 2016-2017.

Chancellor's Graduate Student Award, University of Wisconsin-Milwaukee, 2014-2015.

PUBLICATIONS

Articles:

“America’s Long History of Violence.” *Milwaukee Journal Sentinel*, June 26, 2016.

COMPLETED WORKS

Dissertation:

“The Elaine Race Riot: Race, Class, and Labor in the Arkansas Delta.” Advisor: Gregory Carter.

Seminar papers:

“The Great Migration: Black Migrants, Parks and Recreation, and Discrimination in the Urban Environment,” 2017.

“The Atlantic World: A Methodological Turn and Theoretical Appraisal,” 2016.

“German Expulsion: The Aftermath of World War II,” 2015.

“Milwaukee: Black Migration, Population Change, and the Urban Environment,” 2015.

“Southern Concubinage: Race, Class, and Gender in New Orleans,” 2014.

“The Haitian Revolution: Atrocities, Ethnic Cleansing, and Genocide,” 2014.

CONFERENCES AND PUBLIC PRESENTATIONS

“The Great Migration: Milwaukee, Population Change, and the Urban Environment,” Long Black Freedom Struggle Workshop, Milwaukee, WI., November 18, 2017.