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Dignity in Life and Death: Undertaker Clarie Collins Harvey and Black Women's Entrepreneurial Activism

by Crystal R. Sanders

On May 4, 1961, thirteen Freedom Riders departed Washington, D.C. on two buses determined to test southern compliance with *Boynton v. Virginia* (1960)—the United States Supreme Court decision that declared state laws requiring segregation in interstate travel unconstitutional. The first riders—many of them members of the Congress for Racial Equality (CORE)—expected to arrive in New Orleans thirteen days later, but mob violence necessitated a change of plans. Klansmen in Anniston, Alabama, firebombed the first of the two buses and viciously beat the passengers on the second bus, which had arrived an hour later on May 14, 1961. The riders' injuries prevented them from continuing on the trip, but other representatives from CORE and the Student Nonviolent Coordinating Committee (SNCC) vowed to continue the rides. Reinforcement riders, traveling on both Trailways and Greyhound buses, entered Mississippi on May 24 escorted by the state highway patrol and the National Guard. As expected, Jackson police officers arrested the daring lot immediately after black riders attempted to use the whites-only facilities at the bus station. Two days later, the Freedom Riders stood trial in city court where a judge found all of them guilty of disturbing the peace. Twenty-two of the riders chose to serve their thirty-nine day jail terms rather than seek bond or pay the two hundred dollar fine. They hoped that remaining in jail would make segregation an even more expensive practice.¹

Among those monitoring the May 26 courtroom proceedings was Emma Clarie Collins Harvey, secretary of the General Board of Christian Social Concerns of the Methodist Church and owner of one of the oldest black funeral homes in Mississippi. Harvey attended at the urging of Charles F. Golden, a black bishop in the Methodist Church. Golden wanted a church member to witness the trial because those arrested included several area ministers, and he wanted a firsthand account of the clergy's welfare. Harvey noticed that several of the female defendants shivered in the courtroom because they were cold. She knew that if the activists intended to remain in jail rather than post bond, they needed proper clothing

¹ "5 'Freedom' Riders Post Bond; Freed," *Chicago Daily Tribune*, May 28, 1961. For more on the Freedom Rides, see Raymond Arsenault, *Freedom Riders: 1961 and the Struggle for Racial Justice* (New York: Oxford University Press, 2006).

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and other personal items. Harvey arranged for her pastor to deliver a few of her own sweaters to the jail that evening since only lawyers and clergy had access to those arrested. The undertaker's concern, however, did not stop there. On Sunday morning, May 28, Harvey, drawing on her business connections, telephoned the pastors of three of the leading black churches in Jackson and asked them to take up offerings during their regular worship services so that she could buy more items for the jailed Freedom Riders.²

At the moment that Harvey asked pastors to take up collections, she openly identified herself as a supporter of the Freedom Riders. With funeral home vehicles at her disposal, she could avoid public transportation, and thus, had no reason other than an abiding faith in humanity's equality to inject herself into a segregation challenge that was fraught with mob violence and even disavowed by some local black institutions and prominent civil rights leaders. For example, the *Jackson Advocate*, the largest circulating black newspaper in Mississippi, claimed that the Freedom Rider campaign was "doing more harm than good." Mississippi NAACP Field Secretary Medgar Evers told reporters that he "hoped the Freedom Riders would postpone their trip to Jackson" because it was "too dangerous."³ Yet Harvey pooled resources to support the initial riders and established Womanpower Unlimited, a women's group that collected toiletries and other articles to help the hundreds of additional Freedom Riders who streamed into Jackson throughout the summer and chose jail instead of bail. Long after the riders desegregated interstate bus travel, Harvey continued to use the resources at her disposal through her well-established family business to disseminate information about civil rights boycotts, provide meeting space for civil rights strategy sessions, and to lobby powerful whites for meaningful social and political changes.⁴

The undertaker's actions compel scholars to consider more closely the intersections among business history, black women's history, and the history of the African American freedom struggle. Over the last thirty years, scholars have uncovered the critical roles that black women played in the African American freedom struggle.⁵ For example, historian Darlene Clark Hine found that black women used "economic nationalism" during the Great Depression to ensure that black consumers only patronized those businesses that did not practice employment discrimination. Sociologist Belinda Robnett explored black women organizers' inconspicuous "bridge leadership" that drew on social networks and connected local ground troops to

² Transcript, Clarie Collins Harvey interview with John Dittmer, April 21, 1981, Jackson, Mississippi, 25-27, box 10, folder 9, Clarie Collins Harvey Papers, Amistad Research Center, New Orleans, LA, hereinafter cited as CCH, Amistad.

³ Arsenault, *Freedom Riders*, 255, 333.

⁴ "Story of Womanpower Unlimited," box 63, folder 8, CCH Amistad. Historian Tiyi M. Morris has written an impressive study on Womanpower Unlimited. See Morris, *Womanpower Unlimited and the Black Freedom Struggle in Mississippi* (Athens: University of Georgia, 2015).

⁵ Juliet Walker and Tiffany Gill are two scholars who have considered these intersections. See Walker, *The History of Black Business in America: Capitalism, Race, Entrepreneurship* (Chapel Hill: University of North Carolina Press, 2009) and Gill, *Beauty Shop Politics: African American Women's Activism in the Beauty Industry* (Urbana: University of Illinois Press, 2010).

national freedom campaigns throughout the 1950s and 1960s.⁶

In Mississippi, especially, black women occupied important roles in the state's freedom struggle independently of men. Women such as Fannie Lou Hamer, Unita Blackwell, Victoria Gray, Annie Devine, Joyce Ladner, and a host of others led sit-ins to dismantle segregation in public accommodations and organized voter registration campaigns. Charles Payne found that in the 1960s-era Mississippi Delta, black women canvassed more than men, showed up more often at mass meetings, and more frequently attempted to register to vote. Thus, black women have been at the forefront of the struggle to improve black life in the Magnolia State.⁷

Despite black women's visibility in recent African American freedom struggle scholarship, the unique ways in which black women entrepreneurs transformed business activity into woman-led racial uplift activities continues to be understudied.⁸ Entrepreneurship, and the economic independence that it provided, became a tool by which many black women worked to dismantle white supremacy. For example, Madame C. J. Walker developed a successful line of beauty and hair products for black women in 1905. She used the wealth gained from her business to weaken racial discrimination by making donations to civil rights organizations. In 1919, she pledged the largest gift ever made to the NAACP and earmarked her

⁶ For example, see Darlene Clark Hine, *Hine Sight: Black Women and the Re-Construction of American History* (Bloomington: Indiana University Press, 1994), 129-145; Belinda Robnett, *How Long? How Long?: African American Women in the Struggle for Civil Rights* (New York: Oxford University Press, 1997); Rhonda Y. Williams, *The Politics of Public Housing: Black Women's Struggles Against Urban Inequality* (New York: Oxford University Press, 2004); Christina Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina* (Chapel Hill: University of North Carolina Press, 2005); Annelise Orleck, *Storming Caesars Palace: How Black Mothers Sought Their Own War on Poverty* (New York: Beacon Press, 2006); Lisa Levenstein, *A Movement Without Marches: African American Women and the Politics of Poverty in Postwar Philadelphia* (Chapel Hill: University of North Carolina Press, 2010); Danielle McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance—A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Vintage Press, 2011).

⁷ Chana Kai Lee, *For Freedom's Sake: The Life of Fannie Lou Hamer* (Urbana: University of Illinois Press, 2000); Unita Blackwell with JoAnne Prichard Morris, *Barefootin': Life Lessons from the Road to Freedom* (New York: Crown, 2006); Anne Moody, *Coming of Age in Mississippi* (New York: Dell, 1992); Vicki Crawford, "African American Women in the Mississippi Freedom Democratic Party," in *Sisters in the Struggle: African American Women in the Civil Rights Movement*, Bettye Collier-Thomas and V. P. Franklin, eds., (New York: New York University Press, 2001), 121-138; Charles Payne, *I've Got The Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 1995), 265-283.

⁸ One notable exception is historian Tiffany Gill's work on black beauticians. See Tiffany M. Gill, *Beauty Shop Politics: African American Women's Activism in The Beauty Industry* (Urbana, IL: University of Illinois Press, 2010). Gill found that black beauticians transformed seemingly apolitical beauty salons into sites of social, political, and economic activism. These independent businesswomen supported African American freedom struggles in a variety of ways including distributing political literature to clients and challenging the racial composition of cosmetology governing boards. Other studies on black women entrepreneurs include A'Leia Bundles, *On Her Own Ground: The Life and Times of Madame C. J. Walker* (New York: Scribner, 2001); Elsa Barkley Brown, "Womanist Consciousness: Maggie Lena Walker and the Independent Order of Saint Luke," *Signs* 14 (Spring 1989): 610-633; Gertrude Woodruff Marlowe, *A Right Worthy Grand Mission: Maggie Lena Walker and the Quest for Black Economic Empowerment* (Washington, D.C.: Howard University Press, 2003).

donation to benefit the group's nationwide anti-lynching campaign. Additionally, Walker employed hundreds of black women as traveling sales agents and declared that she expected her employees to take the lead "not only in operating a successful business, but in every movement in the interest of our colored citizenship."⁹ Walker understood the links between entrepreneurship and racial advancement. Similarly, Vera Pige, a Clarksdale, Mississippi, beautician, used her economic independence as a hair salon owner to co-found a local chapter of the NAACP in 1951 and encourage African Americans to register to vote. She not only gave her clients voter registration forms to complete while she styled their hair, but also, she allowed her salon to double as the location of a voter registration class.¹⁰ Both Walker and Pige's economic independence as business owners facilitated their political work. For most of the twentieth century, segregationists used economic reprisals to curtail black activism. When African American public school teacher Gladys Noel Bates sued the state of Mississippi for salary discrimination against black educators in 1948, the local school board fired her and her teacher husband. Likewise, when sharecropper Fannie Lou Hamer attempted to register to vote in 1962, W. D. Marlow, a segregationist plantation owner, fired and displaced Hamer and her husband.¹¹ Those who were free from the economic reprisals of local white supremacists could more easily challenge the status quo.

The vital role of black women entrepreneurs in the African American freedom struggle has received very limited scholarly interest despite the relative political freedom that business ownership afforded black women. This lack of research is partly because "historical assessments of black business activities have remained at the periphery of American scholarship."¹² Moreover, women are rarely explored in business histories because for far too long, the history of business has been gendered a male enterprise. One scholar even defined business as the "school of manhood," suggesting that women did not possess the ambition and competitiveness necessary to pursue entrepreneurship. To the contrary, we know that beginning in the colonial era, large numbers of women in the United States owned and operated businesses

⁹ Gill, *Beauty Shop Politics*, 31.

¹⁰ Francoise Hamlin, *Crossroads at Clarksdale: The Black Freedom Struggle in the Mississippi Delta* (Chapel Hill: University of North Carolina Press, 2012).

¹¹ John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994), 35, 137.

¹² Walker, *The History of Black Business in America*, xvii. Business historian Juliet E. K. Walker has published extensively on black business history. See, for example, Walker, *Free Frank: A Black Pioneer on the Antebellum Frontier* (Lexington, KY: University of Kentucky Press, 1983); Walker, "Racism, Slavery, and Free Enterprise: Black Entrepreneurship in the United States Before the Civil War," *Business History Review* 60 (Autumn 1986): 343-382; Walker, *Encyclopedia of African American Business History* (Westport, CT: Greenwood Press, 1999). Also of note: John N. Ingham and Lynne B. Feldman, *African American Business Leaders: A Biographical Dictionary* (Westport, CT: Greenwood Press, 1994); Robert E. Weems, Jr., *Black Business in the Black Metropolis: The Chicago Metropolitan Assurance Company, 1925-1985* (Bloomington: Indiana University Press 1996); Weems, *Business in Black and White: American Presidents and Black Entrepreneurs in the Twentieth Century* (New York: New York University Press, 2009).

including restaurants, brothels, hotels, and millinery shops.¹³

This essay examines Clarie Collins Harvey's business and political activities to understand black women's entrepreneurial activism. The author defines entrepreneurial activism as the use of a self-owned business, its resources and professional networks, to further larger political and social goals. Entrepreneurial activism can be organic and independent of the work of institutionalized organizations, or it can aid established local and national groups. It requires the entrepreneur to be a risk-taker, being firm in his or her convictions and ready to manage the consequences of uncertainty. Clarie Collins Harvey used her mortuary enterprises and the financial freedom they provided to challenge racial discrimination and create ways to increase women's participation in political activities. Her funeral home served as a meeting location for civil rights gatherings, her business vehicles transported activists, and her economic independence from the local white power structure afforded her the freedom to publicly back the Freedom Rides.¹⁴ Harvey's brand of entrepreneurial activism is especially significant because she forged a cross-class organizing tradition that prioritized cooperation among women of various backgrounds. In the process, she became one of the most influential black women in the United States in the 1960s.

Business has long played a role in the African American freedom struggle. In 1900—nine years before the NAACP's founding—Booker T. Washington created the National Negro Business League as a way to champion racial advancement. Washington asserted that black economic development was the key to ending racial discrimination so his organization worked to promote commercial development among African Americans. The League, which operated through state and local chapters, included black business owners and other professionals.¹⁵ Entrepreneurship provided black business owners with a higher degree of financial freedom than was average. It was no coincidence that many of the most outspoken black activists in Mississippi were entrepreneurs. State NAACP President Aaron Henry owned a pharmacy in Clarksdale. Amzie Moore of Cleveland operated a gas station that also served as a meeting place for civil rights workers. Gilbert Mason ran his

¹³ For more on women's exclusion from business histories, see Wendy Gamber, "A Gendered Enterprise: Placing Nineteenth-Century Businesswomen in History," *Business History Review* 72 (Summer 1998): 188-218.

¹⁴ While black businesswomen certainly deserve more attention, Clarie Collins Harvey's activism also suggests that we more seriously consider how black women's employment in a host of different occupations facilitated or hindered their political activities. For example, Jo Ann Gibson Robinson, a black professor at Alabama State College, appropriated her employer's mimeograph machine in 1955 and created over 17,000 leaflets that she distributed in black communities to raise awareness about the impending Montgomery bus boycott. Surprisingly, employment at a state-supported institution of higher education in the South could and did further movement activities in the 1960s. Thus, Harvey was not an anomaly in transforming her day job into an opportunity to engage in political work. There is a historical pattern of black women's race work intersecting with their paid labor. For more on Robinson, see *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (Knoxville: University of Tennessee Press, 1987).

¹⁵ For more on the National Negro Business League, see John H. Burrows, *The Necessity of Myth: A History of the National Negro Business League* (Auburn, AL: Hickory Hill Press, 1988).

own medical practice in Biloxi.¹⁶ The businesses provided all three men, who were leaders during the civil rights era, with some protection from white economic reprisals. Not all black business owners, however, took up the cause of racial equality. Many were reluctant to participate out of fear of bodily harm, fear of alienating white consumers, or apathy. Entrepreneurial activists purposefully combined their business dealings with their quest for social justice despite the consequences. For women entrepreneurial activists, their businesses paved the way for them to organize independently of men.

Clarie Collins Harvey was born on November 27, 1916, in Meridian, Mississippi. In the same year as her birth, her parents, Malachi and Mary Rayford Collins, established Hall and Collins Funeral Home in Hattiesburg, the first black-owned funeral home to service the area's black population. The Collins' mortuary business allowed the Collinses to shelter their only child from the harsh realities of Jim Crow. Harvey recalled "growing up middle-class, I never rode the trolley cars nor buses until I'd go away in the summer to places like Chicago and New York. . . then you rode integrated." When Harvey matriculated at Spelman College in Atlanta, she sat in the front of a streetcar and was chided by classmates for disregarding segregation laws. She explained to her peers that she was unfamiliar with streetcar protocol because, in Mississippi, she had always had access to some form of private transportation through her family's funeral home.¹⁷ Malachi and Mary Collins used private cars to avoid exposing their daughter to humiliation at the hands of racist conductors.

Yet undertaking could not protect a young Clarie Collins from all forms of racism. She witnessed her father and his business partner, E. W. Hall, take turns sleeping inside the funeral home with shotguns to protect their investment from white funeral directors who constantly threatened the men. In addition to the intimidation, these competitors passed out leaflets in black neighborhoods that read, "don't patronize those niggers. We can give you better service." Such terrorism at the hands of white undertakers during the age of Jim Crow demonstrates that despite the intimate contact between provider and consumer in the mortuary business, some white undertakers sought black clients. Klansmen also did their part to drive Collins and Hall out of business, often racing their cars in front of the funeral home late at night.¹⁸

Undeterred by harassment, Malachi Collins expanded his mortuary business in 1924 when he relocated to Jackson and purchased the G. F. Frazier Undertaking Company for \$14,000. Collins paid \$5,000 (equivalent to \$68,463 in 2014) down on his new investment, a sizeable amount of cash for anyone at the time—black or white. The new establishment, Frazier and Collins Funeral Home, was located in

¹⁶ Aaron Henry with Constance Curry, *Aaron Henry: The Fire Ever Burning* (Jackson: University Press of Mississippi, 2000); Payne, *I've Got the Light of Freedom*, 29-31, 43-4; Gilbert Mason with James Patterson Smith, *Beaches, Blood, and Ballots: A Black Doctor's Civil Rights Struggle* (Jackson: University Press of Mississippi, 2007).

¹⁷ Transcript, Harvey interview with Dittmer, 6-7.

¹⁸ Transcript, Harvey interview with Dittmer, 8.

the heart of Jackson's black business district on Farish Street. Collins kept the name Frazier since an undertaker's success was based largely on popularity, and Collins was not a well-known name in Jackson.¹⁹ In 1925, Collins founded the Collins Burial Association, which guaranteed its paying members dignified funeral rites rather than paupers' graves. Poor black Mississippians who desired the respect and pomp in death that segregation hindered them from having in life made burial associations popular and profitable enterprises.²⁰

Malachi Collins modeled entrepreneurial activism for his daughter. He and three other men founded the Jackson chapter of the NAACP in 1926. The funeral home oftentimes served as the location for chapter meetings.²¹ The Jackson NAACP founders once prevented a lynching by having the accused quietly escorted from a jail cell to a train leaving the state.²² Collins could take part in such activity because he catered to a black clientele and had very limited financial dealings with white Mississippians. Thus, losing his job or being thrown off a plantation were not possible reprisals.²³

The black mortuary enterprise was big business in the first third of the twentieth century. The number of African American undertakers increased from 231 in 1890 to 2,946 in 1930.²⁴ For many in African American communities, a funeral was "the last consolation that life had to offer," in a world constrained by segregation and black disfranchisement. Thus, relatives of the deceased usually spared no expense to offer their loved one the dignity in death that was so often denied in life because of white supremacy. Frazier and Collins Funeral Home flourished and in the late 1930s, the family paid \$17,000 cash to construct a larger business facility.²⁵

The success of the Collins family businesses afforded Clarie Collins access to the best educational institutions. She entered Spelman after graduating from the high school department of Tougaloo College and completing her freshman year there. The young woman set her sights on becoming a doctor but a college professor implored her to study business in anticipation of her future inheritance. Heeding that advice, she received a bachelor's degree in economics in 1937 and immediately returned home where she worked with her parents in the family enterprises.²⁶

¹⁹ "Chattel Deed," October 18, 1924, box 1, folder 30, Collins Funeral Home Records, Amistad Research Center, New Orleans, LA, hereinafter cited as CFH, Amistad; "Frazier and Collins Funeral Home Observes 50th Anniversary," *Jackson Daily News*, December 17, 1953; <http://www.westegg.com/inflation/infl.cgi>.

²⁰ Suzanne E. Smith, *To Serve the Living: Funeral Directors and the African American Way of Death* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), 40-42.

²¹ Mortuary Consecration Service Program, September 25, 1966, box 4, folder 9, CFH, Amistad.

²² Clarice T. Campbell and Oscar A. Rogers, Mississippi, *The View from Tougaloo*, (Jackson: University Press of Mississippi, 1979), 186.

²³ Transcript, Harvey interview with Dittmer, 6.

²⁴ Walker, *Encyclopedia of African American Business History*, 255.

²⁵ Walker, *Encyclopedia of African American Business History*, 255; Transcript, Harvey interview with Dittmer, 9-10; "Congratulatory Issue for Frazier and Collins," *The Mississippi Enterprise*, May 13, 1939.

²⁶ Grambling College Commencement Address: "So Much More," August 1, 1974, box 67, folder 5, CCH, Amistad.

Back in Jackson, Collins quickly took on more day-to-day responsibilities at the funeral home because her father was quite ill. Although he was listed as owner and manager of the establishment, she and her mother actually ran the business and, within seven months of being home, Collins's name was listed on the letterhead as funeral directress.²⁷ During the summer of 1939, she escaped her work obligations long enough to travel to Amsterdam as a Young Women's Christian Association (YWCA) delegate to the World Conference of Christian Youth, the only black delegate in the thirty-five-person contingent.

Collins's first time abroad proved to be life changing. Both of her parents were living, and she was engaged to a young businessman when she boarded the ship for Amsterdam. When she returned home in August, her father was dead and she had called off her engagement.²⁸ While in Europe, Clarie Collins met Martin Harvey, Jr., a minister who served as the national director of Christian Education for the African Methodist Episcopal Zion Church. The two began dating after they returned stateside and would marry four years later. Clairie's father died before she could tell him about her new suitor.²⁹ Malachi Collins's death meant that Clairie and her mother became the owners of the funeral home and burial association in Jackson, as well as the funeral home in Hattiesburg.³⁰

Determined to carry out her father's legacy, Clairie succeeded him as state executive secretary of the Mississippi Funeral Directors and Embalmers (later Morticians) Association, which was the state's professional organization for black morticians.³¹ In 1942, she completed studies at Indiana College of Mortuary Science in Indianapolis, where she was one of three black students and the only black woman in her graduating class of approximately forty students. She became the first black woman licensed to practice embalming in Mississippi.³² The budding entrepreneur later attended Columbia University where she received a master's degree in personnel administration.

As the co-owner of two of the oldest black funeral homes in the Deep South, Harvey did not depend on reputation alone to ensure financial success. She was active in several civic groups including Alpha Kappa Alpha Sorority, Jackson's Central United Methodist Church, the city's Mary Church Terrell Literary Club, and the Mississippi State Federation of Colored Women's Clubs. Such social affiliations were important for funeral directors who wanted to increase business without appearing to capitalize on human grief. Harvey was a keen businesswoman who used innovative practices to connect with her consumer market and make her business

²⁷ Collins Funeral Home Letterhead, box 1, folder, 1 CFH, Amistad.

²⁸ Transcript, Clarie Collins Harvey interview with Robert Penn Warren, 1964, Louis B. Nunn Center for Oral History, 2, University of Kentucky Libraries, Lexington, KY; transcript, Harvey interview with Dittmer, 13-14.

²⁹ Transcript, Harvey interview with Dittmer, 13.

³⁰ Letter to Mary Collins from Clarie Collins, February 15, 1949, box 1, folder 4, CFH, Amistad.

³¹ Clarie Collins Harvey's Address at the 46th Annual Session of the Mississippi Funeral Directors and Morticians Association, box 1, folder 26, CFH, Amistad.

³² "Frazier and Collins Funeral Home Observes 50th Anniversary," *Jackson Daily News*, December 17, 1953.

a household name. In black communities, she regularly distributed calendars that advertised her businesses and that paid homage to famous black Americans or to local black schools. Even this small marketing technique had political undertones. Curricula in Mississippi's black public schools usually neglected black history and discouraged intellectual curiosity. Textbooks stereotyped African Americans as "buffoons," or "faithful darkies."³³ Harvey's funeral home calendars, in contrast, celebrated black history and black achievements. She also held annual Christmas parties for burial association members where she distributed gifts to entice attendees to continue paying their dues.³⁴ These kinds of activities shored up support for the business.

Clarie Harvey's marketing strategy succeeded, and Frazier and Collins Funeral Home celebrated its 50th anniversary in 1953.³⁵ To commemorate the occasion, Harvey wrote to black and white businesses across the country, including clothing manufacturer Champion and publication giant Johnson Publishing Company, soliciting advertisements for the business's anniversary souvenir book. More than 1,000 people attended the anniversary celebration where T. R. M. Howard, a noted physician, businessman, and activist from Mound Bayou, gave the keynote address.³⁶ In the early fifties, Howard had sponsored a "Don't Buy Gas Where You Can't Use The Rest Room" campaign to protest racial discrimination in public accommodations—an economic boycott that preceded the Montgomery bus boycott. Two years before the funeral home's golden anniversary, Howard created the Regional Council of Negro Leadership (RCNL), which promoted black business ownership and political assertiveness. Howard mentored a host of black activists including Mississippi NAACP Field Secretary Medgar Evers, Mississippi NAACP President Aaron Henry, and Mississippi Freedom Democratic Party leader Fannie Lou Hamer.³⁷

The undertaker's decision to have T. R. M. Howard headline the anniversary celebration was a deployment of entrepreneurial activism. Harvey ensured that black Mississippians came in contact with a no-holds-barred civil rights activist who motivated black crowds with political speeches. As late as 1954, Mississippi's thirteen black-majority counties netted a combined fourteen votes in that year's elections.³⁸ Fear, rather than voter apathy, kept African Americans from the polls. That same fear kept many from attending NAACP meetings. Yet Harvey, under

³³ Rebecca Miller Davis, "The Three R's—Reading, 'Riting, and Race: The Evolution of Race in Mississippi History Textbooks, 1900-1995," *Journal of Mississippi History*, Vol. LXXII, No. 1 (Spring 2010), 5-6; Fannie Lou Hamer, *To Praise Our Bridges: An Autobiography* (KIPCO, 1967), 327-328.

³⁴ Assorted Funeral Home Material, box 4, folder 3, CFH, Amistad.

³⁵ The anniversary celebration commemorated the establishment of G. F. Frazier Undertaking Company in 1903. Thus, in 1953, Frazier and Collins Funeral Home celebrated fifty years of service.

³⁶ See correspondence, box 1, folder 7, CFH, Amistad; "Program, Frazier and Collins Funeral Home 50th Anniversary Service of Thanksgiving," box 4, folder 5, CFH, Amistad.

³⁷ Dittmer, *Local People*, 32-33; David Beito and Linda Royster Beito, *Black Maverick: T. R. M. Howard's Fight for Civil Rights and Economic Power* (Chicago: University of Illinois Press, 2009).

³⁸ Payne, *I've Got the Light of Freedom*, 26.

the guise of funeral home business, fostered interactions between cautious black Mississippians and a radical black political leader. By the late 1950s, Harvey had dropped the name Frazier from the official business title. Collins Funeral Home became the new name.

Harvey often used the funeral home to disseminate information about the Magnolia State's growing civil rights movement. She penned a bi-monthly funeral home newsletter and distributed it to a significant proportion of Jackson's black community. The newsletter was called *The Producer*, and it kept black Jacksonians informed of local freedom struggle events. The circular announced when Major League Baseball trailblazer Jackie Robinson was to appear at the Masonic Temple to raise money for the Jackson NAACP Freedom Fund. She also used the funeral home newsletter to keep her clientele up to date about the proceedings of the 1958 federal *Darby v. Daniel* voting rights case that brought NAACP Legal Defense Fund attorney Constance Baker Motley to Mississippi. In those legal proceedings, a black Mississippian unsuccessfully challenged the state law requiring voter registrants to interpret a section of the state constitution to the satisfaction of the registrar.³⁹

The undertaker's commitment to civil rights proved especially important when visible and sustained movement activity began in her state. In March 1961, nine students from the historically black Tougaloo College staged a sit-in at the whites-only Jackson public library. Although Jackson police arrested the students for allegedly breaching the peace, chaos did not erupt in the capital city until law enforcement officials attacked innocent black bystanders who had assembled to watch the trial of the Tougaloo Nine. The officers' actions caused many black adults—who had never before openly supported civil rights demonstrations—to join with the students and directly fight racial discrimination through sit-ins and protests at Jackson parks, pools, and other public places.⁴⁰ Harvey supported the newfound militancy by praising the Tougaloo students in her funeral home newsletter. She also urged readers to participate in local protests, conducting themselves with "dignity and without hatred or fear."⁴¹

Freedom Riders arrived in Jackson on May 24, 1961, and pre-empted the activism initiated by the Tougaloo students. Over the course of the summer, more than three hundred riders came into Jackson, challenged racial segregation in interstate bus travel, and summarily endured arrest and jail time. Harvey had attended the trial for the first group of riders and saw firsthand that the Mississippi penal system did not provide, or in some cases, purposefully withheld, clothing and toiletries from the activists. After sending a few of her sweaters to the jail to encourage the activists on their first night incarcerated, Harvey solicited funds from three local churches. Black congregants collectively gave \$175 on the spot, and Harvey used the donations to purchase clothing, stamps, stationery, toothbrushes, and deodorant,

³⁹ *The Producer*, January 15, 1958, and September 15, 1958, box 5, folder 1, CFH, Amistad.

⁴⁰ Dittmer, *Local People*, 87-89.

⁴¹ *The Producer*, July 15, 1961, box 5, folder 4, CFH, Amistad.

which she had her pastor deliver to the jail the following day.⁴²

On Monday, May 29, 1961, one day after asking local pastors to take up offerings on behalf of the Freedom Riders, Harvey called a special meeting of black women at the Central United Methodist Church in Jackson and founded Womanpower Unlimited. Her wide connections across the city made the meeting possible. The well-known undertaker later wrote that the significance of the group's name "lies in the inner, divine power of each woman. . . this power is unlimited because it is God's power and there are no limits to God." Harvey had created a way for black women to engage collectively in social activism apart from mainstream civil rights organizations. Within one month, Womanpower Unlimited raised over \$450 to buy personal items for the 131 riders held in Mississippi prisons.⁴³

It became more difficult for the Womanpower Unlimited members to get supplies to the Freedom Riders after they were transferred from the Jackson jail to Parchman Penitentiary, a maximum security prison known for inhumane treatment located in Sunflower County in the Delta. Still committed to boosting morale, Harvey and other women ensured that the jailed activists had home-cooked meals and clean clothing awaiting them upon release. They even drove Freedom Riders to local beauty shops and barbers for grooming assistance after they completed their jail sentences. One rider recalled that the women did "whatever was necessary to help us feel and look like human beings again."⁴⁴

Womanpower Unlimited's membership consisted of all ranks of black women who, like Harvey, desired to challenge white supremacy. While the undertaker served as president of the group, A. M. E. Logan, a traveling cosmetics saleswoman and longtime NAACP member, acted as executive secretary. Neither Logan nor her husband, who worked for the Illinois Central Railroad, depended on local white employers for their livelihood, so she could support the Freedom Riders with less fear of economic or physical intimidation. Other Womanpower Unlimited members whose names appeared in press releases and articles included Thelma Sanders, a Jackson boutique owner and the wife of a retired educator, and Aurelia Young, a Jackson State College (now Jackson State University) professor and the wife of a local civil rights attorney. Many black women who worked directly for white Mississippians also joined Womanpower Unlimited, but they were less likely to be publicly associated with the group because of the possible reprisals. White supremacists routinely used intimidation, violence, and job termination against anyone rumored to be participating in movement activities. White public school officials fired a black public school teacher in Centreville, Mississippi, for mentioning fourteen-year-old Emmett Till's murder in the classroom. Roxie Meredith, a public school cafeteria worker, lost her job after her adult son desegregated the University of Mississippi. The latter example demonstrated that anyone who agitated for civil rights placed

⁴² Transcript, Clarie Collins Harvey interview with Gordon Henderson, August 5, 1965, 15, Special Collections, Millsaps College, Jackson, MS.

⁴³ Memorandum re: Freedom Riders, June 25, 1961, box 63, folder 1, CCH, Amistad.

⁴⁴ "Freedom Riders Speak for Themselves," 23, online document at http://www.crmvet.org/riders/news_letters.pdf.

his or her entire family at risk.⁴⁵

The real threat of reprisals made it imperative that someone free of local white employers serve as the public face of Womanpower Unlimited, an organization that included over three hundred women. Thus, Clarie Harvey represented the organization in public gatherings and in official correspondence since she owned her own businesses and courted an African American consumer market. The undertaker's entrepreneurship allowed her to publicly support the Freedom Riders. She recalled that black women who worked as domestics in white homes "would see you somewhere and walk up to you and put money in your hand and say, 'I know you'll put it in the right place.'"⁴⁶ These women understood that Harvey had less to lose economically and could therefore forsake individual anonymity.

Womanpower Unlimited continued to provide support in the fight against Jim Crow after the last Freedom Riders left the state. The women distributed copies of the Mississippi state constitution in black communities so that potential voter registrants could study the document in the comfort of their own homes. Womanpower members raised funds so that black students in McComb who had been expelled from the local public school because of their civil rights work could resume their education in the high school department of the private Campbell College, an African Methodist Episcopal (AME) school in Jackson. In 1964, the women provided new school clothes to black children who desegregated previously all-white public schools in Jackson. Additionally, Womanpower Unlimited provided the families of the children with food and other badly needed items including a wheelchair in one instance.⁴⁷ In all of these cases, Clarie Collins Harvey acted as the public face of the anonymous group organizing. Her occupation gave her the freedom to do so.

Clarie Harvey understood that there were few limits to white supremacy's reach. NAACP leader Medgar Evers's assassination in June 1963 proved that segregationists would continue to use deadly violence to maintain the status quo. Harvey had worked with Evers when it was neither popular nor prudent to do so. On the night that he died, he had spoken at a "poorly attended" mass meeting with Harvey present. Given their long-term working relationship and Harvey's unwavering support for Evers's work, it was only fitting that Collins Funeral Home handled his homegoing arrangements. Harvey oversaw the civil rights martyr's funeral at the Jackson Masonic Temple, which drew 5,000 mourners. After the funeral, attendees marched back to Collins Funeral Home where Evers's body lay until Harvey accompanied the remains to Washington, D.C. for burial in Arlington

⁴⁵ Memorandum re: Freedom Riders, June 25, 1961, box 63, folder 1, CCH, Amistad; Letter from David Loring Richards, September 15, 1961, box 1, folder 16, CCH, Amistad; Steven D. Classen, *Watching Jim Crow: The Struggles Over Mississippi TV, 1955-1969* (Durham: Duke University Press, 2004), 162-163.

⁴⁶ Transcript, Harvey interview with Dittmer, 28.

⁴⁷ Memorandum to Pastors, Churches, Clubs, Fraternities, and Sororities from Clarie Collins Harvey, September 10, 1964, box 63, folder 1, CCH, Amistad; Letter to Jean Fairfax from Clarie Collins Harvey, October 26, 1964, box 1, folder 22, CCH, Amistad.

National Cemetery.⁴⁸

While one of Mississippi's most vocal civil rights leaders was dead, there was still much work to be done. Harvey continued her own brand of activism through the funeral home. In her business's first newsletter after Evers's assassination, Harvey urged her readers not to grow weary in the face of violence. She pushed for black Mississippians to continue supporting the selective buying campaign and only patronize businesses that hired black workers and treated black customers with respect. In the funeral home newsletters, Harvey also insisted that all black Mississippians attempt to register to vote.

The newsletters also reveal internal tensions surrounding Harvey's entrepreneurial activism. Not all Collins Funeral Home employees believed that it was appropriate for the undertaker to combine politics and preparation of the dead. Harvey recalled that some staff would say "I don't see why she doesn't see about her families—relatives of the deceased—instead of running around doing this or that, she just wants her name in the paper."⁴⁹ She responded to the employee criticism with the power of her pen in the business newsletter. "In all of these matters, we expect Collins Funeral Home and Burial Association staff and agents to be 100% behind this struggle for freedom to make a better life now in Jackson for ourselves and our children and their children." Harvey went full speed ahead with her political activities. She indirectly responded to naysayers by concluding one business newsletter with an Abraham Lincoln quote: "to sin by silence when they should protest makes cowards of men."⁵⁰

Despite grumbling among funeral home staff, the female undertaker continued to find ways to organize women and use her business to undergird the freedom struggle. This time, she brought together black and white middle-class women from eight different states with the aim of traversing racial divides during Mississippi's tense 1964 Freedom Summer. In March 1964, Harvey attended an Atlanta meeting convened by Dorothy Height, president of the National Council of Negro Women (NCNW), and Polly Cowan, a white woman who was a member of the Citizens Committee for the Children of New York and a longtime social activist. Upper middle-class black and white women representing the NCNW, the YWCA, the National Council of Catholic Women, the National Council of Jewish Women, and Church Women United attended the meeting and discussed ways that the national organizations could address racial problems in their respective communities. Harvey, herself an NCNW life member and delegate, addressed the assembled group, informing them of the planned 1964 Freedom Summer that was to bring hundreds of northern students into Mississippi to conduct voter registration drives. She asked the northern women who were present at the meeting to visit her state during Freedom Summer and "act as a calming influence—a ministry of presence." No doubt Harvey was thinking about how influential Womanpower Unlimited had

⁴⁸ Smith, *To Serve the Living*, 139-140.

⁴⁹ Transcript, Harvey interview with Dittmer, 28.

⁵⁰ *The Producer*, July 15, 1963, box 5, folder 6, CFH, Amistad.

been in inconspicuously supporting the Freedom Rides when she solicited assistance from prominent northern women. Her suggestion at the Atlanta meeting became Wednesdays in Mississippi, an experiment that brought teams of northern white and black women to Jackson weekly where they engaged in dialogue with their southern counterparts and took part in activities aimed at improving race relations.⁵¹

Wednesdays in Mississippi proved to be another women-led political initiative that brought women of various backgrounds together. White and black women from eight northern states representing Protestant, Catholic, and Jewish faiths opened lines of communication with their southern counterparts. The group included the wife of a former New Jersey governor and the wife of the head of the Associated Negro Press, but because of the threat of reprisals, the women participated anonymously.⁵² After visiting Freedom Schools, northern women met in small groups with southern women where they reported what they observed. The goal of the meetings was to allay southern white fears about civil rights. While not always successful in breaking down white supremacist ideology, Wednesdays in Mississippi fostered dialogue among disparate groups. Conversations over coffee and Danish pastries appeared to be routine women's gatherings, but the encounters went a long way in getting prominent white women in Jackson to begin to think differently about the fight for freedom that was taking place in their backyard. If these women could be convinced that Freedom Summer was not a communist invasion and that African Americans deserved respect as their equals, then Wednesdays in Mississippi had made significant contributions to the ongoing freedom struggle.

Harvey used her funeral home business to further the work of Wednesdays in Mississippi. Even though the women involved in the interracial initiative were members of the educated and affluent "Cadillac crowd," it was too dangerous for them to meet openly. In 1964 Mississippi, it was even precarious for northern white women to meet with southern white women. One white Jacksonian who bravely invited her northern white counterparts into her home for a Wednesdays in Mississippi meeting "nervously drew all the curtains" before serving coffee. She explained, "if my husband or anyone sees me here having coffee with northern white women, I'd be finished." Harvey, while fully aware of the social norms that she transgressed, invited black and white women from the North and the South to her funeral home where they clandestinely met and discussed what they had heard and witnessed.⁵³ The funeral home that had served as a meeting place for NAACP meetings in the thirties once again functioned as a safe space out of the purview of segregationists. Wednesdays in Mississippi participants were so successful in secretly meeting that the Mississippi State Sovereignty Commission, a tax-supported espionage agency created by the Mississippi legislature in 1956 to preserve segregation, had little

⁵¹ Debbie Z. Harwell, "Wednesdays in Mississippi: Uniting Women across Regional and Racial Lines, Summer 1964," *Journal of Southern History* 76 (August 2010): 617-654; Dorothy Height, *Open Wide the Freedom Gates: A Memoir* (New York: Public Affairs, 2005), 165-166.

⁵² Harwell, "Wednesdays in Mississippi," 632-633, 640.

⁵³ Lottie Joiner, "Down in the Delta," *Crisis* (March/April 2002), 32, 35; Susan Goodwillie Stedman phone interview with author, May 15, 2012.

information on the group.⁵⁴

With the funeral home as the conduit, Clarie Harvey continued to be a player in the African American freedom struggle long after the 1964 Freedom Summer. The business's fleet of vehicles became indispensable to activists during the 1966 Meredith March Against Fear. The Meredith March began on June 4, 1966, when James Meredith, who had desegregated the University of Mississippi four years earlier, began a 220-mile walk from Memphis to Jackson. On day two of the trek, a white sniper shot Meredith prompting a coalition of civil rights organizations including SNCC, the Congress of Racial Equality, and the Southern Christian Leadership Conference to continue the march in his place. In Greenwood, state troopers fired tear gas and attacked 2,500 marchers. A journalist on the scene reported that law enforcement "came stomping in behind the gas, gunbutting and kicking men, women, and children." As she had done before, Harvey stepped in to support the movement. She sent her funeral home hearses to Canton where black physicians set up a triage clinic. The vehicles transported injured activists to both the makeshift treatment center and the hospital.⁵⁵

Clarie Harvey's entrepreneurial activism even dictated how she spent business profits. In 1968, she closed the funeral home's account with Sears and Roebuck and sold the company's stock held by the Collins Pensions Fund. In explaining her actions to Sears executives, she wrote, "the company has become wealthy from the dollars of poor people and yet the racist practices of your local manager prevent recognition of their basic needs for human dignity and job opportunities."⁵⁶ Harvey's brand of activism necessitated that the funeral home patronize only those businesses that recognized African Americans' humanity and equality.

After the high tide of the civil rights movement, Harvey's funeral home, and the stature, influence, leadership, and visibility that it provided her, opened doors for her to traverse racial and class lines and bring about meaningful changes. In 1971, she became the national president of Church Women United (CWU) at the organization's Triennial Assembly in Wichita, Kansas. As the head of the ecumenical Christian group, Harvey led over thirty million women representing Protestant, Catholic, and Greek Orthodox denominations. Historian Bettye Collier-Thomas asserted that Harvey's election as the first black and the first southern president made her "the most influential black woman in America." As she had done through Womanpower Unlimited and Wednesdays in Mississippi, she found ways to facilitate women's mobilization against racism. She used her presidency and the many speaking engagements that came with it to initiate difficult conversations. In one address she declared, "Many black middle-class women are disillusioned with church integration. Second-class churchmanship is the order of the day, as whites

⁵⁴ Harwell, "Wednesdays in Mississippi," 640, footnote 39.

⁵⁵ John Dittmer, *The Good Doctors: The Medical Committee for Human Rights and the Struggle for Social Justice in Health Care* (New York: Bloomsbury Press, 2009), 153-154.

⁵⁶ Tiyi Morris, "Clarie Collins Harvey: the Transformative Vision of a World Citizen," *Journal of African American Studies*, (September 12, 2012): 283-284.

insist on integration on terms they dictate.”⁵⁷ In making what Dr. Martin Luther King, Jr. called “the most segregated hour in Christian America” the concern of the all-women’s organization, Harvey demonstrated that she believed women had the ability to change the racial status quo in their places of worship.

At the time that Harvey assumed leadership of Church Women United, she was the sole owner of the funeral homes and insurance company because her mother, Mary Collins, had passed away in September 1970. Holding fast to Collins’s instructions, Harvey continued to do business with the white-owned insurance company that had sold the Collins family automobile insurance for their funeral home’s fleet of vehicles during an earlier time when racism in both public and private sectors hindered black entrepreneurs. She recalled, “mother told me, ‘I want you to always have some insurance with them because when nobody else would cover us, they did.’”⁵⁸ Entrepreneurial activism required risk-taking; Harvey risked profits to remain loyal to the original insurance firm despite the availability of several competing firms in later years. The strength of her political convictions took precedence over the bottom line.

Community leaders noticed Harvey’s strategic and successful performance as a business owner. In 1973, Millsaps College, a private institution in Jackson affiliated with the United Methodist Church, selected the undertaker as its first black trustee in school history. Notwithstanding Harvey’s Methodist background and impressive church work, the appointment in many ways was a result of her entrepreneurial activism. She provided the institution with a link to the ongoing freedom struggle in Jackson and throughout the state. Additionally, Harvey’s presence signaled to prospective students of color that Millsaps had a growing interest in diversity. In her capacity as a Millsaps trustee, she advocated for the recruitment and retention of black students and urged the institution to divest from South Africa. In one letter to school administrators, she asserted that “Millsaps College is doing a great disservice to all Millsaps students and members of the Millsaps community when it continues to fail to employ blacks as faculty and administrators.” At that time, the college had one black faculty member and no black administrators. On another occasion, Harvey wrote the Millsaps president and queried, “what leadership are you giving to increasing black student enrollment, creating the campus environment that makes minority students really feel a part of total college life?”⁵⁹

The businesswoman’s critique of Millsaps’ lack of diversity demonstrated that she was unwilling to be a silent trustee. She understood that her local celebrity as a black woman undertaker and activist brought the institution attention from black communities that had no other affiliation to Millsaps. When appropriate,

⁵⁷ “Significant Happenings in the Life of the Harveys,” box 12, folder 2, CCH, Amistad; “1st Black Woman Also 1st Southerner to Head Church Women United,” *Jet*, May 20, 1971, 15; Bettye Collier-Thomas, *Jesus, Jobs, and Justice: African American Women* (New York: Knopf, 2010), 469.

⁵⁸ Transcript, Harvey interview with Dittmer, 9.

⁵⁹ Letter to Clay Lee from Clarie Collins Harvey, February 23, 1981, box 67, folder 21, CCH, Amistad; Letter to George H. Harmon from Clarie Collins Harvey, September 6, 1984, box 67, folder 22, CCH, Amistad.

she also addressed global issues in her role as trustee. As colleges and universities throughout the country divested from South Africa in protest of apartheid, Harvey urged Millsaps to do the same in light of the school's "Christian responsibility as investors."⁶⁰ Thus, her membership on the board was a double-edged sword. Her presence helped the college fulfill its desire to participate in the 1970s national trend of diversifying places of work and learning; at the same time, her board membership gave her a platform from which to critique institutional policies that she found problematic.

At the time of her death in 1995, Harvey had built Collins Funeral Home and Collins Burial Insurance Company into multi-million dollar businesses.⁶¹ Although her enterprises were competitively profitable, what is more compelling is the civil rights work that pivoted on these business dealings. Entrepreneurial activism provides a lens by which historians can explore the actions of both the owner-operators of small business organizations and the top-level management of large firms. Where extant records do not allow for inquiry about price, output, production, or distribution, consideration of the business's relationship with external political forces becomes a viable study. Entrepreneurial activism thus provides a new mode of inquiry to consider black business activities. While it is logical that economically independent African American business owners who served black clienteles had greater autonomy to participate in civil rights activities, the unique ways in which black women entrepreneurs transformed financial freedom into women-led racial uplift activities deserves more inquiry. With the funeral home as both a shield and a catalyst, Clarie Harvey devised innovative ways to improve her community.⁶²

⁶⁰ Letter from Clarie Collins Harvey, November 14, 1981, box 67, folder 22, CCH, Amistad; Letter to Clarie Collins Harvey from James B. Campbell, February 10, 1977, box 67, folder 20, CCH, Amistad.

⁶¹ <http://www.amistadresearchcenter.org/archon/?p=creators/creator&id=350>.

⁶² On May 26, 1995, Clarie Collins Harvey died after a brief illness. Harvey's funeral home that strove to give African Americans dignity in life and death continues to be an important institution in Jackson's black community.

A Constitutional Enigma: Section 2 of the Fourteenth Amendment and the Mississippi Plan

by Joel Stanford Hays

I. Introduction

It was not until 1965 with the passage of the Voting Rights Act that the African American population fully gained the right to vote, despite the protections of the Fourteenth and Fifteenth Amendments of the United States Constitution. Section 2 of the Fourteenth Amendment allows for the apportionment of the U. S. House of Representatives and the Electoral College to be reduced if a state disenfranchises any of its adult male citizens by denying them the right to vote. For reasons that have never been fully explained, section 2 has never been enforced. The text of section 2 reads in its entirety:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.¹

The intent of section 2 was to alter how each state received representation in the U. S. House and the Electoral College and the manner of determining that

¹ United States Constitution, Amendment XIV, § 2. The Nineteenth Amendment modifies section 2, should the right to vote be denied or abridged, to include any citizen, not just males. See U. S. Const., Amend. XIX. The Twenty-sixth Amendment also modifies section 2, extending the right to vote to citizens eighteen years of age and older. See U. S. Const., Amend. XXVI.

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representation. Prior to the passage of the Fourteenth Amendment, the United States Constitution counted five slaves as three persons under the Three-Fifths Compromise,² though none of the southern states would have permitted them to vote. Now, under section 2, the former slaves would be counted as five persons.³

Although the most dramatic change was the removal of the three-fifths clause, the text of section 2 is not limited to racial classifications but applies to any restriction on the voting rights of men over twenty-one and reduces a state's apportionment if the state wrongfully denies any adult male's right to vote.⁴ Section 2 did not forbid race-based voting restrictions. Instead, it only required the apportionment penalty;⁵ however, the section 2 penalty provisions were never enforced during the period when the southern states passed laws and implemented policies disenfranchising African Americans.⁶ Congress did not pass implementing legislation prohibiting disenfranchisement laws and policies until the passage of the Voting Rights Act of 1965.⁷

The disenfranchising conventions were never seriously challenged, despite violations of section 2 that would justify reapportionment of congressional representation. There has never been a successful implementation of all provisions of section 2.⁸ No state has ever suffered a reduction in congressional representation because of its disenfranchisement of otherwise eligible voters.⁹ There are three possibilities that explain the failure of section 2 enforcement. First, the Fifteenth Amendment, which eliminated the denial of a citizen's right to vote based on that citizen's "race, color, or previous condition of servitude," impliedly repealed section 2 of the Fourteenth Amendment. Repeal by implication is unlikely, since the text of section 2 is not limited to racial classifications but applies to any restriction on the voting rights of men over twenty-one; thus, section 2 is broader than the Fifteenth Amendment when applied to the type of discrimination. Secondly, the lack of section 2 enforcement is a result of the federal judiciary's failure to require

² U. S. Const., Article I, § 2, cl. 3. The three-fifths clause was rendered moot with the abolition of slavery by the passage of the Thirteenth Amendment in 1865.

³ U. S. Const., Amend. XIV, § 2. Section 2 superseded art I, § 2, cl. 3 of the U. S. Constitution. Section 2 specifically states: "Representatives shall be apportioned . . . counting the whole number of persons in each State, excluding Indians not taxed. . . ."

⁴ U. S. Const., Amend. XIV, § 2.

⁵ *Donnell v. State*, 48 Miss. 661, 677 (1873). ("Under this [section 2], then, if a state chose to exclude any of its male citizens from the ballot . . . it could do so, electing thereby to accept a reduced representation."); see also *Richardson v. Ramirez*, 418 U.S. 24, 74 (1974) (Marshall, J., dissenting), ("[Section 2] put Southern States to a choice—enfranchise Negro voters or lose congressional representation.").

⁶ George Davis Zuckerman, "Consideration of the History and Present Status of Section 2 of the Fourteenth Amendment," *Fordham Law Review* 30 (October 1961): 124 ("[I]t is common knowledge that from the date of the ratification of the fourteenth amendment to the present day [1962], there have been denials and abridgments of the right of citizens to vote, particularly in the case of the Negro population in the South.").

⁷ Voting Rights Act of 1965, Public Law. No. 89-110, 79 Stat. 437 (codified as amended at 42 U. S. C. §§ 1971, 1973 to 1973 bb-1 (1982)).

⁸ Zuckerman, "Section 2 of the Fourteenth Amendment," 124.

⁹ *Ibid.*

that the reapportionment remedy be imposed upon the offending southern states. The federal judiciary has avoided directly addressing the enforcement of the section 2 remedy with one exception in which it held section 2 implementation a non-justiciable issue, thus deferring the issue to the legislative branch. However, tolerance and often approval by the federal judiciary and the white electorate of disenfranchisement laws and policies after the Civil War contributed to the inability to find a workable solution for section 2 enforcement. Thirdly, the lack of section 2 enforcement is a result of congressional inability to ratify implementing legislation needed to carry out the reapportionment remedy, particularly by means of the decennial census. The difficulty of determining the number of disenfranchised citizens is apparent in the *Congressional Record* from the discussion and debate over the proposed enforcement and reapportionment calculations based on the decennial census. Congress was unable to find a solution for determining an accurate report concerning disenfranchised individuals.

The framers of the Fourteenth Amendment wrestled with the question of allowing representation by southern states while at the same time preventing disenfranchisement; a penalty reducing southern states representation in Congress was the solution. Although enforcement of the reapportionment penalty ultimately proved unsuccessful, Congress, on three significant occasions—1872, 1901, and 1957—proposed legislation that would have implemented section 2 by reducing the representation of southern states in Congress. In addition, legal challenges, although ultimately unsuccessful, were brought under section 2 in response to Mississippi and the other southern states' policies known as the Mississippi Plan that disenfranchised African American voters. Although as mentioned previously, section 2 is sometimes characterized as having been invalidated by the Fifteenth Amendment, a comparison of the scope of the two amendments and an analysis of Congressional legislation and Supreme Court rulings show that the Fifteenth Amendment was not viewed by Congress or the judiciary as invalidating section 2. Often overlooking section 2's history, recent discussions of the section 2 apportionment provision usually focus on its exception allowing disenfranchisement for persons with a criminal conviction. It is the writer's contention that the potential impact of the apportionment provision of the Fourteenth Amendment has been underestimated and that it was politics that undermined the enforcement of section 2. Thus, an understanding of the legal, legislative, and political history of section 2 can shed new light on the history of African American disenfranchisement in the South. This article addresses issues of Mississippi constitutional history, voting rights law and policy, political suppression, the modern civil rights movement, felon disenfranchisement, and the racial inequalities in the criminal justice system.

The lack of congressional enforcement has led some scholars to characterize

section 2 as a “historical curiosity”¹⁰ and an “enigma” in constitutional history.¹¹ Presumably, the Fifteenth Amendment of the nineteenth century and the Voting Rights Act of the twentieth century precluded efforts to invoke section 2 of the Fourteenth Amendment, despite Mississippi and other southern states continuing disenfranchisement policies.¹² When section 2 is mentioned in the context of disenfranchisement, the clause is generally treated as part of the larger dispute over the original intent of the Fourteenth Amendment.¹³

Yet few explanations of section 2’s meaning and application have been given by either the Supreme Court or Congress. The Court generally tolerated the individual states’ discriminatory and disenfranchisement schemes from Reconstruction through the first half of the twentieth century. The Court upheld the poll tax and literacy tests in *Williams v. Mississippi*¹⁴ and legalized racial discrimination in *Plessy v. Ferguson*.¹⁵ The Court determined the scope of section 2 by denying that it created universal suffrage in *McPherson v. Blacker*.¹⁶ In *Lassiter v. Northampton County*,¹⁷ the Court emphasized that section 2’s narrow scope allows states to consider residency, age, and previous criminal record in determining the qualifications of voters. In the *Lassiter* case, the Court stated that: “While § 2 of the Fourteenth Amendment . . . speaks of ‘the right to vote,’ the right protected ‘refers to the right to vote as established by the laws and constitution of the State.’”¹⁸ In *Reynolds v. Sims*,¹⁹ Justice John Marshall Harlan, in his dissent, argued that the language and purpose of section 2 precluded finding an abridgement of voting

¹⁰ Congressional Research Service, *The Constitution of the United States: Analysis and Interpretation* (Washington, D.C.: Government Printing Office, 2014), 2201; Mark R. Killenbeck, “Another Such Victory? Term Limits, Section 2 of the Fourteenth Amendment, and the Right to Representation,” *Hastings Law Journal* 45 (1994): 1121-22, 1177 (noting that “modern observers tend to characterize Section 2 as an ‘historical curiosity’ . . .”).

¹¹ Zuckerman, “Section 2 of the Fourteenth Amendment,” 93 (“Section 2 of the fourteenth amendment has been much of an enigma in American constitutional history.”).

¹² Harold W. Chase and Craig R. Ducat, *Edward S. Corwin’s The Constitution and What It Means Today*, 14th ed. (Princeton: Princeton University Press, 1978), 528-29, 535-39; Killenbeck, “Another Such Victory?,” 1177.

¹³ Robert Michael Goldman, “A Free Ballot and a Fair Count”: *The Department of Justice and the Enforcement of Voting Rights in the South, 1877-1893* (New York: Fordham University Press, 2001), 2; Killenbeck, “Another Such Victory?,” 1177; and below, note 20.

¹⁴ 170 U. S. 213 (1898), overruled by the Voting Rights Act (1965), 42 U.S.C. §§ 1973-1973aa-6.

¹⁵ 163 U. S. 537 (1896), overruled by *Brown v. Board of Education*, 347 U.S. 483 (1954).

¹⁶ 146 U. S. 1 (1892) (unanimously rejecting claim of abridgement of the right to vote in violation of Sections 1 and 2 of the Fourteenth Amendment and of the Fifteenth Amendment based on the state of Michigan’s switch from at-large to district election of presidential electors and finding no abridgment on any ground, including section 2).

¹⁷ 360 U. S. 45 (1959) (upholding North Carolina’s literacy test for voter registration); cf. *Cooper v. Aaron*, 358 U.S. 1 (1958) (upholding the binding nature of the school desegregation decision and individually signed by all the justices); *Baker v. Carr*, 369 U. S. 186 (1962) (holding that a claim of malapportionment of the state legislature is justiciable).

¹⁸ *Ibid.* (quoting *McPherson*, 146 U.S. at 39).

¹⁹ 377 U. S. 533 (1964).

rights under section 1.²⁰ The Supreme Court did not address the manner in which the section 2 apportionment penalty should be enforced until its 1946 ruling in *Saunders v. Wilkins*,²¹ when the Court deferred the question of enforcement to the Congress.²²

Over the years, congressional attempts were made to effectuate section 2, but these efforts met with little success and much controversy. During debate, congressional members voiced concern over “grandfather laws,” primary restrictions, literacy tests, and poll taxes being imposed by the southern states to keep African Americans away from the polls.²³ When addressing enforcement of the section 2 apportionment penalty, Congress determined that the enforcement mechanism would be derived from specialized census returns showing the percentage of the disenfranchised population.²⁴ Questions designed to identify disenfranchised individuals were added to the 1870 census; however, the census results yielded inaccurate statistics, and plans for enforcement fell through.²⁵ Additional reapportionment census proposals were made during the early twentieth century but died in committee.²⁶

The intent of section 2’s drafters was to use the penalty reducing Southern representation as an enforcement mechanism. Representative Thaddeus Stevens, leader of the congressional Republicans and outspoken Radical, characterized what became section 2 as the most important section in the Fourteenth Amendment.²⁷ The provision was regarded by another representative as the “cornerstone of the stability of our government.”²⁸ The framers of the Fourteenth Amendment obviously did not intend to craft an unenforceable amendment, thereby rendering it meaningless. A number of members of Congress had been hesitant to create

²⁰ Ibid. (Harlan, J., dissenting), insisting that Section 2’s explicit regulation of suffrage and specific remedy meant that suffrage could not be the subject of a claim under Section 1:

Whatever one might take to be the application to these cases of the Equal Protection Clause if it stood alone, I am unable to understand the Court’s utter disregard of the second section which expressly recognizes the States’ power to deny “or in any way” abridge the right of their inhabitants to vote for “the members of the [State] Legislature,” and its express provision of a remedy for such denial or abridgement. The comprehensive scope of the second section and its particular reference to the state legislatures preclude the suggestion that the first section was intended to have the result reached by the Court today.

Cf. William W. Van Alstyne, “The Fourteenth Amendment, the ‘Right’ to Vote, and the Understanding of the Thirty-Ninth Congress,” *Supreme Court Review* (1965): 33-86 (“[T]he dissent rests upon an extremely doubtful view of the original understanding [of section 2].”).

²¹ 152 F.2d 235 (4th Cir. 1945), *cert. denied*, 328 U. S. 870 (1946).

²² 152 F.2d 235, 238 (4th Cir. 1945).

²³ Zuckerman, “Section 2 of the Fourteenth Amendment,” 110-11.

²⁴ Margo J. Anderson, *The American Census: A Social History*, 2d ed. (New Haven: Yale University Press, 2015), 79-81.

²⁵ Ibid., 85; Zuckerman, “Section 2 of the Fourteenth Amendment,” 107-16.

²⁶ Zuckerman, “Section 2 of the Fourteenth Amendment,” 116-24.

²⁷ *Congressional Globe*, 39th Cong., 1st Sess. 2459 (1866) (Rep. Thaddeus Stevens of Pennsylvania); and below, notes 48-49.

²⁸ Ibid. (Rep. George Miller of Pennsylvania).

section 2.²⁹ The Fourteenth Amendment would encourage the former Confederate states to enfranchise African Americans under the threat of excluding former slaves from the state's population count for purposes of congressional apportionment due to former slaves being denied the right to vote.³⁰ An increase in southern influence in Congress as a result of the war was not supported by the majority of the population in the northern states. By presenting to former Confederate states, as a condition of restoration to the Union, the alternative of African American suffrage or reduced representation the problem might be solved.³¹

After the ratification of the Fourteenth and the Fifteenth Amendments, African Americans gained the right to vote and the right to participate in the democratic process.³² The enfranchisement of the African American population led to the creation of white supremacist organizations that resorted to intimidation, violence, and assassinations to prevent African Americans from exercising their civil and voting rights.³³ In the southern states especially, African American voting decreased dramatically under such pressure.³⁴ In the 1880s, southern legislators began devising statutes creating barriers to prevent African Americans, and often low-income whites, from exercising their right to vote.³⁵ The efforts of the state legislatures in Mississippi and throughout the south culminated in a series of disenfranchising conventions, held between 1890 and 1902.³⁶ Mississippi was the first state to legally disenfranchise African American voters with its Constitutional

²⁹ For an extensive discussion of the politics behind the passage of section 2, see George P. Smith, "Republican Reconstruction and Section Two of the Fourteenth Amendment," *The Western Political Quarterly* 23 (December 1970): 829-53; Van Alstyne, "The Fourteenth Amendment," passim; and below, Part II.

³⁰ James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), 516-18; Joseph B. James, *The Framing of the Fourteenth Amendment* (Champaign: University of Illinois Press, 1956), 60.

³¹ James, *Fourteenth Amendment*, 60; Anderson, *The American Census*, 77; William Gillette, *The Right To Vote: Politics and the Passage of the Fifteenth Amendment* (Baltimore: John Hopkins Press, 1965), 24.

³² Mississippi regained its representation in Congress following the adoption of the 1869 Constitution that enfranchised its African American population. See Morton Stavis, "A Century of Struggle for Black Enfranchisement in Mississippi: From the Civil War to the Congressional Challenge of 1965 – and Beyond," *Mississippi Law Journal* 57 (December 1987): 596.

The enfranchisement of the African American voting population during Reconstruction enjoyed only brief success. See Eric Foner, ed., *Freedom's Lawmakers: A Directory of Black Officeholders during Reconstruction*, rev. ed. (Baton Rouge: Louisiana State University Press, 1996) (More than 1,500 African American officeholders are identified during the Reconstruction period, 1865–1876).

³³ Reconstruction governments have been charged with gross fraud and corruption. Such charges were often used to justify disenfranchisement. See Stavis, "A Century of Struggle," 598 ("[T]hese conditions, to the extent that they existed, reflected the general low level of public morality throughout the nation during that period, not the fact that blacks participated in the governments."), 599-600; see also Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper & Row, 1988), 388-89; and Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), 10-12, 268-69.

³⁴ Perman, *Struggle for Mastery*, 58-59, 66-67, 88-89.

³⁵ *Ibid.*, 18-20.

³⁶ J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 139.

Convention of 1890;³⁷ South Carolina, Louisiana, North Carolina, Alabama, Virginia, and Georgia soon followed suit.³⁸

As previously noted, section 2 authorizes a reduction in congressional representation for states that deny adult men the right to vote. Despite violations of section 2, it was never enforced. The view that section 2 was impliedly repealed by the Fifteenth Amendment is unlikely because of differences in scope and its legal history that shows section 2 was not seen as an invalidated provision. Enforcement of Section 2 failed because Congress was unable to pass workable implementing legislation and the federal judiciary did not require enforcement of the reapportionment penalty. Although the drafters of the Fourteenth Amendment intended to use section 2 as an enforcement mechanism to prevent the southern states from disenfranchising their African American voters, Mississippi and other southern states implemented continuing disenfranchisement policies.

II. The Framing of the Fourteenth Amendment

The Radical Republicans were hesitant about giving the South increased representation in Congress because they feared that the African Americans who were counted for the purpose of apportionment would not be allowed to vote.³⁹ The Fourteenth Amendment addressed the Republicans' concerns by providing protections for the civil rights of African Americans.⁴⁰ Section 2 was particularly significant because it imposed an apportionment penalty designed to prevent the southern states from disenfranchising the newly freed slaves from participation in the democratic process. Section 2 would also prevent southern representatives from becoming a significant power in Congress.⁴¹ In addition, by eliminating the race or color component from the final version, section 2 also prevented the southern states from disenfranchising any other minority, uneducated or poor individual regardless of race.⁴² The provisions of section 2, although ratified with the southern states in mind, applied equally to all states. The apportionment provi-

³⁷ Jere Nash and Andy Taggart, *Mississippi Politics: The Struggle for Power, 1976-2008* (Jackson: University Press of Mississippi, 2009), 96.

³⁸ Kousser, *The Shaping of Southern Politics*, 139. South Carolina followed suit in 1895, Louisiana in 1898, North Carolina, Alabama, Virginia, and Georgia all by 1910. See McPherson, *Ordeal by Fire*, 618; John Hope Franklin, *Reconstruction after the Civil War* (Chicago: University of Chicago Press, 1961), 236-37.

³⁹ Foner, *Reconstruction*, 228-61; Hans L. Trefousse, *The Radical Republicans: Lincoln's Vanguard for Racial Justice* (New York: Alfred A. Knopf, 1969), 327-28, 340-70; McPherson, *Ordeal by Fire*, 516-18.

⁴⁰ Trefousse, *The Radical Republicans*, 345-47, 408-09.

⁴¹ Anderson, *The American Census*, 77; Van Alstyne, "The Fourteenth Amendment," 44; Zuckerman, "Section 2 of the Fourteenth Amendment," 94-95.

⁴² Zuckerman, "Section 2 of the Fourteenth Amendment," 125.

sions of section 2 were never intended to be self-executing.⁴³ If the apportionment provisions were to take effect, enforcement would require additional congressional action.⁴⁴

The Thirteenth Amendment, first of the Reconstruction amendments, became effective December 18, 1865.⁴⁵ The apportionment provisions of Article I, section 2, which included only three-fifths of the slaves in determining the basis for representation, were effectively repealed.⁴⁶ With the abolition of slavery, a large number of the African American population in the South would be added to the southern states' congressional representation. The South would gain about twelve representatives. The increase in representatives from the South did not rest well with the majority of members of the Thirty-ninth Congress, who understood that the southern states could easily gain the upper hand upon readmission by denying the African American population the right to vote.⁴⁷

The most influential individual who would lead the Republicans to pass the Fourteenth Amendment and champion equal rights for all citizens was a United States Representative from Pennsylvania, Thaddeus Stevens.⁴⁸ Stevens had helped secure the passage of the Thirteenth Amendment and was known for what some believed to be "radical" egalitarian views due to his efforts to secure the civil rights of African Americans.⁴⁹ Representative Stevens was explicit in explaining the reasoning behind section 2. In the congressional debates, Stevens described section 2 as the "most important" provision of the Fourteenth Amendment as it would protect the North against an increase in Southern white political power by penalizing any state that abridged its citizens' right to vote.⁵⁰

To prevent states from suppressing the African American vote, Stevens introduced a series of bills that were co-sponsored by other representatives and that

⁴³ *Congressional Globe*, 39th Cong., 1st Sess. 2544 (1866) (statement of Rep. Thaddeus Stevens conceding that section 2 would not be self-executing, that "as soon as [section 2] becomes a law, Congress at the next session will legislate to carry it out both in reference to the presidential and all other elections . . ."); see also Zuckerman, "Section 2 of the Fourteenth Amendment," 103, 107 ("The apportionment provisions of section 2 of the amendment were obviously not self-executing. If they were to be enforced, it would require additional congressional action.").

⁴⁴ *Congressional Globe*, 39th Cong., 1st Sess. 2544 (1866); see also Zuckerman, "Section 2 of the Fourteenth Amendment," 103, 107.

⁴⁵ U. S. Const., Amend. XIII.

⁴⁶ *Ibid.*

⁴⁷ Anderson, *The American Census*, 76-78; Smith, "Republican Reconstruction," 832; Van Alstyne, "The Fourteenth Amendment," 44.

⁴⁸ For a thorough examination of Stevens's life and his role in shaping the Fourteenth Amendment as congressional leader of the Radical Republicans, see Hans L. Trefousse, *Thaddeus Stevens: Nineteenth-Century Egalitarian* (Chapel Hill: University of North Carolina Press, 1997), esp. 161-73, 178-80, 183-86. Other biographies include Fawn McKay Brodie, *Thaddeus Stevens, Scourge of the South* (New York: W. W. Norton, 1959); Ralph Korngold, *Thaddeus Stevens: A Being Darkly Wise and Rudely Great* (New York: Harcourt, Brace, 1955); Richard Nelson Current, *Old Thad Stevens: A Story of Ambition* (Madison: University of Wisconsin Press, 1942); and Thomas Frederick Woodley, *Thaddeus Stevens* (Harrisburg, Pa.: Telegraph Press, 1934).

⁴⁹ Trefousse, *Thaddeus Stevens*, 152-53, 205-06; Foner, *Reconstruction*, 229-30.

⁵⁰ *Congressional Globe*, 39th Cong., 1st Sess. 2459 (1866) (Rep. Thaddeus Stevens); McPherson, *Ordeal by Fire*, 517-18.

were designed to apportion representatives in Congress according to the number of legal voters in each state.⁵¹ Stevens proposed a provision requiring a census of legal voters to be taken along with the regular census.⁵² However, the New England senators strongly opposed representation based on the number of legal voters believing their constituency would be affected because of their disproportionately large population of women and also the rules restricting aliens and educational requirements.⁵³

Section 2's language was the subject of political controversy. During the congressional debates, one representative offered a proposal that would have accomplished the goal of depriving the Southern states of representation until the African American population was enfranchised without causing loyal states to suffer "offensive inequalities."⁵⁴ This bill provided that representatives should be apportioned based on the number of persons to whom "civil or political rights or privileges are denied... on account of race or color."⁵⁵ An amended version of this proposal provided that when any person is disenfranchised "on account of race, creed, or color, all persons of such race, creed, or color, shall be excluded from the basis of representation."⁵⁶ However, the language of the amended proposal engendered controversy. During debate some representatives opposed the bill as authorizing disenfranchisement, contrary to the constitutional requirement guaranteeing states a republican form of government. Other representatives objected that the proposals would allow the Southern states to get around the bill's restrictions by allowing disenfranchisement based on intelligence and property qualifications instead of race.⁵⁷

After the controversy over the proposal's language, a new amendment was offered that would in effect exclude from a state's basis of representation all members of a class whenever one such member was disenfranchised because of race.⁵⁸ The bill was approved by the House and sent to the Senate where it was attacked as partial, sectional, and affecting only the Southern states.⁵⁹ Others attacked the

⁵¹ *Congressional Globe*, 39th Cong., 1st Sess. 9-10 (A series of bills were introduced by Reps. Robert C. Schenck of Ohio, Thaddeus Stevens, and John M. Broomall of Pennsylvania).

⁵² *Congressional Globe*, 39th Cong., 1st Sess. 10 (Rep. Thaddeus Stevens).

⁵³ Zuckerman, "Section 2 of the Fourteenth Amendment," 95-96; Anderson, *The American Census*, 78.

⁵⁴ *Congressional Globe*, 39th Cong., 1st Sess. 9-10, 141 (1866) (Rep. James G. Blaine of Maine).

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Zuckerman, "Section 2 of the Fourteenth Amendment," 125.

⁵⁸ *Congressional Globe*, 39th Cong., 1st Sess. 538 (1866) (Rep. Thaddeus Stevens); see also James, *Fourteenth Amendment*, 185, explaining the difference between this proposal and Section 2: The principal difference between this resolution and section of two of the Fourteenth Amendment lies in the penalty exacted for any denial of the ballot on account of race or color: The former provides for excluding from the basis of representation all members of those groups touched by discrimination; the latter, on the other hand, provides only for reduction of representation in proportion to those actually refused the vote. The document reported by Stevens did not include the word "male" and was much less detailed than the accepted version.

⁵⁹ *Congressional Globe*, 39th Cong., 1st Sess. 2459 (1866).

measure as not going far enough in preventing disenfranchisement.⁶⁰ When voted upon, the amendment failed to win the two-thirds approval required for constitutional amendments.⁶¹

A new amendment was drafted eliminating qualifications based solely on race in determining the basis of representation.⁶² The new proposal required a reduction in representation when the right to vote is denied to any male inhabitants twenty-one years or older in proportion to the number of male citizens twenty-one years or older.⁶³ The new amendment was approved by the House, and transmitted to the Senate for its deliberations.⁶⁴ This amendment garnered additional support when the debate clarified that the amendment no longer included race as the sole basis for reapportionment.⁶⁵ The proposal provided that if any adult male is excluded from voting, the state loses representation in proportion.⁶⁶ Concerns were raised about the practicality of enforcement and whether the amendment still encouraged the southern states to continue to disenfranchise.⁶⁷ After minor revisions, section 2 of the Fourteenth Amendment was voted upon, approved in the Senate, and ratified on July 28, 1868.⁶⁸

During Reconstruction, the Radical Republicans attempted to secure civil rights for African Americans with passage of the Fourteenth Amendment. Section 2 was intended to prevent the Southern states from suppressing the voting rights of African American citizens. However, debate over the wording of section 2 led to political compromise, excluding disenfranchisement based on race as the sole qualification for reapportionment. Instead, reapportionment was required when the right to vote was denied to any adult male.

III. Section 2: The Reapportionment Factor

Efforts by Congress to enforce the section 2 reapportionment penalty, primarily through determining apportionment by use of the decennial census, were unsuccessful. Three significant attempts to pass the implementing legislation were made. These efforts show that section 2 was a possible remedy on the table when Con-

⁶⁰ Ibid., 2800, 2939-40.

⁶¹ Ibid., 2291.

⁶² Ibid., 2286 (1866) (Apr. 30, 1866) (report to House of proposed amendment from Joint Committee); see also James, *Fourteenth Amendment*, 109-13; Gillette, *The Right To Vote*, 24.

⁶³ *Congressional Globe*, 39th Cong., 1st Sess. 2286 (1866); see also Smith, "Republican Reconstruction," 851.

⁶⁴ *Congressional Globe*, 39th Cong., 1st Sess. 2545 (May 10, 1866) (House passage).

⁶⁵ Ibid., 2766-67.

⁶⁶ Ibid., 2286.

⁶⁷ Ibid., 2800, 2939-42; see also Zuckerman, "Section 2 of the Fourteenth Amendment," 104-06.

⁶⁸ Ibid., 3042 (June 8, 1866) (Senate passage with amendments); *ibid.*, at 3149 (June 13, 1866) (House passage as amended by Senate); 15 Stat. 708, 709-11 (1868) (ratification by three-fourths of the states officially proclaimed on July 28, 1868); see also Zuckerman, "Section 2 of the Fourteenth Amendment," 107.

gress addressed prevention of disenfranchisement laws and policies.⁶⁹ Congress passed Section 6 of the Apportionment Act,⁷⁰ providing that a census report listing the number of disenfranchised citizens among the states be taken in conjunction with the ninth decennial census.⁷¹ Secondly, Congress proposed the Apportionment Act of 1901⁷² and subsequent bills in 1904 and 1906 to reapportion the House of Representatives following the completion of the twelfth census, which would determine the total number of adult male citizens whose voting rights had been abridged by state law.⁷³ Thirdly, the McNamara bill,⁷⁴ proposed during the debate over the Civil Rights Act of 1957, offered legislation implementing section 2 by authorizing Congress to determine if any state had abridged the voting rights of its citizens.⁷⁵

The first congressional action taken to enforce section 2 occurred on December 19, 1868, in the form of a resolution approved by the Senate “inquir[ing] into the propriety” of “report[ing] a bill for the apportionment of representatives in compliance with the provision of section two of the fourteenth amendment...”;⁷⁶ however, Congress adjourned before the House could act on the Senate resolution. The following year, another attempt was made in conjunction with the enumeration of the ninth census in 1870. Questions were added to the census for determining these two classes of the population: those whose voting rights were abridged and those whose rights were left intact.⁷⁷ The results were problematic. The numbers set down by the census takers indicated a very small number of adult male citizens whose right to vote was reportedly denied or abridged making the accuracy and reliability of the reports extremely doubtful.⁷⁸ The general consensus in Congress was that the census reports were unreliable and the results too insignificant to warrant any action.⁷⁹ A problem with the 1870 Census was that no statutory changes were made pertaining to apportionment. The Secretary of the Interior simply directed his assistant marshals, who were to enumerate the census, to list in separate tables the number of male citizens over twenty-one and the number of “male citizens...twenty-one and upward whose right to vote is denied

⁶⁹ See below, note 164.

⁷⁰ Act of Feb. 2, 1872, ch. XI, § 6, 17 Stat. 29 (codified as 2 U.S.C. § 6 (1988)).

⁷¹ Ibid.; Anderson, *The American Census*, 79-83.

⁷² 34 *Congressional Record* 556 (1901).

⁷³ Ibid.; see also Zuckerman, “Section 2 of the Fourteenth Amendment,” 116-20 (discussion of the Apportionment Acts of 1901, 1904 and 1906); and Anderson, *The American Census*, 85.

⁷⁴ S. 2709, 85th Cong., 1st Sess. § 2 (1957).

⁷⁵ Ibid.

⁷⁶ *Congressional Globe*, 40th Cong., 3d Sess. 158 (1868) (statements of Sen. James Harlan of Iowa and Sen. Lyman Trumbull of Illinois); see also Killenbeck, “Another Such Victory?,” 1182.

⁷⁷ Zuckerman, “Section 2 of the Fourteenth Amendment,” 108; Anderson, *The American Census*, 79-83.

⁷⁸ *Congressional Globe*, 42d Cong., 2d Sess. 66 (1872); see also Zuckerman, “Section 2 of the Fourteenth Amendment,” 111.

⁷⁹ Zuckerman, “Section 2 of the Fourteenth Amendment,” 111, 116 (noting that “[t]he trivial nature of the returns probably produced its mark in history, as no Congress since that date has seen fit to request a similar census report on the number of disfranchised citizens among the states.”).

or abridged on grounds other than rebellion or other crime.”⁸⁰ From the results, it is apparent that many census takers were unable to follow the instructions or were unable to accurately identify those whose voting rights were abridged. For example, the Census Bureau released statistics showing a reported 342 violations for Mississippi while Texas, with a comparable population, reported 2,766. Missouri was reported with the highest number of violations at 9,265, followed by Massachusetts with 3,719.⁸¹ Most of the southern states reported low numbers of violations when compared with some of the northern states, reflecting the inaccuracy of the census results.⁸² Intimidation and fear of reprisal in the South may have led disenfranchised individuals to keep silent, resulting in low numbers of reported violations.⁸³ The large number of reported violations in the northern states may be a reflection of property requirements for voting.⁸⁴ Section 2’s requirements were added to the United States Code in 1872 as section 6 of the Act for the Apportionment of Representatives to Congress according to the ninth census.⁸⁵ Section 6 has never been enforced.⁸⁶

The second congressional action to reduce representation by apportionment of those states that were disenfranchising a segment of their population came in the form of another census proposal under The Apportionment Act of 1901.⁸⁷ The concerns prompting this legislation were “grandfather laws,” primary restrictions, literacy tests, and poll taxes being imposed by the southern states to keep African Americans away from the polls.⁸⁸ Marlin E. Olmstead of Pennsylvania cited the case of Mississippi, whose constitution excluded from suffrage those unable to read

⁸⁰ *Congressional Globe*, 42d Cong., 2d Sess. 82-83 (1872) (statement of Rep. James Garfield of Ohio defending the Secretary of the Interior’s action taken in absence of statutory authorization).

⁸¹ *Ibid.*, 83; results reprinted in Zuckerman, “Section 2 of the Fourteenth Amendment,” 136 app. (showing a table provided by the Census Bureau with reductions made from the total populations of each state, according to the proportion of their disenfranchised persons); see also Anderson, *The American Census*, 83-85.

⁸² *Ibid.*

⁸³ Zuckerman, “Section 2 of the Fourteenth Amendment,” 120.

⁸⁴ *Congressional Globe*, 42d Cong., 2d Sess. 82 (1872) (statement of Samuel Cox of New York protesting enforcement of section 2 based on the census results which would defy the intent of the amendment by punishing northern States. Representation would be reduced in states, such as Rhode Island, which disenfranchised men who own less than \$134 in real estate or property or rent property for less than seven dollars per annum).

⁸⁵ Act of Feb. 2, 1872, ch. XI, § 6, 17 Stat. 29 (codified as 2 U.S.C. § 6 (1988)).

⁸⁶ Zuckerman, “Section 2 of the Fourteenth Amendment,” 116 n.119.

⁸⁷ 34 *Congressional Record* 556 (1901).

⁸⁸ *Ibid.*; see also, Zuckerman, “Section 2 of the Fourteenth Amendment,” 117. One proposal, introduced by William B. Shattuc of Ohio, read:

Resolved . . . by the House of Representatives, That the Director of the Census is hereby directed to furnish this House, at the earliest possible moment, the following information: First. The total number of male citizens of the United States over 21 years of age in each of the several States of the Union. Second. The total number of male citizens of the United States over 21 years of age who, by reason of State constitutional limitations or State legislation, are denied the right of suffrage, whether such denial exists on account of illiteracy, on account of pauperism, on account of polygamy, or on account of property qualifications, or for any other reason.

or interpret its constitution, part of which was written in Latin.⁸⁹ The resolution would have called for a census committee of five members to investigate the question of alleged abridgement of the elective franchise in states where constitutional or legislative restrictions were claimed to exist.⁹⁰ After further debate, the legislation proposed to implement section 2 was defeated, 94 in favor to 136 against, over concerns of vagueness and disagreement over what remedy constituted a valid restriction of voting rights.⁹¹ An effort was made to apply the mandate of section 2 to the 1901 Apportionment Act in 1904 and again in 1906.⁹² The 1904 proposal spelled out the reduction numbers in the House of Representatives to take effect after March 3, 1907, in nine southern states, causing the total representation in the House to be reduced from 386 to 367 members.⁹³ The 1906 proposal differed from the previous 1901 and 1904 proposals in that it emphasized the effects of individual intimidation and fraudulent election practices.⁹⁴ Prior to this proposal, section 2 had been viewed in the light of the effect of state constitutional and legislative actions.⁹⁵ The 1906 proposal would have reduced the number of southern representatives by thirty-seven. Both 1904 and 1906 proposals ultimately suffered the same fate when they were⁹⁶ referred to the Committee on the Census, where the proposals died.⁹⁷ An accurate number of disenfranchised individuals cannot be clearly determined from the *Congressional Record*, and it becomes evident that is the primary reason section 2 enforcement never received majority support in Congress.⁹⁸ The 1872 census returns were clearly inaccurate, and the issue arose over how to accurately determine effects of private and legislative intimidation.⁹⁹ Another concern with the census returns was the unintended and disproportionate effect on Northern states that imposed property requirements for voting.¹⁰⁰ The new proposals did not resolve these issues. The 1901 proposal was vague and did not include proposed numbers. The 1904 and 1906 proposals had different

⁸⁹ Zuckerman, "Section 2 of the Fourteenth Amendment," 117.

⁹⁰ *Ibid.*

⁹¹ 34 *Congressional Record* 748 (1901) (statement of Rep. Edgar Crumpacker of Indiana interpreting Section 2, emphasizing that "[r]estrictions upon the exercise of the elective franchise, reasonably necessary for the integrity of elections, are not denials or abridgments of the right itself within the meaning of the law."); see also Zuckerman, "Section 2 of the Fourteenth Amendment," 118 ("Crumpacker also believed that the exclusion from suffrage of idiots, the insane, and persons under guardianship were not denials of the right to vote within the language of section 2 . . .").

⁹² Zuckerman, "Section 2 of the Fourteenth Amendment," 116-20; Anderson, *The American Census*, 85.

⁹³ 39 *Congressional Record* 47 (1905). The exact method used to determine these numbers is not given, however, the record notes the bill was prepared by the Committee on National Affairs.

⁹⁴ 40 *Congressional Record* 3885-86 (1906).

⁹⁵ *Ibid.*; see also, Zuckerman, "Section 2 of the Fourteenth Amendment," 119.

⁹⁶ Zuckerman, "Section 2 of the Fourteenth Amendment," 119. The exact method used to determine this number is not given. The number is apparently based on an estimate by the sponsor of the bill of the number of individuals disenfranchised by the use of fraudulent ballots, shotgun policies, dishonest registration policies, and intimidation at the polls.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, 116ff.

⁹⁹ *Ibid.*, 120.

¹⁰⁰ *Ibid.*, 125-26.

definitions for calculating the number of the disenfranchised, which would result in different numbers, depending on which calculation theory was used. The proposals show how it is difficult and almost impossible to accurately determine the number of disenfranchised individuals. A major problem, of course, was unreported intimidation. Many eligible voters would be afraid to vote because of the threat of private violence while others would be clearly disenfranchised by legislative actions such as poll taxes and literacy tests. The issue that Congress had to wrestle with, and ultimately could not come to agreement on, was the difficulty in calculating and determining how much of a reduction in representation to make.¹⁰¹

The third congressional action to effectuate section 2 came in 1957 when then Senator Pat McNamara of Michigan offered an amendment during the debate on a bill that would eventually become law as the Civil Rights Act of 1957.¹⁰² McNamara believed that an implementation of section 2 of the fourteenth amendment was essential to protect the right to vote.¹⁰³ Despite gaining some support from both Republicans and Democrats, many congressmen felt that the bill was defective in several areas, and this last attempt to enforce section 2 through legislation was rejected.¹⁰⁴

Congress made three significant attempts to enact legislation implementing section 2. However, the disparity in the 1870 decennial census returns prevented determining an accurate number of disenfranchised citizens. Subsequent attempts to pass implementing legislation in 1901 and 1957 were mired in controversy and ultimately failed. Section 2 remained a possible congressional remedy when addressing the prevention of disenfranchisement laws and policies.

IV. The Mississippi Plan

Many whites in Mississippi, who feared black enfranchisement would lead to black political ascendancy, began obstructing the freedmen's right to vote by coercion in 1875 and by legal means in the 1890 constitution. Surprisingly, the southern states disenfranchisement schemes suffered few legal challenges under section 2 after Mississippi's Constitutional Convention of 1890. In 1892, the disenfranchisement

¹⁰¹ Perman, *Struggle for Mastery*, 118 ("Reduction in representation ran into . . . difficulty—it was hard to implement. In order to punish vote suppression, Congress had to be able to prove that voters had been prevented from voting.").

¹⁰² S. 2709, 85th Cong., 1st Sess. § 3(a) (1957); see also Zuckerman, "Section 2 of the Fourteenth Amendment," 120-21.

¹⁰³ Zuckerman, "Section 2 of the Fourteenth Amendment," 120-21.

¹⁰⁴ The wording of the bill was problematic. *Ibid.*, 122:

[A] discrepancy can be found between the wording in the bill and the language of the fourteenth amendment. The bill called on the joint committee to determine whether any state had denied or abridged the "right of inhabitants of such state to vote in any election" prescribed in section 2 and to reduce representation accordingly. The fourteenth amendment limits the effect of disfranchisement to "the male inhabitants of such State, being twenty-one years of age, and citizens of the United States."

scheme was challenged under the Readmission Act of 1870 in *Sproule v. Fredericks*.¹⁰⁵ In *Sproule*, the Mississippi Supreme Court agreed that the changes made to suffrage violated the prohibitions of the Readmission Act, but that the violations did not invalidate the new constitution, because Congress had no power to regulate suffrage in the states.¹⁰⁶

A specific provision, the poll tax, was challenged in *Ratliff v. Beale*.¹⁰⁷ In *Ratliff*, the Hinds County sheriff, William Thomas Ratliff, was prohibited by injunction from collecting the poll tax because the poll tax was just a device used to suppress African American voting.¹⁰⁸ The Mississippi Supreme Court refused to invalidate the poll tax, holding that it was permissible and consistent with the purpose of the Mississippi Constitutional Convention of 1890, even though that purpose was to “obstruct the exercise of the franchise by the negro race.”¹⁰⁹ The United States Supreme Court in *Williams v. Mississippi*¹¹⁰ reviewed provisions of the state constitution that set requirements for voter registration, including the poll tax and literary tests. The Court held there is no discrimination in the state’s requirements for voters to pass a literacy test and pay poll taxes, as these provisions were applied to all voters.¹¹¹ In *Williams*, the court quoted *Ratliff*, stressing that the challenged provisions were “within the field of permissible action under the limitations imposed by the federal constitution.”¹¹² Several years after *Williams*, the Supreme Court, in *Giles v. Harris*,¹¹³ heard a challenge to Alabama’s constitution which set forth requirements similar to those in Mississippi’s constitution for voter qualifications and registration. In *Giles*, the Court found that the voting requirements applied to all citizens and refused to monitor the election process.¹¹⁴

No sustained attempt was made in Congress to carry out the reapportionment penalty and the only judicial attempt to reach the Supreme Court was rebuffed

¹⁰⁵ 69 So. 898 (Miss. 1892).

¹⁰⁶ *Ibid.*; cf. *Coyle v. Oklahoma*, 221 U.S. 559 (suggesting restriction on Oklahoma’s capital is invalid based on the lack of congressional power, rather than the invalidity of conditions as such).

¹⁰⁷ 20 So. 865 (Miss. 1896). For a thorough discussion of *Ratliff*, see R. Volney Riser, *Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890-1908* (Baton Rouge: Louisiana State University Press, 2013), 55-60.

¹⁰⁸ *Ibid.*, 866.

¹⁰⁹ *Ibid.*, 868; cf. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) (holding racial purpose counts as a racial classification); *Contra Washington v. Davis*, 426 U.S. 229 (1976) (adopting a rule for the sake of disparate impact counts as racial classification).

¹¹⁰ 170 U. S. 213 (1898), *overruled by Voting Rights Act* (1965), 42 U. S. C. §§ 1973-1973 aa-6.

¹¹¹ *Ibid.*, 216; cf. *Davis v. Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), *aff’d*, 336 U.S. 933 (1949); *Lane v. Wilson*, 307 U.S. 268 (1939); *Yick Wo v. Hopkins*, 118 U. S. 356 (1886); see also Voting Rights Act of 1965, 42 U.S.C. §§ 1973 (1982) (effectively overruling *Williams*).

¹¹² 170 U. S. 213 (1898); see also Stavis, “A Century of Struggle,” 608. (“The [*Williams*] case is viewed by historians as effectively representing the Supreme Court’s approval of the Mississippi disfranchisement plan as embodied in the 1890 constitution.”).

¹¹³ 189 U.S. 475 (1903).

¹¹⁴ *Ibid.*, 486-488.

when the Court denied certiorari in *Saunders v. Wilkins*.¹¹⁵ In *Wilkins*, the plaintiff argued that Virginia was only entitled to four instead of nine representatives, to be elected at large, under the reapportionment penalty of section 2 of the Fourteenth Amendment.¹¹⁶ The plaintiff further noted that the existing Congressional apportionment act and the redistricting act of Virginia failed to take into account the effect of a poll tax act, which allegedly disfranchised sixty percent of voters.¹¹⁷ The Virginia secretary of state refused to certify Saunders as candidate for office of Congressman at large.¹¹⁸ The Fourth Circuit Court of Appeals held that the reapportionment penalty of section 2 of the 14th amendment presented a political, not a justiciable, question, and hence complaint was properly dismissed.¹¹⁹ Mississippi's disenfranchisement provisions remained in effect until their repeal during the decade following the Civil Rights legislation of the 1960s.¹²⁰

Reconstruction began the process of allowing the eleven "seceding" states to regain representation in Congress and addressed the legal status of freedmen, especially their civil and voting rights. Mississippi's African American majority

¹¹⁵ 152 F.2d 235 (4th Cir. 1945), *cert. denied*, 328 U. S. 870 (1946); see also *Dennis v. United States*, 171 F.2d 986, 992-93 (D. C. Cir. 1948) (holding only Congress can enforce the section 2 apportionment penalty); cf. *Sharrow v. Brown*, 447 F.2d 94, 98 n.9 (2d Cir. 1971) (noting, but not deciding, the argument that Congress had discretion to enforce section 2).

¹¹⁶ 152 F.2d 235, 236 (4th Cir. 1945).

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, 235.

¹¹⁹ *Ibid.*, 238.

¹²⁰ John W. Winkle III, *The Mississippi State Constitution* (New York: Oxford University Press, 2011), 147-49. The poll tax, Art. XII, § 243, and literacy requirements, Art. XII, §244, were repealed by the electorate in 1975: "In 1960 Mississippians approved an amendment [Art. XII, § 241A] stipulating that citizens demonstrate 'good moral character' as a precondition to register to vote. Five years later, the electorate repealed this subjective and selectively enforced impediment to voting."; The federal government ultimately abolished disenfranchisement laws. See *Harper v. Virginia State Bd. of Elections*, 383 U. S. 663 (1966) (abolishing poll taxes for state elections); Voting Rights Act of 1965, 42 U.S.C. §§ 1973 (1982) (abolishing lengthy residency requirements and prohibiting the use of any test to qualify voters); cf. *Shelby County v. Holder*, 570 U. S. 2 (2013) (holding the preclearance coverage formula in Section 4(b) of the Voting Rights Act unconstitutional); For a discussion of the tactics used to suppress the African American vote, see Michael Vinson Williams, "With Determination and Fortitude We Came to Vote: Black Organization and Resistance to Voter Suppression in Mississippi," *Journal of Mississippi History* 64 (Fall 2012): 195.

A number of articles have been written about enactment, implementation, apportionment, and extension by Congress of the Voting Rights Act. See, e.g., Armand Derfner, "Racial Discrimination and the Right to Vote," *Vanderbilt Law Review* 26 (April 1973): 523; Laughlin McDonald, "The Quiet Revolution in Minority Voting Rights," *Vanderbilt Law Review* 12 (May 1989): 1249; Neil McMillen, "Black Enfranchisement in Mississippi: Federal Enforcement and Black Protest in the 1960's," *The Journal of Southern History* 43 (August 1977): 351; Thomas Vocino, John H. Morris and D. Steve Gill, "The Population Apportionment Principle: Its Development and Application to State and Local Legislative Bodies," *Mississippi Law Journal* 47 (November 1976): 943; Frank R. Parker, "County Redistricting in Mississippi: Case Studies in Racial Gerrymandering," *Mississippi Law Journal* 44 (June 1973): 391; Frank R. Parker, "Protest, Politics, and Litigation: Political and Social Change in Mississippi, 1965-Present," *Mississippi Law Journal* 57 (December 1987): 677; Kathryn Healy Hester, "Mississippi and the Voting Rights Act: 1965-1982," *Mississippi Law Journal* 52 (December 1982): 803; Carroll Rhodes, "Enforcing the Voting Rights Act in Mississippi Through Litigation," *Mississippi Law Journal* 57(December 1987): 705.

population gained the right to vote under Congressional Reconstruction.¹²¹ The right to vote was solidified with the passage, in 1868 and 1870, of the Fourteenth and Fifteenth Amendments that intended to end the restrictive “black codes” adopted by the former Confederate states in an attempt to govern the conduct of the newly freed slaves.¹²² In an effort to see the amendments implemented, the federal government began a plan of reconstruction for the southern states.¹²³ However, the efforts to protect the rights of newly freed African Americans ultimately failed as white Southerners reestablished their hegemony, first by means of violence and discrimination, later by state constitutional and judicial means.¹²⁴ As a reaction to perceived abuses of federal power during reconstruction, the Democratic Party in the southern states began to look for ways to overthrow the Republican Party by means of organized threats of violence and disenfranchisement of the African American vote.¹²⁵ In 1875, the Mississippi Democratic Party and its sympathizers conducted a campaign to deny suffrage to the African American population that was characterized by fraud and violence.¹²⁶ The city of Vicksburg, in the August and November elections of 1874, set the precedent for the Mississippi Plan.¹²⁷ African Americans were denied suffrage under threat of violence from armed patrols.¹²⁸ In 1875 paramilitary organizations waged a campaign of intimidation and violence against white Republicans, many of whom were from the Northern states.¹²⁹ Intimidation of the African American population continued. The violence went unchecked, although Governor Adelbert Ames did request federal troops to curb violence and maintain order.¹³⁰ The Democrats won the 1876 election with a 30,000 majority,¹³¹ a complete reversal of the 1874 city and presidential

¹²¹ U. S. Const., Amend. XIV; U. S. Const., Amend. XV.

¹²² Ibid.

¹²³ David G. Sansing, “Congressional Reconstruction,” in Richard Aubrey McLemore, ed., *A History of Mississippi*, vol. I (Jackson: University & College Press of Mississippi, 1973), 571, 575.

¹²⁴ Foner, *Reconstruction*, esp. 604 (“What remains certain is that Reconstruction failed, and that for blacks its failure was a disaster whose magnitude cannot be obscured by the genuine accomplishments that did endure”).

¹²⁵ McPherson, *Ordeal by Fire*, 593-95; Sansing, “Congressional Reconstruction,” 575 (“[M]uch of the opposition to Radical Reconstruction is traceable to Mississippi’s aversion for change in either the social or political organization of the state. . .”).

¹²⁶ *Mississippi in 1875: Report of the Select Committee to Inquire into the Mississippi Election of 1875, Senate Report No. 527*, 44th Cong., 1st Session, 2 vols. (Washington, D. C.: Committee Print, 1876), passim.

¹²⁷ Ibid., 1:LXXVI, 565, passim; Warren A. Ellem, “The Overthrow of Reconstruction in Mississippi,” *The Journal of Mississippi History* 54 (May 1992): 175, 176 (“The emergence of the color-line strategy in the elections of 1875 in Mississippi owed a lot to its successful implementation in the troubled city of Vicksburg during the [1874 elections] . . .”); Foner, *Reconstruction*, 558.

¹²⁸ *Mississippi in 1875*, passim.

¹²⁹ Ibid., esp. iii, passim; Foner, *Reconstruction*; 558-63; Stavis, “A Century of Struggle,” 501; Ellem, “The Overthrow of Reconstruction in Mississippi,” 175.

¹³⁰ Foner, *Reconstruction*; 558-63; Sansing, “Congressional Reconstruction,” 587.

¹³¹ McPherson, *Ordeal by Fire*, 595; John M. Murrin, *Liberty, Equality, Power: A History of the American People*, Concise 6th ed. (Belmont, CA: Thomson/Wadsworth, 2013), 1:402; see also Nash and Taggart, *Mississippi Politics*, 97 (“It was not until 1940 that more Mississippians voted in a presidential election than voted in 1876.”).

elections when Republicans won with a 30,000 majority. This Democratic victory effectively signaled the end of Reconstruction as similar tactics spread to North and South Carolina and as other states began to follow Mississippi's disenfranchisement plan. The aim of the Mississippi Plan was to nullify the effect of the Reconstruction laws, to restore a white minority to power through the agency of the Democratic Party, and in so doing emphasize to the African American population once and for all that they were to be subservient to the white population.¹³² The violations were never seriously challenged under either the Fourteenth or Fifteenth Amendments, and the reapportionment clause of section 2 was never considered a serious option for curbing the Mississippi Plan's widespread implementation of voter fraud, despite a congressional finding "that force, fraud, and intimidation were used generally and successfully in the political canvass of 1875."¹³³

Following this period of extra-legal violence and intimidation, many whites began looking to legal means to achieve disenfranchisement. In 1890 the State of Mississippi moved its unofficial policy of obstruction of voting rights to effective denial of franchise. The constitutional convention of 1890 has been called the Second Mississippi Plan although, in effect, it was a continuation of the disenfranchising policies begun in 1875.¹³⁴ The new constitution replaced the 1869 Constitution adopted in Mississippi to gain its representation in Congress in 1870.¹³⁵ The 1869 Constitution had encouraged African Americans to register and vote in large numbers, and they won various political offices prior to 1875.¹³⁶ The success of the First Mississippi Plan had brought into power white Mississippians who were determined to control the African American vote to ensure continuation of white supremacy.¹³⁷ For the next fifteen years whites dominated all state elections.¹³⁸ There was, however, a widespread interest among many people in Mississippi to be free from using violence and coercive tactics at the ballot box;¹³⁹ the solution was the Constitutional Convention of 1890.¹⁴⁰

The most influential individual, who led the Constitutional Convention of 1890 and successfully defended Mississippi's disenfranchisement policy, was Unit-

¹³² Ellem, "The Overthrow of Reconstruction in Mississippi," 178.

¹³³ *Mississippi in 1875*, iii.

¹³⁴ See, e.g., C. Van Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 321; Stavis, "A Century of Struggle," 606. (The Mississippi Plan was so effective that it was copied by the other Southern states, and as Woodward characterizes it, was considered the "American Way."); Nash and Taggart, *Mississippi Politics*, 96 ("Known as the 'Mississippi Solution' or the 'Second Mississippi Plan,' its essential elements were copied by almost all of the southern states . . .").

¹³⁵ Ellem, "Overthrow of Reconstruction in Mississippi," 178.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, 178.

¹³⁸ J. P. Coleman, "The Origin of the Constitution of 1890," *Journal of Mississippi History* 19 (April 1957): 69, 81.

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

ed States Senator James Z. George.¹⁴¹ George had maneuvered the Mississippi Plan of 1875, which successfully ended Reconstruction in Mississippi.¹⁴² George was explicit in explaining the reasoning behind the new constitution's disenfranchisement laws. During a speech on October 21, 1889, he described the chief duty of the Convention as one to devise measures, consistent with the Constitution of the United States, to maintain a home government "under the control of the white people of the State."¹⁴³ The process of legal disenfranchisement was justified by newspapers and politicians as necessary to maintain law and order, and to end extra-legal schemes and contrivances used to nullify the African American vote.¹⁴⁴ These extra-legal schemes had led to corruption in politics. A Mississippi Judge, J. J. Chrisman, spoke on the floor of the Constitutional Convention of 1890, "it is no secret there has not been a full vote and a fair count in Mississippi since 1875."¹⁴⁵ Although followed by others, Mississippi was the first state to officially disenfranchise the majority of its African American voters.¹⁴⁶ The new constitution further limited suffrage for a portion of the white population by imposing a poll tax, effectively disenfranchising many poor whites in addition to the African American

¹⁴¹ For a thorough examination of George's life and his role in shaping the disenfranchisement policies used by the southern states after Reconstruction, see Timothy B. Smith, *James Z. George Mississippi's Great Commoner* (Jackson: University Press of Mississippi, 2012), 102-113, 146-154; see also May Spencer Ringold, "Senator James Zachariah George of Mississippi: Bourbon or Liberal?" *The Journal of Mississippi History* 16 (July 1954): 164-83; Lucy Bryant Peck, "The Life and Times of James Z. George" (M.A. thesis, Mississippi State University, 1964), 48; and Margaret Armstrong, "James Zachariah George: Champion of White Supremacy" (M.A. thesis, University of Alabama, 1938), 20, 29-32, 38. Both theses present a mostly sympathetic account of George's support of the Mississippi Plan of 1875 and the 1890 Constitution with its disenfranchisement scheme.

¹⁴² Smith, *James Z. George*, 103-113.

¹⁴³ Perman, "Struggle for Mastery," 42-43; Coleman, "The Origin of the Constitution of 1890," 85.

¹⁴⁴ Woodward, *Origins of the New South*, 326-27.

¹⁴⁵ United States Commission on Civil Rights, 89th Cong., *Voting in Mississippi* (Washington, D. C.: Committee Print, 1965), 5 (citing Jackson *Clarion Ledger*, September 11, 1890, 1). The quote reads:

Sir, it is no secret there has not been a full vote and a fair count in Mississippi since 1875 - that we have been preserving the ascendancy of the white people by revolutionary methods. In plain words, we have been stuffing ballot boxes, committing perjury and here and there in the State carrying the elections by fraud and violence until the whole machinery for election was about to rot down.

¹⁴⁶ *Ibid.*; Nash and Taggart, *Mississippi Politics*, 96.

vote.¹⁴⁷ Another provision that, although it primarily affected African Americans, also excluded many whites was the understanding clause.¹⁴⁸ Senator George was responsible for the understanding clause and successfully defended it along with the other disenfranchisement provisions on the floor of the United States Senate, citing similar practices by other states.¹⁴⁹ The remaining southern states soon

¹⁴⁷ Miss. Const., Article XII, § 243 (repealed 1975) predecessor provision required:

[1890] A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

See also William J. Cooper and Thomas E. Terrill, *The American South: A History*, 4th ed. (New York: Rowman & Littlefield, 2009), 2:549 (noting that “[t]he tax clauses, especially the poll tax, effectively disenfranchised many whites and most blacks in a state where the average income produced by a farm was about \$400 a year”); Frank B. Williams, “The Poll Tax as a Suffrage Requirement in the South, 1870-1901,” *The Journal of Southern History* 18 (Nov. 1952): 469, 471 (“The paramount reason usually accepted for the use of the poll tax was the desire to eliminate negro voters from politics. To this may be added the alleged intention of disenfranchising poor whites.”); Kousser, *The Shaping of Southern Politics*, 255 (noting that many Southern politicians rejected “the idea of universal male suffrage either explicitly or implicitly, by denying that all whites should be allowed to vote.”).

¹⁴⁸ Miss. Const. art. XII, § 244 (repealed 1975) predecessor provisions required:

[1890] . . . [E]very elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A. D., 1892.

[1954] Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

[1965] Every elector shall, in addition to the foregoing qualifications, be able to read and write. These reduced qualifications shall be required of every applicant for registration as an elector from and after the date of ratification hereof. The legislature shall have the power to enforce the provision of this section by appropriate legislation.

See also Cooper and Terrill, *The American South*, 549 (stating that “[s]ome Mississippi leaders feared that the requirement to interpret the state constitution would disenfranchise poor whites. Drafters of the new constitution attempted to assuage these by asserting that there was general understanding that registrars would pass illiterate whites and fail blacks”).

¹⁴⁹ See Smith, *James Z. George*, 104; Perman, *Struggle for Mastery*, 22-23, 42-43, 73-77, 85-88; and James Z. George, *Defense of the Constitution of Mississippi: A Speech* (Washington, D. C., 1897), *passim*.

followed Mississippi with similar disenfranchisement plans.¹⁵⁰ Throughout the early and mid-twentieth century, many Southern leaders, including James K. Vardaman, Walter Sillers, Jr., John E. Rankin, Theodore G. Bilbo, James O. Eastland, and Ross Barnett of Mississippi, continued to advocate disenfranchisement and the Jim Crow segregation laws and policies supported by George and the Democratic party and set in place by the 1890 Mississippi constitution and subsequent legislation.¹⁵¹

The disenfranchisement measures of the 1890 Mississippi Constitutional Convention and similar policies implemented by other states were challenged in lawsuits under section 2 in *Sproule v. Fredericks*, *Ratliff v. Beale*, *Williams v. Mississippi*, *Giles v. Harris* (Alabama), and *Saunders v. Wilkins* (Virginia). These challenges failed and the disenfranchisement policies put in place by Mississippi in 1875 and 1890 and followed by other southern states continued until the Civil Rights movement of the 1950s and 1960s.

V. The Section 2 Reapportionment Penalty

Congress was unable to pass implementing legislation to enforce section 2 and the federal judiciary deferred deciding the question of enforcement. Indifference towards Jim Crow laws, disagreements in Congress over the means of implementing section 2, inaccurate census returns, and the difficulties in determining and proving the numbers of disenfranchised individuals are the reasons why section 2 was never enforced. Yet another explanation for lack of enforcement is that section 2 was impliedly repealed by the passage of the Fifteenth Amendment. However, there is no indication in the legislative history that Congress intended to repeal Section 2; nor has the Fifteenth Amendment been viewed by the judiciary as invalidating section 2. A comparison of the scope of section 2 with the Fifteenth Amendment

¹⁵⁰ Winkle, *The Mississippi State Constitution*, 14 (stating that “[t]he Mississippi scheme, in fact, became a prototype of sorts for lawmakers in other states to follow); see also Cooper & Terrill, *The American South*, 549 (noting that “[t]he Mississippi Plan was an important precursor to a South wide movement to eliminate blacks and, in some instances, large numbers of poor whites from the political process”). Other constitutional provisions indirectly disenfranchised voters by introducing a county unit system (Art. V, § 140) allotting each county one electoral vote regardless of population, and reapportionment of the legislature (Art. XIII, §§ 254 and 255) which, in effect, reduced membership in predominately black districts.

For an examination of the reapportionment provisions and their effect, see Albert D. Kirwan, “Apportionment in the Mississippi Constitution of 1890,” *The Journal of Southern History* 14 (May 1948): 234; Eric C. Clark, “Legislative Apportionment in the 1890 Constitutional Convention,” *The Journal of Mississippi History* 42 (Nov. 1980): 298; and Jere Nash and Andy Taggart, “Fifty Years of Legislative Reapportionment in Mississippi,” *The Journal of Mississippi History* 72 (Summer 2010): 199.

¹⁵¹ See Albert D. Kirwan, *Revolt of the Rednecks* (Louisville: University of Kentucky Press, 1951), 310-14; and Dennis J. Mitchell, *A New History of Mississippi* (Jackson: University Press of Mississippi, 2014), passim, esp. 257-59, 262-68, 354-56, 375, 384-87, 431-32. A notable exception to the race-based politics of Mississippi’s leadership was Congressman Frank E. Smith, see Dennis J. Mitchell, *Mississippi Liberal: A Biography of Frank E. Smith* (Jackson: University Press of Mississippi, 2001).

shows that section 2 offers a broader solution applicable to a greater number of disenfranchised individuals while leaving some discretion to the southern states. The events leading to the adoption of the Fourteenth and Fifteenth Amendments and their subsequent history suggest that federal indifference toward disenfranchisement was the reason for the lack of enforcement of section 2.¹⁵²

The view, noted above, that section 2 was impliedly repealed upon enactment of the Fifteenth amendment in 1870 is sometimes given to explain the lack of enforcement of section 2's reapportionment penalty.¹⁵³ After the Civil War the southern states routinely refused to enfranchise African Americans. Congress attempted to remedy the situation through passage of the Fourteenth Amendment and voting rights laws. Congress also required the former Confederate states to adopt constitutions allowing African Americans to vote as a condition of ending military occupation.¹⁵⁴ The Fifteenth Amendment was proposed by Congress to constitutionalize the enfranchisement already achieved through military occupation, federal statutes, and state constitutional law.¹⁵⁵ The argument that section 2 was repealed by implication suggests that Congress proposed the Fifteenth Amendment because enforcement of section 2 had failed.¹⁵⁶ In this view, the Fifteenth Amendment replaced section 2 by adopting a permanent policy of suffrage, regardless of race. Thus, section 2 did not offer coverage broader than other laws in force and could not have been implemented to protect African American voters in the South.¹⁵⁷ Section 2 essentially encouraged states to let African Americans vote by punishing states who refused to do so, but ultimately it left the decision to the discretion of the states.¹⁵⁸ Subsequently, the Fifteenth amendment took away the states discretion, imposing a requirement that the states grant the right to vote

¹⁵² See below, note 172.

¹⁵³ Gabriel J. Chin, "Reconstruction, Felon Disenfranchisement, and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth Amendment," *Georgetown Law Journal* 92 (2004): 263. The implicit suggestion that section 2 was repealed by the enactment of the Fifteenth Amendment was made as early as 1895. See George S. Boutwell, *The Constitution of the United States at the End of the First Century* (Boston: D.C. Heath, 1895), 389 ("By virtue of the Fifteenth Amendment the last sentence of section two of the Fourteenth Amendment is inoperative wholly..."). The argument that the Fifteenth Amendment repealed section 2 was advanced by Emmet O'Neal, United States Attorney for the Northern District of Alabama, in his attack against the 1904 Republican platform which had advocated the enforcement of section 2. See Emmet O'Neal, "The Power of Congress to Reduce Representation in the House of Representatives and in the Electoral College," *North American Review* 131 (October 1905): 530.

Other sources suggest that the Fifteenth Amendment modified section 2 rather than replaced it. See James G. Blaine, *Twenty Years of Congress: From Lincoln to Garfield*, (Norwich, Conn.: Henry Bill Pub. Co. 1886), 2:418 (stating that the "adoption of the Fifteenth Amendment seriously modified the effect and potency of the second section of the Fourteenth Amendment"); John Sherman, *Recollections of Forty Years in the House, Senate and Cabinet*, (Chicago: Werner, 1895), 1:450 (stating that the "practical result has been that the wise provisions of the 14th Amendment have been modified by the 15th Amendment").

¹⁵⁴ Chin, "Reconstruction, Felon Disenfranchisement, and the Right to Vote," 261.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, 260-61.

¹⁵⁷ *Ibid.*

¹⁵⁸ U. S. Const., Amend. XIV, § 2; see also above, notes 5, 153 and accompanying text.

to African Americans.¹⁵⁹ The Fifteenth amendment restricted state power to the extent that its practical effect was to repeal section 2 of the Fourteenth Amendment.¹⁶⁰

However, the legislative and legal history of section 2 suggests that Congress did not intend to repeal section 2 upon the passage of the Fifteenth Amendment. Because section 2 did not offer coverage broader than other laws in force, the view that section 2 is like the Fifteenth Amendment, except that it covers fewer people, fewer elections, and offers more limited remedies,¹⁶¹ is incongruous because of the mismatch between section 2, which allows the reapportionment penalty for all disenfranchised males above twenty-one years of age regardless of race¹⁶² and the Fifteenth Amendment which forbids disenfranchisement based solely on account of “race, color, or previous servitude.”¹⁶³ Section 2 is broader than the Fifteenth Amendment in the sort of discrimination it applies to, such as literacy tests, property requirements, poll taxes, as well as purposeful racial discrimination. But section 2 is narrower in the penalty imposed for discrimination, which was reducing Congressional apportionment, but not banning discrimination completely. It is this mismatch that suggests that the Fifteenth Amendment did not repeal section 2. Section 2 allowed a broader solution applicable to a greater number of disenfranchised individuals, while leaving a certain amount of discretion to the southern states.

Instead of replacing section 2, the legislative history shows that Congress kept the section 2 apportionment penalty option on the table along with the Fifteenth Amendment remedy.¹⁶⁴ As stated previously, the implementation of the section 2 apportionment penalty was discussed during the House Census Committee meetings and in the Congressional debate over the Apportionment Acts of 1901, 1904 and 1906, and the Civil Rights Act of 1957.¹⁶⁵ After the passage of the Fifteenth amendment, the House Census Committee compiled a list of state laws, which effectively disenfranchised the voting population.¹⁶⁶ The list was intended to guide the census takers in the determination of the basis of representation under section

¹⁵⁹ Chin, “Reconstruction, Felon Disenfranchisement, and the Right to Vote,” 263.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² U. S. Const., Amend. XIV, § 2. (“[W]hen the right to vote at any election . . . is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States . . . the basis of representation . . . shall be reduced.”) (emphasis added).

¹⁶³ U. S. Const., Amend. XV, § 1 (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude”) (emphasis added).

¹⁶⁴ See Melvin I. Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States*, 3d ed. (New York: Oxford University Press, 2011), 1:501 (“[A]lthough Congress still retained the power to reduce a state’s representation proportionate to its disenfranchisement of any group, Congress never had the will to do this during or after Reconstruction”).

¹⁶⁵ Zuckerman, “Section 2 of the Fourteenth Amendment,” 119-21.

¹⁶⁶ H. R. Rep. No. 3, 41st Cong., 2d Sess. 52 (1870) (report of Rep. James A. Garfield of Ohio); reprinted in Zuckerman, “Section 2 of the Fourteenth Amendment,” 108-09.

2.¹⁶⁷ The Census Committee list included laws which in addition to race and color, denied the vote on account of residence, property tests, literacy qualifications, character tests, poverty, and insanity.¹⁶⁸ Also, Congress passed section 6 of the Apportionment Act of 1872 specifically authorizing a reduction in the number of representatives when a state denied the right of citizens to vote except for participation in rebellion or other crime.¹⁶⁹ Therefore, section 6 is a statutory enactment, based on section 2 of the Fourteenth Amendment, enacted after the passage of the Fifteenth Amendment.¹⁷⁰ It should also be noted that, when the section 2 enforcement was litigated, the United States Supreme Court did not find or suggest that section 2 was not enforceable or was impliedly repealed by the Fifteenth Amendment but, instead, deferred to Congress.¹⁷¹

The traditional explanation for the lack of section 2 enforcement is federal indifference toward Jim Crow policies in Mississippi and other southern states after the failure of Reconstruction and a corresponding lack of will to enforce section 2.¹⁷² Section 2 was drafted to remedy the effects of discrimination after the Civil War. Thus, section 2 was clearly designed with the southern states in mind and was meant to be enforceable. Congressional attempts at implementing legislation were never effective, and much of the proposed enforcement legislation was mired in controversy.¹⁷³ Inaccurate returns on the 1870 apportionment census further

¹⁶⁷ Zuckerman, "Section 2 of the Fourteenth Amendment," 108.

¹⁶⁸ H. R. Rep. No. 3, 41st Cong., 2d Sess. 52-53 (1870).

¹⁶⁹ Act of Feb. 2, 1872, ch. XI, § 6, 17 Stat. 29 (codified as 2 U.S.C. § 6 (1988)).

¹⁷⁰ Zuckerman, "Section 2 of the Fourteenth Amendment," 126.

¹⁷¹ 152 F.2d 235 (4th Cir. 1945), *cert. denied*, 328 U.S. 870 (1946) (holding that enforcement of section 2 is non-justiciable).

¹⁷² A number of scholars have voiced this explanation, see, e.g., Akhil Reed Amar, "Forward: The Document and the Doctrine," *Harvard Law Review* 114 (2000): 38 n.38 ("[F]or many decades the Court utterly failed to enforce blacks' voting rights under the Article IV Republican Government Clause, Section 2 of the Fourteenth Amendment, and the Fifteenth Amendment."); Michael Kent Curtis, "Teaching Free Speech from an Incomplete Fossil Record," *Akron Law Review* 34 (2000): 256 ("In spite of the guarantees of the Fifteenth Amendment (and even ignoring section two of the Fourteenth Amendment), African Americans were deprived of the right to vote in large parts of the South."); Pamela S. Karlan, "Unduly Partial: The Supreme Court and the Fourteenth Amendment in *Bush v. Gore*," *Florida State University Law Review* 29 (2001): 591 n.26 ("Despite its sweeping language, Section 2 turned out to be toothless because neither Congress nor the courts ever showed themselves willing to pull the trigger"); Michael Klarman, "The Plessy Era," *Supreme Court Review* (1998): 370 ("Congress was unwilling to enforce Section 2 of the Fourteenth Amendment against black disenfranchisement"); Anderson, *The American Census*, 80.

In the early 1960s, prior to the passage of the Voting Rights Act, several scholarly articles urged enforcement of the section 2 penalty. See Eugene Sidney Bayer, "The Apportionment Section of the Fourteenth Amendment: A Neglected Weapon for Defense of the Voting Rights of Southern Negroes," *Case Western Reserve Law Review* 16 (1965): 965; Arthur Earl Bonfield, "The Right to Vote and Judicial Enforcement of Section Two of the Fourteenth Amendment," *Cornell Law Quarterly* 46 (1960): 108; Ben Margolis, "Judicial Enforcement of Section 2 of the Fourteenth Amendment," *Law Transition* 23 (1963): 128; Zuckerman, "Section 2 of the Fourteenth Amendment," 93; see also a recent revival of these arguments in Michael Hurta, "Counting the Right to Vote in the Next Census: Reviving Section Two of the Fourteenth Amendment," *Texas Law Review* 94 (forthcoming 2015), available at <http://ssrn.com/abstract=2652345>.

¹⁷³ Zuckerman, "Section 2 of the Fourteenth Amendment," 94-95.

doomed enforcement of the section 2 penalty.¹⁷⁴

When the federal judiciary addressed section 2, enforcement was held by the United States Supreme Court in *Wilkins* to be a non-justiciable political question, thus deferring the issue to Congress.¹⁷⁵ In *Wilkins*, the court did not hold section 2 invalid; it only recognized that the legislature had not created implementing legislation for its enforcement.¹⁷⁶ Both Congress and the courts were aware of the continuing disenfranchisement policies in force throughout the South beginning with the Mississippi Plan in 1875.¹⁷⁷ The judiciary's tolerance of disenfranchisement laws and discriminatory policies during the post-Reconstruction period is evidenced by the United States Supreme Court decisions in overturning the Civil Rights Act of 1875,¹⁷⁸ *Plessy v. Ferguson*,¹⁷⁹ *Williams v. Mississippi*,¹⁸⁰ and other cases.¹⁸¹

Most recently, Section 2 was reviewed by the United States Supreme Court during 1974, in the context of voting rights for convicted felons, in *Richardson v. Ramirez*.¹⁸² In *Ramirez*, the Court held that section 2 allowed states to disenfranchise felons. The Court reasoned that section 2 provided that the apportionment penalty was inapplicable if individuals were disenfranchised for conviction of "rebellion [. . .] or other crime".¹⁸³ Such restrictions are allowed as long as they do not violate the Equal Protection Clause of the Fourteenth Amendment.¹⁸⁴ Also, the courts used section 2 to restrict the scope of the Voting Rights Act of 1965, defeating arguments that, apparently applicable provisions of the statute, apply to state laws disenfranchising felons.¹⁸⁵ An odd result of section 2's language allowing dis-

¹⁷⁴ *Ibid.*, 111, 116; Anderson, *The American Census*, 79-83.

¹⁷⁵ 152 F.2d 235, 237 (4th Cir. 1945), *cert. denied*, 328 U. S. 870 (1946).

¹⁷⁶ 152 F.2d 235, 237 (4th Cir. 1945).

¹⁷⁷ *Mississippi in 1875*, iii, passim; Stavis, "A Century of Struggle," 606; Woodward, *Origins of the New South*, 321.

¹⁷⁸ 109 U. S. 3 (1883) (overruling The Civil Rights Act of 1875, 18 Stat. 335-337) (holding that Congress lacks constitutional authority under the enforcement provisions of the Fourteenth Amendment to outlaw racial discrimination by privately owned businesses, rather than state and local governments).

¹⁷⁹ 163 U. S. 537 (1896) (holding that state laws requiring racial segregation in public facilities are constitutional under the doctrine of "separate but equal"), overruled by *Brown v. Board of Education*, 347 U.S. 483 (1954).

¹⁸⁰ 170 U. S. 213 (1898) (holding state law requiring voters pass literary tests and poll taxes is constitutional), overruled by Voting Rights Act (1965), 42 U.S.C. §§ 1973-1973aa-6.

¹⁸¹ See, e.g., *Giles v. Harris*, 189 U.S. 475 (1903) (upholding Alabama state poll taxes and other voter registration requirements as applicable to all citizens); *Giles v. Teasley*, 193 U. S. 146 (1904) (upholding Alabama's disenfranchising voter registration requirements); cf. *Guinn v. United States*, 238 U. S. 347 (1915) (holding a Oklahoma statute drafted to favor white voters while disenfranchising African Americans unconstitutional); *Lane v. Wilson*, 307 U. S. 268 (1939) (holding a Oklahoma voter registration law that disfranchised everyone qualified to vote who had not registered to vote in a 12-day window unconstitutional); *Smith v. Allwright*, 321 U. S. 649 (1944) (holding that primary elections must be open to voters of all races).

¹⁸² 418 U. S. 24 (1974).

¹⁸³ *Ibid.*

¹⁸⁴ *Hunter v. Underwood*, 471 U. S. 222, 229 (1985) (holding unconstitutional Alabama's disenfranchisement law because it "was enacted with the intent of disenfranchising blacks").

¹⁸⁵ 418 U. S. 24 (1974), at 54-55.

enfranchisement of convicted criminals is that an amendment designed to remedy the disenfranchisement of the African American population has been held to permit disenfranchisement for those convicted of a crime, most often a felony, resulting in a denial of voting rights for African Americans and other minority groups at a rate disproportionate to their percentage share of the population.¹⁸⁶ Mississippi, and a number of other states, arrest African Americans at higher rates and permanently bar at least some felons from voting.¹⁸⁷

The inability of Congress to pass implementing legislation and the federal judiciary's tolerance of disenfranchisement laws and discriminatory policies prevented enforcement of the section 2 reapportionment penalty. The Fifteenth Amendment did not invalidate section 2 but offered an additional remedy to race-based discriminatory laws and policies. In 1974 the Supreme Court held that section 2 allowed states to disenfranchise felons. Thus, one ironic result of section 2 is that African Americans are denied the right to vote at a disproportionate rate.

VI. Conclusion

A sustained effort to enforce the Fourteenth and Fifteenth Amendments did not occur until the civil rights legislation of the 1950s and 1960s because of federal indifference toward disenfranchising laws and policies and a corresponding lack

¹⁸⁶ Many scholars are critical of felon disenfranchisement statutes that disproportionately affect racial minorities and the Court's reading of section 2 as an endorsement of such felon disenfranchisement statutes. See, e.g., Pippa Holloway, *Living in Infamy: Felon Disfranchisement and the History of American Citizenship* (New York: Oxford University Press, 2014); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010); Jeff Manza and Christopher Uggen, *Locked Out: Felon Disfranchisement and American Democracy* (New York: Oxford University Press, 2006); Katherine Irene Pettus, *Felony Disfranchisement in America: Historical Origins, Institutional Racism, and Modern Consequences*, 2d ed. (Albany: State University of New York Press, 2013); Elizabeth Hull, *The Disfranchisement of Ex-Felons* (Philadelphia: Temple University Press, 2006); Richard W. Bourne, "Richardson v. Ramirez: A Motion to Reconsider," *Valparaiso University Law Review* 42 (2007): 30-32; George Brooks, "Felon Disfranchisement: Law, History, Policy, and Politics," *Fordham Urban Law Journal* 32 (2004): 859; Chin, "Reconstruction, Felon Disfranchisement, and the Right to Vote," 61-62; Gabriel J. Chin, "Race, the War on Drugs, and the Collateral Consequences of Criminal Conviction," *Journal of Gender, Race, & Justice* 6 (2002): 253; Andrew L. Shapiro, "Challenging Criminal Disfranchisement Under the Voting Rights Act: A New Strategy," *Yale Law Journal* 103 (1993): 537; Pamela S. Karlan, "Convictions and Doubts: Retribution, Representation, and the Debate Over Felon Disfranchisement," *Stanford Law Review* 56 (2004): 1147; Christopher R. Murray, "Felon Disfranchisement in Alaska and the Voting Rights Act of 1965," *Alaska Law Review* 23 (2006): 289; Michael A. Wahlander, "Comment, Constitutional Coexistence: Preserving Felon Disfranchisement Litigation under Section Two of the Voting Rights Act," *Santa Clara Law Review* 48 (2008): 181.

¹⁸⁷ Therese Apel, "Race, Arrest Rates Examined: In Mississippi and across nation, more of those arrested are black," *Jackson Clarion Ledger*, November 20, 2014, pp. 1A, 4A; Reynolds Holding, "Why Can't Felons Vote?," *Time Magazine*, November 1, 2006, <http://content.time.com/time/nation/article/0,8599,1553510,00.html> (accessed November 21, 2014).

of will to enforce the congressional remedies.¹⁸⁸ Many courts and state legislatures in Mississippi and in other states throughout the South did not believe it was in their best interest or in their constituency's best interest to protect the voting rights of African Americans. The lack of interest in protecting the voting rights of all citizens is a reflection of the sociocultural attitude toward African Americans among a majority of the white population during that time period who generally approved of disenfranchisement.¹⁸⁹ Although there were individuals in Congress and elsewhere concerned over the southern states' blatant violation of African American voting rights, they never held enough influence to carry out implementation of the section 2 apportionment penalty.¹⁹⁰ The inability of Congress to find a means of accurately determining the number and percentage of the population being disenfranchised led to congressional gridlock. The difficulty in determining and proving the number of disenfranchised citizens is apparent in the debate over proposed enforcement and reapportionment calculations examined in decennial census returns.¹⁹¹ The 1870 Census results and the subsequent congressional debate show that it is difficult to tell exactly how much of a reduction in representation to make.¹⁹² The inability of Congress to agree upon and to find a solution for determining an accurate report of disenfranchised individuals is why section 2 of the Fourteenth Amendment was never implemented during the period prior to what is now known as the modern-day civil rights movement that received legal recognition with *Brown v. Board of Education* and led to the eventual enfranchisement of the African American voting population through the Voting Rights Act¹⁹³ and subsequent civil rights legislation.¹⁹⁴

Today, section 2 is usually discussed in the context of the constitutionality of felon disenfranchisement laws and the current racial inequalities in the criminal justice system. The history and intent behind creation of section 2 is often

¹⁸⁸ The landmark United States Supreme Court case, *Brown v. Board of Education*, 347 U.S. 483 (1954) (abolishing state laws establishing separate public schools for black and white students), signaled a change in attitude toward disenfranchisement. The *Brown* decision paved the way for The Civil Rights Act of 1957, Pub.L. 85–315, 71 Stat. 634 (codified as amended at 42 U.S.C. § 1971 (1982)) (establishing the Civil Rights Commission), The Civil Rights Act of 1960, Pub.L. 86–449, 74 Stat. 89 (codified as amended at 42 U.S.C. § 1971 (1982)) (establishing federal inspection of local voter registration polls), Civil Rights Act of 1964, Pub.L. 88–352, 78 Stat. 241 (codified at 42 U.S.C. § 2000d-h (1982)) (abolishing discrimination based on race, color, religion, sex, and national origin by federal and state governments), Civil Rights Act of 1968, Pub.L. 90–284, 82 Stat. 73 (codified as amended at 42 U.S.C. §§ 3601-3619 (1982 & Supp. IV 1986)) (abolishing discrimination in sale, rental, and financing of housing based on race, creed, and national origin).

¹⁸⁹ See above, Part IV.

¹⁹⁰ See above, Part III; and Zuckerman, "Section 2 of the Fourteenth Amendment," 107-16 (see discussions regarding manner of section 2 enforcement and failure of the census committees to implement enforcement through decennial census returns).

¹⁹¹ See above, Part III; and Zuckerman, "Section 2 of the Fourteenth Amendment," 117 (noting that Congress also faced the difficulty of distinguishing between persons afraid to vote because of private violence from persons disenfranchised by other means such as literacy tests).

¹⁹² See above, Part III, esp. notes 77-86 and accompanying text.

¹⁹³ See above, note 120 and accompanying text.

¹⁹⁴ See above, note 188 and accompanying text; and Anderson, *The American Census*, 85, 214-15.

overlooked. Section 2 was designed to remedy the ongoing disenfranchisement of all persons legally allowed to vote, with the southern states newly freed African American population specifically in mind. For a number of political and practical reasons, section 2 failed to deliver on its promises and was followed by Jim Crow and eventually the modern civil rights movement in the 1950s and 1960s. The history of section 2 is also significant to the history of Mississippi, the state whose leadership was responsible for some of the most serious violations of section 2 of the Fourteenth Amendment and the state whose disenfranchisement laws strongly influenced Southern policy making. The failure of the enforcement of section 2 helped ensure the success of the disenfranchisement policies and laws put in place in Mississippi in 1875 and 1890. Such systemic failures prolonged the judicial, legislative, individual, and organizational attacks that culminated in the civil rights movement that would make the Voting Rights Act possible in 1965.

Militias, Manhood, and Citizenship in Reconstruction Mississippi, 1868-1875

by Jacob S. Clawson

Reconstruction violence is a challenging topic. While Americans in the 1860s and since have found ways to make palpable the mass slaughter of the Civil War, the subsequent murders, hangings, lynchings, rapes, and riots that scarred the southern landscape after the guns fell silent at Appomattox have been difficult to characterize. This has been especially true of Mississippi. Having concluded his investigation of the state's 1875 election, United States Senator George S. Boutwell of Massachusetts demonstrated this affinity for contrasting the violence of the Civil War with that of Reconstruction, declaring that voters experienced "all the horrors of open war, without its honor, dignity, generosity, or justice." Nor was he alone. One Union veteran testified to Congress that he would rather "ten thousand times . . . go into a battle" than attempt to approach a poll during the state's "shot gun campaign."¹ Yet, despite these attempts to differentiate violence across the 1865 divide, there were important continuities between the killing of the war and that of the ostensible peace. This essay seeks to explain these ideological and institutional links, as well as their role in reconstructing southern political life.

This articles will also analyze violence and politics during Reconstruction through a consideration of militias and paramilitary organizations. Your author argues that southerners of both races defined and defended competing visions of citizenship and manhood through these institutionalized forms of violence, which in turn were manifest in two radically different conceptions of democracy. In particular, black southerners sought to stake their claims to manhood and political participation while forging a new biracial democracy, while conservative white southerners sought to reinstitute a Herrenvolk democracy based on racial

¹ *Mississippi in 1875. Report of the Select Committee to Inquire into the Mississippi Election of 1875, with the Testimony and Documentary Evidence* (Washington: Government Printing Office, 1876), 44th Cong., 1st Sess., 1876, Senate Report. Vol. I, xxviii, 527; Ibid, Vol. II, 1248.

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subordination.² As Mississippians undertook to forge two very different societies in the aftermath of a war that had normalized violence as a part of the political process and created a hyper-masculine political milieu, militias provided a powerful form of political expression for both races.³ Militia service stood at the fulcrum of questions pertaining to who was a man, who was a citizen, and who would possess access to political and social power in the South at a pivotal moment in its history.⁴ As political institutions and forms of political engagement, militias are critical to understanding not only Reconstruction in the state of Mississippi, but also the

² Although Michael Perman has argued that some white southerners did seek to stake out a moderate position, these efforts were largely abortive in the states that the writer seeks to examine. Moreover, Perman largely fails to account for the critical role that violence played in Reconstruction. It is my contention that examining this violence bears out in sharp relief the ideological strength of white southerners' exclusionary impulse. Moreover, if Perman argues that white Democrats did not begin to utilize white supremacy and home-rule as campaign rhetoric until after the failed election of 1872, an analysis of postwar violence demonstrates that this tendency was at work before then, even if it was not a facet of organized political campaigns. See Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill: University of North Carolina Press, 1984).

³ The term hyper-masculinity plays a prominent role in this article, and therefore warrants some explanation. In 1984, psychologists Donald Mosher and Mark Serin employed the term to describe a series of personality traits that diverged from a normative center of masculine behavior. According to these authors, hyper-masculinity embodied a personality type defined by callous sexual attitudes, violence, and an affinity for danger. In a later article, Mosher and Silvan S. Tomkins elaborated on this theory and posited that this personality type was reinforced by the "ideology of the warfare" and the social stratification that comes from the conclusion of wars, such as victors dominating the vanquished and masters taking slaves. See: Donald Mosher and Mark Sirkin, "Measuring a Macho Personality Constellation," *Journal of Research in Personality* 18, no. 3 (1984): 150-163; Donald Mosher and Silvan S. Tomkins, "Scripting the Macho Man: Hypermasculine Socialization and Enculturation," *The Journal of Sex Research* 25, no. 1 (1988): 60-84.

Rather than viewing hyper-masculinity as a personality trait, the writer instead historicizes this phenomenon. Hyper-masculinity, as described within this specific context, flowed from the confluence of racial and gender ideologies that crystallized during and after the Civil War. These ideologies linked masculinity, racial violence, and notions of citizenship. Moreover, it consisted of three general characteristics. First, rather than viewing women narrowly as sexual objects, this form of hyper-masculinity cast women as political objects and signposts of the social order and encouraged the use of violence to maintain hegemony over women's bodies as a means of protecting the political capital that they represented. Second, it provided white men with the basis to contest the meaning of manhood in exclusionary, racialized terms that were consistent with Herrenvolk democracy. Finally, and most importantly, it glorified violence as a critical component of the political process and conflated the exercise of violence with the construction of manhood and citizenship. Moreover, with this emphasis on violence, it provided a counterpoint to bourgeois, middle class notions of manliness that emphasized restraint. In the context of Reconstruction Mississippi, hyper-masculinity and the exercise of institutional violence, rather than middle class restraint, were often normative...

⁴ Scholars of gender and politics have especially noted the link between social and political power. Stephanie McCurry has examined this dynamic in the South Carolina low country, where she argues that gender and common claims to mastery—over both women and slaves—provided the basis for white men's political participation. Laura Edwards has traced a similar dynamic during Reconstruction in North Carolina. In particular, she argued that gender and especially claims to manhood were inextricably tied to political power. Thus, emancipation was necessarily a gendered process and when black men staked their claims to manhood and as patriarchs, they were necessarily making political claims as well. See Stephanie McCurry, *Masters of Small Words: Yeoman Households, Gender Relations, and the Political Culture of the South Carolina Low Country* (New York: Oxford University Press, 1995) and Laura Edwards, *Gender Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997).

history of the South in the middle of the nineteenth century.

Beginning with the scholars of the Dunning School, historians' renderings of Reconstruction violence have been both contentious and decidedly political. Scholars such as William A. Dunning, Claude Bowers, and James Garner cast Reconstruction as an ill-advised attempt at biracial democracy that was doomed due to black southerners' supposed depravity and inability for self-government. Moreover, both explicit and implicit in the Dunningite interpretation was the notion that black Americans, lacking the ability to govern themselves or others, harbored an unquenchable thirst for violence that if left unchecked would be unleashed on white southerners. As Kenneth Stampp wrote in 1965, the Dunningites lent credence to the view that "the ignorant, barbarous, and sensual Negroes...threatened to Africanize the South and destroy its Caucasian civilization."⁵ This view, moreover, was not limited to historical scholarship. Thomas Dixon's *The Clansman* and its film adaptation, D.W. Griffith's *The Birth of a Nation*, reinforced this view to popular audiences. Indeed, the wave of disfranchisement and repression directed at African Americans in the late nineteenth and early twentieth century simultaneously drew upon and reinforced this historicized view of black violence casting it as an existential threat to white civilization. This white mindset served the political needs of whites just as it obfuscated the extent and meaning of racial violence in years following the Civil War.

While the historiography of the last fifty years has revised this view, these newer works have generally suffered from one of two flaws. First, they often fail to account for African Americans' use of violence during Reconstruction. Just as the Dunningites exaggerated and mischaracterized Reconstruction violence for certain political ends and to legitimize their view of white supremacy and black depravity, the scholars writing since the civil rights movement have typically shied away from recognizing that black violence was an important factor in Reconstruction, even if not for the reasons that the Dunningites posited. While these newer works have gone to great lengths to cast black southerners as active political actors during Reconstruction in regards to voting, holding office, operating schools, and organizing as laborers, they have been reticent to recognize that the freedpeople

⁵ William Archibald Dunning, *Reconstruction: Political and Economic, 1865-1877* (New York: Harper, 1962); James W. Garner, *Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1968); Claude Bowers, *The Tragic Era: America After Lincoln, the Dark that Followed the Dawn of Peace* (Boston: Houghton Mifflin, 1929). Kenneth Stampp provides an excellent historiographic essay on the Dunning School in *The Era of Reconstruction, 1865-1877* (New York: Vintage Books, 1965), 5.

could participate in the era's violent politics as well.⁶ Second, when they have acknowledged as much, they have misread the ideological implications of what collective and institutionalized access to violence meant as blacks used each to assert their claims to manhood and citizenship.

These flaws are evident in the work of scholars such as Allen Trelease and George Rable, who, although providing path-breaking studies, failed to account for the extent and meaning of African Americans' use of force. Trelease's work on the Ku Klux Klan portrayed the organization as a loosely affiliated but extremely violent terrorist organization that served as the armed-wing of the postbellum Democrat/Conservative Party. Yet, looking at Mississippi, Trelease was most concerned with the Klan's campaign against schools and on specific violent episodes, such as the Meridian riot. His work failed to account for how black Mississippians met these threats with violence of their own, much less what the ideological and gendered implications of Klan and anti-Klan violence were. Rable's *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* deserves plaudits for offering a concise and tightly woven synthesis of Reconstruction violence. Yet, Rable is most concerned with describing the evolution of anti-Reconstruction violence over time, as it mutated from being an exigency of postwar social unrest to a political tool of white counterrevolutionaries. Lost in his interpretation are the efforts of black southerners and their white allies to answer this counterrevolution. Even in the brief summary that Rable provides of Adelbert Ames's ill-fated attempt to create a state militia and constabulary force in Mississippi – as Henry Clay Warmoth and William Pitt Kellogg did in Louisiana – Rable treats the institution as a temporary impediment to the Redeemers rather than as a serious attempt to maintain order in the state. Even Otis Singletary's *Negro Militia and Reconstruction* was more concerned with explaining why Republican militias failed to uphold Reconstruction governments than with explaining what militia service and access to institutionalized

⁶ Emphasizing African Americans' experiences during Reconstruction is best embodied by, but certainly not limited to, the scholarship of historians such as Willie Lee Rose, Peter Kolchin, and Eric Foner. These historians expanded the narrative possibilities of Reconstruction in a way that took a generally positive view of the freedpeople and their political activism. Yet, in recognizing southern blacks' agency, they failed to consider that just as the freedpeople sought to build a biracial democracy in the South—a goal most historians now consider laudable—so too did they participate in Reconstruction's more unsavory episodes. Thus, to understand black agency and political participation in Reconstruction, historians ought to weigh their positive achievements—such as their political and labor activism—with their more troubling participation in violence. Moreover, it is important to note that to do so is not to revitalize or legitimize Dunningite interpretations of black “misrule.” Instead, it is to integrate a pivotal period in African American political history with an era of American history that was especially violent. See: Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Oxford: Oxford University Press, 1964); Peter Kolchin: *First Freedom: The Responses of Alabama's Blacks to Emancipation and Reconstruction* (Westport, CT: Greenwood Press, 1972); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (Oxford: Oxford University Press, 1988) and Foner, *Forever Free: The Story of Emancipation and Reconstruction* (New York: Vintage Books, 2006).

violence meant for the South's freedpeople.⁷

This propensity to understate and misunderstand the ideological and gendered importance of black violence and militias has persisted in recent scholarship as well. Although Douglas Egerton's work on the overthrow of Reconstruction in Mississippi takes Republican militias and paramilitaries more seriously than did Rable, the white campaign to overthrow Republican officeholders and to marginalize politically active freedpeople drives his narrative. Black violence in his rendering is reactive, while political activities such as holding office, organizing the Republican Party on the local level, and forming schools receive much greater emphasis. Indeed, for Egerton to suggest that this era was "progressive," he must necessarily emphasize these peaceful forms of political engagement and the violent Democratic campaign to end them. Unfortunately, this framework leaves little possibility for Egerton to consider how and why institutional violence provided African Americans with the means to construct new ideas about citizenship and manhood, nor how this development was central to their political experience during Reconstruction. In this sense, there was nothing progressive about Reconstruction given the close relationship between institutionalized violence and political participation. Black and white southerners alike understood this, and they did so far better than do the historians who have studied them.⁸

A number of recent works have provided a step in the right direction toward understanding how Republicans used violence to counter the efforts of conservative white insurgents. Moreover, these scholars have placed state militias at the forefront of their analyses. Whatever their strengths, however, these works only obliquely focus on the question of what militia service meant for African Americans as a form of political engagement. For example, James Hogue and Benjamin Severance both have provided valuable contributions to historians' understanding of state militias in Louisiana and Tennessee. Hogue's work examines five "street battles" in New Orleans. Rather than framing these affairs as riots or massacres, he argues that these discrete acts of collective violence constituted battles due to both their intensity and political implications. Moreover, such was the extent of organized violence in the state that Hogue posits that Louisiana experienced its own civil war in the decade following 1865. Overall, however, Hogue is more concerned with using the militia to analyze Louisiana's internal strife than he is with considering what access to state-sanctioned violence meant for African Americans and their quest for a place in the body politic. Looking at the State Guard in Tennessee, meanwhile, Severance provides a thorough account of Reconstruction politics in the state and what role the state militia played in maintaining the integrity of its elections. Despite the Republicans' occasional use of heavy-handed tactics, Severance argues that the

⁷ Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper, 1971); George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1985); Otis Singletary, *Negro Militia and Reconstruction* (Austin: University of Texas Press, 1957).

⁸ Douglas R. Egerton, *The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era* (New York: Bloomsbury, 2014).

militia performed its duties admirably. Yet, as useful as this revisionist reading of the State Guard is, Severance is also less concerned with interrogating what state-sanctioned violence meant for larger questions about citizenship, manhood, and the discourse connecting each than he is with attempting to vindicate the State Guard's actions. Ultimately, despite the important role that African Americans played in each institution, these authors are concerned with militias as organizations rather than their ideological meaning for those who served in them.⁹

Recent works that consider the relationship between violence, gender, and citizenship have also portrayed freedpeople primarily as targets of white violence rather than describing how they responded to white terrorism with violence of their own. Kidada Williams's *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I* provides a powerful reading of how African Americans resisted violence after the Civil War by testifying about their experiences. Williams illustrates how freedpeople, including those in Mississippi, utilized their ability to testify to create a public record that documented white violence. With this record, they could make claims on the state for protection. While Williams succeeds in elucidating how testimony served as a form of resistance, she fails to account for how African Americans' own use of violence proved just as important, if not as successful, as ex-slaves sought to navigate and shape Reconstruction politics.¹⁰

Some scholars have recognized African Americans' role in Reconstruction violence, but their interpretations do not necessarily recognize the institutions such as militias and paramilitary groups that made this violence possible. Carole Emberton's recent work provides an important contribution to Reconstruction scholarship with its description of how violence and gender ideology infused the racial politics of Reconstruction with a potent and volatile meaning. The Civil War, Emberton contends, produced a discourse that linked violence, freedom, and manhood together in a constellation that provided the rough contours of postwar citizenship. This resonated during Reconstruction, lent itself to the militarization of political campaigns, and played a salient role in how Americans viewed citizenship through the lens of "martial manhood." Maintaining their claims to "martial manhood" compelled southerners to view freedom as "nothing less than a violent struggle between men," a reality that reemerged throughout the 1870s and culminated in Redemption.¹¹ In constructing this narrative, Emberton argues that military service provides a baseline for understanding both the limits and possibilities of black manhood and citizenship. She posits that a paradox emerged

⁹ James Hogue, *Uncivil War: Five New Orleans Street Battles and the Rise and Fall of Radical Reconstruction* (Baton Rouge: Louisiana State University Press, 2005); Benjamin Severance, *Tennessee's Radical Army: The State Guard and Its Role in Reconstruction, 1867-1869* (Knoxville: University of Tennessee Press, 2005).

¹⁰ Kidada Williams, *They Left Great Marks on Me: African American Testimonies of Racial Violence From Emancipation to World War I* (New York: NYU Press, 2012).

¹¹ Carole Emberton, *Beyond Redemption: Race, Violence, and the American South after the Civil War* (Chicago: University of Chicago Press, 2013), 6-9.

during the 1860s as soldiering represented a means for African Americans to assert their claims to citizenship, but that also piqued white fears of uncontrolled black violence. Moreover, while military service might have charted a path for African Americans to become citizens, it promised a form of citizenship based on the ex-slaves' obligations to the state rather than what the state owed them. African Americans' claims to citizenship therefore rested on an inherently unstable foundation, a reality that contributed to white northerners' eventual retreat from Reconstruction.¹²

This essay challenges Emberton's interpretation even as it builds on her foundations. Rather than arguing that the effort to legitimize black citizenship failed because of the unstable foundation upon which it stood, this essay looks to Mississippi to emphasize the success of conservative white southerners in appropriating "martial manhood" for their own ends. The ambivalence that Emberton finds in respect to whites' attitudes toward black violence is the result of her decision to focus solely on perceptions of violence rather than violence itself.¹³ Her work emphasizes what whites' expectations were concerning soldiering and its implications for black citizenship rather than accounting for how African Americans viewed violence as a positive exercise in citizenship formation. This essay instead considers, first, how freedpeople in Mississippi viewed political violence and contributed to the creation of gendered forms of citizenship through their militia participation, and second, how white Mississippians appropriated the meaning of citizenship by committing violent acts and controlling perceptions of what political and racial violence meant.¹⁴ Finally, rather than viewing soldiering as the point of departure for understanding the relationship between citizenship and black manhood, this essay suggests that scholars should instead consider what

¹² Ibid, 102-106; Carole Emberton, "Only Murder Makes Men: Rconsidering the Black Military Experience," *Journal of the Civil War Era*, vol. 2, no. 3 (2012): 370-372.

¹³ For example, Emberton focuses on print culture extensively, as well as how northerners interpreted southern violence as a sort of spectacle. Emberton, *Beyond Redemption*, 39-54; Ibid, 102-106; Ibid, 192-205.

¹⁴ The question of how the freedpeople viewed violence is undoubtedly difficult to answer. Yet, it is not impossible, and this essay uses a number of methods to interrogate this issue. First, it uses ex-slaves' testimony before Congress, as well as white testimony about freedpeople and their actions (For more on this, see footnote 26). Second, the writer utilizes Republican newspapers to ascertain how party organs contributed to the postwar discourse of violence and manhood. Last, because a discourse consists of more than just words – it consists of symbols and actions as well – this essay uses the actions of black and white militias alike to determine how each influenced the discourse of postwar citizenship and manhood. The writer assumes that their actions were derived from some sense of intentionality that was meant to have a broader meaning. African Americans' appropriation of public spaces speaks to this method's use. Specifically, although it is impossible – given the absence of extant sources – to know what a black militia member said about drilling on a courthouse lawn or how he justified his actions, the reality that militia units chose to do so in these public spaces – and did so repeatedly – suggests that their actions were intentional, were made from an awareness that others would judge these actions, and that by engaging in these public displays of martial pageantry, that their importance was generally understood to be significant for black and white southerners alike. Thus, in these cases, one can use the outer boundaries of the discourse of manhood and citizenship to read back and decipher African Americans' intentions and ideologies by way of how they contributed to the discourse's creation.

role postwar militias played in the process of citizenship formation.

Mississippi provides a particularly useful lens to view this transformation. Not only did the state witness some of the grisliest violence of Reconstruction, but this violence was often institutionalized in the form of the Ku Klux Klan, white-line paramilitaries, armed segments of the Union League, and, despite historians' propensity to disregard it, the Republican state militia. Here, Mississippi's experience with institutional violence was typical of other southern states such as Louisiana and South Carolina, where Republicans held onto power into the middle of the 1870s. Understanding institutional violence and its ideological implications in Mississippi therefore provides a useful point of departure for understanding the relationship between violence, gender, and citizenship in other southern states.

Although historians have often viewed Adelbert Ames's attempt to organize a state militia in 1875 as the height of militia politics in Mississippi, black paramilitaries emerged on the local level in the latter part of the 1860s to counter the Ku Klux Klan. Before the white-line campaign of 1875 "redeemed" Mississippi, the Klan provided a powerful and violent challenge to African Americans' new freedom. The Klan, according to Trelease, intended "to keep the Negro in his place socially and economically," and to return the freed population to "the ante-bellum fashion as circumstances allowed."¹⁵ White southerners did so as a means of checking the freedmen's ability to assert their autonomy, manhood, and citizenship, for it was the brazen assertion of each that whites saw as a threat to the South's social, political, and economic order. White Mississippian James Lynch recalled with marked derision in 1879 how after the war freedmen had abandoned their labor contracts at will, an expression of autonomy that represented a serious threat to white supremacy. Attempting to undermine African Americans' claims to political and economic autonomy through fear and intimidation, the Klan strategically directed violence at African Americans who sought to assert their prerogatives as free men. Klansmen did so in forms that held symbolic, gendered meanings, by dragging black men out of their homes in front of their families, destroying their firearms, and administering corporal punishment such as whippings that were not only reminiscent of slavery, but that degraded black men's claims to masculine autonomy and power.¹⁶

If black economic autonomy troubled white southerners, so too did veterans of the United States Colored Troops. When black veterans returned home, white southerners seethed at their assertiveness. Gone were the supposedly docile "Cuffees" and "Sambos" of the antebellum years, replaced in many cases with men who had earned their freedom with the bayonet. White Mississippians noticed the change in attitude that military service and freedom engendered, and the transformation proved unnerving. Vicksburger James M. Gibson remembered how "young Negroes who had served in the U. S. Army" came back to Mississippi with "wild barbaric

¹⁵ Trelease, *White Terror*, 275.

¹⁶ James Lynch, *Kemper County Vindicated: And a Peep at Radical Rule in Mississippi* (New York: E. J. Hale & Son, 1879), 92.

assumptions.”¹⁷ What Gibson meant by “barbaric assumptions” remains vague. It could have ranged anywhere from economic autonomy, a willingness to take part in militia musters, or the freedmen’s supposed lust for the bodies of white women, but the odium that he cast on black freedom and martial spirit pervades his memoir. In the case of these returning veterans, Gibson lauded the ability of the Klan to “stay” their supposed barbarity and animality. For whites, the Klan provided a corrective to the freedmen’s assertiveness and the claims to freedom and manhood that military service had entailed.

For all of the terror the Klan directed at the freedpeople, many ex-slaves did not stand by idly as white Mississippians sought to circumscribe their newly won freedom. African Americans responded to the Klan’s campaign of terror by forming paramilitary organizations, joining state militia companies, and employing violence in defense of their rights as citizens and as men, and they did so in the counties where Klan violence was most acute. Due to the lack of a natural border with Alabama, white vigilantes from the Yellowhammer state often crossed into Mississippi in clandestine fashion and wreaked havoc. With Klan violence reaching its apogee in 1870, and with the federal government unable to prosecute the organization throughout the entirety of the South, Republican Governor James L. Alcorn signed a bill in July authorizing the creation of state-sanctioned militia companies. The state’s militia rolls immediately swelled with recruits. In Bolivar County, 206 freedmen mustered for the county’s militia. Approximately 1,413 freedmen mustered in Lowndes County. In nearby Noxubee County, a resounding 2,962 freedmen mustered for militia service across the county’s various beats. Rather than cowering in the face of white terrorism, significant numbers of freedmen joined Alcorn’s militia and demonstrated their keen understanding of what militia service meant for their ability to defend their tenuous claims to freedom and equality in the face of escalating violence.¹⁸

Black resistance took on a number of forms, and it began with African Americans using militias and paramilitary organizations to contest the political meaning of public spaces. In doing so, they used the militia as not only a means of exercising violence, but also as an institution whose threat of violence permitted them to remap the social and political geography of local communities and counties, thereby providing a visible counterpoint to the Klan’s campaign of terror. Their militias represented an extension of a form of resistance that Stephanie Camp has described during the antebellum period, where slaves created “rival geographies” on and around plantations as a form of “every day” resistance. Before emancipation, slaves utilized these geographies to engage in clandestine gatherings, to avoid labor, and to create pockets of individual autonomy within their slave quarters. Camp

¹⁷ J. M. Gibson, *Memoirs of J. M. Gibson: Terrors of the Civil War and Reconstruction Days* (Privately printed, 1966), 70.

¹⁸ Trelease, 290; Ibid, 277; Militia Rolls, 1870-1874, Mississippi Adjutant General’s Office, Series 212, Box 6098, Mississippi Department of Archives and History (cited hereafter as MDAH), Jackson, Mississippi. The only available militia rolls for 1870 are from Bolivar, Chickasaw, Lowndes, and Noxubee counties.

argues that in doing so, slaves temporarily stole themselves from their masters and transformed their bodies into sites of resistance rather than sites of white domination.¹⁹ These attempts to manipulate the social meaning of space continued during Reconstruction. Rather than creating rival geographies, however, freedmen used paramilitary organizations and militia companies to appropriate visible, public spaces that had previously been sites of black subjugation and white hegemony.²⁰

One of the more prominent spaces was the plantation. In 1871 in his testimony before a United States Congress Joint Select Committee, Charles Baskerville recalled that after the passage of Alcorn's militia bill, the black tenant farmers to whom he rented land began mustering and drilling on his Noxubee County plantation. "Some of my negroes got to drilling on the place at night," Baskerville lamented. He implored them "to stop it, upon the principle that they had no right to be mustering upon the plantation; that when they got ready and organized companies they must do like other people did; but I did not want them to be organizing into a militia company on my plantation . . ."²¹ Baskerville's testimony is telling. From his use of the first-person possessive to refer to the blacks on his plantation, it is clear that Baskerville was unable to accept the reality of emancipation, much less black citizenship and autonomy. Nor could he accede to the freedmen's intransigence on what had only six years before been a geography that embodied the fullest expression of planter domination. The martial pageantry performed by his ex-slaves, in the form of mustering, drilling, and marching, forced Baskerville to confront the reality of black citizenship as it occurred on his property.

Black militias also congregated on courthouse lawns. As Ariella Gross has shown, antebellum southern courthouses represented public spaces that solidified slaves' dishonored position in southern society vis-à-vis their masters. Nothing confirmed the postwar inversion of the South's social hierarchy quite like the sight of black militiamen drilling on the public squares, courthouse lawns, and in the streets of Mississippi's towns. In 1874, P. C. Hall brought his black militia company into Vicksburg and with their rifles in hand, began drilling at the courthouse and marching in the streets. Vicksburg had been a fertile ground for the recruitment of black regiments during the Civil War, and units belonging to the United States Colored Troops had served on occupation duty in the city.²² The reappearance of

¹⁹ Stephanie Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: UNC Press, 2004).

²⁰ For other scholars who have looked at how control of public space demonstrates changing power relations, see Yael Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge: Harvard University Press, 2012), 129-140 and Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge: Belknap Press of Harvard University, 2005), 12-104.

²¹ *Testimony Taken By The Joint Select Committee To Inquire Into The Condition Of Affairs In The Late Insurrectionary States*, 13 vols. (Washington: Government Printing Office, 1872), vol. XI, *Mississippi*. vol. I, 388. Hereafter cited as *Testimony Taken By The Joint Select Committee*.

²² Ariella Gross, *Double Character: Mastery and Slavery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2001); Anthony Kaye discusses the creation of USCT units in Warren County in *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007), 196.

armed African Americans conjured up the ghosts of Confederate defeat and the humiliation wrought by black martial identity. Much to the chagrin of the town's white citizens, marching black militiamen drove white women and children off sidewalks, while, as white-liner H. H. Miller recalled with disgust, "carriages containing gentlemen who had been out to places of entertainment were stopped and examined by armed men."²³ The sight of black militia companies drilling on courthouse lawns provided a dose of both rich irony and devastation for white onlookers who were unsettled by the sight of militarized black men appropriating public space. Of course, for the freedmen drilling on these grounds the meaning was much different. By appropriating geographies of symbolic importance, African Americans expressed their own freedom and claims to citizenship with visible displays of martial pride and by defying white violence on the very venues that had once been the grounds of their own oppression. Through the rituals of drilling, marching, and displaying their own martial efficacy, the presence of African American bodies, in shows of force and martial pride, transformed courthouses into forums for their claims to citizenship and manhood. Militias provided the central institution through which they could perform this transformation.

Black militias affected a similar transformation of polling places, as voting itself became a means to express black martial identity and citizenship. Further, if the importance of black militias and paramilitary units marching on polls held symbolic importance, it had a practical application as well in that it afforded freedmen protection. In Noxubee County in 1869, for example, white Republican James H. Rives remembered a company of freedmen, armed with pistols, going to the poll in Brooksville to vote in the face of Klan violence.²⁴ Six years later, after Mississippi's version of various and sundry rifle clubs had replaced the Klan as the most prominent threat to black citizenship, the state's freedmen again carried their martial identities to the polling place. Reuben Davis, a pre-war United States congressman from Aberdeen, testified before Congress and remembered with disdain how freedmen would go to vote dressed in military garb. He recalled how Mississippi's freedmen travelled to the polling places as militia units and voted in "companies," protecting themselves as voters and, in the eyes of Davis, circumscribing whites' access to the polls.²⁵ Moreover, by going to the poll as a militia unit, these freedmen used their militia membership and martial identity to transform the voting place into a hyper-masculine geography that linked militia service, martial identity, and guns as symbols of citizenship and voting. This practice was consonant with the era's increasingly violent politics, as well as how the freedmen imagined themselves as citizens within this militarized environment. Mississippi's freed population contributed to this environment out of necessity in the early 1870s, and it would be a salient feature of Mississippi politics until Redemption.

In addition to the symbolic acts of mustering, marching, drilling, and voting—

²³ *House Reports*, 43rd Cong., 2nd Sess., 1875, No. 265, 46; *Ibid*, 377.

²⁴ *Testimony Taken By The Joint Select Committee*, vol. XI, *Mississippi*. vol. I, 555.

²⁵ *Mississippi in 1875*, 527, 1053.

and the concomitant alterations and appropriation of public space connected to each—Mississippi's freedmen also used the militia to express their claims to citizenship and reaffirm their manhood in the face of white repression through violence itself. In 1870, nearly seventy Klansmen in Monroe County rode to the home of Alexander Willis, a freedman who had recently brought legal suit against a prominent local planter. Attempting to intimidate Willis, the Klansmen entered his home, pulled him into the road adjacent to his house, and commenced whipping him. Unfortunately for the normally secretive Klan, word of their incursion had spread. Washington Willis and other members of the local Loyal League followed the armed gang to Willis's home, waited for the marauders to congregate in the road, and opened fire on the Klansmen. Willis noted with pride and bemusement that the white interlopers fled so quickly that their disguises fell by the wayside.²⁶

At other times, Republican paramilitary groups proved much more proactive. This was especially true in Kemper County, where Reconstruction witnessed an endless campaign of killings and recriminations. Under the guises of the Klan, white Democrats assaulted freedpeople at night in their homes and attempted to assassinate Republican judges and constables in the streets of DeKalb. For example, Democrat Joseph Ball attempted to murder Republican judge W. W. Chisholm due to his cooperation with the United States Army as it attempted to quell Klan violence in the county.²⁷ When this failed, Klansmen from Alabama descended on Kemper County and attempted to assassinate Chisholm and intimidate black Republicans. Rather than being cowed, the Republicans responded in kind. Chisholm organized a biracial posse that not only policed the county, but that also responded to raids from Alabama by pursuing Klansmen across the state line.²⁸ Other times, Republican paramilitaries co-opted the Klan's tactics. In 1871, a black paramilitary group associated with the Loyal League invaded Ball's home as he slept, drove him from his bedroom, and gunned the Klansman down in a thicket adjacent to his house. Ball was able to crawl back to his home and inform his wife of his assailants' identities before he died.²⁹ Here, a black paramilitary group not only answered Klan violence, but it did so by using the Klan's own devices against it. Violating Ball's home and masculine dominion, the Loyal League symbolically undermined his claims to manhood and patriarchy via violence of their own, all the while making a stark assertion of their political prerogatives, citizenship, and self-defense by killing a

²⁶ *Testimony Taken By The Joint Select Committee*, 1184.

²⁷ James M. Wells, *The Chisholm Massacre: A Picture of Home Rule in Mississippi* (Chicago: Agency Chisolm Monument Fund, 1877), 54-55.

²⁸ *Ibid.*, 81-84.

²⁹ Lynch, *Kemper County Vindicated*, 107. Both Lynch, a Democrat, and Wells, a Republican, discuss the murder of Joseph Ball. Wells argues that Ball was murdered by Klansman out of fear that he planned to collaborate with federal authorities. Lynch, on the other hand, argues that the murder occurred shortly after Ball tried to assassinate Chisholm and that his dying declaration to his wife was that his assailants were local Republicans. While both accounts are undoubtedly partisan and polemical, in this case, Lynch's rendering of the affair is more detailed and supported by evidence in the form of the dying declaration and Chisholm's refusing to prosecute the men after Ball's death.

man who had played a prominent role in the Klan's campaign of terror.

In these skirmishes, African Americans emerged victorious. Yet, even when blacks did not prevail, the notion that violence was a necessary tool for the defense of their citizenship and manhood persisted. Asked why he fired on a white paramilitary unit during the Vicksburg riot of 1874, Washington Henderson stated the obvious to his Congressional interrogators: "I would be a pretty fool to stand there and see them shoot at me and do nothing. All I had to do was to fight as well as I could."³⁰ Henderson had ventured to Vicksburg in order to restore peace to a city that had just witnessed a putsch against the county's black sheriff. He had descended into the bowels of the white-liners' bastion of power to defend African American political legitimacy, and by extension the claims to citizenship and manhood that undergirded it. Violence was necessary for the defense of both. Indeed, the Vicksburg riot of 1874 witnessed the synthesis of black martial identity and violence into a hyper-masculine and warlike expression of citizenship that sought to affirm black political legitimacy. Although historians have perhaps rightly viewed the Vicksburg incident as a turning point in Mississippi given that it undermined the authority of Republican governor Adelbert Ames, the clash at Vicksburg also possessed a powerful, symbolic meaning in the way that its participants used the rationale of martial manhood to justify their participation in the affair. Ironically, it was on the old battlefield and in the faded trenches that had served as the turning point of the Civil War that Mississippi witnessed the turning point of Reconstruction and the fullest expression of black political violence.³¹

Following the Panic of 1873, Vicksburg, a city with a well-deserved reputation as a rough-and-tumble river town, experienced an acute economic crisis. While this development would have been problematic in any year, the fact that it occurred during the period of Republican governance exacerbated white Vicksburgers' festering angst. To compound Warren County Republicans' tribulations, in late 1874 it became apparent that a number of prominent black politicians were guilty of corruption and the misuse of public funds. When the implicating documents disappeared, the local taxpayers league blamed African American sheriff Peter Crosby. On December 2, a group of nearly six-hundred armed whites accosted Crosby and forced him to resign his office.³² Crosby chose prudence over valor and acquiesced to their demands. Two days later, however, Crosby telegraphed Ames that he "would not be able to obtain peaceable possession" of his office.³³ Given

³⁰ *House Reports*, 43rd Cong., 2nd Sess., 1875, No. 265, 278.

³¹ George Rable and William C. Harris each provide fine interpretations of the events surrounding the Vicksburg riot. However, their intent is not to look at what the violence meant for notions of citizenship and manhood, as I seek to do. I instead build upon and complement Emberton's analysis of the relationship between political participation and violence, two forces that were complimentary during the years following the Civil War. Rable, *But There Was No Peace*, 145-149; Harris, *Days of the Carpetbagger* (Baton Rouge: Louisiana State University Press, 1979), 645-649; Emberton, *Beyond Redemption*, 139-153.

³² Rable, *But There Was No Peace*, 145-150.

³³ Crosby to Ames, December 4, 1874, Adelbert Ames Governor Papers, Record Group 27, Box 994, Folder December 1-4, 1874, MDAH.

the absence of a statewide constabulary force, and because African Americans had maintained their arms and continued to muster independent of state sanction, Ames instructed Crosby to organize a posse comitatus and to retake his office. Crosby issued a call for assistance to the environs surrounding Vicksburg, and on December 7, 1874, Andrew Owen, an African American, brought between 120 and 500 armed freedmen to the city. After a brief discussion with the leader of the white militia, firing commenced. The better-armed whites defeated three separate columns of Owen's posse. Approximately twelve freedmen died, compared to one white man, with nearly twice that many black men suffering wounds.³⁴

Analyzing the motivations and rationale for marching on Vicksburg and attempting to reinstate Crosby illuminates how these African Americans deciphered the links between militia service, violence, manhood, and citizenship.³⁵ Before the riot, J. W. Smith, a veteran of the Union Navy happened upon the militia. Owen stated in his House Committee testimony that he reminded his men that anyone who did not have the courage to march to Vicksburg should fall back to the rear, for he planned to take the town, even if it meant wading through the town knee-deep in blood.³⁶ M. E. Kline, a white Vicksburg resident who also saw the militia outside of town, testified that black women were imploring their husbands to "Go on and fight for your rights," a not-so-subtle nod to the gendered motivation underlying these men's claims to citizenship and manhood.³⁷ Moreover, Kline noted that when he chastised the men for marching on the town against a better-armed foe, one freedman retorted, "he had but one time to die, and he would just as well die at one time as another, die fighting."³⁸ The reason for this, the man averred, was that he refused to live under the authority of an unelected government installed by force. To die fighting seemed necessary, even honorable, as he refused to legitimate the whites' putsch through his own submission. This language is telling, and each of these comments points back to the central role of organized violence in providing these men the means to guard their claims to masculinity and citizenship. Of course, this attempt at armed resistance ultimately did fail, and African Americans living in Vicksburg and its environs suffered from reprisals after the battle. Nonetheless, to read this incident as a failure misses the larger point of what access to collective

³⁴ Rable, *But There Was No Peace*, 148-149; *House Reports*, 43rd Cong., 2nd Sess., 1875, No. 265, VII; Gibson, *Memoirs of J. M. Gibson*, 75-77.

³⁵ The voices of African Americans in the South have been notoriously difficult to excavate given issues of illiteracy and, in the case of the Congressional investigations used in this essay, the reality that fear could often mute African Americans' protests given the public nature of the hearings. Moreover, when looking at whites' testimony concerning black violence during Reconstruction, historians have noted the propensity of many whites to exaggerate fears of black violence given their festering sense of racial paranoia. For this portion of the essay, however, I use white testimony given to Congress concerning what the African Americans who marched on Vicksburg said, and I take their testimony seriously. It is my contention that if those in Owen's posse were motivated enough to join the armed group and bring their own weapons to Vicksburg, then they were also quite likely to use the bellicose rhetoric detailed here to justify their actions.

³⁶ *House Reports*, 43rd Cong., 2nd Sess., 1875, No. 265, 437.

³⁷ *Ibid.*, 432.

³⁸ *Ibid.*

violence meant for these African Americans. The men who marched on Vicksburg to reinstate Crosby understood the importance of using force and what it meant for their own claims as equal citizens and men.³⁹

The nation as a whole also took note of the affair. Violence in the state highlighted the tension evident between state intervention and the freedmen's ability to claim their status as citizens and as men. How could the freedmen, many northerners asked, claim to be free and autonomous men who were worthy of citizenship when they depended on the power of the federal government to ensure their equality. Congressmen Omar D. Conger of Michigan and Stephen A. Hurlburt of Illinois articulated this tension in the starkest of terms in their 1876 summary of the affair when they asked northerners if they should,

say to the enfranchised voters of the South—creatures of its own word, staunch, true, and faithful to its government – we have given you these rights – we have made you men and citizens – we have given you the right to bear arms and to vote; now work out your own salvation as others have done; fight your way up to full manhood, and prove yourselves worthy of the endowments you have received at our hands.⁴⁰

Although Conger's and Hurlburt's interrogative was rhetorical, by 1875 many northerners and southerners would have replied in the affirmative. Even many freedmen seemed to recognize this reality, and, as their militia service indicates, they proved willing to muster, drill, march, and ultimately fight to prove both their "full manhood" and their prerogatives as citizens. These freedmen staked, in the starkest terms possible, their claims to citizenship at a time when they were most under siege. Only through militia service and the warlike pageantry that it engendered were their claims legible on the violent political canvas of the world the war made.

A month after the United States Army reinstalled Peter Crosby as the sheriff of Warren County, Governor Ames went before the Mississippi legislature and called for the reconstitution of the state militia, the creation of a constabulary force, the purchase of up to four Gatling guns, and sixty-thousand dollars in defense funding.⁴¹ While the bill had the obvious goal of providing the government with a mechanism to enforce order, the language that Ames employed to justify its passage evinced a gendered subtext related to the political value of masculinity and violence in Mississippi. Ames reminded the state's representatives that, "A free people should resort to every legitimate means to maintain, for their government, peace and order; and for themselves, personal security and liberty. It is now for you to decide how

³⁹ Ibid, 437; Ibid, 432.

⁴⁰ *Mississippi in 1875*, xvi, 527.

⁴¹ Rable, *But There Was No Peace*, 151; James Lynch, *Kemper County Vindicated*, 188.

that can best be done. The nation cannot regard with favor the appeal for help sent forth by those who supinely refuse to help themselves.”⁴² Ames well understood that within Mississippi and the nation at large there was an expectation that citizens and men defended their freedom. After the white-line coup in Vicksburg, Mississippi’s Republicans appeared both ineffectual and unmanly. Northerner Charles Nordhoff, for example, lambasted Ames and the Mississippi Republicans for not using an “iron grip” to subdue anti-Reconstruction insurgents as the Republicans had done in Arkansas. The militia bill provided a response to the critique that Mississippi’s Republicans lacked the ability and requisite manliness to enforce order. Most important, it signaled that Ames and the state’s Republicans would not allow their opponents to gain a monopoly on violence and the masculine political capital that came with it.⁴³

This bill’s intent was not lost on Mississippi’s white-liners. Their reaction to the bill was as swift as it was acerbic, and they used its passage as an opportunity to turn the militia and the possibility of black violence into a divisive political issue. Framing the creation of a militia as racialized despotism, the state’s Democratic newspapers cast the military organization as a hyper-masculine threat to white supremacy and manhood. *The Hinds County Gazette* proclaimed that the bill was nothing less than “Ames’s great effort to get up a standing army to intimidate and overawe the people of Mississippi.”⁴⁴ To some extent, of course, it was. Yet, when the Democratic press began to imagine what this “standing army” meant for white manhood, it struck at the very essence of how white men defined themselves. Addressing the Vicksburg white-liners on February 5, the *Jackson Daily Clarion* mocked what it saw as Ames’s heavy-handed response and wryly remarked, “You would not permit your homes to be invaded by a lawless mob with murderous intent, and because you repelled them and protected your hearthstones and your wives from slaughter, and worse than slaughter—take that!”⁴⁵ The *Clarion* continued five days later in more provocative terms, suggesting that a Republican militia meant the destruction of white male patriarchy and white men’s sexual monopoly over white women’s bodies, warning that, “When your wives and your children are driven out from their homes by the remorseless tax gatherer,” they will then, “go with them.”⁴⁶ The *Clarion*’s prophesy undoubtedly wreaked havoc in white Mississippians’ imaginations, conjuring up apocalyptic visions detailing the demise of white patriarchy and a reign of Republican sexual misrule that would overshadow their supposed malfeasance at the helm of the government. The state militia would provide the vehicle for this cataclysm. The *Clarion* warned its readers that once the militia took the field, “husbands and fathers will be torn from the fond embraces of their wives, amidst the piteous cries

⁴² Governor Adelbert Ames to the Legislature of Mississippi Session 1875 (Jackson, Mississippi: Pilot Publishing Company, 1875), MDAH.

⁴³ Charles Nordhoff, *The Cotton States in the Spring and Summer of 1875* (New York: Appleton and Co., 1876), 80–81.

⁴⁴ Untitled, *Hinds County Gazette*, February 10, 1875.

⁴⁵ Metropolitan Police Atrocity,” *Jackson Daily Clarion*, February 5, 1875.

⁴⁶ Untitled, *Jackson Daily Clarion*, February 10, 1875.

of helpless children.”⁴⁷ Fears of black men’s masculinity and sexuality became inseparable from Ames’s attempt to organize the militia.

The *Clarion’s* rendering of women as political objects and their sexuality as a signpost of the social order provided a potent rhetorical tool that framed the militia as a threat to the sexual and political sovereignty of white men. Nothing ignited the rage and anxieties of white southerners like the image of black men having sexual dominion over white women, and an anonymous pamphleteer writing under the pen name “Sister Sallie” evoked this nightmare scenario in lurid fashion. As Albert T. Morgan, a northerner living in Yazoo County, recalled, Sister Sallie, “declared that all the woes with which the South had been afflicted during the twenty years’ war which the Yankees had waged against them, were directly traceable to the unnatural and wicked relations which had previously existed between the white men of the South, her brethren, and their female slaves.” Sallie contended that their indiscretions had wrought all of the maladies of the era: war, disfranchisement, and economic hardship. This, however, was only the beginning of God’s smite. The pamphleteer added that “there was but one step remaining to complete their degradation to the level of the negroes, and that was the ‘marriage of their sister – their own, dear sister Sallie, to a buck negro.’”⁴⁸ The book’s appeal to politics, power, and sex resonated with the state’s white men, and surely frightened more than a few. Morgan recalled that, “old and young read it with avidity, and renewed their oaths of allegiance to Sister Sallie and to King Cotton’s ‘Table-round.’”⁴⁹ The passage of the Gatling gun bill, the *Clarion’s* warning of the threat the militia posed to white masculinity, and Sister Sallie’s suggestion that a racial and sexual reckoning was imminent all contributed to a political milieu in which black masculinity presented a dire threat to the very foundation on which white men’s patriarchal authority rested. Ames’s attempt to raise the militia embodied this threat.

Sister Sallie’s admonishment of southern white men contained more than a hint of imagination. Nonetheless, imagination can achieve resonance when it exposes the fissures and anxieties inherent in existing social structures. As circumstances would have it, when Sister Sallie’s prophesy of a racial and sexual apocalypse seemed to become manifest, white southerners acted accordingly. In Claiborne County, whites’ fear of miscegenation came to fruition in the biracial marriage of Haskins Smith and Ellen Smith in late 1874. Exacerbating these tensions, the community’s freedmen, understanding the threat that this marriage posed to Haskins Smith’s safety, began accompanying him on his trips into town, often armed and in *ad hoc* paramilitary groups. In the eyes of Claiborne County’s white population, here were armed black men, moving through public space in militarized fashion, and guarding a man who mocked the most precious shibboleth of white male authority. These freedmen not only provided a visible display of black manhood, but they used their

⁴⁷ Ibid.

⁴⁸ Albert T. Morgan, *Yazoo; or, on the Picket Line of Freedom in the South* (New York: Russell & Russell, 1968), 455-456.

⁴⁹ Ibid.

militia organization in order to uphold Smith's sexual prerogative.⁵⁰

Smith and his defenders incensed the county's whites. J. D. Vertner detailed his outrage to Congress in 1876: "I told the sheriff—a colored man—by the eternal god, if ever again such a thing were repeated, blood was thicker than water, and we would kill the last son-of-a-bitch."⁵¹ Vertner made good on his word. In response to this interracial marriage and the black community's subsequent use of force to defend Smith, whites in Port Gibson and Claiborne County organized into military companies. As political objects, women's bodies provided an imagined battlefield in an ideological war over the meaning of manhood and political power, an ideological war in which hyper-masculine freedmen threatened to undermine the foundations of white male authority. In order to affirm and defend their own claims to masculinity and patriarchal authority against this perceived threat, Vertner and his white neighbors formed a militia company. These companies provided an institutional vehicle through which white men expressed their contested claims over the sexual access to women's bodies, thereby affirming their own claims to manhood and political power in the process.⁵²

The specter of hyper-masculine and militarized freedmen—organized into military units and ostensibly ready to seize control of white women's chaste bodies -- induced a heightened sense of crisis for white men. They responded to the threat of black militias first by extolling their own sense of martial manhood, and then by denigrating the martial efficacy and manliness of the freedmen. This was especially evident in the aftermath of the Vicksburg riot. To be sure, while the city's white population effectively "won" the violent confrontation, how they imagined and remembered the riot proved as important as the outcome of the riot itself. The Vicksburg *Herald*, for example, framed the riot as a battle, and did so as a means of contrasting the martial efficacy and masculinity of the city's white men with the supposed cowardliness and unmanliness of the freedmen. According to the paper, when the two forces collided, "firing commenced on both sides," with, "the negroes fleeing after the first rounds, followed by the citizens with a desultory fire." The *Herald* noted for good measure that the white-liners followed by making a "terrific charge" that swept the remnants of Crosby's posse from the field.⁵³ This second battle of Vicksburg represented, for whites, nothing less than a violent ritual that confirmed their manhood and citizenship, and not in just the mere fact that they drove the "invaders" away from the city. The fashion in which they achieved their victory proved important in the way that it assuaged white men's beleaguered sense of masculinity through rituals of warfare—their spectacular charge and synchronized volleys—while also disparaging the supposed cowardice of the retreating invaders. The combat experience that militia service provided allowed

⁵⁰ *Mississippi in 1875*, 159, 527; *Ibid*, 192.

⁵¹ *Ibid*.

⁵² *Ibid*.

⁵³ Origins and progress of the Vicksburg Troubles as reported daily in the columns of the *Vicksburg Herald*: the responsibility clearly fastened on Gov. Ames (Vicksburg, MS: Vicksburg Herald Company, 1874), 6, MDAH.

white men to communicate their claims to masculinity and white supremacy at a time when they perceived both to be under siege.

By the late summer and early fall of 1875, Democratic paramilitaries began to reassert white supremacy through calculated displays of violence across central Mississippi. In Vicksburg, the city's white liners patrolled the streets day and night, halting black men in the streets and sometimes shooting them. In a petition to Ames, some of the city's residents warned the governor that they would refuse to vote unless he sent protection. In Yazoo City, local white-liners descended upon a Republican club meeting in early September, commenced shooting, and staged a *coup* against Republican sheriff Albert T. Morgan. In Clinton, white-liners disrupted a local Republican club meeting in the summer of 1875 and attacked the event's speakers and participants. Such was the scale of the chaos that militia companies from as far away as Vicksburg took the train to Clinton to participate in the affair, while the town's black population poured into Jackson in order to gain refuge. In each town, white militia groups used violence as a means of reaffirming white supremacy and challenging the African Americans' fragile claims to freedom.⁵⁴

Scholars have often read the end of Reconstruction with a decidedly teleological lens. They have taken the Panic of 1873, the Democratic tidal wave in the midterm elections of 1874, and the brazen use of violence by white paramilitary groups in 1875 as inevitably leading to Redemption. In Mississippi especially, they have viewed the fractious nature of the Republican Party under Ames and the success of white violence in the state's various race riots with a sense of foreboding. The Republicans' acquiescence to violence was, however, both contingent and contested. Their initial response to this surge in white violence reflected the political milieu of the era that exalted militia service, violence, and masculinity. Furthermore, if, as Emberton has argued, Americans after the Civil War viewed freedom as little more than a violent struggle between men, Republicans well-understood this reality when they attempted to meet the white-liners' threat. Recognizing the political meaning and uses of violence, many Republicans openly embraced the prospect of confrontation as a means to prove both their masculinity and their claims as citizens.

White and black Mississippians held similar views about the relationship between masculinity, militia service, and citizenship, with the noted exception that white Mississippians viewed the relationship between the three in exclusionary, racialized terms. Nonetheless, they agreed that violence made men, and that militia service provided men with a stage to act out their claims to manhood and citizenship. Republican newspapers drew on this mutual understanding when they commented on white violence in the late summer of 1875. Speaking for Republicans in Hinds County, the *Daily Mississippi Pilot* lampooned Democrats who hid "in ambush" and cowardly attacked Republicans with "infamous chicanery

⁵⁴ *Mississippi in 1875*, vol. II, 1353-1354; Vicksburg voters to Ames, September 14, 1875, Adelbert Ames Governor Papers, Record Group 27, Box 997, Folder September 11th-14th, 1875, MDAH; Morgan, *Yazoo*, 474; *Senate Reports*, 44th Cong., 1st Sess., 1876, No. 527, 308; Gibson, *Memoirs*, 98.

and fraud.”⁵⁵ “Give us the buccaneer,” the paper exclaimed, or, “the blood dyed ruffian, the intrepid highwayman,” rather than “the cowardly being who dogs our footsteps after nightfall and shoots our head off from behind a protecting tree.”⁵⁶ In lambasting the Democratic paramilitary groups that had taken to terrorizing the state’s black voters, the *Pilot* attacked them in language that would have been mutually intelligible to all men, regardless of race. The newspaper sought to cast white militias as cowardly and unmanly, while the men who joined these dastardly groups were unworthy of the prerogatives of manhood and citizenship.

Conversely, the paper framed the state’s Republicans as exemplars of manliness who were willing to engage in violence, albeit the right kind of violence. “The Republican party of Mississippi is not afraid,” the *Pilot* boasted. “It has its ranks unthinned, its confidence undimmed. If the Democracy feels that the best way to defeat is in an open contest, let it come on. If, on the contrary, it thinks than an ambush will serve, let it too try that. The Republicans will be prepared for both kinds of attacks.”⁵⁷ In late September, after Ames officially called the state militia into service, the paper continued with its bellicose rhetoric. It quoted Henry V before the battle of Agincourt and excoriated “weak-kneed” Republicans. Rather than appearing meek and unarmed, the paper encouraged Republicans to arm themselves with Winchester rifles. Most significantly, it provided a stark counterpoint to Democrats’ claims that the Republicans were weak and ineffectual, while encouraging the party rank-and-file to maintain a manly stance against white aggression: “The black men are not cowards. There are individual instances of recent occurrences that say they are brave and true. And the time has come when all Republicans are expected to show that they are not pusillanimous recreants and craven-hearted wretches that it were a slander to call men. They can do this by keeping up their organization; by holding their club meetings as usual; by calmly attending to their duties as citizens.”⁵⁸

One such duty of citizens was participation in the state militia. In response to the violence at Clinton and the breakdown of civil government and order in the state, Ames activated the state militia in late September of 1875. The militia had a nominal strength of two regiments, was concentrated in Jackson, and undertook its only notable field action in a march into western Hinds County. Given the limited scope of its actual operations during the month before the election, historians have seen Ames’s October militia as more farcical than effective, as a tepid attempt by Ames to assert his fledgling authority at a time when any semblance of civil government was crumbling.⁵⁹ This assessment was not, however, the view that Mississippians of both races took of the militia. As a symbolic display of black martial efficacy, the militia, however short-lived, provided a display of black martial skill and masculinity that emboldened the freedmen and piqued the ire of white

⁵⁵ *Daily Mississippi Pilot*, July 29, 1875.

⁵⁶ *Ibid.*, September 29, 1875.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, September 28, 1875.

⁵⁹ Rabale, *But There Was No Peace*, 157.

Democrats. The militia, remembered white Mississippian and anti-Reconstruction author James Lynch, held the potential to enable the state's blacks to "perpetrate in furtherance of the general scheme of carrying the State by violence." He continued, arguing that state-sanctioned violence encouraged the freedmen to be "intolerably arrogant and impudent."⁶⁰ Of course, it is easy to read Lynch's statement for what it was: a hyperbolic rant by a nineteenth century racist. Yet, what Lynch saw as arrogance and impudence might well have been an African American insistently asserting his political rights. Likewise, what Lynch saw as a despotic institution bent on carrying the state's election by force might have represented to the freedmen the only institution that allowed them to exercise the legitimate use of violence as a means of protecting their political prerogatives.

Whether it took the field or not, Republican newspapers also saw the militia as a sign of black manhood and citizenship. The ever-bellacose *Pilot* led the charge in defending black manhood and the militia. On October 13, 1875, the paper warned that the white-liners who had joined the campaign of terror and disfranchisement "must and will be punished if it requires the balance of the decade to do it. This is no holiday militia, with glittering regimentals . . . of empty show and pageantry. They are the posse comitatus of peace officers, and their enlistment and their arms mean business."⁶¹ The next day, the paper counseled the "terror stricken White Leagues to let the colored militia alone if you do not like them. If you do not trouble the militia, nor in any other way violate the laws, the militia will not trouble you."⁶² Adopting hyper-masculine and warlike language, the paper argued that the militia was prepared and willing to do battle with the state's white-liners, both physically and rhetorically. Casting the militia as the final arbiter of violence and authority in Mississippi, the paper appropriated a potent discourse of manhood and violence and argued that the state's freedmen possessed legitimate access to both.

This brazen assertion of manhood did not merely rebut the attempts of white Mississippians to delegitimize black militia service; importantly, it also spoke to a national discourse centered on the issue of political violence and the question of whether the freedmen were manly enough to exercise the prerogatives of citizenship. President Grant, for example, chided Governor Ames in September, urging him to show to the country that Mississippi Republicans "have the courage and the manhood to fight for their rights and to destroy the bloody ruffians."⁶³ This conflation of manhood, political rights, and violence was also evident in northern newspapers. *The Chicago Tribune* asked that since African Americans, "have been made free and given the ballot, why don't they resort to the bullet when assailed by the White Leagues?" Moreover, comparing southern violence to the U. S. Army's war against the Sioux on the Great Plains, the paper averred that, "Indians will

⁶⁰ James Lynch, *Kemper County Vindicated*, 191.

⁶¹ Untitled, *Daily Mississippi Pilot*, October 13, 1875

⁶² *Ibid*, October 14, 1875.

⁶³ Edwards Pierrepont to Ames, September 14, 1875, Adelbert Ames Governor Papers, Record Group 27, Box 997, Folder September 11-14, 1875, MDAH.

fight for their lives, is the Negro less manly and less plucky than the Indians?"⁶⁴ It mattered little to these armchair observers of biracial democracy that virulent white terror plagued Mississippi and had diluted the authority of the state government. Freedom was the privilege of men, and freedom was all the better when forged in the crucible of violence and warfare. Ames's militia organization, at least initially, provided the state's freedmen with an institution through which they could assert their manhood and citizenship within a political discourse that synthesized freedom and violence.

That the militia was an integral component in constructing black manhood and citizenship makes it even more notable that Ames disbanded it. While it was not Ames's intent, dissolving the militia and discouraging the state's freedmen from using violence deprived them of their most efficacious means of expressing their claims to citizenship and manliness. It was not a decision that Ames made lightly, nor was it an easy one. After the war, Ames wrote to historian James Garner that he "had a Mission with a large M," and it was to guide the state's freedmen toward citizenship. "The ballot," Ames reminded Garner, "is the free man's weapon of defence—the ex-slave was to be armed with it. I had to do with the working out of the problem."⁶⁵ Yet, while Ames did in fact have a problem, it was not in the way that he perceived it; Ames was a prisoner to the racist paranoia of his day, and his racial sensibilities and fear of a race war would ultimately overshadow his desire to arm the freedmen. Heeding the shrill cries of the state's Democrats, he feared that a race war was imminent if the militia continued to exist. On October 13, in what was euphemistically labeled a "peace conference," Governor Ames tendered his surrender to the white-liners. After meeting with Democratic leader James Z. George, Ames disbanded the militia and deposited its arms at the United States armory in Jackson in return for a promise from George that the state's Democrats would cease their violent campaign. The decision was as ignominious as it was ill-founded. It erased whatever façade of authority Ames continued to claim and ceded it to the state's Democrats and white-liners. Most importantly, however, it deprived the state's Republicans of an institution through which they could not only defend themselves, but that also allowed them to legitimate their claims to masculinity and citizenship. Disbanding the militia emasculated the state's Republican Party in the eyes of the white-liners, who now possessed a monopoly on violence and the claims to manhood and citizenship that came with it. If Ames's "mission with a capital M" was to secure for the freedmen the rights of citizenship and the ballot,

⁶⁴ *The Chicago Tribune* article is quoted in the *Daily Mississippi Pilot* on October 2, 1875.

⁶⁵ Ames to James Garner, January 17, 1900, Garner (James W.) Papers, Z/0432.000, MDAH.

he aborted his mission when he surrendered the militia to the state's Democrats.⁶⁶

The nature of white political violence and its relationship to notions of manhood and citizenship had always eluded Ames to an extent. In early 1875 he opened his address to the state legislature with an anti-dueling diatribe, lecturing his audience that, "The duelist fights either to prove the absence of cowardice or to kill his opponent. The years are but few since everyone had the opportunity to perfect his record for bravery."⁶⁷ This might have been true for a Union general who had seen victory in 1865, but for Confederate veterans the project of forging manhood through violence did not end at Appomattox. For the white-liners, Redemption came to represent this project's fruition. When the state militia wilted away following the October peace conference, and with the Federal government unlikely to intervene, the white-liners could now indulge in terror and claim sole authorship of the postwar discourse concerning violence, manhood, and citizenship. The words of the white-liners demonstrate as much. White Mississippian W. B. Cunningham remembered that in Madison County, after a compromise between local Republicans and Democrats, "the young bloods of the democrats were very much disheartened because they did not get a chance to use their guns they had bought."⁶⁸ While it was popular to blame the violence on either young party members or the poor, white southerners nonetheless began to reconcile violence with respectability. When interrogated on the character of an officer in his paramilitary company, H. R. Ware answered in the affirmative when he asked if the man was "worthy," "upright," and a "good citizen." Tellingly, Ware assured his interrogators, "He is a very violent man, but a man who is a good citizen." The two were not mutually exclusive. In fact, in the violent world the war made they were inseparable.⁶⁹

This affinity for violence manifested itself at polling places across the South. On these decidedly masculine and political geographies, white southerners used their militias to act out rituals of masculinity and violence that served to illustrate white supremacy and solidify black disfranchisement. Historians have often noted the manner in which white paramilitary groups and militia companies patrolled polling places and employed violence as a means of intimidating black voters. Yet, this superficial rendering of white paramilitaries only begins to capture and reconstruct the political meaning of white violence and its pervasiveness at polling places across Mississippi. Specifically, the manner in which these groups appropriated and

⁶⁶ Frank Johnston, "The Conference of October 15th, 1875 Between General George and Governor Ames," *Publications of the Mississippi Historical Society*, 6 (1902): 68-72. Editor's Note: Johnston, who, among others, was present at the conference between Governor Adelbert Ames and Democratic leader James Z. George, evidently relied on his memory in stating some twenty-seven years later that the meeting was held on October 15, 1875. The meeting was held on October 13 in the west parlor of the Governor's Mansion. See: *Mississippi in 1875*, xii-xiii. Letter book, Governor's Office, Administration of Adelbert Ames, July 27, 1875-March 20, 1876, Record Group 27, Series 802, 270, 275, MDAH.

⁶⁷ Governor Adelbert Ames's Address to the Legislature of Mississippi Session 1875 (Jackson, Mississippi: Pilot Publishing Company, 1875), MDAH.

⁶⁸ *Mississippi in 1875*, 527, 834.

⁶⁹ *Ibid.*, 1227.

dominated political space held a potent meaning about the relationship between manhood, militias, voting, and citizenship. Just as black militias transformed the social meaning of space in order to express black manhood and citizenship, so too would white militias use violence and hyper-masculine displays of force to pursue a similar goal. In doing so, they rewrote the definition of manhood and citizenship by circumscribing blacks' access to political space. White Mississippians used their militias to transform the meaning of political space and who possessed access to it, thereby creating an exclusionary definition of citizenship and manhood that buttressed white supremacy.⁷⁰

Transforming the social meaning of political space took a number of forms, but it often began with white men drawing on their martial identity as Confederate veterans and soldiers to transform polling places into racialized, hyper-masculine, and militarized geographies. In Monroe County, John E. Meek, a white southern Republican, recalled that white-liners dressed in Confederate military garb and acted as sentinels at polls. Other times, this transformation entailed the physical alteration of political space itself. At a polling place in Peytona in Claiborne County, one resident recalled that a local white militia, "had a trench dug, probably three or four days before the election, commanding the place where the polling was held, and they had their arms stacked there as we used to do in war."⁷¹ The local militia company then practiced taking up their arms and manning their trenches. While such a scene might have conjured up images of trench warfare at Vicksburg or Petersburg in the previous decade, in this war over the meaning of manhood and citizenship, Mississippi's white-liners found a new use for their old skills. They terra-formed the topography of the polling place, bending it to conform to their warlike definition of politics, as well as who they thought ought to have access to politics. White men thus acted out a martial identity that gave them the sole authority to define, with the threat of violence, who had access to political space. They did so in rituals that were necessarily warlike and that spoke in a language that all Mississippians understood. War and politics were each the domain of men, and by expressing their martial efficacy, white Mississippians sought to stake a monopoly on the claims to manhood and citizenship that martial efficacy entailed.

The white-liners also expressed their dominance of political space by donning their weapons in a way that highlighted their martial prowess. The historical record abounds with accounts of white men bringing rifles, pistols, and, most notably, cannons, into public spaces. In Clay County, the local Democratic club carried an artillery piece to their political rallies, using it as a show of force and a symbol of the Democratic strength.⁷² In Monroe County, T. B. Sykes recalled that the local white-line militia fired a piece of artillery in the mornings leading up the election, ostensibly to intimidate the county's freedmen. In this case, domination

⁷⁰ Rable, *But There Was No Peace*, 144-162; Eric Foner, *Reconstruction: America's Unfinished Revolution*, 560-563.

⁷¹ *Mississippi in 1875*, 527, 1140; *Ibid*, 179.

⁷² *Ibid*, 226.

of the freedmen's sensory perception, as well as political space, served to solidify the white-liners' claims to martial and political power.⁷³ No one summed up the symbolic meaning of weapons—and especially cannons—at polls better than Reuben Davis, who averred that in the racial and gendered strife of Reconstruction there was “power and strength” in having a cannon.⁷⁴ Artillery represented a technology that not only provided an imposing presence over political space, but that also offered a symbolic confirmation for the very basis of white authority. Just as they had imagined Ames's Gatling gun bill as a threat to their own claims to citizenship and manhood, the use of artillery pieces at courthouses, political rallies, and polling places confirmed white men's own sense of self in the way that it allowed them to dominate the state's warlike political milieu.

In other instances, the threat of violence gave way to the application of violence itself. This represented the fullest expression of white martial manhood and a concomitant debasement of the freedmen's claims to citizenship. In Starkville, one white Republican witnessed a white-line militia unit open fire on a black company that was marching away from a Republican meeting. Such was the severity of the violence that the man told Congress that, from that point, “there were no meetings held, and no attempt made to hold republican meetings there, because they thought it was not safe.”⁷⁵ This intimidation continued at polling places. In Claiborne County, white men brought their pistols to the polls and fired into crowds of freedmen. If politics had become a violent struggle between men, the white-liners' use of force rendered black militias and the freedman impotent. This was done, first, through the white-liners' ability to appropriate and then monopolize violence in the absence of the Republican militia. Second, violence allowed the white-liners to turn political space into venues for the expression of white manhood and white supremacy. Without access to masculine spaces and the claims to citizenship and manhood that these spaces entailed, freedmen's claims to citizenship proved untenable. In the eyes of the white liners, then, the violent social transformation of political space affected, simultaneously, the making of white citizenship and the unmaking of black citizenship. This had less to do with contradictions inherent to black manhood and citizenship, as Emberton contends, and more to do with white Mississippians' ability to appropriate the discourse of citizenship and manhood by violently writing African Americans out of it.⁷⁶

The responses of Republicans were varied, and some did attempt to reciprocate the white-liners' terror. According to freedman W. W. Edwards, he was “tired of running away. We had to fight.”⁷⁷ Sharing this sentiment, some freedmen maintained possession of their private arms, even if they only possessed shotguns, while some went to the polls in squads. More important, some freedmen continued to employ violence collectively. A number of freedmen in Wilkinson County retaliated against

⁷³ Ibid, 1158.

⁷⁴ Ibid, 1054.

⁷⁵ Ibid, 1202.

⁷⁶ Ibid, 182.

⁷⁷ Ibid, 1356.

the local Democratic club for whipping a black man and threatening black women and children.⁷⁸ Thus, even if the freedmen unwillingly ceded their claims to political space, the franchise, and their ability to join state-sanctioned militias, some stopped short of surrendering their control over the bodies of black men, women, and children to the would-be Redeemers. Nonetheless, one could hardly label this a victory. Due to a confluence of ineffective leadership in Jackson, the failure of Grant to intervene with the Army, and the infinite rage that fueled white discontent, the white-liners' wave of violence carried the election. Without an institutional basis for state-sanctioned militia organizations and facing a torrent of white terror that undermined their local political and self-defense networks, the freedmen lacked the ability to participate in this hyper-masculine and warlike political discourse.

At the beginning of the twentieth century, historian James Garner set out to write his dissertation on Reconstruction in Mississippi. As he pursued his research, Garner reached out to an aging Adelbert Ames. In their correspondence, Garner asked the former governor and architect of the "radical" faction in the state about the causes underlying Reconstruction's failure. Responding to Garner, Ames highlighted what he saw as the dominant trope in Mississippi politics: "Though the colored men were in the majority, they made no attempt to deprive the white men of their rights as the whites have since done to them."⁷⁹ Of course, to the modern reader this is unsurprising, as the subjugation of the state's blacks provided the basis for white equality. Yet, while white supremacy undoubtedly played a role in the logic of Redemption and the tragic events that followed, conflict over the meaning of manhood and citizenship undergirded racial inequality. Moreover, because the Civil War produced a hyper-masculine political milieu that extolled the virtues of political violence, militias provided the most important vehicle through which Mississippians of both races defined, defended, and contested competing conceptions of manhood and citizenship. Militias provided the state's freedmen with a means of asserting their new autonomy, freedom, and, most importantly, their masculine claims to political participation. For the state's conservative white southerners, militias provided a means for implementing their exclusionary and hierarchical view of democracy. Militias, then, provided a malleable form of political engagement that served the varied purposes of both races. These purposes were necessarily violent. Such was the nature, however, of the world the Civil War made. Militias provided Mississippians with a means of both understanding this world and shaping it.

⁷⁸ Ibid, 1536; Ibid, 1538.

⁷⁹ Ames to James Garner, January 17, 1900, Garner (James W.) Papers, Z/0432.000, MDAH.

Violently Amorous: The *Jackson Advocate*, The *Atlanta Daily World*, and the Limits of Syndication

by Thomas Aiello

On Saturday night, February 27, 1943, Percy Greene, editor and publisher of the *Jackson Advocate*, went to his office on Farish Street, the hub of Jackson, Mississippi's black business district. He had been hearing rumors that day involving Edward Tademey, principal of the Smith Robertson School. Smith Robertson, the first and most prominent public high school for Jackson's black residents, was the alma mater of Richard Wright and the symbol of progressive education in the city, marking Tademey as a public figure. The principal, according to the talk wafting through Jackson's nightlife, made unwanted advances to a group of women from Jackson College who were working at the school, which also served as a World War II ration station. Tademey promised the women jobs, telling them he would fire the existing faculty. Then he became "violently amorous," advancing on one of the women "until her dress was almost torn off and she screamed for help."¹ It was juicy Saturday night gossip, and it was everywhere. So Greene decided to publish it.

Greene founded the *Advocate* in 1938, but in October 1940 he joined the Scott Newspaper Syndicate (SNS) based in Atlanta. The SNS provided syndicated material for the *Advocate* and printed the newspaper on Auburn Avenue, Atlanta's version of Farish Street. So when Tademey sued for libel, he sued the Scotts. The resulting case spent the next three years in the courts, and in the process helped define both the scope of responsibility for newspaper syndicates and the limits of their influence. The black press in Mississippi and the South served a rural, impoverished population and relied on syndicates such as SNS to tie them to information networks throughout the South. Thus the case proved vitally important not just for Jackson or Atlanta, but for all the rural areas that relied on black southern syndication. The suit also demonstrated the inherent risk that syndicates took in accepting local news content without verification of its accuracy.

Mississippi's black press began in the aftermath of the Civil War, developing in fits and starts through Reconstruction and the Gilded Age, finally maintaining a legitimately strong presence in the early decades of the 1900s. In the first half of

¹ *Jackson Advocate*, March 6, 1943, 3.

the twentieth century, the visibility of the black press in Mississippi began to recede. The eighty-seven papers that existed between 1900 and 1920 became eighteen by 1940. By 1953, there were only eleven. Without urban centers, and with a virtual apartheid system in place in Mississippi, the ability of the black press to survive was dramatically hindered. Since there was no real black middle class in the state outside of a small urban core, there was no real way to make black journalism profitable. Most editors and publishers had other jobs as doctors or teachers or often as Baptist or Methodist ministers.²

Prior to 1954 only seven Mississippi towns had more than four black newspapers in their histories. Of the 116 black newspapers published in the first eight decades of the twentieth century, sixty-nine came from the same seven towns: Vicksburg, Natchez, Meridian, Jackson, Hattiesburg, Greenville, and Mound Bayou. The average newspaper circulation was between 500 and 1,000, a far cry from the numbers of larger papers in cities outside of Mississippi. But historian Julius Eric Thompson argues that information sharing in rural areas ensured that passing newspapers from one person to another increased the number of readers.³

The newspapers focused their interest on segregation, voting rights, and lynching. But Mississippi's stifling racism did not allow editors to inveigh against such injustices. Instead, the papers typically reprinted wire stories about such issues. Social news, church updates, and entertainment information usually dominated their pages. Thompson notes that what advocacy existed "shows them subscribing to the school of thought of Booker T. Washington."⁴

The *Jackson Advocate*, under the leadership of Greene, for example, highlighted black success stories and often criticized black Mississippians for contributing to their own problems, such as the tenuous state of black health. In late 1941, Greene's editorials called on his readers to better their health so they would not have to rely

² The roar of the 1920s didn't really reach black Mississippi, but the Great Depression of the 1930s certainly did, eroding a black press that was already struggling. Only thirty-three black periodicals existed in Mississippi in the decade and only fifteen of them were commercial presses, most housed in Jackson. (Fifteen commercial, six religious, two fraternal, ten educational). It was a significant decline considering the growth in the early century. In the 1890s, there were forty-six black periodicals. In the 1910s, there were sixty-six. Julius Eric Thompson, *The Black Press In Mississippi, 1865-1985* (Gainesville: University Press of Florida, 1993), 16; Julius Eric Thompson, "Mississippi," in *The Black Press in the South, 1865-1979*, ed. Henry Lewis Suggs, (Westport, CT: Greenwood Press, 1983), 177-210; Caryl A. Cooper, "Percy Greene and the *Jackson Advocate*," in *The Press and Race: Mississippi Journalists Confront the Movement*, ed. David R. Davies (Jackson: University Press of Mississippi, 2001), 56-57; Charles A. Simmons, *The African-American Press, with Special Reference to Four Newspapers, 1827-1965* (Jefferson, NC: McFarland, 1998), 63. For more on the publications emanating from Mississippi during this period, see the Mississippi section of the Ayer newspaper directories, which began in 1880 and continued through the civil rights movement. For example, *N. W. Ayer & Son's Directory of Newspapers and Periodicals, 1943* (Philadelphia: N. W. Ayer & Son, Inc., 1943).

³ Thompson, "Mississippi," 181-182; and "Oral History with Mr. Percy Greene," University of Southern Mississippi Center for Oral History and Cultural Heritage, <http://digilib.usm.edu/cdm/ref/collection/coh/id/2796>, accessed August 6, 2014.

⁴ Thompson, "Mississippi," 182-183.

on a white medical establishment that was not always interested in helping them. He also inveighed against black-on-black crime. White police were not inclined to deal with such disputes, so black behavior needed to improve on its own, Greene said. When the paper mentioned equality, it did not seek integration, it argued, instead, for equal standards within the segregated system. Editorials urged that black teachers, for example, deserved equitable pay in relation to their white counterparts. The *Advocate* spent much of its time railing against Germany and Japan and supporting the war effort, but was not shy about reminding readers that fighting for equality at home was a logical outgrowth of fighting for equality overseas. It was, like most papers in Mississippi, dedicated to endorsing protestant Christianity as the ultimate saving grace of all sufferers at home and abroad. Such was the *Advocate's* method—urging readers to solve their own problems with health and crime, rather than arguing for better treatment from white doctors and police, and arguing for equal pay in the segregated educational system rather than the end of segregation. This approach insulated the paper from potential white anger or reprisal for stances that whites might find too radical. White Mississippians had a low bar for what they deemed radical. Thompson argued that “Greene was caught between the old Booker T. Washington position of economic emphasis versus a strong demand [from his readers] that discrimination should end at once.”⁵

The *Advocate* quoted Washington's Atlanta Compromise regularly, but, significantly, it was under Greene's leadership that the *Advocate* became the most radical paper in the state, calling for black voting rights and political participation. That too was a Washingtonian strategy. Editorials calling for voting rights were understandable to whites (though not popular) and did not require increased contact between the races. Thus such editorial positions were considered relatively safe ground. They allowed Greene with plausibility to convince his readers that he had their best interests in mind and white politicians that he could steer black public opinion away from integrationist demands. Greene often lobbied in his newspaper for the Mississippi state legislature to fix problems with race relations in the city and state. At the same time, however, he assured whites that his motives included the best interests of both races of Mississippians. And so, as Thompson pointed out, Greene was a paradoxical figure who argued for black rights without really arguing for the renunciation of Mississippi's conservative political system. It bears repeating

⁵ Thompson, “Mississippi,” 182-184; Freda Darlene Lewis, “The *Jackson Advocate*: The Rise and Eclipse of a Leading Black Newspaper in Mississippi, 1939-1964” (MS thesis: Iowa State University, 1984), 14-31; and Colleen R. White, “The *Jackson Advocate*: 1938-1995, A Historical Overview” (MA thesis: University of Mississippi, 1996), 25-28.

that in Mississippi, the *Advocate* was the radical newspaper.⁶

Greene was born in 1898, a native of Jackson who developed in an age of Jim Crow, when Booker Washington was the model of black southern activism. He graduated from high school and took some collegiate classes at Jackson College before migrating north to various points in the Midwest, before serving in the first World War. After his honorable discharge, Greene returned to Jackson and fell into journalism not because of training or longstanding desire, but rather because he had been barred by racism from other options such as the law.⁷

Greene's paper had "a wide circulation and has several thousand subscribers in Jackson, Mississippi and in its immediate vicinity," as explained in court filings. It was "circulated by mail, by delivery to its subscribers, by newsboys on the streets, by sales at news stand, and otherwise, and is and was read by thousands of persons over a wide territory."⁸ Without any formal circulation numbers for the *Advocate*, it is impossible to know exactly how many people read the paper or were influenced by its news coverage. Still, the number of potential readers was large. Jackson's black population was just under 25,000 and Hinds County's was just over 55,000. There were more than a million black residents in the state. The potential influence of the *Jackson Advocate* was extensive.⁹ In his testimony during the original libel trial, Edward Tademey explained that the paper was circulated widely in Laurel and

⁶ Thompson, "Mississippi," 184-185. Booker Washington would do much the same thing. He believed that white southern intransigence was such that there was no fundamental advantage for advocating publicly and dramatically for rights. He had many examples at his disposal to prove his point. In such a situation, the only way to fight was to grow stronger within the paradigm, rather than trying to change the paradigm itself, just as a military unit would wait for reinforcements when hopelessly outmanned. "I do not favor the Negro's giving up anything which is fundamental and which has been guaranteed to him by the Constitution," he argued. "It is not best for him to relinquish his rights; nor would his doing so be best for the Southern white man." Still, there was a fundamental difference between relinquishment and outright advocacy. Overreach could only set everything back. But advocacy was something Washington was willing to do. He spoke to the Louisiana legislature in 1898, for example, urging them to reconsider the state's grandfather clause. He also organized and raised money for the cause behind the scenes. He did the same for Alabama's voting restrictions in 1901. He provided funds for anti-discrimination railroad suits and for suits challenging jury exclusion. He also funded the successful challenge to southern debt peonage. When it came to political participation, Washington considered rights talk fair game, but stopped at the water's edge of social participation. Louis R. Harlan, "The Secret Life of Booker T. Washington," *Journal of Southern History* 37 (August 1971): 393-416.

⁷ Cooper, "Percy Greene and the *Jackson Advocate*," 60-61; Simmons, *The African-American Press*, 64-65; and "Oral History with Mr. Percy Greene."

⁸ "Complaint" in Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 5-6. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA (hereinafter cited as "Complaint").

⁹ Most, however, could only read at an elementary school level. Only four percent of black Mississippians had completed a year of high school. *Sixteenth Census of the United States, 1940: Population*, Vol. 2, part 4, *Minnesota-New Mexico* (Washington, DC: USGPO, 1943), 199-308; and Julius E. Thompson, *Percy Greene and the Jackson Advocate: The Life and Times of a Radical Conservative Black Newspaperman, 1897-1977* (Jefferson, NC: McFarland, 1994), 27-28.

Hattiesburg, roughly ninety miles away.¹⁰

The black population was generally impoverished, particularly at the onset of the Great Depression; however, a legitimate if small middle class had developed, particularly in Greene's Jackson, which had its share of Washingtonian economic havens such as branches of the National Negro Business League and Black Chamber of Commerce.¹¹ Though Jackson's black middle class was large enough that the majority of Greene's advertisers were black businesses, white advertisers still made up a critical part of the *Advocate's* business.¹²

That made towing the racial line all the more important for the publisher. Greene and his newspaper were already lightning rods for controversy in the early 1900s and remained so in the decades to come, but controversy usually was generated within his own community. For example, while Greene supported the integration of the military during World War II, he opposed A. Philip Randolph's proposed March on Washington for Jobs and Freedom in 1941 to gain integration. Militancy only threatened white attitudes, he believed, and the state of black progress rested on cultivating white benevolence. Though he was a tireless champion of black voting rights, he remained a Washingtonian accommodationist on most other civil rights issues, frustrating activists and his readers throughout the state.¹³

Greene's status in the community had grown since his newspaper's founding. He was a Mason, an Elk, and a Knight of Pythias. He volunteered with the Selective Service System in the early years of World War II. He even maintained a correspondence with James W. Silver, head of the University of Mississippi history department, who wanted copies of the *Advocate* for his students to read at the state's venerated lily-white institution. Of course, his success did not come without controversy, as in the months following his Tademy editorials when the FBI began investigating whether or not Greene was receiving kickbacks for his Selective Service work.¹⁴

On March 6, 1943, Greene found himself mired in controversy for simply commenting on the local talk of the town in his editorial column, "Up and Down

¹⁰ In addition, Greene's original "report," if it can be called such, came from widespread public gossip that existed prior to the publications. "Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination," Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 68-69. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

¹¹ Cooper, "Percy Greene and the *Jackson Advocate*," 62; and Thompson, *Percy Greene and the Jackson Advocate*, 28-29.

¹² Julius Thompson analyzed issues surrounding this event, one in December 1942 and another in August 1943. In the December 1942 issue, 62% of the *Advocate's* advertisements were from black businesses, 38% from white businesses. In August 1943, the ration was 82% and 18%. Thompson, *Percy Greene and the Jackson Advocate*, 29-30.

¹³ Cooper, "Percy Greene and the *Jackson Advocate*," 62-63; and Julius E. Thompson, *Black Life in Mississippi: Essays on Political, Social and Cultural Studies in a Deep South State* (Lanham, MD: University Press of America, 2001), 23-34.

¹⁴ Greene was a volunteer for the Mississippi Selective Service System, helping people register. The allegations, never proven (the case was ultimately dropped), centered around Greene charging fees for helping potential registrants fill out their paperwork. Thompson, *Percy Greene and the Jackson Advocate*, 30-32.

Farish Street.”

“FARISH STREET SATURDAY NIGHT: The Ole Ave. was agog with gossip Saturday night as everywhere folks were asking one another and me ‘have you heard about Fessor’ Tademy, the principal of Smith Roberson School and then for fear that I had not herd and to be sure that I would hear they’d began telling one of the most revolting stories of moral degeneracy and depovity regarding the Principal of Smith Robinson School.”¹⁵

Greene explained that a group of young women were assisting at the school while people were registering for one of the ration books issued by the federal government during World War II. “After making amorous advances to the many of them to whom he gave his telephone number for future contacts,” wrote Greene, “supported by his promise that he was going to get rid of most of the teachers next year and give them all a job with the last one to enter his room he became so violently amorous [sic], until she resisted his advances he cought [sic] her with such persistence until her dress was almost torn off and she screamed for help.”

It was, he admitted, just a rumor being bandied about on Farish Street, but it seemed to be discussed by everyone. “In Professor Tademy’s case I am inclined to the old adage of ‘Where there is so much smoke there is bound to be some fire,’ and to every parent in the city of Jackson who looks to the school as an aid in installing into their children the finer virtues of manhood and womanhood the usefulness of Professor Tademy as Principal of Smith Robinson [sic] School and as a teacher in the Jackson public school system is over.” The onus for action was now on the school superintendent. “Professor Cobbins, despite of the reluctance that he might have to act against Professor Tademy on a ‘Morals’ charge, as Supervisor of Negro schools must now come face to face with the delemma [sic] continued in the injunction, ‘Judge ye not less ye also be judged,’” he argued. “Upon the failure of Prof. Cobbins to act immediately in the case of Prof. Tademy the Negro citizens of Jackson should carry the case to Prof. Walker less these periodic outburst of stories of moral laxity [sic] regarding school teachers be reflected in the lack of high moral and spiritual influence of the schools.”¹⁶

It was a damning exposé, but also an unsourced editorial that was devastating to Edward Tademy. Greene, however, was not done. The following week, he published another screed on the subject, this time with far more venom than amusement. “Everybody was still talking about ‘Fessor’ Tademy who, as more and more is heard about his approaches upon those young girls over at Smith Robinson [sic] school the other day, justifies the ‘Hep Cats,’ up and down the Ole Ave. in comically referring to him now as ‘Fessor Tademy The Great Lover.’” So while

¹⁵ The spelling errors are original to Greene’s editorial. *Jackson Advocate*, March 6, 1943, 3.

¹⁶ Ibid.

there was still some amusement, Greene's frustration was real. "What most folks wanted to know was what was going to be done in 'Fessor' Tademy's case and the best I could do was tell them what I heard that 'Fessor' Cobbins, The Supervisor of Negro Schools said about the case when the Principal of the schools asked him about what he was gonna do. 'Fessor' Cobbins when the question was put up and said that he couldn't act cause 'Fessor' Tademy's case hadn't been 'OFFICIALLY BROUGHT TO MY ATTENTION'.

"When I said that a couple of folks with children going to school one of them up and said, MY LORD ABOVE what kind of official notice does 'Fessor' Gobbins [sic] want other than a public and disgraceful scandal that grown folks, children, and everybody else is talking about up and down the streets of the city. One fellow says to me if that kinda story was to start about a teacher on the other side of the fence he would have had to leave town on the first train, and said further that now Tademy ought to be put out, and a lot of cleaning up ought to be done around Lanier High School. I hated to hear him mention Lanier High School on the account of my friend Prof. Sanders being the Principal out there and whose personal character I see as above reproach. Which led me to wish that he was in a position of greater authority so as to exert a greater influence on the whole Negro Public School System."

This was not personal, urged Greene, "but sometime when you get too close to a thing you can't see as somebody standing way off looking, and the reason folks try to show people things sometimes is to help and not hurt and ain't nothing never beat criticism and especially the kind that make folks mad." There were other problems at Smith Robertson. "There are a number of houses of shady reputation in the vicinity of the school where the students hang out when they ought to be in class or study; that there are too many girl students permitted to leave and return to the school after unlimited experiences of marriage and otherwise. And too much 'Society and Fraternalizing' of students and teachers." There was, to Greene's mind, only one viable solution. "Sometime you can't help an old house with paint, you just have to tear off some old and put on some new boards."¹⁷

Edward Tademy was the principal of Smith Robertson and the president of the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools. He began his teaching career in St. Joseph, Louisiana, but spent the bulk of his time, before becoming principal at Smith Robertson, in Hattiesburg, where he taught for ten years before moving to Jackson. There he joined the Central Methodist

¹⁷ *Jackson Advocate*, March 13, 1943, 3.

Episcopal Church, where he taught Sunday School.¹⁸ He had been married to his wife Rhoda for sixteen years.¹⁹ He was, by all prior accounts, an upstanding citizen.

On February 27, the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools was hosting a meeting, the theme of which was “Educating for Victory and Freedom.” It was an important event with representatives from the five counties that comprised the district.²⁰ Greene, too, was at the meeting. Sitting on the dais, he noticed the teachers laughing to themselves and pointing at Tademy, who presided over the meeting, rose to speak. This was not completely surprising. Tademy was short and fat and incredibly nearsighted, and his appearance was often the butt of jokes.²¹ Unfortunately for the principal, however, the laughter was not the result of his looks. Even without Greene’s questions, the teachers at that meeting were talking about the incident at Smith Robertson. It was, according to the editor, the predominant subject at meetings.²²

So Greene went to the college to verify the stories, then “to several other people who by that time—everybody was talking about it, in the pool rooms in the neighborhoods, my wife, and everybody else was talking about it.” Jackson College’s dean, Henry T. Sampson, told Greene “that everyone of those girls had made report that Professor Tademy had made some advance to them, and that it was unfortunate that they had told it and they had been unable to squash it, but it got out to be common rumor all over town.”²³

Tademy felt that he had to do something. In September 1943, he filed suit in federal district court asking for \$25,000 in actual and punitive damages in response to Greene’s claims that Tademy had “made love to several high school students

¹⁸ “I had taught school in Hattiesburg for ten years,” Tademy claimed in testimony, “and when I left one of the members of the PTA said they couldn’t know whether I was a man or woman because I didn’t flirt with the other women around.” “Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination,” 64-65, 70.

¹⁹ “Transcript of Evidence, Testimony for Plaintiff: Rhoda Tademy on Direct Examination,” Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 91-92. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

²⁰ The five counties that comprised the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools were Hinds, Yazoo, Warren, Rankin, and Madison. *Atlanta Daily World*, February 12, 1943, 3; and *Pittsburgh Courier*, February 13, 1943, 17.

²¹ “Transcript of Evidence, Testimony for Plaintiff: Irma Anderson Norman on Direct Examination,” Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 125. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

²² “Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination,” Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 110-112. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

²³ “Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination,” 110-112.

when they were signing up for Ration Book No. 2.”²⁴ Just how the damages were described was significant, because the hit to Tademý’s reputation was not all encompassing. At the time of the suit, he was still the principal of Smith Robertson, still president of the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools, and even assistant secretary of the Jackson Negro Christmas Cheer Club.²⁵ Tademý’s complaint argued that the articles “expos[ed] him to public hatred, contempt and ridicule.” Such was the case for punitive damages. He also claimed that the articles “reflected upon the professional integrity of plaintiff and tended to inure and damage plaintiff in his profession,” though that would be much harder to prove.²⁶

His lawsuit, however, was not directed at Percy Greene, who wrote the articles and edited the *Jackson Advocate*. Instead, the defendant was the *Atlanta Daily World*, or, technically, “the estate of W. A. Scott, deceased,” and thus each member of his surviving family, led by his brother C. A. Scott, who headed both the *World* and its Scott Newspaper Syndicate and served as administrator of the founder’s will.²⁷

William Alexander Scott, Jr., was born in 1902 in Edwards, Mississippi, the second son of Reverend William Alexander Scott, a pastor of the Christian church, and his wife. He originally attended Edwards public schools before moving to Jackson to continue his education. His father moved to the big city to create the Ferry Street Christian Church, and in 1914, the young W. A. was the first person baptized in the

²⁴ Tademý’s lawyer was Ross Robert Barnett, the man who would later become Mississippi’s infamous fire-eating segregationist governor. Barnett often worked for black clients in his practice. In fact, his first case as a practicing lawyer was for a black client. “I was employed by a Negro woman named Coressa Jones, to sue for the value of a side saddle. And Senator L. L. Posey defended the case.” Her ex-husband, George Jones, had the side saddle in his possession and I filed a replevin suit for the side saddle, valued at \$ 12.50. She paid me, I think it was, \$ 7.50 to take the case, so I argued for nearly half a day and lost the case before the Justice of the Peace.” Barnett appealed to the County Court. “And I went on and took a judgment for Ole Creecy Jones and she and George both were my clients from then on.” “Oral History with the Honorable Ross Robert Barnett, Former Governor of the State of Mississippi,” University of Southern Mississippi Center for Oral History and Cultural Heritage, <http://digilib.usm.edu/cdm/ref/collection/coh/id/8391>, accessed August 7, 2014; and *Chicago Defender*, November 20, 1943, 8.

²⁵ The Christmas Cheer Club provided food baskets to needy families during the holidays. *Pittsburgh Courier*, November 27, 1943, 14; and *Chicago Defender*, December 4, 1943, 19. Tademý would ultimately relinquish the presidency of the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools the following year, at the group’s 1944 meeting at the Southern Christian Institute in Edwards, Mississippi. The change in leadership was not the result of the *Advocate* controversy, but rather the normal rotational course of power transitions. *Chicago Defender*, March 11, 1944, 5.

²⁶ “Complaint,” 4, 6-7.

²⁷ *Chicago Defender*, November 20, 1943, 8; and “Docket 2701, *Edward Tademý v. C. A. Scott* as Administrator with will annexed of the estate of W. A. Scott, deceased, et. al.,” Clerk U. S. District Court, 2501-2750, Civil Actions, Vol. 130, National Archives and Records Administration, Atlanta, Georgia, RG No. 021, Stack Area AP, Row 19, Compartment 27, Shelf 06 [hereinafter cited as “Docket 2701”].

new venue.²⁸ The elder Scott was also a printer, building the William Alexander Scott building on Farish Street to house his Progressive Printing Company. Greene was a boyhood friend of the brothers W. A. and Cornelius "C. A." Scott, and their father's business was Greene's first exposure to black publishing. Ultimately, the Scotts would complete their secondary education at the high school department of Jackson College, just a few short years behind their friend Percy.²⁹

W. A. later transferred to Morehouse in Atlanta, and there, with the help of C. A., he began his small four-page weekly, the first issue appearing on August 5, 1928. In 1930, the *World* became a semi-weekly, and in January of the following year, Scott formed the Southern Newspaper Syndicate. In April 1932, the *World* became a tri-weekly along with several of the Syndicate companion papers, among them the *Chattanooga Tribune*, *Birmingham World*, and *Memphis World*. Finally, on March 13, 1932, the *World* became a daily. When the syndicate's reach began drifting beyond the bounds of the South in 1933, Scott changed its name to the Scott Newspaper Syndicate. The next year, in February 1934, W. A. was murdered, and his brother took over the company.³⁰ At the time of his death, the syndicate owned one daily, two semi-weeklies, and printed more than fifty other weekly papers that blanketed the South and parts of the Midwest. Its scope had diminished by 1943, totaling roughly sixteen newspapers, but it still remained influential, particularly in Scott's hometown, where his boyhood friend edited a paper that was part of the group.³¹

At odds in the case was the nature of black press syndication in the 1940s. The Scotts and their *Atlanta Daily World* did not "own, publish, manage or control the Jackson Advocate." Instead, Percy Greene and his staff wrote articles and editorials about the local news in central Mississippi, generated advertisements from

²⁸ His father, a Ph.D., an educator, and a fraternal leader along with being a minister, would later move to east Tennessee, where he preached at Jonesboro, Washington, and ultimately at West Main Street Christian Church in Johnson City. His son's membership would move there with his father, as there was no church of that denomination in Atlanta. *Atlanta Daily World*, February 8, 1934, 1, February 11, 1934, 8.

²⁹ Thompson, *Percy Greene and the Jackson Advocate*, 25-26.

³⁰ The murder of Scott was never solved, and the drama surrounding its investigation demonstrated the interconnected web of the black upper class in Atlanta and the volatility of those connections, particularly the connections between news, finance, insurance, and real estate. Those connections would only become stronger in the difficult early years of the Depression, which simultaneously made the stakes even higher for protecting wealth and ensuring a place in the volatile market. That interconnectedness insulated everyone and also ensured that they were protected from criminal prosecution in the event of a crime like Scott's murder. It was a situation that those on Farish Street almost certainly understood. The head of the largest black bank in Atlanta had a financial stake in the Scott estate, as did the most prominent black lawyer. Ultimately, the brother of Scott's fourth wife was implicated and ultimately tried for the crime. The argument was that the marriage (between Scott and his secretary) scandalized the family and created a desire for revenge in her brother. He was, however, acquitted, and the crime has never been solved.

³¹ *Atlanta Daily World*, February 8, 1934, 1, February 11, 1934, 6, February 12, 1934, 6, March 13, 1934, 1; *New York Amsterdam News*, February 14, 1934, 1; Alton Hornsby, Jr., "Georgia," in *The Black Press in the South: 1865-1979*, ed. Henry Lewis Suggs (Westport, CT: Greenwood Press, 1983), 127-130; Allen Woodrow Jones, "Alabama," in *The Black Press in the South, 1865-1979*, ed. Henry Lewis Suggs (Westport, CT: Greenwood Press, 1983), 43; and Roland E. Wolsely. *The Black Press, USA* (Ames: Iowa State University Press, 1971), 73-74.

local businesses, and then sent that collected material to Atlanta, where SNS staff organized a layout using the material and added syndicated national news from the *World* and other syndicate papers. They then printed the finished product and sent it back to Jackson. The syndicate's contact with the local content was limited to proofreading and the occasional addition of a headline.³²

This created the fundamental importance of the Tademey libel case. Without the relationship with Atlanta, Greene's paper could have survived (and would survive). Greene had Jackson and an outsized reputation in the state. Still, he would not have attained that initial success without a benefactor agency like the SNS, which allowed individuals with few resources to create newspapers. And for the vast majority of southern black newspapers, both within Mississippi and without, would-be journalists and entrepreneurs required those syndication and printing relationships with larger firms to be able to create a viable news network throughout the region. The Tademey case tested the limits of culpability in the relationship between syndicate printers and their member newspapers, and thus the growth limits for black newspapers in the South. While the libel occurred over a distinctly Mississippi incident in a distinctly Mississippi newspaper, Percy Greene's boyhood friends in Atlanta were heavily vested in its outcome.

W. A. Scott's four brothers, his three sisters, his mother, and his two sons all had the responsibility to deny the charge, and while they all did deny it, their denials were by no means uniform.³³ Most family members alleged that the defendants did not "own, publish, manage, control, sell or circulate the newspaper described in the complaint as the Jackson Advocate." Then there were responses from Scott brothers Lewis A. and Daniel M., for example, who claimed that "the defendants have had nothing to do with the operation or control of the newspapers in spite of continued efforts to get possession of their property since the death of the late W. A. Scott, manager and co-founder of the newspapers." Their brother Aurelius, who had been at odds with the family since his brother's murder, had a similar caustic response, not only denying Tademey's charges, but using the opportunity to charge his family members with incompetence and corruption.³⁴ It was clear that the Scott family's fight was not only an effort to define the limits of their culpability in defamation suits resulting from the actions of their member papers, but also an internecine battle between members of the family, whose stake in the business founded by their brother was far from equal.

³² The charges for these services varied, but averaged around \$50 per week. *Tademey v. Scott*, 68 F.Supp. 556 (1945).

³³ To that end, instead of one answer to the suit, the Scotts filed five over the course of October and November 1943. *Chicago Defender*, November 20, 1943, 8; and "Docket 2701."

³⁴ The salacious family charges aside, Aurelius and his brothers essentially argued that they could not have had any responsibility because they did not live in Georgia and were artificially barred from participation in the family business. *Chicago Defender*, November 20, 1943, 8; and Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademey v. Scott*, No. 2701, Civil Action, 12-24. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

Under direct examination, C. A. Scott claimed that the syndicate averaged about sixteen newspapers at any one time. "We have certain standard non-controversial non-partisan matter that we give these various papers we print," he said. "They, they supply the local stuff for the editorial page, social page and sports, and we supply four pages of standard material that is non-controversial, non-partisan that is circulated, to these various cities." Scott explained that the syndicate was different than the Associated Negro Press (ANP), which provided content for any paper that paid for the service, but that the syndicate did provide syndicated material written or rewritten in Atlanta for use in member papers.³⁵

The Scotts printed and sent between one and two thousand copies of the paper to Jackson. "We charge them so much for each column of newspaper composition we set up," said Scott, "so much per inch for the advertising, so much for making up the page, and so much per hundred copies for the paper, and we print those papers, in most cases, if they haven't paid us in advance, c.o.d." That generally totaled roughly fifty dollars per week. The syndicate set a paper's local material, then inserted material from the *Atlanta Daily World*, the ANP, or news from other member newspapers. The paper could choose which material it wanted included, or it could allow those choices to be made in Atlanta³⁶.

Most importantly for Scott, however, was the fact that the syndicate did not edit the local material. It did occasionally generate titles for articles that didn't include them, but other than that did not proof the submitted copy. "I did not know about the article," said Scott, referring to Greene's description of Tademy's behavior, "until I got a copy of the suit."³⁷ Scott had never met Tademy, had never received any correspondence from him, and had never been asked to retract anything printed for the *Jackson Advocate*.³⁸

In her own turn on the witness stand, C. A. Scott's mother Emmeline explained that among the additions that the syndicate included in its layout for member papers was national advertising content that profited the Atlanta group, and she admitted that it did benefit the syndicate if member papers had the largest circulation possible, but reminded the Court that neither the Scotts, the *World*, nor the syndicate read

³⁵ "Transcript of Evidence, Testimony for Plaintiff: C. A. Scott on Cross-Examination," Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 29-32. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.29-32

³⁶ Payment for such services would vary according to the work per week, "so much per hundred copies, so much per column inch for local composition, and so much per inch for advertising composition, and of course so much for makeup, if we had to do some special make-up, extra make-up we charged them." "Transcript of Evidence, Testimony for Plaintiff: C.A Scott on Cross-Examination," 33-38.

³⁷ "Transcript of Evidence, Testimony for Plaintiff: C. A. Scott on Cross-Examination," 39.

³⁸ "Transcript of Evidence, Testimony for Plaintiff: C. A. Scott on Direct Examination," Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 47-48. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

any of the submitted material for content.³⁹

The office of the *Advocate* was located at 125 ½ North Farish Street, “the outstanding negro street in Jackson,” and it had a circulation between 2,500 and 3,000. Still, it was a small operation, with only two employees. The nature of syndication allowed for such arrangements because Atlanta did the yeoman’s work of production.⁴⁰ The *Advocate* charged roughly forty cents per advertising inch, then charged for the paper itself. Then the syndicate charged the *Advocate* for various services. “The payment is based on \$1.00 a galley in excess of two galleys submitted per issue, or ten cents per inch, make-up for new advertising, and five cents charge, make-up charges for new advertising, with additional charge of \$1.50 for inside make-ups, and \$3.50 for extra front page make-up,” Greene explained in his own testimony. “What we pay them is determined by what we have for them to make up.”

“Naturally we don’t have the same amount of advertising each week. We may have four or five hundred inches one week and the next week we would only have twenty-five.

“Q. They pay according to the amount of advertising? A. And copy. We pay them \$1.25 per galley for copy.

“Q. What do you mean by galley? A. A galley is a certain number of inches of printed matter. A galley measures about 6 ½ inches.”⁴¹

Greene and the Scotts had an agreement for printing confirmed in a simple letter from Atlanta to Jackson. After Tademý issued the suit, however, the two formalized the relationship with a signed document for the purpose of cataloging the various responsibilities of both parties in the relationship.⁴² Scott further explained when re-called for further testimony that articles without a dateline definitely came from Greene. Articles from the ANP or SNS might have been chosen in Atlanta, or might have been clipped from the *Atlanta Daily World* by Greene and sent with his local materials to be included in his *Jackson Advocate* edition.⁴³

For most, however, the minutia of syndication relationships in the southern

³⁹ “Transcript of Evidence, Testimony for Plaintiff: Emmeline Scott on Cross-Examination,” Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 55-57. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

⁴⁰ “Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination,” 96-98; and “Transcript of Evidence, Testimony for Plaintiff: Edward Tademý on Direct Examination,” 67.

⁴¹ “Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination,” 99-100.

⁴² “Transcript of Evidence, Testimony for Plaintiff: C. A. Scott, Recalled Direct Examination,” Transcript of Record, United States Circuit Court of Appeals for the Fifth Circuit, *Tademy v. Scott*, No. 2701, Civil Action, 132-133. *Atlanta Daily World* records, 1931-1996, No. 1092, Box 25, Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, GA.

⁴³ “Transcript of Evidence, Testimony for Plaintiff: C. A. Scott, Recalled Direct Examination,” 136-140.

black press were the angels dancing on the heads of so many pins. Black Mississippi wanted to know what happened at the school. During the last week of February 1943, the Office of Price Administration (OPA) asked public schools to help issue Ration Book Number 2, and the white Superintendent of Jackson City Schools, Kirby Walker, charged Tademy with heading the effort at Smith Robertson. He had twenty-one of the teachers from his school and thirty-six students from Jackson College to assist with the process.⁴⁴

The group from Jackson College was mostly women, with a few exceptions. Their stint at the school lasted for a week, and it was quickly apparent to many of the students that Smith Robertson's principal was overly familiar, at the very least. Among the women was Irma Anderson, who claimed that she found herself alone in a room when Tademy entered and tried to put his arms around her. He was trying to kiss her, but she refused. He offered her his telephone number, but she refused. "Mr. Tademy," she told him, "I once had respect for you, but I don't have it now." The following day, Tademy again went to Anderson, this time promising her a job at the school after her graduation if she agreed to keep quiet about his advances.⁴⁵

She did not keep quiet, however, telling the leader of the group from Jackson College. That student then reported the incident to the school's dean of students, who then reported it to the college's president. Still, when Tademy filed suit and Anderson originally had to supply a sworn statement to court officials, she denied that the incident took place. "I didn't want to go to Court," she admitted during the trial. "I figured this would be what it was, and I said no; in fact to everything he asked me I said 'no.'"⁴⁶

Tademy, for his part, denied the charges. He had never tried to put his arms around Anderson, he said. He had taught her at nearby Lanier High School prior to his move to Smith Robertson and hers to Jackson College. "If I wanted to do anything mean," he said, "I could have done something mean maybe five or six years ago with them, because they were students over, high school students over at Lanier." Tademy's theory was that the entire project was a cabal by Jackson College members. Greene had attended Jackson College, as had Tademy's original competitor for principal of Smith Robertson. Anderson was obviously still attending. The administrators of the school believed her story. "I understand the Scotts attended Jackson College," too, Tademy told the court.⁴⁷

Tademy was at Smith Robertson the week following the ration book incident

⁴⁴ The OPA issued ration books to ensure that the limited resources of the United States could be distributed equitably during wartime. Ration Book Number 2 contained a series of red and blue stamps, the red for meats and dairy products, the blue for fruits and vegetables. *WWII War Ration Book 2* (Washington DC: USGPO, 1942), #L05.156, Memorial Hall Museum, Deerfield, MA; and "Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination," 68-69.

⁴⁵ "Transcript of Evidence, Testimony for Plaintiff: Irma Anderson Norman on Direct Examination," 119-127.

⁴⁶ "Transcript of Evidence, Testimony for Plaintiff: Irma Anderson Norman on Direct Examination," 119-127.

⁴⁷ "Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination," 83-90.

when Henry Bell, the school's janitor, showed him a copy of the *Advocate*. Shocked and angry, he went to confront Greene. Greene, however, was uninterested. He "showed him the places where he mentioned different things that I did, accused me of, told him not a word of it was true, and that he should have talked to me before putting anything in a paper like that," said Tademy, "and I asked him to retract, and of course, he was very discourteous and refused to do so, told me to go sue him."⁴⁸

Greene denied being discourteous, but admitted that he refused to retract his articles. "I had verified all of this stuff by conversation with teachers in the school," said Greene, "with the officials of Jackson College and other persons," including several teachers and Dean Henry T. Sampson.⁴⁹ Greene's two daughters attended Lanier High at the time, and he claimed that his only interest in printing the material was because he wanted the best, most reliable people in charge of Jackson's schools.⁵⁰

Greene's motives bore little on the judge's finding of fact in the case. Tademy claimed that more than four hundred people had asked him about the charges. A former colleague, a teacher then residing in Arizona, wrote him to say she had heard about the scandal. "It is," he said, "practically interfering with my work in the community seemingly." People read gossip, discussed gossip, "and perhaps sooner or later it might affect my work in the community if it keeps on." Tademy claimed that while he still held his job at Smith Robertson, "my supervisor said that in case that we fail in this case, that the public would force them to ask my resignation, not that they wanted to do it, on the truthfulness of this, but the public seem to be heated up over it."⁵¹

It was clear that Tademy's reputation had taken a hit. Arguing, however, that "perhaps sooner or later" tangible consequences would come from the publication was not substantive proof of actual damage. And thus Tademy lost his initial suit in federal district court in January 1945, before appealing to the U. S. Circuit Court of Appeals.⁵² In that original decision, Robert L. Russell, federal district court judge for the northern district of Georgia, ruled that Georgia statute argued that anyone seeking punitive damages for libel had to first alert the would-be defendants to give them an opportunity to retract the problematic material. Mississippi had no such statute, but when suing in Georgia, Russell ruled, the plaintiff had to follow the Georgia rules. It was a victory for the Scotts, the *World*, and the syndicate, but it was not a decision that completely abrogated their culpability. Russell was ruling on

⁴⁸ "Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination," 67-68.

⁴⁹ "Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination," 104.

⁵⁰ "Transcript of Evidence, Testimony for Plaintiff: Percy Greene on Direct Examination," 108-109.

⁵¹ "Transcript of Evidence, Testimony for Plaintiff: Edward Tademy on Direct Examination," 71-72, 75.

⁵² *Atlanta Daily World*, October 9, 1946, 6.

a finer point of the law, not claiming that Tademy's accusations were unreasonable.⁵³

On appeal to the Fifth Circuit Court of Appeals the following year, a three-judge panel doubled down on Russell's original ruling, arguing that "the judgment should have been one of dismissal without prejudice because of the plaintiff's failure to comply with the Georgia notice statute governing newspaper libel actions." The Court argued that it was unconcerned with "the evidence or the findings made on the merits" because such was beside the point if the Georgia law was applicable to the case. They found that it was, and thus Tademy lost again. Yet again the Scotts won without a clear definition of their role in the libel.⁵⁴

After being fired from the Jackson school, Tademy set out to prove that the damages he sought were not merely punitive. He was actually suffering. In 1947, he filed another suit including in his complaint a more elaborate explanation of his "great humiliation, embarrassment and mortification as a direct and proximate result of said libels, slanders and the publications thereof," but also some more tangible claims of actual damage. He claimed that he "actually lost his job as superintendent of a school in the City of Jackson for two years, which paid him the sum of approximately \$2400.00 per year, making a total in the sum of \$4800.00." Still, when combined with his continued pain and suffering, Tademy kept his asking price at \$25,000.⁵⁵

He also continued to maintain that he had complied with the Georgia law that required him to notify the defendants and allow them the opportunity to print a retraction. That remained a problematic claim, one that had been quashed in the appellate court, and so the Scotts' response emphasized the error. U. S. District Judge Robert L. Russell agreed. The claim was invalid. But the rest of the family's attempts to have the case dismissed failed. There would be another trial.⁵⁶

⁵³ The law in question was *Georgia Code*, Section 105-712. Russell's opinion rested on the fact that the damages sought by Tademy were merely punitive, which put the claim under the Georgia statute. "A different question might be presented if the plaintiff had proved any actual damage resulting from the libel," wrote Russell. "But as stated, no such damages are shown in this case." Tademy had not lost his job over the scandal. He had remained president of the Eighth Educational District of the Mississippi Association of Teachers in Colored Schools. He was still an officer in the Christmas Cheer Club. That comparative success put his claim under the aegis of the Georgia law requiring notification to potential defendants, giving proper opportunity for retraction. *Tademy v. Scott*, 68 F.Supp. 556 (1945).

⁵⁴ The judges were Samuel H. Sibley, Joseph C. Hutcheson, and Leon McCord. McCord wrote the opinion for a unanimous court. *Tademy v. Scott*, 157 F.2d 826 (1946).

⁵⁵ "Complaint," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA.

⁵⁶ "Answer of Defendant Esther Scott," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA. For decision and failed attempts at dismissal, see successive pages in Civil Action No. 3161, *Tademy v. Scott*, RG 21, US District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA.

The most pressing issue of the second inquest was Tademy's sight. He had almost no vision in his left eye and only marginal vision in his right. He had a cornea replacement and could only see out of his right eye with a contact lens, an incredibly rare device in the 1940s. Though there was plenty of confusion about just what a contact lens was, Tademy's essential argument was that he had used one the year prior to his firing, so the troubles with his eyesight could not have been the reason for his unemployment.⁵⁷

Kirby Walker, the superintendent of Jackson Public Schools, however, claimed that Tademy's dismissal was directly and only related to his eyesight. O. B. Cobbins, Jackson's director of Colored Schools, validated Walker's testimony. Tademy's vision problems, he claimed, were the sole reason for his dismissal. Still, Cobbins, unlike Walker, admitted to being aware of the sexual harassment controversy, and that it was a well-trod topic among teachers in the city.⁵⁸

The new testimony helped demonstrate to Judge Russell that, if nothing else, "the publication of the two articles in question likewise, in some measure at least, contributed to his failure to secure employment as a teacher for at least one year, 1945-46. Furthermore," he noted, "the libelous articles will affect him to some extent in the future." Tademy's eyesight, however, was surely another determining factor in his failure to find employment, and the suffering described by the plaintiff had really been dismissed in the first trial. Russell awarded Tademy \$1,000, which the *Atlanta Daily World* quickly paid.⁵⁹ The case had come to an end.

It was not without its consequences. The boyhood friends who had cemented their adult relationship through a syndication agreement for Greene's paper severed that bond in July 1946, when Tademy's original appeal was before the Fifth Circuit Court of Appeals. The relationship had been strained by the case, as the Scotts essentially took the blame for Greene's assertions. They also paid the bill, because the

⁵⁷ In 1948, in the months before the trial, Tademy had another corneal procedure, this one a transplant, on the same left eye. "Deposition of Edward Tademy, Plaintiff, February 28, 1948," Civil Action No. 3161, *Tademy v. Scott*, 8-15, 22, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA.

⁵⁸ "Depositions of Kirby Walker and O. B. Cobbins, February 12, 1948," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA.

⁵⁹ "Findings of Fact," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA; "Judgment," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA; and "Statement of Court Costs," Civil Action No. 3161, *Tademy v. Scott*, RG 21, U. S. District Court, Northern District Court of Georgia, Atlanta Division, Cases Other Than Bankruptcy (General Index Cases) 1912-1959, Case Nos.: 29176-29189, Box No. 1275, accession number 29189, National Archives and Records Administration, Atlanta, GA.

court costs for two federal civil trials surely outstripped the small fees that Greene paid into the *World* for syndication. Black southern printing and syndication services, however, were few and far between, so Greene signed a printing agreement with Patton Publishing, a white Jackson firm.⁶⁰

He was able to make such a deal because of the Washingtonian credentials he had established throughout the decade. Arguing for political rights while willingly sloughing off social rights had paid off, just as it had for Booker T. Washington, who had been able to parlay his own voting rights activism and social accommodationism into white philanthropy for black education throughout the South. Whether solidifying his paper's relationship with local whites strengthened Greene's position in Jackson or the end of the Depression increased the purchasing power of subscribers and advertisers, the *Jackson Advocate's* circulation grew through the rest of the decade. Meanwhile, the syndicate also experienced continuing success. The SNS had thirteen member newspapers at the time of the *Advocate's* move to Patton Publishing. It kept between nine and thirteen throughout the rest of the decade.⁶¹

Syndication among the black presses operating in the first half of the twentieth century is often misunderstood. The *Chicago Defender*, for example, created several member papers to expand its reach. So, too, did the *Pittsburgh Courier* and the Baltimore *Afro-American*. At the same time, there were news services like the Associated Negro Press that provided national news copy to black newspapers.⁶² But the Scott Newspaper Syndicate combined printing services and news copy to create a vehicle for small operations throughout the South and the Midwest to provide an outlet for African Americans to get news that concerned them. For small publishers in Mississippi, that relationship could be absolutely vital, but as the Tademey case demonstrated, the relationship between the syndication service and its members could also be problematic. The existence of the syndicate helped formalize knowledge among the black population, particularly in the South, providing information that readers could get from no other source. At the same time, however, its influence stopped at the water's edge of the opinion page. In most cases, those opinions aligned. Both Greene and the Scotts remained Washingtonian conservatives, and both the *Atlanta Daily World* and *Jackson Advocate* were known for their moderate positions on civil rights activism as the 1940s gave way to the 1950s and 60s. Still, there was no fundamental requirement that those positions align. And in the era before World War II and the civil rights movement, when the SNS was responsible for that many newspapers, beyond its own *Atlanta Daily*

⁶⁰ "Cash receipts," OBV 19, *Atlanta Daily World* records, 1931-1996, Manuscript Collection No. 1092, Emory University Manuscript, Archives, and Rare Book Library, Atlanta, GA; and Thompson, *Percy Greene and the Jackson Advocate*, 26-27.

⁶¹ "Cash receipts," OBV 20 through OBV 45, *Atlanta Daily World* records, 1931-1996, Manuscript Collection No. 1092, Emory University Manuscript, Archives, and Rare Book Library, Atlanta, GA; and Thompson, *Percy Greene and the Jackson Advocate*, 26-27.

⁶² See Lawrence D. Hogan, *A Black National News Service: The Associated Negro Press and Claude Barnett* (Hackensack, NJ: Fairleigh Dickinson University Press, 1984).

World, fact-checking evidence about locals behaving badly in a Jackson, Mississippi, high school was practically impossible.

There was obviously a significant difference between meaningful rights activism and local gossip about a community leader becoming “violently amorous,” but that did not diminish the importance of the latter. The Tademy case enthralled black Jackson and frustrated the Scotts in Atlanta, but, more substantively, it allowed the courts to draw the lines of culpability for syndicates that published the work of others, and even though the SNS eventually lost the judgment, it was a small judgment, decided on technicalities and years in the making. It thereby provided a form of insulation for the *Atlanta Daily World* and its syndicate to do the work of creating a viable black southern news network. Formalizing news coverage across a region dominated by Jim Crow was fundamentally important to the development of a unity of thought among black southerners in the generation before the civil rights movement. That unity could have developed regardless of the outcome of Edward Tademy’s libel suit, but the consequences of his case provided for the first time a horizon line for the syndicate’s culpability in printing the black South’s news.

Awards Presented at the 2014 Mississippi Historical Society Annual Meeting

The Mississippi Historical Society honored groups and individuals for achievements in the field of Mississippi History at its annual meeting March 6-8, 2014, in Jackson.

The society's highest honor, the B. L. C. Wailes award for national distinction in the field of history, went to Vicksburg native William R. Ferris, founder of the groundbreaking Center for the Study of Southern Culture at the University of Mississippi and former chair of the National Endowment for the Humanities.



William Ferris received the B. L. C. Wailes Award from Peggy Jeanes, Jackson.

Ferris's broad areas of scholarship cover the fields of folklore, American literature, music, and photography. While at the University of Mississippi he co-edited the *Encyclopedia of Southern Culture*, a major reference work with entries on every aspect of southern culture that links popular, folk and academic cultures. His film *Mississippi Blues* (1983) was featured at the Cannes Film Festival. Among his sound

recordings are *Highway 61 Blues: James "Son" Thomas* (1983) and *Bothered All the Time* (1983). He is the author of *Ray Lum's Tales of Horses, Mules, and Men* (1992), *Local Color* (1982), and *Images of the South: Visits with Eudora Welty and Walker Evans* (1978). His most recent books are *Give My Poor Heart Ease: Voices of the Mississippi Blues* and *The Storied South: Voices of the Writers and Artists*. Ferris is senior associate director of the Center for the Study of the American South and the Joel R. Williamson Eminent Professor of History at the University of North Carolina, Chapel Hill.

Barbara Carpenter, retired director of the Mississippi Humanities Council (MHC), received the Dunbar Rowland Award for her lifelong contributions to the preservation, study, and interpretation of Mississippi history. Carpenter spent twenty-seven years with MHC, seventeen as its director. Under her guidance the group developed programs such as Food for Thought and Family Reading Bonds that helped bring humanities programs to communities across the state.



Barbara Carpenter, retired director of the Mississippi Humanities Council (MHC), received the Dunbar Rowland Award from Peggy Jeanes, Jackson.

"Dr. Carpenter helped to create the Mississippi Oral History Project, a partnership with MDAH and the Center for Oral History at the University of Southern Mississippi, that has helped capture the story of Mississippi through the voices of its people in hundreds of recorded interviews," said MHC director Stuart Rockoff. "These records of the state's rich and diverse history will be used for generations to come."

William F. Winter and the New Mississippi: A Biography by University of North Carolina–Greensboro professor Charles C. Bolton was awarded the McLemore Prize

for best history book of 2013. This first biography of Winter, the former Mississippi governor known for his support for education and racial reconciliation, traces his life and influences from boyhood days in Grenada County to his service in World War II and through his long career of public service in Mississippi.

Ty Adair received the John K. Bettersworth Award for outstanding history teacher. Adair served eight years in the United States Navy before becoming a teacher. He teaches Advanced Placement European history and United States government, U.S. history, world history, and Mississippi studies at Starkville High School.



University of North Carolina–Greensboro professor Charles C. Bolton (r) was awarded the McLemore Prize for best history book of 2013 by William “Brother” Rogers, Starkville.

“One of the qualities that sets Mr. Adair apart is his rigor in the classroom,” said MHS board member William “Brother” Rogers. “He requires lots of essay writing and gives personalized feedback on every essay, which takes a lot of time. He meets with students after school and, as the AP exam approaches, on Saturdays. He definitely goes above and beyond to prepare his students for success.”

The Chickasaw County Historical and Genealogical Society received the Frank E. Everett, Jr. Award for its outstanding contributions to the preservation and interpretation of local history. Founded in 1979, the society has collected and preserved records dating back to the late 1800s and built the Chickasaw County Heritage Museum, including a 1,600-square-foot addition for research and additional exhibit space.

The Elbert R. Hilliard Oral History award was presented to Mississippi State University Libraries for “Echoes of Lloyd-Ricks-Watson.” The project recorded the



Ty Adair received the John K. Bettersworth Award for outstanding history teacher from Berry Shaw, Gulfport.

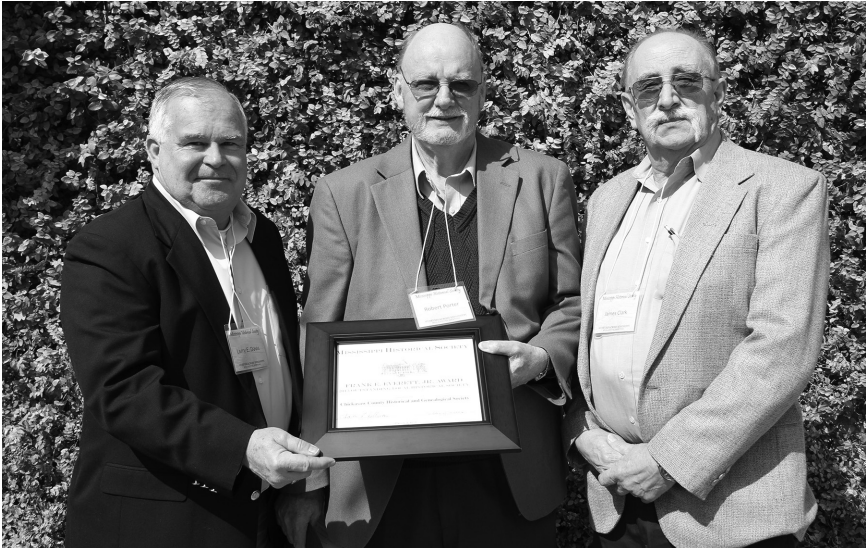
memories and stories of more than forty MSU faculty and staff, former and current, who have worked at the Lloyd-Ricks-Watson Building, home to the university's agricultural programs, including the MSU Extension Service.

Wendy D. Smith of the University of Mississippi won the Franklin L. Riley Prize for her doctoral dissertation, "Perfect Harmony: the Myth of Tupelo's Industrial Tranquility, 1937-1941," which she completed for her Ph.D. in history. Janet Bruce from California State University at Northridge received the Glover Moore Prize for her master's thesis "Nineteenth-Century Natchez, Mississippi in Photographs: Two Perspectives."

Awards of merit were presented to the Center for Oral History and Cultural Heritage at the University of Southern Mississippi for its exemplary collaborations with statewide and national museums; Greenwood Cemetery Association for its work in preserving, maintaining, and interpreting the historic Greenwood Cemetery in Jackson; Paul Jermyn of Long Beach for his work in locating, securing, and sharing innumerable historic images and documents; Mississippi College Law Library for its work in establishing the Judicial Data and Legislative History projects; Lois Swaney-Shipp of Oxford (formerly Holly Springs) for her leadership in helping establish and direct the Marshall County Historical Museum; and the Warren County Master Gardeners and the Vicksburg National Military Park for their work in establishing, maintaining, and interpreting the Heritage Demonstration Garden at the park.



Dean Frances Coleman, Mississippi State University Libraries, received the Elbert R. Hilliard Oral History Award.



The Chickasaw County Historical and Genealogical Society received the Frank E. Everett, Jr. Award. Pictured here (l-r) are Larry Davis, Robert Porter, and James Clark.



Wendy D. Smith (left) of the University of Mississippi received the Franklin L. Riley Prize from Elizabeth Payne, University of Mississippi.

Program of the 2014 Mississippi Historical Society Annual Meeting

by Larry A. Albert, 2014 MHS Program Committee Chair

The Mississippi Historical Society held its annual meeting March 6-8, 2014, in Jackson, Mississippi. The program, which had as its theme “Museums across Mississippi,” began Thursday, March 6, at 5:00 p.m. with a welcoming reception at the Mississippi Museum of Art, followed by the annual dinner meeting of the Society’s board of directors at the Fairview Inn.

On Friday, March 7, activities shifted to the Old Capitol Museum, where Society president Charles L. Sullivan called the meeting to order in the historic House of Representatives chamber. “I was amazed to discover the Society had never featured museums at its annual meeting, but the idea was so obvious it hid in plain sight,” said Sullivan. “Museums are where the work of the historian reaches the public across all bounds of age, gender, race, and creed. The vast majority of people do not read very much, but whole families will visit these institutions. Museum exhibits are the single most important disseminator of historical knowledge.”

Clay Williams, director, Old Capitol Museum, Mississippi Department of Archives and History (MDAH), extended welcoming remarks that included comments on the building’s latest restoration. Kenneth H. P’Pool, deputy state historic preservation officer, MDAH, presided over the first session. In the opening presentation, Val Husley, curator emeritus, Maritime & Seafood Industry Museum in Biloxi, described how Hurricane Katrina had destroyed the museum on August 29, 2005, and reviewed the work of Biloxi native, Daria Pizzetta, who was leading the design team of H 3 Collaboration of New York in the rebuilding project that has a projected completion date of August 2014. Dr. Hulsey noted that Pizetta had referred to the design of the new building as the “Ship in the Bottle.” In his presentation, Dr. Hulsey also described some of the artifacts that had been rescued for the exhibits in the new museum. Chad Daniels, director, Mississippi Armed Forces Museum, gave an interesting description of the museum’s existing exhibits and noted that there is no charge for admission to the museum, which is located at Camp Shelby. He further described the museum’s plans for future expansion that will include new exhibits pertaining to the “War on Terror.”

Betsy Bradley, director, Mississippi Museum of Art, presided over the second general session that included presentations by Doug Myatt, director of collections and exhibitions, Walter Anderson Museum, and Tommie Rodgers, registrar, Lauren Rogers Museum. Myatt described the damage that had been wrought to the Walter Anderson Museum by Hurricane Katrina along with the destruction of nine buildings at Shearwater Pottery, where Walter Anderson’s relatives continue to live and produce art for sale. He stated that the museum exhibits and the Walter Anderson murals in the Ocean Springs Community Center had been restored by specialists

in art conservation. Myatt further noted that the Walter Anderson Museum, which opened in 1991, continues to attract visitors to Ocean Springs from all over the world. Ms. Rodgers provided a fascinating account of the history of the Lauren Rogers Museum in Laurel. She informed the audience that the museum, which has an outstanding collection of European and American art, Native American baskets, English Georgian silver, and Japanese wood blocks, had been established in 1923 following Lauren Eastman Rogers's death from appendix surgery at age twenty-three. Ms. Rodgers stated that the museum had recently undertaken a \$5 million improvement project that included the expansion of the curator's vault and the addition of a monumental space containing an eight-foot Dale Chihuly chandelier. She also noted that the museum, in addition to having permanent collections of national significance, schedules special exhibits featuring the work of prominent artists on a regular basis.

The annual meeting luncheon was held in the Old Capitol Inn with Ann Atkinson Simmons, the Society's vice president, presiding. The Reverend William Hanna of Madison delivered the invocation. H. T. Holmes, director, MDAH, introduced Lucy Allen, director, Museum Division, MDAH; Cindy Gardner, director of collections, MDAH Museum Division; and Jacqueline Dace, director, Mississippi Civil Rights Museum, MDAH, who presented an interesting and detailed report on the Two Mississippi Museums project that involves the construction of the Museum of Mississippi History and the Mississippi Civil Rights Museum that are scheduled for completion in December 2017 as part of the state's commemoration of the bicentennial of Mississippi statehood.

Following the luncheon, the Society's annual business meeting was called to order by Charles Sullivan, Society president. The actions taken at the business meeting are recorded in the minutes of the meeting that are published in this edition of *The Journal of Mississippi History*.

The third general session was held at the Old Capitol Museum at 3:00 p.m. with the Society's immediate past president, Mary Carol Miller of Greenwood presiding. Malika Polk-Lee, chief administrative officer of the B. B. King Museum in Indianola, delivered an interesting presentation on the museum that interprets the life of the renowned musician. She described the museum's state-of-the-art exhibits, as well as the varied educational programs that are scheduled each year. Shelley Ritter, director of the Delta Blues Museum in Clarksdale, informed the audience that the Delta Blues Museum had been established to collect, preserve, and interpret the history of Blues music, which has become very popular in Europe and other areas of the world. Ritter also described the various educational programs that are sponsored by the museum. Malcolm White, director, Tourism Division, Mississippi Development Authority, presented an interesting description of the Mississippi Music Trails project that involves the erection throughout the state of distinctive historical markers related to historical personages, events, and sites associated with the history of Mississippi music. He noted that, in many respects, Mississippi can be considered the birthplace of Blues, Rock and Roll, and Country

Music and emphasized that the Mississippi Music Trail project provides our state the opportunity to relate its own story about the birthing of much of the great music enjoyed around the world.

The President's Reception, which was sponsored by Professor Sullivan's sister, Janet Sullivan of Natchez, was held at the Old Capitol Inn at 6:00 p.m. on Friday evening. Charles Sullivan, Society president, presided at the banquet that followed the reception. The banquet invocation was delivered by Dr. Westley F. Busbee, Jr., chair, Department of History, Belhaven University and former president of the Society. William "Brother" Rogers, assistant director, John C. Stennis Center for Public Service and member of the Society's McLemore Prize Committee, presented the 2014 McLemore Prize to Dr. Charles C. Bolton, University of North Carolina/Greensboro, for his splendid biography, *William F. Winter and the New Mississippi: A Biography*, which was published by the University Press of Mississippi. Peggy W. Jeanes, chair of the Society's Awards Committee and editor emerita, *Mississippi History Now*, presented the Society's B. L. C. Wailes Award to William R. Ferris, Joel R. Williamson Eminent Professor of History at the University of North Carolina and senior associate director of the University's Center for the Study of the American South. The Wailes Award is presented periodically as merited to a Mississippian who has achieved national distinction and recognition in the field of history. In her remarks, Jeanes noted that Ferris was the founding director of the Center for the Study of Southern Culture at the University of Mississippi, as well as a former chairman of the National Endowment for the Humanities. In his acceptance remarks, Ferris noted that "Benjamin Leonard Covington Wailes has cast a long shadow across my life on both the professional and the personal level. As one of the founders of the Mississippi Historical Society in 1858 and as a passionate collector of historical documents, Wailes has been an inspiration for my career as a folklorist who shares his deep ties to Mississippi. As an advocate for improved agricultural practices, Wailes's career paralleled that of my grandfather Eugene Ferris who was our state's first agronomist. The farm where I grew up in Warren County was originally owned by Judge Alexander Covington, whose daughter Sue Covington married Wailes in 1820. Wailes and his wife Sue inherited Fonsylvania Plantation, along with "Fonsylvania," a Greek Revival plantation home built by Judge Covington in 1825 that still stands on the farm."

Former governor William F. Winter, who served as Society president in 1954-1955, introduced the banquet speaker, Bertram Hayes-Davis, president, Beauvoir Foundation and great-great-grandson of Jefferson Davis. Hayes-Davis described the new Jefferson Davis Presidential Library and Museum that is nearing completion near the site of the earlier building that was destroyed by Hurricane Katrina. He also talked about the Foundation's plans to interpret to Beauvoir visitors the entirety of Jefferson Davis's life and career, rather than focusing solely on his service as president of the Confederate States of America.

The fourth general session, which was held in the House of Representatives chamber of the Old Capitol Museum at 9:00 a.m. on Saturday, March 8, was chaired

by Lucy Allen, director, Museum Division, MDAH, who introduced the "Local History Matters" session that included interesting and informative presentations by Bo Miller, director, Amory Regional Museum; Brandy Steen, executive director, Crossroads Museum in Corinth; Kay Allen, director, Lawrence County Civic Center and History Museum in Monticello; and Brian Hicks, director, DeSoto County Museum in Hernando.

The fifth general session entitled "Remembering Freedom Summer" began with Robert Luckett, director, Margaret Walker Center, Jackson State University, presiding. This session, which commemorated the fiftieth anniversary of Freedom Summer, included presentations on "The Council of Federated Organizations and the Summer that Changed America" by Daphne Chamberlain, assistant professor of history, Tougaloo College and founding director, COFO Civil Rights Education Center, and Precious Vines, graduate student, Jackson State University and graduate assistant, COFO Civil Rights Education Center.

The annual Awards Brunch was held at 12:15 p.m. in the Old Capitol Inn with Society president Charles Sullivan presiding. The invocation was delivered by Kenneth B. Shearer of Madison. Following the brunch meal, various Society awards were presented. Professor Sullivan introduced the Society's new president, Ann Atkinson Simmons of Columbia. During her remarks prior to adjourning the meeting, Mrs. Simmons briefly described her years of involvement with the Society and stated that she was honored to have the privilege of serving as president. She encouraged those present to help spread the word about the Society and expressed her intentions to work on reactivating the Federation of Mississippi Historical Societies.

The writer wishes to express his gratitude to Society president, Charles Sullivan, who envisioned the "Museums Across Mississippi" theme for the annual meeting program and provided full support to the Program Committee chair and members throughout the program planning process. The Program Committee included Lucy Allen, George Bassi, Chad Daniels, Robin Krohn David, Jack McWilliams, Bo Miller, Kenneth H. P'Pool, and Stuart Rockoff. The program speakers and session chairs also contributed to a very successful and interesting meeting. We are also grateful for the assistance provided to the Program Committee by Elbert Hilliard, the Society's longtime volunteer secretary-treasurer.

Mississippi Historical Society

Minutes of the Annual Business Meeting

March 7, 2014

The annual business meeting of the Mississippi Historical Society was held at 1:30 p.m. on Friday, March 7, 2014, at the Old Capitol Inn, Jackson, Mississippi. Professor Charles L. Sullivan, president, Mississippi Historical Society, called the meeting to order and presided.

Elbert R. Hilliard, secretary-treasurer, acted as secretary for the meeting. Sherry Norwood, special projects officer, Department of Archives and History, recorded the minutes.

The following business was transacted:

I. The secretary-treasurer moved that the minutes of the March 3, 2013, annual business meeting of the Mississippi Historical Society be approved as distributed. The motion was seconded by Clay Williams and unanimously approved.

II. The secretary-treasurer presented for the information of the members the following financial report for the year ending December 31, 2013:

BANK BALANCES

As of December 31, 2013

Regions Bank

<i>Heritage of Mississippi Series</i> -Hardin Grant	\$19,902.54
Certificate of Deposit	
Due May 16, 2014 (.100%)	

<i>Heritage of Mississippi Series</i>	37,855.79
Daily Interest Operating Account	

Trustmark National Bank

Halsell Prize Endowment	7,516.89
Certificate of Deposit	
Due August 23, 2014 (.548%)	

Certificate of Deposit	11,794.67
Due February 20, 2015 (.499%)	

Certificate of Deposit Due October 3, 2014 (.548%)	5,200.00
Certificate of Deposit Life Membership Account Due March 16, 2015 (.450%)	42,770.77
Glover Moore Prize Fund Certificate of Deposit Due April 30, 2015 (.450%)	10,826.44
John K. Bettersworth Award Fund Certificate of Deposit Due October 24, 2014 (.450%)	4,107.40
Mississippi Historical Society Daily Interest Operating Account	46,230.73
<i>Mississippi History NOW</i> Adine Lampton Wallace Endowment Certificate of Deposit Due August 5, 2014 (.450%)	14,791.57
Frank E. Everett, Jr., Award Certificate of Deposit Due March 16, 2015 (.450%)	2,288.84
BanCorpSouth Bank	
Mississippi History NOW Money Market Account	12,458.85
TOTAL	\$215,744.49
Restricted	\$109,748.32
Unrestricted	\$105,996.17

Operating Account
Summary Report
 1/1/2013 through 12/31/2013

INCOME

Annual Meeting		\$10,429.00
Bettersworth Award Contributions		496.76
Donations		
Bettersworth Award CD		400.00
Everett Award CD		50.00
General Fund CD		50.00
Glover Moore Prize Fund CD		50.00
Halsell Prize Endowment CD		200.00
Miscellaneous Contribution		245.00
Wallace Endowment CD		475.00
Hilliard Oral History Award Endowment		3,167.34
Interest Earned		283.75
<i>Journal of Mississippi History</i>		375.80
Membership Dues:		
College		330.00
Contributing		2,225.00
Corporate		2,720.00
Federation		175.00
Gift		100.00
Joint		2,345.00
Life		
New Life Members	1,450.00	
<u>Transfer to CD</u>	<u>(2,350.00)</u>	
Total Life		(900).00
Patron	800.00	
Single	8,925.00	
Student	15.00	
Supporting	1,125.00	
Total Membership		17,860.00

TOTAL INCOME **34,082.65**

EXPENSES

Accounting Fees	2,000.00
Adine Lampton Wallace CD Transfer	4,475.00
Annual Meeting Expenses	12,465.70
Bank Box Rent	35.00
Bank Service Charge	9.52

Bettersworth Award	300.00
Bettersworth Award Contributions –	
Transfer to CD	300.00
Contribution – Natchez Trace Parkway Association	300.00
Everett Award	300.00
Everett Award Contributions –	
Transfer to CD	50.00
General Fund Contributions –	
Transfer to CD	50.00
Glover Moore Prize Contributions –	
Transfer to CD	50.00
Halsell Prize	200.00
Hardin Foundation Grant Project	4,300.00
<i>Journal of Mississippi History</i>	5,233.54
McLemore Prize	700.00
Miscellaneous Expenses	167.54
Offices Expenses	96.30
Postage Expenses	1,340.00
Taxes and Penalties	390.00
TOTAL EXPENSES	32,762.60
TRANSFERS	
From 2012 Operating Account	44,910.68
OVERALL TOTAL	\$46,230.73

MISSISSIPPI HISTORY NOW

Summary Report

1/1/2013 through 12/31/2013

INCOME

Donations	510.00
Interest Earned	1.26

TOTAL INCOME	511.26
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EXPENSES

Bank Charges	4.73
TOTAL EXPENSES	13,470.00

TRANSFERS

From 2012 Mississippi History NOW Account 11,952.32

OVERALL TOTAL \$12,458.85

III. The president expressed his appreciation to the members of the Local Arrangements Committee: Rita Johnson, chair; Robert Parker Adams, Ruth Cole, Elbert Hilliard, Larry Johnson, Linda Mann, Stephenie Morrissey, Sherry Norwood, Trey Porter, Janet Sullivan, and Robert Wise and the members of the Program Committee: Larry Albert, chair; Lucy Allen, George Bassi, Chad Daniels, Robin Krohn David, Jack McWilliams, Bo Miller, Ken P’Pool, and Stuart Rockoff for their outstanding work in planning and organizing the annual meeting.

Professor Sullivan also recognized and expressed appreciation to the following individuals who were completing terms of service on the board of directors of the society: Dixie Butler, Columbus; Al Hollingsworth, Port Gibson; Robert Luckett, Jackson; Chauncey Spears, Byram; Tom Watts, Madison; and Clay Williams, Brandon.

IV. The president expressed thanks to the following individuals for their generous financial support in helping fund the 2014 annual meeting: Robert Parker Adams, John Corlew, Larry and Rita Johnson, Princella Nowell, Lemuel Augustus Smith III, Janet Sullivan, and Robert Wise.

V. Peggy Jeanes, chair, Awards Committee, presented the following report: The 2014 Awards Committee was composed of Paul D. Buckley, St. Andrew’s Episcopal School, Jackson; Bonnie Feig, Starkville; Marco Giardino, Bay St. Louis; Kathryn Lewis, Mississippi Gulf Coast Community College; Charles Lowery, Mississippi State University, Starkville; C. Dale Shearer, Ridgeland; Jason Shows, Mississippi Gulf Coast Community College; Susannah J. Ural, University of Southern Mississippi; Charles Westmoreland, Delta State University; and Peggy Jeanes, chair.

The committee was charged with selecting various award recipients to be honored at this Mississippi Historical Society Annual Meeting. It met January 11, 2014, in the boardroom at the William F. Winter Archives and History Building to review and vote on nominations. The recipient of the B.L.C. Wailes Award, which goes to a Mississippian who has achieved national recognition in the field of history will be presented at the banquet this evening.

And at tomorrow’s Awards Brunch, the following awards will be presented: the Dunbar Rowland Award, which is given to an individual who has made life-long contributions to the preservation, study, and/or interpretation of Mississippi history; the Frank E. Everett, Jr. Award, which is given to a local historical society that has done outstanding work in preserving and interpreting local history; and six Awards of Merit. The Awards of Merit are presented to individuals or organi-

zations for outstanding archival, historical, or museum work. I hope you plan on attending the Awards Brunch.

The committee was unable to designate a recipient of the Willie D. Halsell Prize. This annual prize goes to the author of what is judged the best article published in the quarterly *Journal of Mississippi History* the previous year. Only one issue of the *Journal* was published last year.

If you know of someone or an organization that should be nominated for an award at next year's annual meeting of the Mississippi Historical Society, please let us know.

VI. Dennis Mitchell, editor, *Journal of Mississippi History*, reported that the *Journal* is still behind schedule, but he has hopes that some of the delinquent issues will be published this year. He further stated that the Summer 2012 and a special issue on Mississippi and the War of 1812 are ready for production, and that copy for three additional special issues will be delivered this year.

VII. On behalf of John Marszalek, chair, Publications Committee, the secretary-treasurer reported that six volumes of the *Heritage of Mississippi Series* have been published to date, and six others are under contract. Mr. Hilliard further stated that the next volume to be published will, in all likelihood, be the volume on Mississippi literature that is being compiled and edited by Lorie Watkins. He noted that four volumes were still not under contract: Colonial Mississippi, the pre-civil war years, the Jim Crow era, and the civil rights era, but that Dr. Marszalek has a verbal commitment from Robby Luckett, who has stated that he may be able to begin writing the civil rights volume in 2015.

Mr. Hilliard concluded by reporting that Dr. Marszalek remains cautiously optimistic about reaching the goal of completing the series by 2017.

VIII. Deanne Nuwer, chair, Junior Historical Society, thanked the Mississippi Historical Society for its generous support of the Junior Historical Society and reported that the Junior Historical Society continues to promote the appreciation and study of history throughout Mississippi schools. She further reported that National History Day had been held on February 22, 2014, at the University of Southern Mississippi and that total attendance, which included almost 200 students from across the state of Mississippi, had reached nearly 500 people. Dr. Nuwer stated that through the efforts of the Junior Historical Society, the students representing Mississippi in the National History Day competition are becoming increasingly competitive and have won or placed in several categories in recent years.

VIX. Tom Watts, chair, History in Mississippi Schools committee, reported that the committee had convened on February 21 and 28, 2014, to review the status of several projects. He stated that one area of critical concern is the possible elimination of the eighth grade United States History from Exploration through Reconstruction

course. He continued by stating that in the August 2013 State Board of Education meeting, the board had approved a recommendation made by the Mississippi Department of Education's(MDE) Office of Educational Accountability to allow Carnegie unit credits in Mississippi Studies and World Geography in the eighth grade beginning in school year 2013-2014. He further stated that even though MDE does not recommend eliminating the eighth grade United States History course, it is still granting each school district the option of eliminating one of the most important courses on our nation's history and culture.

Mr. Watts concluded his report my stating that the Board of Directors had adopted the committee's recommendation that the President of the Society send a letter to the state Superintendent of Education expressing the Society's concerns and recommending that no options be granted to school districts that would allow the skipping or removal of the United States from Exploration to Reconstruction course.

X. Avery Rollins, chair, Membership Committee, presented the following membership report as of December 31, 2013:

Contributing	73
Corporate	37
Exchange	28
Gift	59
Honorary	6
Joint	110
Life	172
Single	691
Student	8
Supporting	24
College	31
Federation	40
Patron	5
 TOTAL CURRENT MEMBERSHIP	 1,284

Mr. Rollins stated that while the membership totals have remained fairly consistent, some keys areas that could result in membership growth, i.e., targeting younger people and African-American citizens for involvement, as well as local genealogical and historical societies, were identified by the committee at its meeting held in January 2014. He further suggested that the use of social media such as Facebook; the creation of a Society web page; and efforts to make contact with local historical and genealogical societies are possible ways to generate interest in the society and increase membership. He concluded by thanking Dixie Butler, Daphne Chamberlain, Al Hollingsworth, Jim Miller, Elizabeth Payne, Brian Pugh, Ann Simmons, and Jill Smith for their service on the committee.

XI. On behalf of Billy Hewes, chair, Meeting Sites Committee, the secretary-trea-

surer reported that the Society's 2015 annual meeting will be held in Corinth to help close the state's observance of the sesquicentennial of the Civil War and that the 2016 meeting would be held in Jackson. He further reported that the Society's board of directors had voted at its meeting on Thursday evening, March 6 to accept the Meeting Sites Committee's recommendation that the 2017 meeting be held in Gulfport as part of the state's celebration of the bicentennial of statehood, noting that the statehood centennial celebration had been scheduled to be held in Gulfport in 1917 only to be cancelled by the onset of the nation's involvement in World War I.

XII. Wes Busbee, chair, Resolutions Committee, presented the following resolutions:

RESOLUTION OF COMMENDATION

WHEREAS, James F. Barnett, Jr. will soon be retiring after thirty-three years of outstanding service to the Mississippi Department of Archives and History and the state of Mississippi; and

WHEREAS, in 1981, Barnett joined the Department of Archives and History as site administrator of the Grand Village of the Natchez Indians and in 1982 became the first director of the newly established Historic Properties Division; and

WHEREAS, his exemplary scholarly research has enhanced our knowledge of Native American history in Mississippi; and

WHEREAS, Barnett, who authored *The Natchez Indians: A History to 1735*, which was published by the University Press of Mississippi in 2007, is widely considered to be the foremost authority on the Natchez tribe; and

WHEREAS, in 2012, his enduring work *Mississippi's American Indians* was published as the sixth volume of the *Heritage of Mississippi Series*; and

WHEREAS, Barnett has been a longtime and active member of the Mississippi Historical Society and has served on the Society's board of directors and innumerable committees; and

WHEREAS, Barnett has conducted his work with dedication and zeal and will be greatly missed by his friends and colleagues in the Society and Department of Archives and History;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi Historical Society, assembled in Jackson, Mississippi, on March 7, 2014, commends and thanks James F. Barnett, Jr. for his dedicated service and leadership in helping preserve and interpret the prehistory and history of the state of Mississippi.

RESOLUTION OF COMMENDATION

WHEREAS, Anne Lipscomb Webster will soon be retiring after thirty-seven years of outstanding service to the Mississippi Department of Archives and History (MDAH) and the state of Mississippi; and

WHEREAS, in 1977, Webster began working in the Archives and Library Division of the Department of Archives and History, becoming head librarian in 1980 and later the director of Reference Services; and

WHEREAS, Webster has worked in many areas, from assisting patrons and answering letters to helping plan the new Museum of Mississippi History and Mississippi Civil Rights Museum; and

WHEREAS, Webster's invaluable genealogical guide *Tracing your Mississippi Ancestors*, co-authored with Kathleen S. Hutchison, was published in 1994; and

WHEREAS, in 1995, the Mississippi Historical Society praised the work as being the "essential guide to researching ancestral roots in Mississippi"; and

WHEREAS, Webster has built a strong relationship with the Mississippi Genealogical Society, giving presentations to its members and many other community groups; and

WHEREAS, Webster has been a longtime and active member of the Mississippi Historical Society, serving on the Program Committee on several occasions; and

WHEREAS, Webster has conducted her work with enthusiasm and dedication and will be greatly missed by her friends and colleagues in the Society and Department of Archives and History;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi Historical Society, assembled in Jackson, Mississippi, on March 7, 2014, commends and thanks Anne Lipscomb Webster for her dedicated service in guiding and assisting literally tens of thousands of researchers in their use of the MDAH archival and library collections.

RESOLUTION OF CONDOLENCE

WHEREAS, Will Davis Campbell departed this life on June 3, 2013; and

WHEREAS, Campbell was a prolific author, clergyman, civil rights activist, and longtime member of the Mississippi Historical Society; and

WHEREAS, a native of Amite County, Mississippi, Campbell served in World War II, earned a degree in English from Wake Forest College, and graduated from Yale Divinity School in 1952; and

WHEREAS, Campbell served two years as a minister at a small Baptist church in Louisiana before becoming director of religious life at the University of Mississippi, where he courageously faced opposition over his support of racial justice; and

WHEREAS, from 1956 to 1963 Campbell was employed by the National Council of Churches, participating in many seminal events of the civil rights era; and

WHEREAS, Campbell escorted African American students through angry crowds outside Central High School in Little Rock, Arkansas, helped organize the Freedom Rides in 1961, and joined the boycotts, marches, and sit-ins the next year in Birmingham, Alabama; and

WHEREAS, the author of nearly twenty works, Campbell's memoirs entitled *Brother to a Dragonfly* was a finalist for the National Book Award in 1977; and

WHEREAS, Campbell authored *Robert G. Clark's Journey to the House: A Black*

Politician's Story (2003), a biography of the first African American member of the Mississippi Legislature since Reconstruction; and

WHEREAS, Campbell was awarded the 1998 Mississippi Institute for Arts and Letters award for nonfiction and the 2005 Governor's Award for Excellence in the Arts and in 2000 received the National Endowment for the Humanities medal;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi Historical Society, assembled on March 7, 2014, in Jackson, Mississippi, mourns the death of Will Davis Campbell and expresses its sympathy to his family.

RESOLUTION OF CONDOLENCE

WHEREAS, Martha Huddleston Wilkins departed this life on October 8, 2013; and

WHEREAS, a native of Tchula, Mississippi, Wilkins graduated from the University of Mississippi and earned a master's degree from Mississippi College and doctorate in history from the University of Mississippi; and

WHEREAS, in 1988, Wilkins was chosen to serve as the Mississippi Department of Archives and History scholar-in-residence for the observance of the Columbus Quincentenary in Mississippi, a project funded by the Mississippi Humanities Council to mark the 500th anniversary of the voyage of Christopher Columbus; and

WHEREAS, Wilkins organized the celebration, coordinated proposed projects, spoke across the state to raise awareness, and wrote multiple grant proposals; and

WHEREAS, her work helped lead to the publication of Spanish and French language school readers and a popular history, projects to enrich education through the classroom and public television, and traveling exhibits; and

WHEREAS, Wilkins also encouraged the Mississippi Opera and Mississippi Museum of Art to undertake Columbus programming, incorporate Italian Heritage Society events, and worked with other organizations; and

WHEREAS, in 1989, she was a featured presenter at the annual meeting of the Society of American Archivists in a session on the Columbus Quincentenary and helped represent Mississippi at meetings of the De Soto Trail Commission; and

WHEREAS, Wilkins taught at Belhaven College, Jackson Academy, and Hinds Community College, where she became the chair of the History Department upon her retirement; and

WHEREAS, Wilkins was a longtime member of the Mississippi Historical Society and served for many years on the Junior Historical Society and Oral History Committees;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi Historical Society, assembled on March 7, 2014, in Jackson, Mississippi, mourns the death of Martha Huddleston Wilkins and expresses its sympathy to her family.

RESOLUTION OF COMMENDATION

WHEREAS, the Mississippi Historical Society is aware that the Local Arrangements Committee, chaired by Rita Johnson, and the Program Committee, chaired by Larry Albert, invested a considerable amount of time, thought, and effort in planning the 2014 meeting of the Society in Jackson; and

WHEREAS, the Local Arrangements Committee succeeded in hosting an enlightening, entertaining, and memorable annual meeting; and

WHEREAS, the Program Committee succeeded in planning informative and scholarly meeting sessions;

NOW, THEREFORE, BE IT RESOLVED by the Mississippi Historical Society, assembled on March 7, 2014, in Jackson, Mississippi, that the Local Arrangements Committee and Program Committee be officially recognized and commended for their splendid efforts.

The president asked if there were any other resolutions. There being no resolutions from the floor, Mr. Busbee's motion to adopt the aforementioned resolutions was seconded by Tom Cockrell and unanimously approved.

XIII. Tom Cockrell, chair, Nominations Committee, thanked Jim Barnett, Alferdeen Harrison, Mary Carol Miller, and Trent Watts for serving on the committee and reported that the committee recommended the following slate of officers and board members:

Officers for the term 2014-2015

President – Ann Atkinson Simmons, Columbia

Vice President - Dennis Mitchell, Lauderdale

Secretary-Treasurer – Elbert R. Hilliard, director emeritus,
Department of Archives and History

Board of Directors for the term 2014-2017

Terrence J. Winschel, Vicksburg

Craig Gill, Jackson

Ann Abadie, Oxford

Page Ogden, Natchez

Jim Miller, Gulfport

Robert Walker, Jackson

Board of Publications for the term 2014-2017

Jeanne Luckett, Jackson

Walter Howell, Clinton

The president asked if there were any other nominations. There being no nominations from the floor, Dr. Cockrell's motion that the aforementioned slate of nominees be accepted by acclamation was seconded by Trey Porter and unan-

imously approved.

XIV. H.T. Holmes, director, Department of Archives and History, distributed a written report highlighting some of the many accomplishments of the department throughout the past year, including restoration and preservation efforts; ongoing research under the auspices of the Mississippi Mound Trail Project; Certified Local Government grants, county records inventory project; archives and records acquisitions and digital archives; Mississippi Landmark designations, National Register of Historic Places nominations, historical markers; and Museum Division artifacts and exhibits.

Mr. Holmes further reported that Phase I of the construction of the Museum of Mississippi History and the Mississippi Civil Rights Museum is now well underway, and that funding for Phase II for completion of the buildings and half of the exhibit costs is being sought from the legislature during the current session. He also noted that the Foundation for Mississippi History's successful fundraising initiative is underway to raise private funds to match state funds for the exhibits and to create an endowment for the two museums, and that the museums are scheduled to open on December 10, 2017, as the centerpiece of Mississippi's statehood bicentennial celebration.

Mr. Holmes concluded by recognizing the Department's outstanding Volunteer Program and called attention to the approximately 19,474 hours that volunteers served in 2013. He stated that the volunteers' services included assisting patrons in the Archives search room and working with staff behind-the-scenes, giving site tours and site information to visitors, providing digitization, transcription and translation services, serving in collections and helping with archaeological excavations, assisting with special events and programs, and helping with gardening and preservation work.

XV. In the matter of other business, the secretary-treasurer discussed the role that the Society had played in persuading the Mississippi legislature to establish the Department of Archives and History in 1902. He stressed the importance of the longstanding relationship between the Society and MDAH being continued in the years to come.

There being no further business, the meeting was adjourned by the president.

Charles L. Sullivan , *president*

Elbert R. Hilliard, *secretary-treasurer*

BOOK REVIEWS

Song of My Life: A Biography of Margaret Walker.

By Carolyn J. Brown

Jackson: University Press of Mississippi, 2014. Author's note, afterword, acknowledgements, illustrations, appendices, notes, bibliography, index. Pp. xi, 147. \$20.00 cloth. ISBN: 9781628461473.

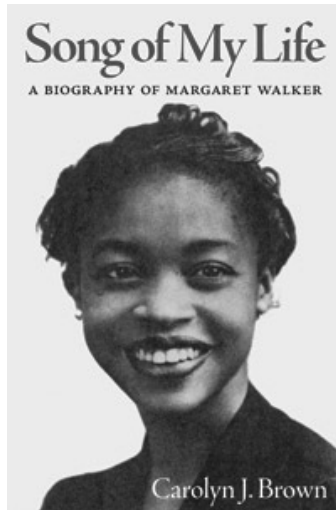
In a 1986 interview with Jerry W. Ward, Jr., Margaret Walker briefly discussed an autobiography she was in the process of writing. Unfortunately, Walker was unable to complete it before her death in 1998, but, in that interview, she described her intent that the book “won’t be purely social and intellectual history. But I do want it to be a song of my life... I think it should be a song that all men and women can hear singing in their own hearts.” Carolyn Brown’s biography of Margaret Walker, *Song of My Life* (2014), successfully captures the essence of Walker’s sentiment.

Brown draws from her unpublished autobiography and her journals, which have been digitized by the Margaret Walker Center at Jackson State University, to substantiate the particulars of Walker’s coming of age. She describes her early struggles and later triumphs and, in doing so, endears Walker

the daughter, the sister, the student, and the young woman to readers.

Brown’s biography brings Walker’s history to life in a way that interviews and journal or magazine articles on Walker

have not. The facts of her life and career are well-documented in other texts. One of the most influential but understudied Southern writers, Walker, born in Birmingham and raised in New Orleans, was the first African American to receive the Yale University Younger Poets Award for her poetry collection *For My People* (1942) and emerged as one



of the most critically acclaimed American poets of her generation. Her novel *Jubilee* (1966) arguably was the first neo-slave narrative, and her hallmark poem “For My People” was (and continues to be) widely anthologized. Walker’s association with Richard Wright, the WPA, and South

Side writers in Chicago; her friendships with Langston Hughes and, later, Eudora Welty and Nikki Giovanni; and her lawsuit against Alex Haley are well-known and recounted in the book. However, the intimate relationships and personal insights explored in Brown's biography fill in the details of Walker's life in ways that make her career and story even more compelling. Brown describes and contextualizes Walker's childhood, contemplates the intellectual and creative development of a young Margaret Walker, and attests to her struggle to meet the needs of her family and her artistic endeavors.

Brown moves the reader between seemingly mundane facts and defining moments. Each chapter explores and considers the ways small incidents and coincidences profoundly influenced Walker and shaped her career as a writer and educator. For example, in the chapter "Chicago: Richard Wright and the South Side Writers' Group," Brown explains that Langston Hughes, Walker's literary idol and mentor, asked Richard Wright to include Walker in a writers' group Wright was organizing. Wright included Walker and introduced her to Marxist and literary texts that directly informed her poetic vision. Brown locates Walker, Wright, and Hughes in Chicago, in 1936, at the beginning of the Black Chicago Renaissance; in doing so, she expands the scope of southern literature. Certainly, Walker, born in Alabama and a resident of Jackson, Mississippi, for more than forty years, was a southern writer; however, she, like Wright, was also a participant in the Great Migration, an era in which African Americans moved en masse from the South to other regions of the United States. Her education at Northwestern University and the University of Iowa and her work with the WPA in Chicago affected her personally

and creatively. Brown presents Walker's time in the Midwest as a defining moment and suggests that it was the period in which the author came of age.

Brown's biography is not comprehensive. Instead, it is a primer for those unfamiliar with Walker, a call to reclaim and restore her legacy within American letters, and a song of a life lived well.

SERETHA D. WILLIAMS
Georgia Regents University

Searching for Freedom after the Civil War: Klansman, Carpetbagger, Scalawag, and Freedman. By G. Ward Hubbs. (Tuscaloosa: The University of Alabama Press, 2015. List of illustrations, preface, prologue, appendices, notes, bibliography, index. Pp. ix, 223. \$34.95 cloth, \$34.95 ebook. ISBN: 978-0-8173-1860-4.)

G. Ward Hubbs's *Searching for Freedom after the Civil War* explores how, after the Civil War had been fought on battlefields across the South, a diverse range of Americans fought each other—physically and ideologically—over the structure of American society. Hubbs plumbs some of Reconstruction's ideological struggles by charting out the story of an infamous political cartoon. In the fall of 1868, at the height of what was perhaps the most racially-charged and violent election in American history, Ryland Randolph, a Klansman and editor of the *Tuscaloosa Independent Monitor*, published a woodcut titled A Prospective Scene in the "City of Oaks," 4th of March, 1869. It depicted a donkey emblazoned with "K.K.K." on its side walking away from two men hanging from a tree, one with "OHIO" stenciled on his carpetbag. The woodcut purported to show what would happen if Democratic presidential candidate Horatio Seymour

won that fall's national election. If Democrats were victorious, white carpetbaggers and scalawags would be hanged and, its caption implied, African Americans driven away from the political realm entirely. The woodcut was widely reprinted as evidence of southern violence, and it is often used today to illustrate how the Ku Klux Klan both threatened and practiced political violence.

What fewer people probably know is that the woodcut was not just a vague warning but a direct threat against three men in Tuscaloosa. Hubbs structures his book as a series of biographies of the four men the woodcut brought together: Ryland Randolph, the local Klan leader and prominent Democrat; Arad S. Lakin, a white Methodist minister originally from New York who had come to Alabama from Ohio before being appointed president of the University of Alabama; Noah B. Cloud, a white South Carolinian and former slave owner who pioneered scientific methods of cotton cultivation and who joined the Republican Party because of its commitments to public education and economic diversification; and Shandy Jones, a black barber and well-known, local Republican.

Hubbs's book vividly historicizes a complicated image that historians too often use as a self-evident illustration about Klan violence. His choice to structure the book around the stories of four different men allows Hubbs to show a wide range of ideologies held by Alabama men during Reconstruction. Ryland Randolph, the Klansman, embraced what Hubbs calls "the people's freedom;" Arad Lakin believed in Christian freedom; Noah B. Cloud worked for Whiggish freedom; and Shandy Jones "found a type of freedom in hope," a hope that went largely unfulfilled for him and fellow African Americans (161).

I wonder whether framing these men's stark differences in political values as a

shared commitment to different conceptions of freedom is the most useful way to understand their conflicts. Hubbs asserts that each of the four central people in his study ascribed to a different type of freedom and that these men's individual views were representative of larger trends. The latter assertion he ably proves; the former assumption is a bit shakier. The lives and ideologies of the four people whose story Hubbs excavates were at such odds that they are best united by a death threat. Perhaps rather than framing Reconstruction as variations on a shared theme—the search for freedom—it might be more instructive to emphasize that political differences during Reconstruction were so pronounced that they resulted in the worst political violence in American history. Virtually all of that violence was committed by men like Ryland Randolph, men whose worlds had been grounded in the slavery of African Americans before the Civil War and whose central political belief after the war was denying any more freedom to slavery's survivors. Despite the shortcoming of his framing, Hubbs's thoughtful and well-researched book gives us an interesting new lens into the ideological conflicts of Reconstruction—struggles that remain timely and important.

BRADLEY PROCTOR

Yale University

Choctaw Resurgence in Mississippi: Race, Class, and Nation Building in the Jim Crow South, 1830-1977. By Katherine M. B. Osburn. (Lincoln: University of Nebraska Press, 2014. Acknowledgements, illustrations, maps, notes, index. Pp. 342. \$65 Cloth, \$25 Paper. ISBN: 0803240445.)

The Treaty of Dancing Rabbit Creek in 1830 removed the majority of the Choctaws to

lands in Indian Territory, but Article 14 of the treaty allowed certain Choctaws to remain within the state of Mississippi as landholding citizens. Osburn's book follows the Choctaws who remained from removal to the time of the so-called "Choctaw Miracle" in the 1970s. She argues that a "dynamic and fluid tribalism" of the previous century and a half provided the tribe with a foundation to create economic and political prosperity (210). By exploring previously overlooked state and regional sources, Osburn's study provides context for the resurgence of the Mississippi Band of Choctaws. Osburn argues that Choctaws used land promises stemming from Article 14, their creation of a third race in the biracial system in the South, and state and local political patronage to affirm their status as a sovereign tribe. As a third race in the Jim Crow South, the Choctaws strategically separated themselves from blacks as well as whites to signify racial purity that, to whites, was "symbolic of their own racial attitudes" (5). Choctaw men refused to share accommodations with blacks in the Civilian Conservation Corps (CCC), women refused housekeeping jobs, and Choctaw families were cognizant of where their children went to school, refusing to enroll their children in black schools, where they might appear "colored" to whites. These actions helped the Choctaws to protect and assert their separate, tribal identity.

Throughout the book, Osburn shows how Choctaws used land claims to establish their Indian identity. Not until 1963 were the Choctaws finally forced to abandon their fight for the right to the land promised by Article 14 of the Removal treaty. Osburn argues that the Mississippi Choctaws "believed that claims to their homelands... gave them a collective juridical identity" that allowed the tribe to adapt to a shifting political landscape in Mississippi for more than a century (7). To win support for their

political status, Choctaws appealed to arguments that resonated with white southerners. Marrying the concept of dispossession with the Lost Cause rhetoric that pervaded Mississippi by the 1890s, "Mississippians re-envisioned the Choctaw's refusal to emigrate as a tragically doomed defense of their homelands from incursions by a stronger power" (31). The Choctaws gained valuable political allies, including members of the Ku Klux Klan and racist politicians who assisted in their attempts to create tribal sovereignty. Refusal to remove, once thought of as an impediment, became a sense of "regional pride and defense of homelands against invasion" (5). Dichotomous Indian identities emerged in order to both cater to the ideology of the "vanishing Indian" as well as the notion of progressive Indians and their involvement as landowners and economic developers for their county.

Exploring the local and state patronage system, Osburn notes that white Southerners adopted Indian accomplishments to "shore up regional pride" (82). State and county officials worked in conjunction with the Mississippi Choctaws for industrial improvements in the decades before the "Choctaw Miracle." During the civil rights era, Choctaws confronted issues of segregation through their indigeneity and belief that Jim Crow laws did not apply to them. The role of the Mississippi Choctaws and their use of sovereignty against racial discrimination, Osburn argues, is "an overlooked story of the civil rights movement" (209). Osburn synthesizes a complicated realm of regional politics, class, and race that illustrates the ways that Choctaws sometimes "played Indian" in order to gain allies and establish their sovereign identity in a biracial South.

Osburn's book is a valuable addition to the growing historiography that challenges a biracial view of the South. Joining historians like Malinda Maynor Lowry, Arica Cole-

man, and Mark Edwin Miller in identifying the issues of tribal sovereignty in the Jim Crow South, Osburn provides a striking account of over a century of nation-building that the Mississippi Choctaws underwent to realize the promises of federal recognition.

Jeff Washburn
University of Mississippi

Stennis: Plowing a Straight Furrow. By Don H. Thompson (Oxford: Triton Press, 2015. Acknowledgments, illustrations, notes. Pp. 176. \$35 cloth. \$14.95 paper. ISBN: 1936946467.)

On the very first page of his very first chapter, Don Thompson throws down the gauntlet: "It is interesting to see how this place and its people shaped the life of John Cornelius Stennis. From this small town in the Mississippi hills, he became 'Mississippi's Statesman of the Century.'" Does his biography make the case for those who assert Stennis was a statesman? I don't think so, but more on that later. First, the book.

Don Thompson does the state a huge favor by writing the first biography of John Stennis, Mississippi's United States Senator from 1947 to 1988. He digs into the Stennis correspondence and oral history collections at Mississippi State and, to his great credit, does not hold back when the findings are less than flattering. Thompson provides more than enough evidence that, in his early Senate years, Stennis believed blacks really were not equal to whites while in his later years believed black Mississippians should simply wait their turn to enjoy equal rights.

While I could cite many examples Thompson provides in his book, this 1948 statement by Stennis is one of the most revealing: "We have taken the most backward people from the world's darkest continent,

and in a little more than a century, we have trained them, given them a religion, given them an education, given them the rights of citizenship, protected these rights in and out of court, and, to a certain degree, given them a culture" (58). As late as 1988, Stennis told a reporter, "My idea was that the so-called civil rights bills were too abrupt. . . went too far and were out of line. Adjustments were made under the law. . . We finally got out of that extremism. It takes time to make adjustments" (140). More dramatically, Thompson quotes from constituent letters that urge Stennis to take a different course on the matter of race. One 1944 letter in particular came from a Kemper County World War II soldier: "You know that the Negroes are with us as well as the white. And after this war they are going to want the same treatment as we get." Thompson then confessed: "Its message was prophetic, but unheeded by Stennis" (60).

The reader should know the book contains no index and no bibliography, nor does it provide an introduction or conclusion. Consequently, the author never explains what he hopes to accomplish with his biography nor does he offer any concluding analysis, such as, why Stennis deserves the "statesman" trademark.

Moreover, Thompson assumes that the reader picks up the book aware of much state and national history. Unless you know something about Truman's Fair Employment Practices Committee, the 1948 Dixiecrat campaign, the move to confer statehood on Alaska and Hawaii, and the unprecedented war between the state Democratic factions at the 1964 Democratic National Convention, it is difficult to appreciate what Thompson writes about Stennis during these times since he provides little background and context. There are also several key events in Stennis's career, which Thompson brushes over, that surely

are worthy of more attention, including the Joseph McCarthy speech, the siting of the NASA facility in Hancock County, and the *Southern Manifesto*.

All of that being said, Thompson provides comprehensive treatment of the James Meredith debacle at Ole Miss, the 1964 Stennis re-election, and his 1982 campaign against Haley Barbour.

Thompson's coverage of Stennis's 1964 campaign, and the threat Ross Barnett posed as an opponent, is the most revealing section of the book. Thompson makes clear Stennis sought to avoid that threat by mimicking Barnett on the issue of segregation. Stennis was not going to let Barnett get to his right and joined the rest of the delegation in congratulating Barnett on his stand against Meredith, and he stayed silent during the famous 1963 decision by the MSU basketball team to leave the state to play a team with black players (84, 88). The letters and quotes from Stennis during this time, along with the author's analysis, represent fine reporting and, for those seeking to designate Stennis a "statesman," constitute an almost insurmountable hurdle.

Three contentious issues dominated the years Stennis served in the Senate: civil rights, Vietnam, and Watergate. Thompson gives his readers compelling documentation that Stennis not only did everything he could to delay justice for black Americans but believed in what he was doing. He stood by and allowed Johnson and Nixon—even as chairman of the Senate Armed Services Committee for part of the war's duration—to turn Vietnam into a national disaster; and he backed Nixon through all of the Watergate mess until the final tape recordings proved the president was a liar. None of this strikes me as rising to the level of "statesmanship."

There is a lot more to be uncovered about Stennis's career, but Don Thomp-

son has taken the first step and shown us why archival research is so critical. As a consequence, his work lays bare a Stennis that his partisans will have a difficult time explaining away.

Jere Nash
Jackson, Mississippi

Corazón de Dixie: Mexicanos in the U. S. South since 1910. By Julie M. Weise. (*Chapel Hill: University of North Carolina Press, 2015. Acknowledgments, appendix, notes, bibliography, index. Pp. 358. \$32.50 paper, \$29.99 e-book. ISBN: 9781469624969.*)

Julie M. Weise has produced a groundbreaking book on the understudied history of Mexican nationals and Mexican Americans in the U. S. South as well as the formation of race in that region beyond a black and white paradigm. *Corazón de Dixie* centers upon the Mexican American history of New Orleans from the 1910s through the 1930s, the Mississippi Delta within the same period, the Arkansas Delta from the 1940s to the 1960s, southern Georgia from the 1960s to the early 2000s, and Charlotte's exurbs since 1990. Drawing from over one hundred oral histories, personal papers, photographs, and archival materials from both the United States and Mexico, Weise develops several arguments. First, the author asserts that since the early 20th century, "no consistent and unchanging 'Mexican reaction' to the U. S. South" existed just as there "was no unchanging southern 'white perspective' or 'black perspective' on the newcomers arrival" (17). Weise argues that various "local actors engaged selectively with the regional and national politics of race, class, and citizenship to create a variety of outcomes throughout the twentieth century" for Mexicanos in the South (8). Generally,

the author contends, “southern communities nearly always emerged as more receptive to Mexicans than western ones” (8).

Weise opens the book by tracing how between 1910 and World War II roughly 2,000 Mexican immigrants assimilated into the fringes of New Orleans’s white society. While binary segregation solidified in New Orleans, middle-class Mexicans “created a Europeanized version of *Mexicanidad*” (8). Armando Amador, Mexican vice consul and later consul at New Orleans from 1928-1932, and other elites “emphasized the compatibility of Mexican culture with European culture describing its indigenous elements as beautiful yet inevitably subordinate to European ones” (43). Such simplistic and ethnocentric rhetoric permitted many middle- and working-class “Mexicans to quietly assimilate into white New Orleans geographically, culturally, economically, socially, and religiously” (17). Synchronously, local white politicians and business owners—envisioning their city as a growing gateway for U. S. - Latin American trade—“used the city’s Mexican immigrants as symbols of this Pan-American future” (50).

In the cotton fields of the Mississippi Delta, Mexicans initially “tasted the brutality and exclusion that the region’s white planters had used to segregate, terrorize, and control African Americans” (56): poverty wages, wage theft, the jailing of workers who protested abuses, beatings, forced labor, and murder. However, after 1925, most Mexicans in the Delta became sharecroppers who had greater bargaining power and the ability to move in search of higher earnings. Weise explores how Mexicans who settled in the Delta emphasized their European heritage in an attempt to culturally whiten themselves and used the Mexican consulate in New Orleans to pressure local officials and the state government to allow Mexicans into segregated white spaces. Their efforts were

at times successful, but Weise concludes that the limited acceptance of Mexicans into the Delta’s white society came at the cost of the public concealment of their ethnic identity.

In the Arkansas Delta, the author tracks Braceros from World War II to just before the passage of the Civil Rights Act. While Arkansas planters sought a passive workforce, Braceros saw themselves as modern “citizens of a nation that championed the cause of working people” (117). Thus, Mexicans appealed to their consulate to pressure planters to reject anti-Mexican discrimination in the Arkansas Delta and to pay workers the wages required under the Bracero Program. Planters complied since they needed a steady supply of workers. When studying southern Georgia since the 1960s, Weise reveals a social world where agricultural employers and rural politicians “framed Mexican migrants’ lifestyles as archetypical examples of upright working poor who merited the opportunity to stay in town, earn wages, attend school. . . despite their foreign accents and racial difference” (124). Because they were vital to the area’s agriculture, Mexicans in southern Georgia found some local acceptance while the state level and national anti-immigrant movement coalesced during the early-2000s. Importantly, Weise asserts that the region’s anti-Latino immigrant movement did not originate within the South, especially the region’s rural areas. Using Charlotte and its surrounding exurbs as her example, Weise proposes that in “the twenty-first century, middle-class white residents of the region’s least southern spaces—exurbs that developed more than a decade after the fall of Jim Crow—took their lead from the West’s exurban anti-immigrant movement as they mounted the South’s first major anti-immigrant movement targeted at Latinos” (184).

Despite its innovations, *Corazón de Dixie* does not adequately examine black

and brown relations and largely fails to account for the Mexican people who were unable or unwilling to enter white society in New Orleans or the Mississippi Delta. Nevertheless, this book is a must read for both Chicana/o and southern historians.

Joel Zapata

Southern Methodist University

The Great Melding: War, the Dixiecrat Rebellion, and the Southern Model for America's New Conservatism. By Glenn Feldman. (Tuscaloosa: University of Alabama Press, 2015. Acknowledgements, notes, index. Pp. x, 388. \$59.95 cloth, \$59.95 ebook. ISBN 978-0-8173-1866-6.)

The late Glenn Feldman's second volume of his planned trilogy concerns the former Confederacy's transformation from the geographic base of the Democratic Party to that of the Republicans. In the first volume, *The Irony of the Solid South: Democrats, Republicans, and Race, 1865-1944* (Tuscaloosa: University of Alabama Press, 2013), Feldman narrated the Alabama Democratic Party's story from the end of Reconstruction through the Great Depression and World War II. In *The Great Melding*, he studies Alabama Democrats from Redemption to just before the concurrent rise of the modern civil rights movement and massive resistance in the 1960s. In this second book, Feldman especially focuses upon Alabama politics during the Great Depression, World War II, and the 1948 Dixiecrat Revolt.

For Feldman, the white South successfully switched political vehicles midstream during the deluge of the black freedom struggle, abandoning the Democratic Party in favor of the GOP in order to preserve white supremacy. Accordingly, white southerners since the end of the American Civil War perfected conscious intellectual

dishonesty, thereby successfully transitioning from a *de jure* to *de facto* Jim Crow caste system. Feldman labels this subterfuge as sophistic pruning, whereby white southerners slowly but surely removed the more notorious forms of white supremacist political actions like spectacle lynching and demagogic race-baiting from their tactical arsenal, in order to preserve such vestiges of white supremacy as residential segregation, voter suppression, and wealth disparity.

Feldman employs Alan Brinkley's theory that America's conception of liberalism shifted during World War II from one based primarily upon government intervention in the political economy to another focused on basic constitutional rights. This new rights-based liberalism soon meant a direct federal challenge to Jim Crow in the South, specifically seen in the creation and implementation of the Federal Equal Employment Practices Commission (FEPC). According to Feldman, white southerners thus changed their strategy from overt Negrophobia to a surreptitious cultural and political criticism designed to stave further federal intervention in racial matters and maintain the bulwarks of white supremacy. For Feldman, the 1944 elections were the crucible, whereby southern liberals abandoned the New Deal's economic liberalism and engaged in overtly racist campaigns across the South in order to retain their offices. Four years later during the 1948 Dixiecrat Revolt, *laissez-faire* economics melded with white supremacy to unify the white South's social classes against the federal government. Subsequently, white southerners employed the modern Republican Party to keep Jim Crow alive and well in Dixie. Thus, in Feldman's historical analysis, today's Republican Party is the direct lineal descendant of the white supremacist Democratic Party that ruled the single-party police state of the former Confederacy before World War II.

Feldman's book is both thoroughly and selectively researched. His insight into the role of black activism and urban industrial unions in Alabama during the Depression Era and World War II, which possibly laid the groundwork for the famous direct action protests of later decades, provokes penetrating questions and calls for further research. His narrative of the formation of the Dixiecrat revolt, furthermore, is the best that this reviewer has ever read. Although broader than his first volume, *The Great Melding* still focuses largely upon the heart of Dixie, applying the struggles of Alabama to all of the former states of the Confederacy. The University of Alabama Press should allay marketing concerns for title accuracy, so as not to obfuscate Feldman's readership. Similarly, Alabama's black population appears sparingly in his narrative, and then mostly as subjects of white oppression, never displaying their own agency. Feldman also continuously employs terms such as liberal, conservative, Big Mule, and Bourbon, without ever explicitly defining their meanings, all of which are quite malleable over time, the latter two only discernable to the Alabama specialist.

Feldman's connection between Alabama's white supremacists and post-war America's free market libertarians is mostly syllogism rather than being based on factual evidence. Finally, Feldman often digresses into political rants about the current state of southern politics, which distracts an otherwise solid historical narrative. Feldman's conclusions, nonetheless, should be considered by historians whose specialty is the Dixiecrat revolt, massive resistance, and post-war political realignment. This book would also work well in graduate seminars with related themes and be a good addition to university libraries with large collections.

John Kyle Day

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Baptists in America: A History. By Thomas S. Kidd and Barry Hankins. (New York: Oxford University Press, 2015. Preface, acknowledgements, notes, index. pp. xii, 329. \$29.95 cloth. ISBN: 9780199977536.)

At one time, many denominational histories, while providing an important encyclopedic narrative of dates and figures, served as celebratory in-house publications commissioned by the denomination itself and designed primarily for members of the group being studied. Over the last several decades, historians producing denominational histories have been active members of nonsectarian historical guilds and have grounded their studies in the wider historiography of religion in America. Schmidt, Richey, and Rowe's work *American Methodism: A Compact History* (Nashville: Abingdon Press, 2012) stands in this tradition. Kidd and Hankins provide a similarly strong study of Baptists in their coauthored book.

Emerging in England in the early 1600s, the radical Separatists known as Baptists had no single founder and no single organization above the local congregation from the beginning. The arrival of Baptists in North America in the late 1600s involved a transfer of this diversity that included both Calvinist and non-Calvinist orientations, among other differences. When Roger Williams formed the first Baptist congregation in 1638, he did not introduce the belief system to America. Baptists and Baptist-like individuals among the Separatists were already here, having brought their beliefs with them and having no loyalty to any single founder or organizational structure. The First and Second Great Awakenings contributed to the spread of Baptists across America. The expansion of Baptists in the South came with such numerical success that this minority religion with a heritage

of dissent became the faith of the majority, the only region in the world where this development occurred.

This diversity challenges historians of the Baptist movement, who must decide what parts of the story to include and what parts to exclude in a narrative. Inclusion and exclusion always stand as part of the historiographical challenge, but the topic of Baptist history provides an especially strong challenge. Sectors of Baptist life left out of the narrative, as surely they must be, have their own important stories that some other book must explore. Kidd and Hankins, both members of the faculty at Baylor University, include and exclude in a way that creates a strong narrative and keeps the Southern Baptist Convention largely as the center of their account. In crafting their study, Kidd and Hankins include other Baptist denominations, ranging from the parallel northern Baptists who will come to be known as the American Baptist Churches, USA, to the various African American bodies known as National Baptists, one of which is the largest African American institution of any kind in the United States. However, their narrative links these movements to the history of Southern Baptists, especially after 1845 when Southern Baptists formed a denominational structure and most of the book's descriptions focus on Southern Baptist related topics.

Kidd and Hankins include aspects of Baptist history ignored in many older studies, with careful attention to gender and race both in the secondary literature they reference, as well as the parts of the narrative they include. Issues of class and economics, which undoubtedly shaped the formation of Primitive Baptists, who will be of particular interest to readers of the *Journal of Mississippi History*, are also explored. Kidd and Hankins pay particularly close attention to expressions of mysticism

and religious enthusiasm in the primary documents of Baptists, a topic often left out of the explorations of other historians. As historians, Kidd and Hankins do not ignore the belief systems of Baptists, which are part of the intellectual history of the movement. However, they recognize that other forces shaped this denomination, which captured so much of the religious loyalty of whites and African Americans in the American South.

Those with an interest in the history of Mississippi will find *Baptists in America* to be particularly interesting and helpful. Kidd and Hankins provide more coverage of Baptists in Mississippi than any other study of Baptists that is not focused exclusively on the state. Richard Curtis, founder of the first Baptist congregation in Mississippi in its Spanish colonial days, figures prominently in the book. Curtis's attempts to practice his Baptist religion in violation of Spanish colonial law led to a call for his arrest and his flight from the region, only to return after the United States acquired the area. Although this story is well-documented and fits clearly with themes of Baptists as a persecuted minority in their early years, it is largely unknown and uncited in other histories. Richard Boyd, a former slave from Noxubee County, who founded part of the National Baptist Convention, figures prominently in their study, as well.

The complex relationship of white Baptists in Mississippi to the civil rights movement has a strong and detailed exploration in the work of Kidd and Hankins. The two historians include lengthy discussions of the civil rights involvements of Mississippians, including Will D. Campbell, Thomas and Robert Hederman and their publishing enterprise, and W. D. Hudgins, pastor of First Baptist Church in Jackson. The authors situate Hudgins's theological identity in a Baptist distinctive known as priesthood of the

believer or soul competency. The authors argue that the commitment of Hudgins to soul competency, a term popularized by another Mississippi native, E. Y. Mullins, who served as a professor and as president of the Southern Baptist Theological Seminary in Kentucky, caused the pastor to distance himself from social action and ignore racial justice issues. This thesis needs further examination and leaves some unanswered questions. The vast majority of religious white Mississippians, including lay Roman Catholics and United Methodists, for whom soul competency played no role, supported Mississippi's segregated social practices. It is likely that a belief in soul competency had little to do with Hudgins's silence or the support of the Hederman brothers for the status quo.

The last chapter of *Baptists in America* provides a strong examination of Baptist distinctives, something almost every historical study of Baptists includes. Surveying current responses to the difficult-to-answer question, "What makes a Baptist a Baptist," Hankins and Kidd propose their contribution. In the midst of their diversities, Baptists have three markers: an interest in adult baptism and a historic rejection of infant baptism, radical congregational autonomy, and, finally, "the willingness to call oneself a Baptist" (p. 251). Kidd and Hankins provide an important contribution to the historical study of this theologically and racially diverse movement that forms a strong part of religion in the American South, as well as the nation.

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Carson-Newman University

One Nation Under God: How Corporate America Invented Christian America. By Kevin M. Kruse. (New York: Basic Books,

2015. *Acknowledgements, notes, index.* Pp. xvi, 352. \$29.99. ISBN: 9780465049493.)

The populist myth of America's Christian origins contains a narrative of a golden past of a shared evangelical worldview that originated with the Puritans and continued with the nation's founders. The myth claims that the nation emerged as a Christian society and that the society's Christian values remained dominant until the mid-20th Century. The myth, like many myths, does not correlate with the actual events of the time, nor does the myth reflect the narratives of professional historians. One needs look no further than Edwin Gaustad's *Faith of the Founders; Religion and the New Nation 1776-1826*, second edition (Waco: Baylor University Press, 2004) to find strong explanations of the complexities of religious and political thought in the nation's beginning.

How, then, did so many people come to believe that the nation's secularity in the 1950s and 1960s was a radical departure from the heritage of Roger Williams and Thomas Jefferson? A standard explanation contends that national anxiety generated by the Cold War, in particular the official atheism of the Soviet Union, created the sense that the United States was under a religious assault externally and internally. These Cold War events created the myth of a Christian America under assault. Coupled with the Cold War threats were numerous Supreme Court decisions on religious liberty issues that ruled state-sanctioned prayers unconstitutional.

Kevin Kruse, however, makes a well-documented case that the myth of a Christian America under assault originates earlier than the events that motivated Congress to add the words, "Under God," to the Pledge of Allegiance in the 1950s or to attempt to put a right to pray amendment in the Constitution. The subtitle of his book,

"How Corporate America Created Christian America," reflects his purpose and his thesis. American corporate leaders, reacting to Roosevelt's New Deal and to the progressive orientation of Social Gospel-inspired main-line Christianity, formed an alliance with conservative evangelical leaders to promote religion and free enterprise. This alliance, which connected the National Association of Manufacturers and the Chamber of Commerce and prominent businessmen, such as J. Howard Pew, with religious leaders ranging from Billy Graham to Norman Vincent Peale, worked to deconstruct religious support for the social vision of Franklin Roosevelt. With roots in the 1930s, this alliance of economic leaders and religious populists continued through the appeals of Ronald Reagan and George H. W. Bush to a particular sector of the religious public, all detailed in Kruse's book.

Kruse grounds his work in an extensive study of primary documents of various types, ranging from newspapers and magazines to personal papers of various leaders. He brings new insight into the political agenda of familiar leaders, like Graham, and he introduces lesser known figures who played a significant role in the battle to create a Christian narrative, such as Congregationalist minister James Fifield and Methodist minister Abraham Vereide. He includes brief vignettes of the role of Mississippians in advancing the identity of a Christian nation, recording John Stennis's words at a 1949 prayer breakfast for new appointees to the Supreme Court and James Eastland's denouncement of the Supreme Court ruling against school prayer in *Engel v. Vitale* almost twenty years later.

One Nation Under God provides a strong contribution to understanding the rise of a belief that the nation has its beginnings as a Christian society and that this Christian society faced an assault in the 20th

Century. Kruse details the origins of this belief in the opposition of economic conservatives to the New Deal, an opposition that created a business-religious alliance that extended to the 1980s. The study will provide a long-lasting resource for understanding the role of religion in the public arena.

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Confederate Generals in the Trans-Mississippi: Essays on America's Civil War, Vol. 1, Edited by Lawrence Lee Hewitt with Arthur W. Bergeron, Jr., and Thomas E. Schott. (Knoxville: University of Tennessee Press, 2013. Acknowledgments, illustrations, maps, notes, index. Pp. xxiii, 302. \$54.95 cloth. ISBN: 9781572338661.)

This volume is part of *The Western Theater in the Civil War*, edited by Gary D. Joiner. It is a collection of eight essays on the following generals: Thomas C. Hindman, Jr., Theophilus H. Holmes, Edmund Kirby Smith, Mosby Monroe Parsons, John S. Marmaduke, Thomas James Churchill, Tom Green, and Joseph Orville Shelby.

The essays focus on specific issues, actions, and topics related to the various generals. As noted historian William L. Shea writes in the foreword, the book seeks to rectify the long-held view that the Trans-Mississippi theater of war was "a dumping ground for Confederate generals who failed to make the grade in Virginia. The essays in this volume demolish that myth" (xi-xii). That these generals served in a region deemed less important does not necessarily taint them as less than their counterparts in more decisive theaters.

Thomas Hindman is one of the more interesting figures of the war, and on a broad scale, not only in the Trans-Mississippi. He

was determined to succeed, even if that meant violating civil liberties when necessary. Bobby Roberts does a fine job of tracing Hindman's frustrating journey into the swamp of politics versus military necessity.

Theophilus Holmes should never have been a general; only his friendship with Jefferson Davis made his command possible. He was short-sighted and uncooperative with other commands, and he did not possess leadership abilities. As Joseph Dawson demonstrates, Holmes was a Confederate patriot, but never a nationalist.

Edmund Kirby Smith played a key role in the Trans-Mississippi and, by the end of the war was in command of the whole of it. Possessing an enormous ego, he was often criticized, and he made enemies of two other generals, Richard Taylor and Sterling Price. Jeffrey Prushankin illustrates the course of Smith's war years, showing how much time the general spent defending himself. His inability to put together a true command team doomed his efforts.

Mosby Monroe Parsons is accurately described by Bill Gurley as Missouri's forgotten brigadier general. Gurley examines Parsons's career through the end of 1863; he will finish his study in a future volume. Parsons demonstrated many fine qualities as a battlefield commander and enjoyed several successes. Gurley offers a needed biographical sketch of the pre-war Parsons, but he notes that Parsons's death shortly after the war's end doubtlessly affected his anonymity, for the name he made for himself was in a theater often as forgotten as he was.

John Marmaduke was a fine cavalry leader who served on both sides of the Mississippi. He was aggressive, often described as gallant, and creative in strategy and tactics. He used immobility to force Union troops to stay in place and suffer from weather and lack of supplies. He also operated at night. Helen Trimpf tends to

agree with other historians that Marmaduke had political enemies, the fate of most Confederate generals west of the river. But, he excelled on the battlefield, impressed Kirby Smith and Sterling Price and deserves more attention than he has received.

Mark Christ summarized Thomas James Churchill's generalship as brave, careless, mistaken tactics, with little luck and good fortune on the battlefield. Churchill fought well at Arkansas Post, moderately well at Jenkins' Ferry, and made mistakes at Pleasant Hill, which earned him the ire of Kirby Smith. His was not an uncommon fate of generals who might have done better under different circumstances.

Curtis Milbourn looks at Tom Green's leadership during the Red River Campaign, specifically at Carroll's Mill, Mansfield, and Pleasant Hill. Milbourn concludes that Green did well on all these battlefields, overcoming the restraints of operating in the midst of a large army, which did not allow much creativity for the general. In effect, circumstances kept Green from demonstrating how good he might have become.

Joseph Shelby is one of the better known generals of the group, mainly due to leading a few men of his command to Mexico rather than surrender at the war's end. However, as Stuart Sanders shows, Shelby often had to recruit his own cavalry, had his men fight dismounted, and had an innate ability to fight on his own. Shelby's adventures were many and varied, and, like Nathan Bedford Forrest, he never surrendered.

This book is an outstanding collection of essays that combine details and analysis into good history. For those who seek to know more about the Trans-Mississippi theater, this work is a good place to start.

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Agriculture and the Confederacy: Policy, Productivity, and Power in the Civil War South. By R. Douglas Hurt. (Chapel Hill: The University of North Carolina Press, 2015. Acknowledgements, maps, tables, notes, index. Pp. xi, 349. \$45 paper. ISBN: 1469620006.)

The sesquicentennial of the Civil War has proven a boon to students of the era thanks to the expansive number of works published on varied aspects of the period. One benefit of this is the reexamination of areas long ignored. One such area of great importance is the role of agriculture in the creation and support of the conflict. R. Douglas Hurt gracefully renews the study of southern agriculture during the War with his book, *Agriculture and the Confederacy: Policy, Productivity, and Power in the Civil War South*. Hurt's book is the first major work on the topic in twenty years, and one of a handful of books to investigate one of the most significant issues related to the cause and logistical continuation of the War since Paul Wallace Gates, a preeminent voice in the field of agricultural history, and the 1965 publication of his collection of essays, *Agriculture and the Civil War*.

This volume is not a conventional work of agricultural history. While the book contains excellent data on crop production and distribution, Hurt works diligently to go beyond the raw information to highlight the role that agriculture played in the foreign and domestic policies of the Confederacy. Readers will recognize the primacy of cotton as an industrial-scale commodity crop and the largest American export crop. Many within the South, including the Confederate government leaders, hoped that Europe's reliance upon southern cotton would result in recognition of the nascent country, if not material assistance from France and England. As Hurt points out early in the

work, it is the lack of a centralized agricultural policy or the creation of a department of agriculture that frustrated these hopes. Self-determination and states' rights trumped any call for a unified agricultural policy within the Confederacy. Without an organization to create and enforce policies surrounding food and fiber cultivation and use, the South failed to capitalize on perhaps the greatest asset it possessed.

As important as internal governmental policy is in this volume, the author provides ample evidence of the impact of external policy upon Confederate agriculture. Logistical challenges and individual resistance to the needs of the country presented nearly impossible hurdles to Richmond, but the hand of the invader helped complete the failure of farming efforts in the South. The perpetual loss of prime farming territories such as Tennessee, the lack of access to the Trans-Mississippi West, and the inability to protect agricultural assets from the foraging hands of the Federal army combined to cause food shortages for the military and civilian South. Hurt concludes the book with an overview of the complete and utter devastation of southern agriculture incurred during the War, including the eradication of much of the rice industry. Only cotton returned quickly to pre-war cultivation, reclaiming at least a regional economic throne, which drove post-War developments that are beyond the scope of this work.

There is much to recommend in *Agriculture in the Confederacy* to the student of Mississippi history. Hurt uses price data to illustrate the economic impact of the War within the state. As Mississippi was a leading cotton producer before the war, much of the information presented deals with attempts at converting fiber production to food cultivation and with resistance to those efforts. As early as 1862, the state government attempted to enforce limits on

cotton by burning fiber stockpiles. Once the Union Army began the occupation of Mississippi in fits and starts, planters took advantage of the presence of the enemy in order to reopen trade with the North.

Ultimately, works such as *Agriculture in the Confederacy* are needed to refine one's understanding of the totality of the Civil War. Hurt gives the reader a "national" overview of the topic, an entry point for a large audience to experience a critical yet underappreciated aspect of the conflict. This book is a much needed addition to the historiography of the American Civil War.

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Womanpower Unlimited and the Black Freedom Struggle in Mississippi. By Tiyi M. Morris. (Athens: University of Georgia Press, 2015. Acknowledgements, illustrations, notes index. Pp. xvi, 237. \$69.95 cloth, \$24.95 paper. ISBN: 0820347302.)

In *Womanpower Unlimited and the Black Freedom Struggle in Mississippi*, Tiyi M. Morris illustrates how the movement for black liberation cannot be understood from a top-down approach only but must include an analysis of the motivations and actions of a group of local women and their organization, Womanpower Unlimited. These women have been under-researched and underrepresented in history of social movements and in the historiography of the Mississippi civil rights movement. Through careful study of oral histories, Morris's social history captures the essence of a people's movement and further explores the way local history and local people are microcosms of the nation and the world. The Mississippi civil rights movement was intimately connected to the black freedom

struggle nationwide and to raising the consciousness of white Americans about the dehumanization and injustices of racial inequality.

Morris reclaims the agency and importance of black activist women as individual and collective mothers, specifically those in Womanpower Unlimited, who used their community mothering, or "othermothering," for racial uplift "as resistance to societal attempts to dehumanize and denigrate Blacks" (6). In this in-depth study of Womanpower in Mississippi, Morris details how middle-class African-American women who were career activists in male-led organizations like the NAACP utilized their skills and resources to carve out a separate space for a black women's organization. Using othermothering as a form of resistance, Clarie Collins Harvey founded Womanpower Unlimited to address the material and emotional needs of the unjustly jailed Freedom Riders through grassroots funding efforts to provide housing, food, clothes, and cosmetic support. Womanpower provided similar support for civil rights activists and volunteers for Freedom Summer and subsidized four homes in Jackson "which provided cost-free housing for civil rights volunteers" (72).

Morris argues that these activists were intersectional in their approach, a tradition that is rooted in the philosophy of African-American activists like Anna Julia Cooper and in black feminist theory about multiple identities for black women, especially activists. As middle-class black women, the members of Womanpower Unlimited used their femininity, blackness, and relative economic independence from whites to undo multiple oppressions of race, gender, and class. Their position in society allowed Womanpower to create a safe space from patriarchal organizations like the NAACP and to utilize the fullness of its resources to

engage in women's empowerment and the holistic development—political, economic, and spiritual—of subjugated black people.

Extending their activism beyond voter registration and school desegregation, Womanpower's efforts included anti-war and nuclear disarmament ideas through its peace activism, ecumenical prayer, and the fellowship generated between local and national activists, which created interracial dialogue between black and white women from southern and northern states. As Womanpower developed into more than an organization for political enfranchisement, it became a humanist, black feminist, ecumenical, pacifist, interracial group of women who impacted civil rights, human rights, and peace activism on the local, national, and international levels.

Morris urges for the inclusion of black women's stories, the preservation of their histories, and the recognition of their activism. As Morris explains, "The fact that this story has not previously been told speaks, among other things, to the invisibility of certain women in the historical record. This invisibility is a result of black women being less likely to leave written records of their work for concerns over how their image might be [mis]construed by and in a society that has consistently denigrated black womanhood" (13). This invisibility and denigration calls for scholars and activists alike to complicate both whiteness and maleness by including the work and contributions of black women. Recognizing their activism as more than support for the directives of men like Martin Luther King, Medgar Evers, and Aaron Henry, affirms their agency and value as collaborators—with black and white men and women—in their quest for dignity for themselves and liberation for black people. *Womanpower Unlimited* places African American women back in the narrative, filling in the empty

space of black women's history, and centers them as valuable agents in deconstructing systemic oppression with their unique holistic, intersectional activism.

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The Chicago Manual of Style (latest edition) should be followed, with some exceptions (primarily dates: the *Journal* prefers “December 1, 1866,” to Chicago’s “1 December 1866”).

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