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## **Citizens In Arms: Black Americans, Mobility, And Armed Self-Defense At The Turn Of The Century**

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Citizens in Arms: Black Americans, Mobility, and Armed Self-Defense at the Turn of the  
Century

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Doctor of Philosophy

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## ABSTRACT

*Citizens in Arms: Black Americans, Mobility, and Armed Self-Defense at the Turn of the Century* explores the grassroots activism and direct action of Black Americans during the late nineteenth and early twentieth centuries, focusing on their use of armed self-defense to safeguard rights established under the 13th, 14th, and 15th Amendments.

I analyze the discourse surrounding freedom of movement, armed self-defense, and Constitutional rights through the perspective of Black newspapers owned and operated by African Americans. These papers served as crucial platforms for expression and advocacy within the African American community, offering valuable insights into how Black Americans perceived and defended their rights against racial violence.

I argue that Black individuals and communities strategically employed armed self-defense as a means of protection and empowerment in the face of pervasive racial violence and oppression. This dissertation underscores how Constitutional guarantees of emancipation from slavery, due process, equal protection under the law, and voting rights intersected with freedom of movement and armed self-defense in the lived experiences of Black Americans. Additionally, this project demonstrates that armed self-defense emerged as a necessary response to ongoing racial violence and intimidation faced by African Americans in their pursuit of political participation and equality. By emphasizing the role of armed self-defense and Black mobility, this research contributes to a nuanced understanding of Black resistance within the broader struggle for civil rights.

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This dissertation is the culmination of a personal and emotional journey to honor my ancestors, empower my people, and find my place in the arc of justice. To arrive at this place of healing and wholeness, I had to channel my grief and rage into writing a history of Black activism and determination. As my hero Ida B. Wells said, “The way to right wrongs is to shine the light of truth upon them.” Following in her footsteps, I aim to illuminate the injustice and violence at the turn of the century and their evolution into similar deadly consequences in the 21st century. By examining the heroism and grassroots activism of Black Americans against a system designed for their dehumanization, we can draw lessons for today, recognizing our humanity and tapping into a heritage of resistance.

I would like to thank the members of my dissertation committee, Dr. Hannah Rosen, Dr. M. Lynn Weiss, Dr. Jody Lynn Allen, and Dr. Brandy S. Faulkner, for their thoughtful feedback and constructive criticism. Their diverse perspectives and suggestions have enriched my work. Thank you for helping me bring this project to fruition.

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For the ancestors.

## Introduction

In 1897, Dot Price was living with his wife and children on his successful farm in Lavinia, Carroll County, Tennessee. His success made him the target of the local White Caps, a clandestine group of white vigilantes who used violence and intimidation to compel Black tenant farmers and landowners to abandon their property.<sup>1</sup> More than once, the White Caps ordered Price to sell his farm and leave the county.<sup>2</sup> The *Cleveland Gazette* reprinted an article from the *New York Independent* that claimed “it is declared that his prosperity is the offense for which he was ordered to leave his home. They do not like to have Negroes doing too well.”<sup>3</sup> The use of “they” invokes the hierarchy and power dynamic between white and Black Americans at this time, in Lavinia and nationally, and the threat of repercussions when Black Americans resisted or exceeded a subordinate role. Indeed, the vigilante group, the Ku Klux Klan, founded shortly after the Civil War, terrorized, tortured, and murdered Black Americans in the name of restoring white supremacy. Similar vigilante groups with names like White Caps, Night Riders, White League, and Knights of the White Camelia and lynch mobs of loosely organized white citizens continued the Klan’s terror and disdain for Black

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<sup>1</sup> Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Belknap Press: An Imprint of Harvard University Press, 2005), 427.

<sup>2</sup> “Killed One White Cap. An Afro-American Defends His Home and Refuses to Leave It On Order,” *Cleveland Gazette*, November 13, 1897.

<sup>3</sup> “Doings of the Race,” *Cleveland Gazette*, November 13, 1897.

citizenship and civil rights that disrupted the antebellum power dynamics. Spectacle lynching and vigilante justice permeated the former Confederate states in the decades following the violent end of Reconstruction-era progress in 1877. Despite the constitutional safeguards that were enshrined in the Thirteenth, Fourteenth, and Fifteenth Amendments, including protections of life, liberty, property, freedom of movement, due process, equal protection, and suffrage for Black men, Black Americans like Price faced brutal violence when they attempted to assert these rights.

Price likely understood that he couldn't be lawfully compelled to leave his home even if the specifics of the 14th Amendment's provisions regarding due process and equal protection of life, liberty, and property were not at the forefront in his mind. However, Price's refusal to abandon his property reflected an implicit understanding of his rights as a free man. On October 12, 1897, approximately fifty whitecaps descended upon the Price home in a barrage of bullets that shattered windows and pierced the door and walls.<sup>4</sup> One or more of the bullets hit Price's right arm.<sup>5</sup> Price immediately returned fire. *The Cleveland Gazette* reported that Price, armed with a rifle and several shotguns, "fired repeatedly" at the White Caps.<sup>6</sup> This suggests that Price was not only prepared for such an

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<sup>4</sup> "Killed One White Cap. An Afro-American Defends His Home and Refuses to Leave It on Order," *Cleveland Gazette*, November 13, 1897.

<sup>5</sup> "Killed One White Cap. An Afro-American Defends His Home and Refuses to Leave It on Order."

<sup>6</sup> "Killed One White Cap. An Afro-American Defends His Home and Refuses to Leave It On Order."

attack but also determined to launch a vigorous defense, conveying an understanding that just as he knew he had a right to own property, he also had a right to defend it. Both Black and white newspapers reported that Price killed one White Cap and mortally wounded four others.<sup>7</sup> Although Price repelled the attack, he was murdered in an ambush not long after.<sup>8</sup>

Black newspapers like the *Richmond Planet* praised Price for his bravery in defending his home and family. A *Planet* article titled "Defended His Home" added that Lavinia's local Black citizens, instead of being frightened by the White Caps' threats of vengeance, challenged them to "do their worst." The *Planet* not only lauded Price's actions but also declared that all Black Americans should act similarly regardless of the consequences because anything less "would stamp him as a coward unfit to enjoy the liberties of a freeman in a republic."<sup>9</sup> In other

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<sup>7</sup> "Killed One White Cap. An Afro-American Defends His Home and Refuses to Leave It On Order;" "Negro Shoots Whitecappers," *The Gazette*, October 23, 1897; "General Southern News," *Richmond Planet*, October 23, 1897; "The Chicago Tribune Says," *The Memphis Appeal*, October 17, 1897.

<sup>8</sup> "Defended His Home," *Richmond Planet*, October 30, 1897.

<sup>9</sup> "Defended His Home." For an explanation of "freeman," see Stephanie McCurry's *Masters of Small Worlds: Yeomen Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), in which she explores the social and political structure of property relations between the planter class and yeoman farmers. In this context, the term "freemen" held significance among the free, middle-class, white farmers of the low country. As an "independent man," a freemen was "bound to defend his household, his property, against invasion" (260). According to William Harper's *Memoir on Slavery*, freemen did not accept the humiliation of a "blow" because they were responsible for their own dignity and well-being. William Harper, "Memoir on Slavery," *Southern Literary Journal* 3, no. 2 (February 1838): 94, quoted in Stephanie McCurry, *Masters of*

words, Price's bravery was a model for all who were freemen, men who were not enslaved and had the rights of free citizens including freedom of movement and property ownership.

The assault on the Price homestead wasn't an isolated event; rather, it was one act in a broader, systematic attack on the civil rights of all Black Americans. This dissertation contends that the rights white people sought to deny Black Americans were fundamentally rooted in freedom of movement. Freedom of movement, both the right to move freely and the absence of compulsion to move, was essential to day-to-day existence, labor, leisure, community, and economic opportunity. I use the phrases Black mobility and freedom of movement interchangeably throughout this dissertation. Both terms encapsulate the fundamental concept of Black Americans moving freely, unimpeded by systemic barriers or restrictions or by harassment, displacement, and/or dispossession. While Price's armed self-defense exemplified individual courage, this dissertation argues that armed self-defense was also part of a larger grassroots movement within Black communities to safeguard their homes, lives, and liberties, all of which were rooted in the civil rights granted to formerly enslaved and free people of color by the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments. Freedom of mobility was necessary for accessing and exercising these rights, as

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*Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 219.

was the right to armed self-defense, which allowed people to protect themselves and their communities against threats to life and liberty.

At the turn of the century, the Black press was essential in the advocacy for these rights for Black Americans. The Black press also became a crucial space to document assaults on Black freedoms and Black people's resistance to those assaults. Finally, the Black press served as a conduit for the Black community throughout the United States to support, educate, and advocate for their rights in their own words and to shape Black citizenship on their own terms.

**Statement of the Problem:**

My dissertation examines the grassroots activism and direct action of Black Americans during the late nineteenth and early twentieth centuries, particularly exploring how Black Americans used armed self-defense to protect their rights established under the 13th, 14th, and 15th amendments. By emphasizing the link between armed self-defense and the fundamental right to freedom of movement embedded within the Reconstruction amendments, I aim to contribute to a comprehensive history of Black resistance by highlighting Black Americans' endorsement and use of force to protect their rights similar to the scholarly exploration undertaken by historian Stephen Hahn in *A Nation Under Our Feet: Black Political Struggles in the Rural South From Slavery to the Great Depression*.<sup>10</sup> Hahn argues that Black political strategies involving "self-protection" and "self-defense" against white vigilantes and lynch mobs during

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<sup>10</sup> Hahn, *A Nation Under Our Feet*.

Reconstruction are underemphasized in historical accounts of Reconstruction or downplayed as aberrations in Black political strategies.<sup>11</sup> Hahn's examination of post-emancipation violence and organization suggests the opposite. For example, Hahn writes that Black Americans drilled and organized for self-protection and collective action across the post-emancipation South.<sup>12</sup>

Organizations like the Union League, with local chapters across the United States, engaged in social and political advocacy on the behalf of freedmen and used armed self-defense and secrecy to safeguard its members.<sup>13</sup> In *The Political Worlds of Slavery and Freedom*, Hahn claims that dominant narratives of Black political history avoid examining armed self-defense and grassroots mobilization because it unsettles entrenched narratives of a "liberal integrationist framework" that centers non-violent resistance and the Black "struggle[] for inclusion and assimilation, for individual rights, and for citizenship."<sup>14</sup> My focus extends into the turn of the century and highlights the continuity of Black armed self-defense as protest and grassroots mobilization against racial violence. Throughout this dissertation, I extend Hahn's methodology to unsettling the "liberal integrationist framework" by emphasizing the importance of armed self-defense and Black mobility embedded in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments

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<sup>11</sup> Hahn, *A Nation Under Our Feet*, 266.

<sup>12</sup> See Hahn, "Of Rumors and Revelations," "Of Reconstructing the Body Politic," and "Of Paramilitary Politics" in *A Nation Under Our Feet*.

<sup>13</sup> Hahn, *A Nation Under Our Feet*, 273.

<sup>14</sup> Steven Hahn, *The Political Worlds of Slavery and Freedom* (Cambridge: Harvard University Press, 2009), 159–60.



Additionally, my research seeks to empower contemporary Black Americans by illuminating the courageous actions of their ancestors who fought back and asserted their rights during this pivotal period in history. In many American history classes, these decades are depicted as part of “The Gilded Age,” a misnomer coined by writer Mark Twain to mock the political corruption, industrialization, concentration of wealth, and overconsumption that further divided the rich from the poor. Others call that period, “The Progressive Era” for the political reforms, labor rights, and social activism that attempted to correct the excesses of the wealthy and the deleterious effect they had on everything from the environment to child labor. Scholarship using those terms to describe the late nineteenth and early twentieth centuries, however, often overlook or pay scant attention to historically marginalized communities. Many white women’s suffrage organizers did not want Black women to participate in their organization’s activities. Labor unions only reluctantly and begrudgingly admitted Black workers. Black Americans also received fewer social and community services than did white Americans.

From the perspective of Black Americans, this era is more aptly described as “Jim Crow,” a period when racial segregation and discrimination made them second class citizens in their own country. Historian Rayford W. Logan’s 1954 book entitled *The Negro in American Life and Thought: The Nadir, 1877-1901*, claimed that this period was the “nadir of American race relations.” For Logan, and other historians who use this phrase, these decades are defined by lynching,

discrimination, disenfranchisement, and a setback in civil rights for Black Americans. The “New Negro Movement” or “Harlem Renaissance,” which began around 1910, are the only appellations that possesses an aura of progress and empowerment.

Whether viewed through a white American lens or a Black American lens, existing designations for this period do not adequately convey the robust grassroots activism of Black Americans that emerged then across the country, and particularly in the American South. As a result, many Americans, unaware of the significant Black activism at the turn of the century, believe there's a gap in Black activist history. This perceived gap, coupled with misinformation about the extent of Black activism, contributes to the mistaken perception of Black passivity and acceptance of injustice and violence. The typical American high-school or undergraduate history class does not address this misconception. As a result, Black students enroll in the college classes I teach as an African American Studies Professor with a sense of internalized stigma from the belief that Black Americans were passive and accepting of the denial of their rights and the violence levied against them. They also convey a feeling of cultural embarrassment and betrayal that fuels complex emotions of disdain and disconnection from our ancestors and a crisis of identity that recalls W.E.B. DuBois' concept of double-consciousness.

In my classes I attempt to address this by emphasizing Black agency and direct action through armed self-defense as a form of resistance and

empowerment in the face of discrimination, injustice, and violence. Through my research as well, I shed light on Black activism during this critical period and demonstrate how the actions and struggles of Black Americans during this time can continue to resonate and empower contemporary generations. Additionally, by foregrounding the thoughts, sentiments, and strategic considerations of Black Americans from 1890 to 1910, I give their perceptions of their rights and activism the prominence that has too long been denied.

**Primary Sources:**

In my research, I use the Black press to examine the discourse surrounding freedom of movement, armed self-defense, and rights as constituted within the 13th, 14th, and 15th Amendments. My examination of the Black press is limited to newspapers owned and operated by Black individuals. These papers served as a platform for expression and advocacy within the African American community.

Through analysis of the Black press, I provide interpretations regarding how Black Americans understood the concepts of freedom of movement and armed self-defense. This exploration allows me to gain insight into how Black Americans interpreted and applied these legal protections in their daily lives, particularly in the context of advocating for their civil rights and defending themselves against racial violence and discrimination.

Central to this exploration are figures like John Mitchell, an editor, journalist, and anti-lynching activist renowned for his advocacy of armed self-defense. Mitchell's newspaper, the *Richmond Planet*, prominently featured individuals like Dot Price who defended their homes against white supremacist threats. Mitchell's endorsement of armed self-defense emphasized its significance in claiming citizenship rights, framing it as essential for protecting life, liberty, and property.

In addition to examining the perspectives of figures like John Mitchell, it is important to consider the contributions of other radical activists and journalists from publications like the *Cleveland Gazette*, the *Broad Ax*, and the *Colored American*. These platforms provided alternative voices within the Black community, offering critical commentary on issues such as freedom of movement and armed self-defense. Paula J. Giddings, in her book *Ida: A Sword Among Lions*, describes the activism of editors like Rev. T. Nightingale of the *Memphis Free Speech* who used their newspapers to call for armed self-defense against racial violence and protection of the Black community.<sup>15</sup> Giddings writes that Nightingale owned a repeating rifle and stated that he would use any “recognized weapon of defense” when other, more peaceful methods failed and urged other Black men to do the same even “if they have to die in the ditch up to their neck in blood.”<sup>16</sup> In 1889, Ida B. Wells joined the *Memphis Free Speech* as part owner

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<sup>15</sup> Paula J. Giddings, *Ida: A Sword Among Lions* (New York: Amistad, 2008), 158.

<sup>16</sup> Giddings, *Ida*, 158.

and editor.<sup>17</sup> Wells not only matched Nightingale's passionate and provocative rhetoric of armed self-defense. She also expressed disdain for Black Americans who, when faced with violence "yields and cringes and begs."<sup>18</sup> Wells backed her words with action. Four years prior to joining the *Free Speech*, twenty-one-year-old Wells purchased a first-class ticket for the ladies' car on the Chesapeake, Ohio, & Southwestern Railroad. The white railroad conductor ordered Wells to move to a segregated car. When Wells refused, the conductor, with the eager assistance of white passengers, forcibly ejected her from the car, but not before Wells "put up an impressive fight" and bit the conductor. Much like Wells, radical members of the Black press and other contributors to these newspapers expressed disdain for Black individuals who did not resist lynch mobs with utmost determination, even if it meant risking their lives.

Commencing my archival research several months before the onset of the COVID-19 pandemic, I undertook multiple research trips to the Library of Congress in Washington, D.C. to survey Black-owned and edited newspapers. The subsequent closure of libraries, museums, and archives nationwide, coupled with restricted access to educational institutions, posed significant challenges to the continuation of my research. However, despite these obstacles, I was able to access a selection of newspapers spanning from the *New York Age* in the North,

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<sup>17</sup> Mia Bay, *To Tell the Truth Freely: The Life of Ida B. Wells*, First Edition (New York: Hill and Wang, 2010), 45.

<sup>18</sup> Nicholas Johnson, *Negroes and the Gun: The Black Tradition of Arms* (Amherst: Prometheus, 2014).

the *New Orleans Tribune* in the South, and from *The Elevator* on the West Coast, and the *Baltimore Afro-American* in the East. There were also a large number of papers from the Midwest such as *The Indianapolis Freeman* and *The Topeka Plaindealer*. Due to their popularity and wide circulation, I had access to a significant number of issues from these and other papers that have enabled me to offer an accurate representation of the views and political climate among Black Americans during the period from 1890 to 1910.

I used keywords such as "lynch mob," "defense," "civil rights," "amendment," "Winchester," "shot," and "riot." Additionally, I searched for significant historical events and figures, such as "*Plessy v. Ferguson*," and "Ida B. Wells." When I located relevant articles using these keywords, I read through the entire newspaper to gain a comprehensive understanding of the context, particularly how they addressed themes of armed self-defense, Black mobility, and rights.

I sorted and categorized my sources by decade. When I found a relevant article, I created a folder for that specific topic. I recorded bibliographic information and the relevance of the source to the topics in my dissertation. This approach aided in my analysis and the integration of the sources into my dissertation's narrative.

It is imperative to note a regional bias in the newspapers I have surveyed, which were concentrated in the Northeast, Midwest, and Western regions of the country. This distribution is attributed to the risks faced by Black newspapers and

journalists in the South when advocating for rights and armed self-defense against racial violence. The Southern states have been historically fraught with violent reprisals against journalists and publishers who challenged the status quo like Alex Manly, owner of *The Daily Record* in Wilmington, North Carolina, and Ida B. Wells, a prolific journalist and champion for civil rights. In light of these challenges, many Black newspapers and journalists moved to the Northeast, Midwest, and Western states. These regions provided a relatively safer environment for Black journalists who navigated reporting or participating in the pursuit of justice. The specific time frame of this study, 1890-1910, reflects the apex of spectacle lynching in America and its gradual decline, but not elimination, in the early twentieth century. Spectacle lynching saw a resurgence after the seismic shifts in American culture that came with World War I and the Great Depression.<sup>19</sup> This period also included particularly outspoken defense of the use of force by Black Americans as a necessary political strategy. In the next decade, those voices were quieted by, for instance, Booker T. Washington's purchase of radical Black newspapers struggling for financial support and bribing editors to quash calls for armed self-defense in favor his accommodation philosophy.<sup>20</sup> Additionally, as the United States drew closer to entry into World War I, Black Americans who supported the war hoped that enlistment and active duty would

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<sup>19</sup> Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*, New edition edition (Chapel Hill: University of North Carolina Press, 2011), 260–69.

<sup>20</sup> Adriane Lentz-Smith, *Freedom Struggles: African Americans and World War I* (Cambridge: Harvard University Press, 2011), 25.

garner respect and recognition from white Americans.<sup>21</sup> These factors contributed to the waning vocal support for armed self-defense despite the persistence of lynching and racial violence.

Time constraints emerged as a factor, attributed to my role as a full-time associate professor at Tidewater Community College. These constraints, existing independently of COVID restrictions, limited my ability to undertake extensive travel for in-person research. Despite these challenges, I maintain the integrity and relevance of my research findings, contextualizing the inherent limitations within the broader academic landscape. Regardless of the restrictions on time and travel, through my close examination of the narratives of armed self-defense in the Black press it became clear that Black Americans in this time period embraced as theirs the common law right to mobility and the right to defend that mobility as existed within the framework of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments.

**Relevant Scholarship:**

Two influential secondary sources shaped the direction and focus of my research. Kidada Williams' *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I* and Kellie Carter Jackson's *Force and Freedom: Black Abolitionists and the Politics of Violence*. *They Left Great Marks on Me* served as a primary model for my investigation into Black armed self-defense to racial violence during the same period. From the outset of my project, I wanted to prioritize primary sources

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<sup>21</sup> Lentz-Smith, 38.



featuring the perspectives of Black Americans experiencing violence and asserting their rights and agency through armed self-defense. Williams' methodology of qualitative research from primary sources significantly influenced the development of my own approach. She uses oral testimonies of Black Americans recounting experiences of racial violence from Emancipation to the Progressive era, labeling this body of evidence as "vernacular history."<sup>22</sup> Williams argues that this vernacular history is a form of resistance and serves as a catalyst for collective action and civil rights reforms.<sup>23</sup>

Williams and I both examine the time period in which Jim Crow was established and resisted, and we both employ discourse and document analysis as key methodologies. My work differs, however, in its narrower temporal focus and scrutiny, specifically of Black newspapers. This choice allows me to foreground the voices and perspectives of Black Americans and their communities. My research privileges the dialogue between and among Black Americans in the pages of the Black press rather than through the lens of white officials or interviewers. These newspapers served as vital platforms for communication and community-building within Black communities during the period under study. By centering on these newspapers, I aim to capture the ways in which Black journalists, editors, and activists framed discussions around racial

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<sup>22</sup> Kidada E. Williams, *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I* (New York: NYU Press, 2012), 8–9.

<sup>23</sup> Williams, *They Left Great Marks on Me*, 9–10.

violence and armed self-defense, providing valuable insights into the strategies and ideologies of resistance prevalent within Black communities.

Moreover, while Williams' work examines various forms of resistance to racial violence, my research specifically delves into the use of armed self-defense as a form of collective action. By homing in on this particular aspect of resistance, I seek to explore what has been less emphasized, that is, how Black communities thought about and strategically employed armed self-defense as a means of protection and empowerment in the face of pervasive racial violence and oppression. In essence, my research distinguishes itself through its exclusive use of Black newspapers as primary sources and its specific exploration of armed self-defense as a form of collective resistance against racial violence. These differences contribute to the diversity of scholarly perspectives within the field and, importantly, highlight the multifaceted nature of Black resistance during this critical period in American history.

Kellie Carter-Jackson's *Force and Freedom: Black Abolitionists and the Politics of Violence* probes the dynamics of political violence and resistance during the antebellum era. By examining the use of force as a tool in the fight against slavery and the resistance to oppressive laws like the Fugitive Slave Act, Carter-Jackson highlights the role of Black abolitionists in shaping the discourse and strategies of the abolitionist movement. In the 1850s, Black abolitionists, disillusioned with non-violent moral suasion and the focus on white men as leaders of the movement, shifted to an ideological stance of self-defense also

phrased as “protective violence.”<sup>24</sup> The transformation in what she terms “black protest thought” signified a shift in Black protest ideology. By advocating for the use of force as a political tool, Black activists shifted the focus away from reliance on white abolitionists and allies to effect change and toward emphasizing Black agency and the restructuring of power.<sup>25</sup>

Reflecting on Carter-Jackson’s work prompted me to examine how Black Americans, often lacking formal organizational structures for mobilizing armed resistance, strategically used the law as both a moral justification for armed self-defense and a political tool in their struggle against oppression. However, my research diverges from Carter-Jackson’s by examining decades that followed emancipation and specifically the intersection of freedom of movement and armed self-defense within the framework created by the new constitutional protections promised by the 13th, 14th, and 15th Amendments to the United States Constitution.

By analyzing how these constitutional guarantees, which promised emancipation from slavery, due process, equal protection under the law, and voting rights intersected with the notions of freedom of movement and armed self-defense, my research underscores how these rights were lived on the ground in the daily lives of Black Americans and the multifaceted nature of their activism and resistance in response to those rights being violated or denied.

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<sup>24</sup> Kellie Carter Jackson, *Force and Freedom: Black Abolitionists and the Politics of Violence* (Philadelphia: University of Pennsylvania Press, 2019), 9.

<sup>25</sup> Jackson, *Force and Freedom*, 4–14.

These constitutional principles, far from being mere legal provisions, served as catalysts for collective action and empowerment within Black communities, fostering strategies for protection and resistance against racial oppression. In essence, while Carter-Jackson's work provides a foundational understanding of the politics of violence and resistance in the fight against slavery, my research builds upon this foundation by exploring armed self-defense in the fight to preserve constitutional rights and achieve racial justice. By contextualizing these issues within the broader framework of constitutional law and Black activism, my study contributes to a deeper understanding of the complexities of race, power, and resistance in American history.

My research builds upon a rich body of historical scholarship that has explored the rights of Black Americans to mobility, particularly during the turn of the century. Key works in this field have laid important groundwork for understanding the intersection of mobility, race, and citizenship, providing crucial insights into Black activism and civil rights struggles. Blair L. M. Kelley's *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson* offers a detailed examination of streetcar boycotts as a form of resistance against segregation and discrimination in public transportation. Kelley's work sheds light on the ways in which Black Americans fought for their right to mobility and citizenship in the face of Jim Crow laws and racial segregation. Mia Bay's *Traveling Black: A Story of Race and Resistance* contributes to a further understanding of Black mobility during Jim Crow by

tracing the challenges Black Americans faced in post-emancipation society navigating racial barriers and restrictions when on the move. Bay's work highlights the efforts Black Americans made to assert their freedom of movement at a time when laws and discrimination made it criminal and dangerous to do so. Elizabeth Stordeur Pryor's *Colored Travelers: Mobility and the Fight for Citizenship before the Civil War* examines the mobility of free Black Americans before the Civil War and its significance in the broader struggle for citizenship and equality. Pryor's research explains how mobility served as both a tool of empowerment and an act of resistance for Black Americans in the antebellum era.

In addition to these scholarly works, Gretchen Sorin and Ric Burns' documentary "Driving While Black: Race, Space, and Mobility in America" provides visual and narrative insights into the centrality of Black travel to concepts of freedom, liberty, citizenship, and racial identity. Through archival footage, interviews, and historical analysis, Sorin and Burns discuss the impact of mobility restrictions on the lives of Black Americans.

By building upon the mobility scholarship of historians such as Kelley, Bay, Pryor, Sorin, and Burns, my research aims to analyze how Black Americans responded to the challenges of white resistance to their constitutional rights under the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments. Specifically, I examine the ways in which Black individuals asserted their right to armed self-defense as individuals

and a community as a means of safeguarding their freedom of movement and of challenging violent white backlash.

### **Explanation of terms and approach:**

#### **Freedom of movement**

While the specific term 'freedom of movement' may not have been prevalent in the discourse of Black Americans during this period, the essence of this concept permeated their struggles and aspirations for equality. Black Americans understood implicitly that the exercise of their civil rights, such as citizenship, due process, and equal protection, was inherently linked to their ability to move freely within society. Whether it was the right to vote, access education, or participate in public life, the limitations imposed on their mobility effectively restricted their full enjoyment of these rights. Their ability to own and profit from property and to develop businesses and institutions required the right to choose where to settle and the right to remain undisturbed in the place of their choosing. Therefore, while they may not have articulated it as 'freedom of movement' per se, the significance of mobility as a prerequisite for the exercise of other rights was deeply understood and felt within Black communities.

#### **Armed self-defense and the Reconstruction Amendments**

Common law, derived from judicial decisions and customary practices, has long recognized the fundamental right to self-defense. This right, deeply rooted in the natural imperative to protect oneself from harm, has been upheld

through various legal doctrines and precedents. These legal principles acknowledge individuals' entitlement to use reasonable force to defend themselves and others from imminent threats to their inalienable rights of life, liberty, and property.

Articles and editorials throughout the Black press indicate that in the years between 1890 and 1910, Black Americans understood and exercised their right to armed self-defense as a means of safeguarding themselves and their communities from acts of racial violence and discrimination. Although this right may not have been expressly articulated within the text of the amendments, the principles of common law and the historical context of the Reconstruction era lend credence to the notion that the right to armed self-defense was implicitly embedded within the broader framework of the Reconstruction Amendments.

### **Interpreting Primary Sources**

In my analysis of primary sources, I exercise caution to refrain from inferring intent and motivations when explicit language regarding freedom of movement, assertion of rights, and the Reconstruction Amendments are absent. Instead, I employ a methodological approach grounded in legal analysis and historical context to interpret the printed word to uncover the underlying meanings and implications embedded within the text.

### **Capitalizing "Black"**

I capitalize the "B" in "Black" and use a lowercase "w" for "white" regardless of the style guide. My reasons for this practice are summarized in an

article by Lori L. Tharps titled "I refuse to remain in the lowercase" from her website *My American Melting Pot*. Tharps emphasizes that capitalizing "Black" recognizes a group of people whose ancestors were forcibly brought to the United States from Africa and made significant contributions to the nation's development and culture. She argues that failing to capitalize "Black" can erase the history and contributions of Black people.<sup>26</sup>

According to Tharps' website, W.E.B. Du Bois fought a similar battle almost a century ago. At that time, activists like Du Bois were advocating for the capitalization of the "n" in "Negro" as a form of respect. Tharps writes that *The New York Times* stated that the editorial decision to capitalize "Negro" was a form of respect rather than a typographical style change. The March 7, 1930, editorial stated, "it is an act of recognition of racial self-respect for those who have been for generations in "the lower case."<sup>27</sup>

I also make a conscious choice not to capitalize "white" because it has been normalized as the default racial category, implying the inferiority of all other races. However, unlike "Black" which represents the shared culture and history of the diaspora, whiteness isn't a cohesive cultural or ethnic identity.<sup>28</sup> Therefore, I have chosen to decenter whiteness by using the lowercase "w," especially in

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<sup>26</sup> Lori Tharps, "I Refuse to Remain in the Lower Case," *My American Meltingpot*, June 2, 2014, <https://myamericanmeltingpot.com/2014/06/02/i-refuse-to-remain-in-the-lower-case/>.

<sup>27</sup> Tharp, "I Refuse to Remain in the Lower Case."

<sup>28</sup> Dean Baquet and Phil Corbett, "Uppercasing 'Black,'" *New York Times*, June 30, 2020.



narratives intended to feature Black history, Black voices, and Black perspectives.

### **Dissertation Structure**

Chapter 1 of the dissertation explores the relationship between Black armed self-defense and the 13th Amendment, which abolished slavery. The 13<sup>th</sup> Amendment emancipated the enslaved, but it did not fold Black Americans into the rights and privileges of citizenship. Eight years earlier, in 1857, the infamous Supreme Court decision, *Dred Scott v. Sandford*, ruled that Black Americans, free or enslaved, were not citizens protected by the U.S. Constitution and could not sue for freedom in federal courts. Although emancipation ended slavery, Congressional Republicans knew that the 13<sup>th</sup> Amendment alone did not provide Black Americans with legal protections of citizenship. Congress passed the Civil Rights Act of 1866 to protect the rights of Black Americans against the tsunami of Black Codes that swept across the former Confederate states. The Civil Rights Act of 1866 established birthright citizenship and provided that all citizens enjoy equal protection under the law, but its enforcement powers were ineffective. Although the act provided for federal enforcement, federal district and circuit courts often deferred to the states, which found ways to circumvent its provisions.<sup>29</sup>

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<sup>29</sup> For an explanation of how the federal courts' deference to the states essentially stripped the act of its enforcement power, see Michael Vorenberg, *Final Freedom : The Civil War, the Abolition of Slavery, and the Thirteenth Amendment* (Cambridge: Cambridge University Press, 2004), 234–35.

In Chapter 1, I argue that freedom of movement is a core tenet of liberty and examine how armed self-defense became a means for Black individuals to exercise that right. The chapter illustrates the interconnectedness of mobility and armed self-defense using the case of Robert Charles, who in 1900 resisted arrest in New Orleans for sitting on a stoop. The resulting days-long manhunt and dramatic shootout between Charles and police officers made him a folk hero. Charles's defiance against attempts to restrict his movement highlights the broader struggle faced by Black people in various aspects of life, from labor and leisure to public spaces and even their homes and businesses.

In Chapter 2, I turn to an examination of how the 14th Amendment with its rights to life, liberty, and property and the implicit rights to freedom of movement and armed self-defense, existed in the everyday lives of Black Americans. The 14th Amendment was intended to address the shortcomings of the 13th Amendment and the Civil Rights Act of 1866 by providing additional constitutional safeguards for the civil rights and liberties of all citizens through four key clauses: the Citizenship Clause, the Privileges and Immunities Clause, the Due Process Clause, and the Equal Protection Clause. The Citizenship Clause constitutionalized birthright citizenship for all persons born in the United States, including formerly enslaved and free people of color. The Privileges and Immunities Clause protects the inherent right of citizens to travel and move freely within the country by establishing that rights granted to the citizens in one state must be applied equally to citizens of other states. As a result, Black Americans

were free to engage in interstate travel and enjoy the same rights as the white citizens within each state. Due Process and Equal Protection work in tandem to ensure that all citizens are treated fairly and equally under the law. Although the Due Process and Equal Protection clauses do not explicitly state a right to freedom of movement, the historical pedigree of the amendment makes it clear that freedom of movement is understood as essential to the rights expressed therein.

Southern states, resentful about their defeat and the implementation of federal government's oversight of state politics via the Reconstruction Acts, balked at ratifying the amendment, but the Black male vote overwhelmingly overcame these objections, and the 14<sup>th</sup> Amendment was ratified on July 9, 1868.<sup>30</sup>

Within this context, Chapter 2 examines the case of Frazier Baker, a postmaster in South Carolina who defended his family and property against forced relocation. By refusing to leave his job and home, Baker exemplifies the use of armed self-defense in response to racial violence aimed at depriving him of his life, liberty, and property. This chapter also explores how Black Americans organized and mobilized to defend individuals who were unjustly targeted by lynch mobs, both within jails and in their own homes. By employing armed

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<sup>30</sup> Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York: W.W. Norton, 2019), 91.

resistance, they sought to uphold the principles of due process and equal protection under the law.

Chapter 3 centers on the 15th Amendment, which prohibits states from denying the right to vote on the basis of race. It interprets voting as not only an act but also as participation in the broader political process. The chapter examines election violence in Danville, Virginia, Wilmington, North Carolina, and Atlanta, Georgia, aimed at suppressing Black political power by curtailing Black mobility. These events underscore that defending one's life and resisting forced removal are inherent rights granted by the 15th Amendment. By exploring the intersection of mobility, armed self-defense, and political participation, this chapter highlights the ongoing struggle for Black enfranchisement and civil rights in the face of systemic oppression.

### **Conclusion**

The adoption of armed self-defense by Black Americans at the turn of the twentieth century was a response to the pervasive threat of racial violence and a continuation of the enduring struggle of Black communities to assert their rights under the 13th, 14th, and 15th Amendments. Despite the legal protections ostensibly afforded by the Reconstruction Amendments, Black Americans faced formidable obstacles in realizing their rights.

Armed self-defense emerged as a necessary measure in the face of ongoing racial violence and intimidation, highlighting the persistent challenges encountered by African Americans in their quest for political participation and

equality. Lynchings, mob violence, and Ku Klux Klan attacks were constant threats to Black lives, prompting communities to organize and arm themselves for protection.

Additionally, armed self-defense was closely intertwined with the broader struggle for civil rights, including the right to freedom of movement. For Black individuals, the ability to move without constraint was not only a fundamental aspect of individual liberty but also a means of asserting their full citizenship rights. The threat of violence often restricted Black mobility, whether it was in public spaces, workplaces, or residential neighborhoods. While white citizens and local authorities used violence to prevent Black Americans from movement to and within racially proscribed areas, they also used violence to prohibit Black Americans from leaving their employers or other oppressive conditions, restricting their economic freedom and mobility. In this context, armed self-defense served not only to protect immediate safety but also to defend the right to move freely, and participate fully in society, and pursue economic opportunities.

The legacy of armed self-defense continues to shape movements for racial equality today. By challenging the notion of passive victimhood and asserting their agency in the face of violence and oppression, Black communities paved the way for ongoing struggles for justice and equality. Their actions underscore the importance of collective resistance in confronting systemic racism and advocating for meaningful change.



## Chapter 1

### Freedom: Black Mobility, Armed Self-Defense, and the 13th Amendment

#### Thirteenth Amendment

##### **Section 1**

*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

##### **Section 2**

*Congress shall have power to enforce this article by appropriate legislation.*<sup>31</sup>

On July 23, 1900, someone alerted Sergeant Jules C. Aucoin of the New Orleans Police Department that “two suspicious looking negroes” were hanging out several blocks away on Dryades Street.<sup>32</sup> Officer Aucoin, Patrolmen August T. Mora and Joseph D. Cantrelle, all of whom were white, soon located 34-year-old Robert Charles and nineteen-year-old Leonard Pierce, two free Black Americans, sitting peacefully on a stoop in that area. Journalist and anti-lynching activist Ida B. Wells would later write in her pamphlet *Mob Rule in New Orleans* that the officers did not have a warrant, and Charles and Pierce were not suspected of any crime.<sup>33</sup> Despite no evidence of any wrongdoing, the policemen

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<sup>31</sup> U.S. Const. amend. XIII

<sup>32</sup> William Ivy Hair, *Carnival of Fury: Robert Charles and the New Orleans Race Riot of 1900*, Updated ed., 2nd printing (Baton Rouge: LSU Press, 2010), 119.

<sup>33</sup> Ida B. Wells-Barnett, *Mob Rule in New Orleans: Robert Charles and His Fight to Death, the Story of His Life, Burning Human Beings Alive, Other Lynching Statistics* (Project Gutenberg, 1900), <https://www.gutenberg.org/files/14976/14976-h/14976-h.htm>.

questioned the men about “who they were what they were doing and how long they had been there.”<sup>34</sup> Their mere presence on a stoop, peacefully engaging in a common activity, should have been protected by law given that they were not enslaved but rather free people. Free people had the right not only to move freely but also to remain stationary without fear of harassment or arbitrary detention. However, the officers' unwarranted interrogation of Charles and Pierce reflected a long-standing practice of white people seeking to control and constrain Black movement. Scrutinizing and interrogating Charles and Pierce for simply existing in a public space undermined freedom of movement implicitly guaranteed by the 13th Amendment. The unwarranted interrogation contradicted this right by attempting to dictate the parameters of their mobility.

In a statement to the *New Orleans Daily Picayune*, Mora admitted that he was the aggressor and instigator of the confrontation with Charles that ended in violence.<sup>35</sup> Mora stated that when Charles not only refused to answer their questions but also “showed no deference to the officer,” Mora grabbed Charles and began hitting him with his billet as he rose from the steps.<sup>36</sup> Charles fought back. Guns were drawn. Shots were fired. Mora was hit in the right thigh and

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<sup>34</sup> Mia Bay, *To Tell the Truth Freely: The Life of Ida B. Wells*, (New York; Hill and Wang, 2010), 247.

<sup>35</sup> Hair, *Carnival of Fury*, 120.

<sup>36</sup> Giddings, *Ida*, 424.



fingers.<sup>37</sup> Charles ran down the street, stumbled from a bullet wound, and disappeared into the night.<sup>38</sup>

Hundreds of policemen and white citizens swarmed the city looking for Charles. The next morning, four members of the New Orleans Police Department located him at his home where he had gone to dress his wounds and retrieve his Winchester.<sup>39</sup> Police officers stormed Charles' house, demanding that he give himself up. Charles chose instead to fight. He shot Captain John T. Day and Patrolman Lamb, killing them instantly.<sup>40</sup> The two remaining officers hid in a nearby house while Charles walked out of his home and into the street where he once again disappeared into the city.<sup>41</sup>

The manhunt that followed saw brutal white-on-Black violence throughout the city. White mobs rioted and attacked Black men, women, and children, dragged them from beds, and pulled them from streetcars.<sup>42</sup> Charles was finally cornered in a house on July 27<sup>th</sup>. He shot and killed several police who stormed the house before he retreated to an upper level where he made his last stand. Aiming his Winchester toward the police and an angry lynch mob of thousands, he continued to shoot from an upstairs window. Two hours passed with Charles

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<sup>37</sup> K. Stephen Prince, *The Ballad of Robert Charles: Searching for the New Orleans Riot of 1900* (Chapel Hill: University of North Carolina Press, 2021), 15.

<sup>38</sup> Hair, *Carnival of Fury*, 120.

<sup>39</sup> Prince, *The Ballad of Robert Charles*, 16.

<sup>40</sup> Hair, *Carnival of Fury*, 126.

<sup>41</sup> Prince, *The Ballad of Robert Charles*, 16–17.

<sup>42</sup> Prince, K. Stephen, "Remembering Robert Charles: Violence and Memory in Jim Crow New Orleans," *The Journal of Southern History* 83, no. 2 (May 2017): 303.

leveling fatal shots into the crowd below.<sup>43</sup> The mob returned fire. Members of the frustrated crowd snuck into the bottom floor and set the house ablaze. Charles maintained his position and continued to shoot until the smoke and flames made it impossible to stay.<sup>44</sup> Multiple members of the lynch mob shot him as he made his way out of the smoke-filled house. They then mutilated Charles' bullet ridden body and dragged him through the streets.

Black newspapers across the United States devoted columns to Charles' "fight to the death against terrible odds."<sup>45</sup> One such example is *The Topeka Plaindealer*, which endorsed Charles' heroism by publishing an impassioned article written by Charles H. Williams. Williams called Charles a martyr, praising his actions as "worthy of the highest commendation" and honored remembrance by the Black community.<sup>46</sup> While some Black newspapers did not endorse Charles' actions, they refrained from condemning him. For example, an article entitled "More Lawlessness" published in the Indianapolis *Recorder* noted that when Black men are arrested, they do not receive justice but become the targets of merciless violence from mobs.<sup>47</sup> Given this context, the article claimed that it is understandable why Charles resisted so fiercely.<sup>48</sup> Whether fully endorsing Charles' actions or expressing restrained empathy, journalists and editors took to

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<sup>43</sup> Hair, *Carnival of Fury*, 170.

<sup>44</sup> Hair, *Carnival of Fury*, 172.

<sup>45</sup> "Cries to Heaven," *The Topeka Plaindealer*, August 3, 1900.

<sup>46</sup> Williams, Charles H., "The Lynching Crime," *The Topeka Plaindealer*, June 28, 1901.

<sup>47</sup> "More Lawlessness," *The Recorder*, August 4, 1900.

<sup>48</sup> "More Lawlessness."

the Black press to counter the monstrous desperado reigning terror upon a frightened city narratives printed in the white press and more conservative Black newspapers. Wells' exposé, "Mob Rule in New Orleans," mentioned above, praised Charles for refusing to submit to an "unprovoked assault and unlawful arrest" despite the consequences.<sup>49</sup> Wells mirrored the collective admiration for Charles' defiance and self-defense. by insisting that "The white people may charge that he was a desperado, but to the people of his own race Robert Charles will always be regarded as the hero of New Orleans."<sup>50</sup>

Congress passed the 13<sup>th</sup> Amendment on January 31, 1865.<sup>51</sup> Following President Abraham Lincoln's assassination on April 14, 1865, the task of persuading the Confederate states, bitter about their defeat to the Union and in fierce opposition to abolishing slavery, to ratify the amendment fell to Lincoln's successor, Vice President Andrew Johnson. Johnson pressured the former Confederate states to ratify the Thirteenth Amendment as a prerequisite to rejoining the Union.<sup>52</sup> Johnson was a pro-Union segregationist and white supremacist who supported ratification of the amendment because he believed that without slavery, the planter aristocracy, a group he despised, would

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<sup>49</sup> Wells-Barnett, *Mob Rule in New Orleans*.

<sup>50</sup> Wells-Barnett, *Mob Rule in New Orleans*.

<sup>51</sup> "13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)," National Archives, September 1, 2021, <https://www.archives.gov/milestone-documents/13th-amendment>.

<sup>52</sup> Vorenberg, *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment*, 227.

disintegrate.<sup>53</sup> The demise of the planter class would enable white yeoman and workers' class mobility through opportunities to negotiate wages, acquire land, and engage in the political process in ways that improved their economic opportunities.<sup>54</sup> The 13<sup>th</sup> Amendment to the Constitution was ratified on December 6, 1865, codifying the emancipation of approximately four million enslaved Black Americans.<sup>55</sup> Emancipation and Black liberation were byproducts of the reunification of the white North and South after the Civil War, and Johnson would go no further than urging ratification to protect the rights of Black Americans.

Without adequate protection from the federal government, states and private citizens were free to constrict Black freedom by imposing discriminatory laws and practices that restricted their movement and autonomy. These measures were often codified into law through the implementation of Black Codes, which enforced segregation and imposed disproportionate penalties such

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<sup>53</sup> Eric Foner, *A Short History of Reconstruction* (Harper Collins, 2010), 82.

<sup>54</sup> Foner, *A Short History*, 82.; Elizabeth R. Varon, "Andrew Johnson: Life Before the Presidency," Miller Center, accessed June 4, 2024, <https://millercenter.org/president/johnson/life-before-the-presidency>.

<sup>55</sup>"Ratifying the Thirteenth Amendment, 1866 | Gilder Lehrman Institute of American History," accessed April 14, 2024, <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/ratifying-thirteenth-amendment-1866>. For further details on this topic, see Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York: W.W. Norton & Company, 2019); Laura F. Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights* (New York: Cambridge University Press, 2015); and Michael Vorenberg, *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment* (New York: Cambridge University Press, 2001).

as fines, whippings, and jail for any perceived challenge to white supremacy.<sup>56</sup> The threat of vigilante violence also cast a shadow over freedom. Paramilitary groups operated as agents of racial terror and intimidation to enforce racial hierarchies and suppress Black mobility.<sup>57</sup> Vigilantes meted out their own form of justice through torture and murder. The absence of federal intervention allowed these violent practices to thrive, perpetuating the oppression of Black Americans even after the abolition of slavery.<sup>58</sup>

In this context, many Black Americans turned to armed self-defense as a means of protecting their lives and freedom of movement. Not all Black Americans practiced this approach, but, as we will see in this chapter, by the turn of the century an endorsement of armed self-defense was frequently echoed in the pages of Black newspapers through editorials, letters, and narratives, indicating its resonance within Black communities. This practice of armed self-defense, while not explicitly mentioned in the 13th Amendment, can be seen as inherently embedded within its provisions. The idea that individuals have a right to defend themselves against attempts to curtail their liberty is grounded in broader principles of natural rights of life, liberty, and property that the nation's founders drew upon in crafting the Declaration of Independence, codified in the

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<sup>56</sup> Kate Masur, *Until Justice Be Done: America's First Civil Rights Movement, from the Revolution to Reconstruction* (New York: W.W. Norton, 2021), loc. 552.

<sup>57</sup> Daniel Byman, "White Supremacy, Terrorism, and the Failure of Reconstruction in the United States," *International Security* 46, no. 1 (July 19, 2021): 75.

<sup>58</sup> Byman, "White Supremacy," 78.

United States Constitution, and recognized in common law.<sup>59</sup> As free individuals, the formerly enslaved and their descendants were entitled to the same rights and liberties as other citizens, including the right to defend themselves against threats to their life, liberty, and property.

In this chapter I examine how the principles of self-defense became intertwined with the constitutional rights guaranteed by the 13th Amendment, shaping the strategies employed by Black individuals to assert their rights and resist oppression. Despite legal protections afforded by the 13th Amendment, Black individuals faced systemic barriers to their mobility, often resulting in violent confrontations and attacks. Black Americans, facing threats to their lives and liberties, often resorted to armed resistance as a means of protecting their freedom of movement.

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<sup>59</sup>“Common Law - Black’s Law Dictionary,” The Law Dictionary, accessed April 15, 2024, <https://thelawdictionary.org/common-law/>. Common law is a body of law that derives from judicial decisions and customary practices and methods of dispute resolution within a community. They are not codified into law but are practices understood to have the force of law when interpreting statutes or resolving ambiguities within the law.

## White Backlash to Black Mobility

Enslavement was characterized by exacting controls over movement and behavior, effectively depriving individuals of their fundamental freedoms.<sup>60</sup> Slave codes regulated behavior and mobility through violence and surveillance. Those who attempted to escape or were caught traveling without a pass faced severe punishments.<sup>61</sup> Slave patrols monitored movements of the enslaved and free people of color alike.<sup>62</sup> Therefore, the 13th Amendment, which abolished slavery, was a momentous milestone in securing freedom of movement for formerly enslaved individuals. Post-emancipation social and economic realities amplified white angst over Black mobility.<sup>63</sup> Black mobility after the war brought Black Americans into white American consciousness in different and unsettling contexts where power dynamics were constantly evaluated and negotiated. White fears of social and economic mobility among Black Americans often resulted in acts of

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<sup>60</sup> Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (University of North Carolina Press, 2004), 12.

<sup>61</sup> Camp, *Closer to Freedom*, 14.

<sup>62</sup> Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, 2nd ed. (Cambridge: Harvard University Press, 2003), 114–15.

<sup>63</sup> Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009), 5–7. Rosen's work specifically examines the types of disruptions caused by post-emancipation changes. She explains how the redefinition of national citizenship and the political community in addition to unsettling changes in public life, economics, and social hierarchies united white southerners across class lines. This angst fueled patterns of violence across the United States such as that seen in the Memphis Massacre of 1866.

violence. In 1866, white residents of Bibb County, Alabama, lynched Rube Russell and Tom Johnson. The white residents targeted Russell and Johnson, both formerly enslaved in Bibb County, for allegedly traveling throughout the county “sporting fine clothes” and publicly talking about plans to “live like white folks and marry white wives.”<sup>64</sup> To the white residents of Bibb County, this brazen display of economic autonomy and their alleged aspirations to the social status and privileges of white Americans stoked fears about the uprooting of pre-war racial hierarchies of economic and societal norms.

In addition to opportunities for economic and social advancement, emancipation and Black mobility resulted in the loss of investment capital and disrupted the labor supply for planters, mining corporations, railroads, and other businesses that relied, directly or indirectly, on slave labor. Historian Douglas A. Blackmon writes that Black mobility deprived businesses, particularly plantations, of the intellectual expertise required for agricultural production on the scale of pre-war numbers.<sup>65</sup> Mobility enabled the formerly enslaved to assert their autonomy by negotiating wages, pursuing self-employment, or seeking improved working conditions elsewhere.<sup>66</sup> To reassert control over Black mobility and Black labor, state legislatures implemented Black Codes, statutes that specifically

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<sup>64</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War to World War II* (New York: Anchor, 2008), 1: “The Wedding Fruits of Freedom,” accessed June 17, 2024, via EBSCOhost.

<sup>65</sup> Blackmon, *Slavery by Another Name*, 1: “The Wedding: Fruits of Freedom.”

<sup>66</sup> Blackmon, *Slavery by Another Name*, 1: “The Wedding: Fruits of Freedom.”



regulated the lives, and mobility, of Black Americans.<sup>67</sup> In a practice known as convict leasing, penal systems across the South worked in conjunction with law enforcement to arrest Black Americans for real or fabricated infractions of the Black Codes such as on fabricated charges of vagrancy, loitering, or other petty infractions. Whether convicted of the charges or unable to make bail or pay a fine, the state would then lease the individual out to agricultural concerns.<sup>68</sup> *The Colored Visitor*, describes the exhaustive and inescapable process of convict leasing that “was held as a terror over the negroes by their landlords” to bind them like “serfs and peons” to prevent them from looking elsewhere for employment at the end of their term.<sup>69</sup> Individuals who did not voluntarily agree to remain with the employer at the end of the term often had their sentences extended for minor or manufactured infractions.

Although state legislatures passed Black Codes, local municipalities would often create their own regulations or ordinances to expand the state-wide restrictions. For example, the citizens of Franklin, St. Mary Parish, Louisiana, met on July 15<sup>th</sup>, 1865, to “deliberate concerning the discipline of colored persons or freedmen.”<sup>70</sup> St. Mary Parish citizens formed a committee to create regulations

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<sup>67</sup> “Convict Leasing in Alabama Coal Mines,” Equal Justice Initiative, April 3, 2017, <https://eji.org/news/convict-leasing-alabama-coal-mines/>.

<sup>68</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War to World War II* (New York: Anchor, 2008), chap. Introduction: “The Bricks We Stand On,” accessed June 17, 2024, via EBSCOhost.

<sup>69</sup> “The Negro in the South,” *The Colored Visitor*, August 1, 1879.

<sup>70</sup> W.T Palfrey, “Freedom in the Parish of St. Mary,” *New Orleans Tribune*, August 17, 1865.

that would restore the parish, and ultimately the state of Louisiana, to “civil rule and good order” as well as “political stability.”<sup>71</sup> The St. Mary Parish ordinance restricted mobility for Black Americans within the parish. The ordinances mandated that Black Americans must have permission from their employers, along with providing a reason for their visit, before entering Franklin. Furthermore, strict curfews prohibited Black Americans from being on the streets of Franklin after 10:00 pm. Additional restrictions were imposed on housing. Black Americans were barred from renting or maintaining residences within the town limits, unless they previously resided within those limits prior to January 1865.<sup>72</sup> This was designed to limit the influx of newly freed Black Americans from disrupting the racial demographics of the town. The only exception was if a former owner or a white employer assumed responsibility for their conduct. Even then, permission to “hire their time” was limited to a 24-hour duration. Violations of these ordinances incurred fines or financial penalties.<sup>73</sup> Furthermore, per the new Franklin city regulations, Black Americans could not have public meetings or other gatherings without authorization from the mayor. These regulations, reminiscent of the conditions that controlled the movements of the enslaved curtailed the mobility of Black individuals. Such laws were not unique to Franklin

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<sup>71</sup>Palfrey, “Freedom in the Parish of St. Mary.”

<sup>72</sup> Palfrey, “Freedom in the Parish of St. Mary.”

<sup>73</sup> A.L. Tucker, “Freedom in the Parish of St. Mary,” *New Orleans Tribune*, August 17, 1865.

but were replicated across Southern cities and towns, reflecting a broader pattern of racial oppression and social control in the post-war South.

The title, "Freedom in St. Mary," serves as an ironic commentary on the paradoxical nature of the ordinances restricting the free movement of Black Americans. By juxtaposing the concept of freedom with the reality of the restrictive ordinances, the writer highlights the contradiction between the concept of freedom and the limitations placed upon Black mobility. This irony underscores the intrinsic link between mobility and freedom, suggesting that true freedom encompasses the ability to move and traverse one's environment without arbitrary restrictions.

The stringent regulations imposed on Black mobility underscore the role of mobility encapsulated by the 13th Amendment. These restrictions imply that true freedom, as envisioned by the amendment, is intricately linked to the ability to move freely and make independent choices about one's own life and actions. Enslavement was rooted in systematic and oppressive control over the movement of enslaved people across diverse aspects of life, including labor, familial bonds, leisure pursuits, and religious practices. This suggests that Black people would understand that freedom of movement lay at the heart of the 13th Amendment.

Another illustration of the intimidation, harassment, and murder that white supremacists used in the immediate post-bellum era to impede Black mobility can be found in the May 16, 1865, issue of *The New Orleans Tribune*. "Hatred of

Freedom” describes the animosity southern planters held towards Black Americans moving freely and making their own decisions around their lives and labor.<sup>74</sup> The Freedmen’s Aid Association of New Orleans received complaints about “unruly, troublesome” Black freedmen “with thievish propensities” on the nearby Johnson Place and George Tucker plantation.<sup>75</sup> The complaint stated that the freedmen “work[ed] by themselves – with neither white employers nor overseers to rule over them.”<sup>76</sup> Upon questioning the white landowners and the Black laborers, the Freedman’s Aid Association and an officer of the National Equal Rights League determined that the complaint was baseless. The freedmen were working well and not causing problems, contradicting the accusations of being “unruly” and “troublesome.”<sup>77</sup> The accusations that Black freedmen were behaving badly and causing trouble suggests that they were behaving in a way that was against the standards of the white community and what they deemed appropriate. In this context, the white community viewed freedmen working without the supervision of a white manager or overseer as inappropriate and threatening. White southerners feared that Black autonomy and mobility would disrupt the power dynamics and social norms that enabled white Americans to control and maintain authority over Black mobility thereby upsetting the racial status quo and white dominance.

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<sup>74</sup> “Hatred of Freedom,” *New Orleans Tribune*, May 16, 1865.

<sup>75</sup> “Hatred of Freedom.”

<sup>76</sup> “Hatred of Freedom.”

<sup>77</sup> “Hatred of Freedom.”

Later that evening, after the investigation concluded, Alfred, a freedman, who lived and worked on the Tucker plantation, was shot as he walked the short distance to a neighboring plantation. Alfred was going “to claim his children who were there retained.”<sup>78</sup> The fact that Alfred's children were "retained" on another plantation underscores the broader issue of familial separation and the denial of freedom of movement for Black families through the coercive “apprenticeship” of Black children that was common under the Black Codes. Alfred's determination to exercise his fundamental right to freedom of movement, not only for himself but also for his children, represented a threat to white control over Black people. Despite the white community's hostility to Black mobility, Alfred acted as a free man by walking from the Tucker Plantation to the plantation that held his children. Alfred's senseless shooting underscores the potentially lethal consequences of freedom of movement.

The title chosen for the article, "Hatred of Freedom," suggests that the writer viewed the freedmen working unsupervised and Alfred's attempt to reclaim his children as a manifestation of their newfound freedom, particularly in terms of freedom of movement. For the writer, this autonomy represented a significant departure from the oppressive conditions of slavery in which Black individuals were subjected to constant oversight and control by white slaveholders, even in their movements and activities. The phrase "Hatred of Freedom" also encapsulates the sentiment that the complaints voiced by white individuals

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<sup>78</sup> "Hatred of Freedom."

stemmed from their aversion to the newfound liberties and agency exercised by Black people, particularly in their ability to move and act independently. Through these narratives and title, the writer implicitly explored the intrinsic connection between freedom of movement and freedom from enslavement. This connection reflected the writer's own viewpoint, suggesting that they perceived freedom of movement as a fundamental aspect of Black liberation and empowerment in the aftermath of slavery.

By curtailing the mobility of Black people and dictating their movements through harassment, violence, and restrictive legislation, white supremacists attempted to undermine this fundamental principle. Limitations on movement served as a form of social control and highlighted the intrinsic connection between freedom and mobility in the post-emancipation landscape.

### **Black Mobility and white Violence**

Black Americans were caught in a conundrum; leave their homes or choose to stay; both choices were fraught with danger. Robert Charles's home state of Louisiana had been the site of much Reconstruction-era violence and then some of the deadliest anti-Black massacres post-Reconstruction. The Ku Klux Klan and other armed vigilantes such as the Knights of the White Camellia massacred hundreds of Black men, women, and children in Opelousas,

Louisiana, ahead of the 1868 presidential election.<sup>79</sup> Not long after, in 1873, another election massacre that historian Eric Foner calls “the bloodiest single instance of racial carnage in the Reconstruction era” took place in Colfax, Louisiana.<sup>80</sup>

In addition to brutal violence, economic opportunities for Black Americans in Louisiana were stunted by discriminatory laws and practices. Towns like Opelousas, Louisiana, enacted city ordinances like those of St. Mary Parish. It is within this context of exploitation and extensive violence that many Black Americans chose to uproot their families and their lives to search for a safer environs and better employment opportunities. White landowners and communities who relied heavily on Black labor frequently prevented them from leaving. At the 1879 National Conference of Colored Men of the United States held in Nashville, Tennessee, Colonel Robert Harlan, the Ohio delegate to the conference, addressed the conference regarding the migration of Black Americans out of the South.<sup>81</sup> He stated that if the South will not do something about the violence, “the oppressed must go forth . . . into the Western States and

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<sup>79</sup> Michael J. Pfeifer, *The Roots of Rough Justice: Origins of American Lynching* (Champaign: University of Illinois Press, 2011), 85, accessed June 17, 2024, via ProQuest; Carolyn E. DeLatte, “The St. Landry Riot: A Forgotten Incident of Reconstruction Violence,” *Louisiana History: The Journal of the Louisiana Historical Association* 17, no. 1 (1976): 4–48.

<sup>80</sup> Eric Foner, *Reconstruction, America’s Unfinished Revolution, 1863-1877*, 1st edition (New York: Harper Collins, 1988), 437.

<sup>81</sup> “Proceedings of the National Conference of Colored Men of the United States, Held in the State Capitol at Nashville Tennessee, May 6, 7, 8 and 9, 1879.” (Colored Conventions Project Digital Records), accessed June 14, 2024, <https://omeka.coloredconventions.org/items/show/323>.

Territories.”<sup>82</sup> He further stated that migration is “a voluntary movement of freemen” and if Black Americans are not allowed to exercise their freedom of movement as is the right of all Americans, then they “are not free, no more than are the serfs of Russia.”<sup>83</sup> The *Weekly Louisianan* published an excerpt from Harlan’s address highlighting the migration of Black from the South because the unrestrained violence and lack of protection for Black Americans indicated that “there is a combination of well-planned and systemic purposes to further abridge their rights and privileges, and reduce them to an actual state of serfdom.”<sup>84</sup> This language was intentional as serfs were agricultural laborers with few rights and no freedom of movement because they were bound to an employer’s plot of land. Black Americans knew that freedom of movement was a fundamental right under the 13th Amendment, and unlawful constraints amounted to a modern form of enslavement with fewer rights than serfs.

A painful example of the limits on freedom of mobility and Black Americans’ attempts to uphold the principles of the 13<sup>th</sup> Amendment appears in the July 26, 1890, issue of the *Cleveland Gazette*. Enraged by the exercise of Black autonomy and fearing the loss of low-wage laborers, a mob of armed vigilantes pursued a group of thirty-six Black Americans traveling from Louisiana to Kansas. They encountered the Black travelers near Oakridge, Louisiana, and

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<sup>82</sup> “Proceedings of the National Conference of Colored Men of the United States.”

<sup>83</sup> “Proceedings of the National Conference of Colored Men of the United States.”

<sup>84</sup> “Address of the Colored National Conference,” *The Weekly Louisianian*, May 17, 1879.



attempted to compel them to turn around. The extent of the Black men's resistance isn't detailed, but it's evident that the men refused to stop or turn back. The vigilantes opened fire, killing seven men and injuring more before forcing the remaining men to turn back, leading the author of the article to proclaim, "[O]ne would think that there had been no Emancipation Proclamation."<sup>85</sup> This statement captures the frustration of Black Americans experiencing the discrepancy between the concept of freedom proclaimed by official documents like the Emancipation Proclamation and the 13th Amendment and the reality experienced by Black Americans even decades from the legal end of slavery.

White Americans attempted to control the bodily autonomy of Black Americans extended even beyond death. In 1887, *The New York Freeman* reported that Black laborers were making an "exodus in large numbers from the Mississippi cotton area for work in the Yazoo bottoms."<sup>86</sup> Not wanting to lose additional laborers, the white planters warned labor agents, such as Elder Phil Green, to stay away from their land and laborers. Green, a Black preacher and planter in a nearby county, worked as a labor agent for his own farm and other planters in his area.<sup>87</sup> Green disregarded the warning and returned to the cotton

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<sup>85</sup> "News Has Been Recently Received of Another Butchery near Oakridge, La.," *Cleveland Gazette*, July 26, 1890. See Heather Cox Richardson, *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901* (Cambridge: Harvard University Press, 2001), 166-168, <http://ebookcentral.proquest.com/lib/cwm/detail.action?docID=3300408>.

<sup>86</sup> "Murder in Mississippi," *New York Freeman*, January 22, 1887.

<sup>87</sup> "They Murdered Elder Green," *The Sun*, January 12, 1887, <https://www.newspapers.com/article/the-sun-the-sun-ny-ny-wed-12-jan-188/10744575/>.

district to continue his work in procuring laborers. He was murdered soon after his return.<sup>88</sup> The men who murdered Green, sent the following message to his friends: "If you want Elder Green you had better send a box for him." The message demonstrated the intent to assert authority over Green's remains, maintaining control over Black bodies even after death. A decade later, after murdering two Black men in Georgia, the lynch mob affixed a warning to the bodies: "DEATH TO HIM WHO ATTEMPTS TO TAKE THESE DOWN BEFORE THE SUN GOES DOWN." To reinforce the terror and the threat, someone placed a photograph of the bodies and the placard on display.<sup>89</sup>

*The New York Age* reported a similar situation in New Iberia, Louisiana. Black residents were being forced to abandon their property. Regulators, a paramilitary group that terrorized Black Americans with the intent to restore racial economic and social hierarchies, targeted Black Americans who opposed them or interfered with their illegitimate authority. Mrs. Wakefield was a widow. Her youngest son worked for an employer named Robertson until an altercation between the two ended with her son killing Robertson in self-defense.<sup>90</sup> The Regulators retaliated, killed her son, and forbade her from moving his body from the spot where they'd left it as a warning to others that killing a white man, even

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<sup>88</sup> "Murder in Mississippi."

<sup>89</sup> "That Georgia Outrage," *The Afro-American*, June 14, 1896.

<sup>90</sup> "The Louisiana Regulators, Fiendish Atrocities Perpetrated in New Iberia, [Illegible] Militia Aiding and Abetting the Law Breakers – The Story of the [Illegible] Growing out of a Shooting [Illegible] from the Survivors," *New York Age*, April 5, 1890.

in self-defense, was punishable by death. One of the Black men in the area ignored the warning and took the young man's body to his mother. For his kindness, the Regulators tortured him and threw his body from a railroad bridge. Mrs. Wakefield and the remainder of her family left New Iberia.<sup>91</sup>

The narratives of Elder Phil Green, Mrs. Wakefield, and countless others reveal the harsh realities faced by Black individuals seeking to exercise their freedom of movement. Black laborers were met with violence and intimidation as they sought to pursue opportunities on their own terms. White supremacists, militias, and lynch mobs terrorized families and destroyed communities. And even after death, white supremacy continued to dictate the boundaries of Black mobility.

### **The 13th Amendment and Armed Self-Defense**

Armed self-defense intersects with the principles of the 13th Amendment and freedom of movement in several ways. First, the right to defend oneself against violence and coercion is inherent in the concept of personal liberty, which the 13th Amendment enshrined in law by removing the legal framework that allowed enslavement and forced labor. By protecting oneself from harm, Black individuals asserted their autonomy and resisted attempts to subjugate or control

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<sup>91</sup> "The Louisiana Regulators, Fiendish Atrocities Perpetrated in New Iberia, [Illegible] Militia Aiding and Abetting the Law Breakers – The Story of the [Illegible] Growing out of a Shooting [Illegible] from the Survivors."

them, thereby exercising their newfound status as freemen.<sup>92</sup> Furthermore, armed self-defense can be seen as a means of safeguarding freedom of movement. In the post-emancipation era, Black Americans faced numerous obstacles to their mobility, including racial segregation, discriminatory laws, and vigilante violence. In this hostile environment, the ability to defend oneself against threats and attacks while traveling or residing in public spaces became essential for exercising the right to move freely and without fear.

Moreover, the practice of armed self-defense served as a form of resistance against systemic oppression and racial violence, which often targeted Black individuals seeking to exercise their freedom. By asserting their right to defend themselves and their communities, Black Americans challenged the pervasive discrimination and injustice that threatened to reduce their freedom to conditions akin to slavery by limitations on their freedom of movement.

On April 14, 1906, white residents of Springfield, Missouri, kidnapped Fred Coker, Horace Duncan, and Will Allen from their jail cells. The men were tortured, mutilated, and burned at the stake during a gruesome spectacle lynching in the Springfield, Missouri, town square. Thousands of spectators watched the men lynched from a light tower, and law enforcement officials did nothing. Their lust for blood unsated, the mobs rampaged through Springfield in a wave of violence intended to drive Black Americans from the city.<sup>93</sup> The Black

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<sup>92</sup> See footnote 9 for an explanation of the right of freemen to defend themselves and their homes.

<sup>93</sup> "Horrible Burning and Lynching," *The American Citizen*, April 20, 1906.

population of Springfield that made up a sizable portion of the Springfield residents plummeted almost ninety percent.<sup>94</sup> Following the lynching, a number of white people returned to the site to pick through charred remains and ashes for souvenirs.

The carnage prompted Nick Chiles owner, editor, and publisher of *The Topeka Plaindealer*, to pen an outraged editorial advising “the Negroes to buy Winchesters. . . as the only salvation in this country for the protection of the black man.”<sup>95</sup> Chiles was influential in the Black community, and *The Topeka Plaindealer* reportedly dominated the Black press with the “largest circulation of any African American paper west of the Mississippi River.”<sup>96</sup> Given the extensive readership, it is reasonable to infer that Chiles enjoyed strong support from his audience. Readers of the newspaper likely endorsed or were open to considering the ideas and perspectives promoted by Chiles, as evidenced by their continued engagement with the newspaper.

Other radical newspaper publishers and editors also advocated armed self-defense. *The Cleveland Gazette* was a platform for its owner and editor, H.C. Smith, to aggressively promote civil rights activism and social justice. The paper’s banner centered two clasped hands with an eagle, wings outspread,

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<sup>94</sup> “1906 Lynching on the Square,” KSMU Radio, August 27, 2010, <https://www.ksmu.org/local-history/2010-08-27/1906-lynching-on-the-square>.

<sup>95</sup> Nick Chiles, “Missouri’s Disgrace,” *Topeka Plaindealer*, April 20, 1906.

<sup>96</sup> Tim Hrenchir, “Topeka Bridge Could Be Named after African-American Newspaper Editor,” *The Topeka Capital-Journal*, accessed April 15, 2024, <https://www.cjonline.com/story/news/local/2017/04/07/topeka-bridge-could-be-named-after-african-american-newspaper-editor/16548867007/>.

holding the hands together. The banner streaming from the eagle's beak reads, "In Union there is Strength." This message mirrors Smith's philosophy toward racial progress: Black Americans are more powerful when they stand together. Boasting the largest circulation of any Black newspaper in Ohio, *The Cleveland Gazette* kept thousands of Black Americans abreast of political news concerning their rights, how laws and policy were affecting Black Americans, national news and its impact on Black Americans, as well as local news and information about international matters. Its stance on armed self-defense was unequivocal.

A front-page editorial published on June 28, 1892, criticizes an editorial in the Boydton, Virginia, *Midland Express*. The *Express* condemned a meeting of Black Americans in Boston who, angered at the unchecked lynching of Black Americans in the South, urged Black Southerners to "get off their knees and kill."<sup>97</sup> The *Gazette* editorial posed a stinging rebuke to the *Express* by asking "if it is its opinion that our people in the south should continue their efforts to secure a better education and religion and *do nothing else to defend themselves, their wives, and children from outrage and lynching?*" (emphasis in the original).<sup>98</sup> The *Gazette* scoffs at the idea that prayer is enough to "remedy the evil."<sup>99</sup> By endorsing and defending the advice from Boston urging Black Americans to arm themselves and take direct action the *Gazette* recognized the urgent need for proactive measures to ensure the safety and security of the Black community.

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<sup>97</sup> "The Gazette Desires to Ask," *The Cleveland Gazette*, June 25, 1892.

<sup>98</sup> "The Gazette Desires to Ask."

<sup>99</sup> "The Gazette Desires to Ask."

Smith's paper reminded readers that armed self-defense required individual as well as collective action against racial violence. In highlighting the success a group of armed Black men had in preventing lynchings in Paducah, Kentucky, and Jacksonville, Florida, *The Cleveland Gazette* stated, "There is nothing the class of southern whites who constitute Ku Klux Klans, white caps, regulators, red-shirts and other lynch-mobs, respect half so much as one of their own weapons, a loaded shot-gun or rifle, in the hands of a determined man."<sup>100</sup> The *Gazette* boasted that "[T]here has not been so much of the barbarous business since" Paducah and Jacksonville defended their community. It concluded the report by encouraging Black southerners who were "able to do so, [to] continue the good work along the line indicated by Paducah and Jacksonville Afro-Americans, and solve the problem."<sup>101</sup> The *Gazette's* summary of the brave stand praised the courage and solidarity demonstrated by the Black community in preventing lynchings and served as a lesson to its readers about the efficacy of armed self-defense.

The militant stance and widespread circulation of newspapers like *The Topeka Plaindealer* and *The Cleveland Gazette* suggest that armed self-defense was a practice that emerged organically from grassroots movements within Black communities throughout the United States to confront the threat of racial violence and assert their rights in the post-emancipation era. This sentiment finds

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<sup>100</sup> "The Splendid and Successful Stand of Armed Afro-Americans," *The Cleveland Gazette*, July 30, 1892.

<sup>101</sup> "The Splendid and Successful Stand of Armed Afro-Americans."

resonance in the case of Robert Charles, whose defiance of racial oppression and assertion of his freedom of movement terrified and angered white New Orleanians and was, as we have seen, the spark that ignited the 1900 New Orleans Massacre. Not only did Charles powerfully engage in a practice of armed self-defense, but many Black Americans praised him for doing so. As stated in my introduction, my focus on consulting the Black press was to prioritize Black voices. However, K. Stephen Prince's, *The Ballad of Robert Charles: Searching for the New Orleans Riot of 1900*, discusses how the white press reported expressions of support for Charles allegedly overheard by white New Orleanians. A white citizen reported hearing three Black men say it was "the proper thing for the negro to kill the officers" and boasting that they could "clean out the whole police force." Another report stated that Black New Orleanians "swagger[ed] about as if proud of what had taken place." Yet, another white mainstream newspaper also reported that a Black woman was dancing in the middle of a public street excited that police had been killed and praising the Lord "as though she were in a camp meeting."<sup>102</sup>

I concur with Prince's assertion that we should approach the accuracy of these reports with caution. While some Black New Orleanians surely held these sentiments, vocalizing their support in the anger charged atmosphere of a riot "would have taken great courage (or recklessness)."<sup>103</sup> However, even if these

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<sup>102</sup> Prince, *The Ballad of Robert Charles: Searching for the New Orleans Riot of 1900*, 113–15.

<sup>103</sup> Prince, *The Ballad of Robert Charles*, 114.



reports were fabricated, the majority of the quotes emphasize Black movement as defiance and dangerous, such as swaggering openly, threatening to “clean out” the police department, and dancing in the street. These alleged instances of Black mobility challenged the racial and social hierarchy reflecting the fear of Black mobility and the perceived loss of control exemplified by Charles’ confident navigation of the city. His assertiveness unsettled white perceptions of their dominion over Black mobility.

Charles became a folk hero to many, and part of the Robert Charles lore includes a song paying homage to his brave stand. The song, “The Ballad of Robert Charles,” was said to have been played at Black gatherings.<sup>104</sup> Jazz and ragtime pioneer, Jelly Roll Morton, who was approximately ten years old and living in New Orleans at the time of Robert Charles’ uprising, claims that the police department considered the song a “trouble breeder” and “squashed it.”<sup>105</sup> By 1938, Morton claims to have forgotten the lyrics in order “to go along with the world on the peaceful side.”<sup>106</sup>

In the immediate aftermath, however, several Black newspapers, like the *Cleveland Gazette*, commended Charles’ actions and urged their readers to have the “courage of Charles” even in the face of death.<sup>107</sup> An “Eye for an Eye, etc.

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<sup>104</sup> Hair, *Carnival of Fury*, 178.

<sup>105</sup> Prince, *The Ballad of Robert Charles*, 1.

<sup>106</sup> Alan Lomax, *Mister Jelly Roll; The Fortunes of Jelly Roll Morton, New Orleans Creole and Inventor of Jazz*, 2nd edition (Berkeley: University of California Press, 1973), 57.

<sup>107</sup> “An Eye for an Eye, Etc.,” *The Cleveland Gazette*, August 4, 1900.

Another Believer in the ‘Strike Back’ Theory Advances a Good Argument and Gives Facts” is worth quoting at length:

The recent accounts of the riot in New Orleans bring the average thinking Negro to a conclusion that to win in this world there must be sacrifice made. There is nothing without it. You may talk of solving the Negro question until the end of time, but without a sacrifice of life, labor, and happiness the same evil forebodings will continue. Would that every Negro of the southland had the manhood and courage of “Charles.” Knowing that no justice would be meted out to him, knowing of the eternal hatred existing against his race, he resolved to die, as death was his share, fighting for his liberty, resolved, that when he was gone, his oppressors should know of his manly courage and hold a belief in the saying, “An Eye for an eye, a tooth for a tooth.”

. . . Charles has set the example, and if Negroes will follow, standing up for manhood wherever insulted, fighting for liberty, justice and all the rights declared yours by the Declaration of Independence and the constitution of the United States, and killing and crippling the disbelievers in human liberty, the question will be solved.

. . . There will be no more Ku Klux, no more red shirts. . . .

“Why not be brave in protecting yourselves, your home and family when all else including the government has deserted you?”<sup>108</sup>

This excerpt is a call to action to Black Americans. It invokes the principle of “an eye for an eye,” to reject passive acceptance of racial violence. The *Gazette* used Charles’ sacrifice to empower Black Americans by reminding them that they have a right to justice and liberty and implores them to defend their rights, themselves, and their families against potentially lethal opposition to those rights.

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<sup>108</sup> “An Eye for an Eye, Etc.”

From its inception in 1892, the *Parsons Weekly Blade*, located in Parsons, Kansas, assumed the “role of political educator” for the Black community.<sup>109</sup> In 1900, it was one of approximately four Black newspapers in Kansas.<sup>110</sup> Simeon O. Clayton, the first editor of the *Blade*, was an outspoken anti-lynching advocate who ridiculed white lawlessness and warned of a reckoning as “people will not forever submit to this lawlessness.”<sup>111</sup> In response to the brutal and grotesque lynching of Henry Hillard in Tyler, Texas in 1895, James Monroe Dorsey, who succeeded Clayton as editor, challenged Black Americans to rise in their own defense.<sup>112</sup> Five years later, on August 24, 1900, the *Blade* cautioned Black southerners about the injustice they faced when charged with a crime. The *Blade* advised Black Southerners, and its readers, to “adopt[] the rifle plan” to defend themselves and “prepare to leave a record behind as good or better as that left by the gallant hero, Robert Charles.”<sup>113</sup> The *Parsons Weekly Blade* supported Charles’ response to injustice and mob violence and made his actions central to their argument for armed self-defense. Given the *Blade*’s consistent support for armed self-defense, it can be inferred that its readers were receptive to this perspective.

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<sup>109</sup> Arnold Cooper, “‘Protection to All, Discrimination to None’: The Parsons Weekly Blade, 1892- 1900,” *Kansas History: A Journal of the Central Plains* 9 (Summer 1985): 62.

<sup>110</sup> “African American Newspapers - Kansas Historical Society,” accessed June 16, 2024, <https://www.kshs.org/p/african-american-newspapers/13869>.

<sup>111</sup> Cooper, “‘Protection to All, Discrimination to None’: The Parsons Weekly Blade, 1892- 1900,” 64.

<sup>112</sup> “Bladelets by ‘Nemesis,’” *Parsons Weekly Blade*, November 30, 1895.

<sup>113</sup> “All those Negroes down South” *Parsons Weekly Blade*, August 24, 1900.

*The Topeka Plaindealer's* August 3, 1900, front page article "Cries to Heaven," proclaimed, "Fights to the Death Against Terrible Odds. Another Nat Turner. Would that There Were Hundreds Like Him in the South, Outrages Against Negroes Would Cease."<sup>114</sup> Comparing Charles to a Black American folk hero, despised and feared by white Americans, was a bold move to galvanize Black Americans to take up arms in defense of themselves and their rights.

Nat Turner led an armed insurrection in Southampton County, Virginia, in 1831 with a death toll of approximately fifty to sixty white Southampton County residents. It was one of the bloodiest uprisings in United States history. Although Turner's insurrection was ultimately defeated, Turner was, and still is, a hero to Black Americans not only because he fought back against enslavement and racial violence, but because he demanded the liberty espoused in the Declaration of Independence. For the enslaved, Turner's defiance and unrestricted navigation of the landscape in Southampton destabilized white comfort, security, and expectations of Black behavior. This unencumbered passage through the countryside was an appropriation of freedom from those who did not want them to be free. It was a revolution.

Charles' armed self-defense against police brutality and a lynch mob nearly seventy years later echoed and amplified Turner's destabilization of white authority over Black mobility and the embrace of freedom through movement and armed self-defense. Charles used the city to his advantage for three days before

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<sup>114</sup> "Cries to Heaven."

he was finally cornered and killed. This and the ease with which he was able to kill his pursuers terrified white New Orleanians. Charles used the night and the city against the very people who put laws, restrictions, and boundaries in place to prevent his access and freedom to move about. By likening Charles to Nat Turner, *The Plaindealer* suggested that freedom required mobility and the willingness to use violence to defend that freedom. It was not a glib comparison. It was a call to freedom practices through movement and armed self-defense, even ones that may end in death.

The depiction of Robert Charles as a hero in the Black press underscores the nexus between armed self-defense and how freedom of movement sat at the core of the liberty enshrined in the 13th Amendment. Charles' defense against a violent police assault, triggered by merely being present in a public space, and his subsequent confrontation with a mob intent on ending his life, epitomized his assertion of this fundamental freedom. Through their portrayal of Charles as brave and resolute in resisting unjust arrest and aggression, Black writers and emphasized the critical role of self-defense in safeguarding personal liberty.

Black anti-lynching activists and members of the Black community fought against the white press' depiction of Charles as a monster. The Robert Charles incident and the response to his armed self-defense among Black Americans exemplify a collective response to racial violence. As we have seen, across various platforms within the Black community, including editorials, letters, and articles in the black press, there was widespread support for Charles and the

acknowledgment of his actions as legitimate self-defense. This response reflected a broader sentiment within the Black community regarding the necessity of resisting systemic oppression through any means necessary.

Moreover, Charles' assertion of his right to self-defense resonated with the broader context of Black Americans' struggle for freedom of movement, as guaranteed by the 13th Amendment. The right to move freely, without fear of violence or oppression, was a fundamental aspect of the liberty promised by the abolition of slavery. However, incidents like the Robert Charles confrontation illustrated the ongoing threats to this freedom and the need for Black Americans to defend themselves against unjust aggression.

In celebrating Charles' defiance against racial injustice and his willingness to protect his own freedom of movement, the Black community underscored the ongoing struggle for civil rights in post-emancipation America. By framing Charles as a hero who stood up against oppression, Black Americans reinforced the broader imperative of asserting their rights in the face of systemic discrimination and violence. Through their collective response to Charles' story, Black Americans contributed to the discourse on racial justice and the ongoing fight for equality and freedom of movement for all members of their community.

## Chapter 2

### Citizenship: Armed Self-Defense and the 14th Amendment

#### 14<sup>th</sup> Amendment

##### Section 1

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

##### Section 5

*The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.<sup>115</sup>*

The 13<sup>th</sup> Amendment emancipated the enslaved and forbade involuntary servitude except as punishment for a crime, but it did not fold Black Americans into the rights and privileges of citizenship. Eight years earlier, in 1857, the infamous Supreme Court decision in *Dred Scott v. Sandford* ruled that Black Americans, free or enslaved, were not citizens protected by the U.S. Constitution and could not sue for freedom in federal courts. Although emancipation ended slavery, Congressional Republicans knew that the 13<sup>th</sup> Amendment alone did not

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<sup>115</sup> U.S. Const. amend. XIV

provide Black Americans with legal protections of citizenship. Congress passed the Civil Rights Act of 1866 to protect the rights of Black Americans against the tsunami of Black Codes that swept across the former Confederate states. The Civil Rights Act of 1866 established birthright citizenship and provided that all citizens enjoy equal protection under the law. It was insufficient, however, because it had no enforcement powers. The writers of the 14th Amendment intended to address the shortcomings of the 13th Amendment and the Civil Rights Act of 1866 by providing additional constitutional safeguards for the civil rights and liberties of all citizens. Southern states balked at ratifying the amendment, but the Black male vote overwhelmingly overcame these objections, and the 14<sup>th</sup> Amendment was ratified on July 9, 1868.

This chapter examines Black American discourse and practice regarding armed self-defense under the 14<sup>th</sup> Amendment. It is common to hear about the “failure of Reconstruction,” but this chapter will demonstrate that through armed self-defense, especially of rights to mobility, Black Americans expanded the legal and conceptual boundaries of citizenship in ways that resonate to this day. With the 14<sup>th</sup> Amendment, Black Americans forged their citizenship in blood and steel and created the democracy that the founding fathers supported on paper but rarely in practice.<sup>116</sup>

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<sup>116</sup> Nikole Hannah-Jones, “America Wasn’t a Democracy, Until Black Americans Made It One,” *The New York Times*, August 14, 2019, sec. Magazine, <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html>,



This chapter is divided into four sections. First, I explore the origins and significance of the 14th Amendment, focusing on how Black Americans viewed freedom of movement as integral to exercising due process and equal protection under the law. The second section addresses how *Plessy v. Ferguson* was a pivotal moment challenging the 14th Amendment's guarantees of due process and equal protection. It discusses how the ruling undermined these protections, especially regarding freedom of movement and citizenship rights for Black Americans. In the third section, I examine armed self-defense as a strategy for safeguarding homes and communities, using narratives such as Frazier Baker's to illustrate how freedom of movement encompassed the right to remain undisturbed and free from compulsion to relocate, as part of due process and equal protection. These narratives highlight instances where Black Americans asserted their constitutional rights under the 14th Amendment by using armed self-defense against lynch mobs seeking to compel to move against their will. In the final section, I examine jailhouse defenses where Black Americans employed armed self-defense to prevent Black citizens accused of crimes from being unlawfully taken from their homes or forcibly removed from jail before they could receive a fair legal process.

## **The Origins and Significance of the 14th Amendment**

The 14th Amendment to the United States Constitution encompasses four key clauses: the Citizenship Clause, Privileges and Immunities Clause, Due Process Clause, and the Equal Protection Clause. The Citizenship Clause established birthright citizenship, granting citizenship to all persons born in the United States. As citizens, the Privileges and Immunities Clause protects the inherent right of citizens to travel and move freely within the country. Rights granted to the citizens of a state must be applied equally to citizens of other states. As a result, Black Americans were free to engage in interstate travel and enjoy the same rights as the white citizens within each state. The Privileges and Immunities Clause is a clear statement of Congress's intention to protect freedom of interstate movement.

The right to intrastate movement that encompasses the right to be free from interference is not explicitly stated in the 14th Amendment Due Process and Equal Protection clauses: however, the historical pedigree of the amendment makes it clear that freedom of movement was essential to the rights expressed therein. In the February 1, 1896, issue of *The Enterprise*, at the time, the leading Black American newspaper in Omaha, Nebraska, a writer explained their take on the significance of the Fourteenth Amendment to Black Americans, with an emphasis on freedom movement as citizens of the United States. The unattributed author of the article titled "Magna Charta" declared that this thirteenth-century document that had centuries before spelled out the notion of

fundamental rights of individuals to protection from arbitrary state power, ideas that had rippled through the centuries to become the founding principles of the United States, was the predecessor to the 14<sup>th</sup> Amendment of the United States Constitution. To situate and lend authority to the author's application of those concepts to the 14<sup>th</sup> Amendment they referenced Henry Hallam, a highly distinguished and well-known early nineteenth-century English historian and legal scholar who often wrote of justice, liberty, and English constitutional history. The author expressed agreement with Hallam's observation that "the essential clauses of the Magna Charta . . . are those which protect the personal liberty and property of all freeman by giving security from arbitrary imprisonment and arbitrary spoilation."<sup>117</sup> This is one of the crucial elements underpinning anti-lynching activism. Vigilante justice not only denied the victim the legal right to be brought before an impartial body to have their alleged crimes adjudicated but also their physical right to remain in reach of the court. This means that Black Americans should not be seized by vigilantes and subjected to extrajudicial punishment without the chance for a fair trial in front of a judge or jury.

The *writ of habeas corpus* is a legal document that requires the government to prove there is a valid reason for detaining someone in government custody. The writ requires that the person in custody be brought before a court of law. This right to be free from arbitrary detention and being held

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<sup>117</sup> "Magna Charta," *The Enterprise*, February 1, 1896.

without just cause protects freedom of movement as it secures the right of citizens to move freely and protected from interference without just cause.

The Equal Protection clause is inseparable from the Due Process clause by requiring all laws and practices be applied equally to all citizens ensuring that no group of people are discriminated against. Every citizen is subject to the same laws and the same judicial procedures. These rights, they claim, are the bulwark of a civil society: due process and equal protection.<sup>118</sup> The article condemned the disparity between the constitutional assurances of protection of life, liberty, and property and the harsh realities confronted by Black Americans. The author again cited Mr. Hallam, who had written a century and a half earlier that such principles of personal liberty and property protection were ‘engrafted in the laws of our government,’ but, as the writer noted, these rights were frequently denied to Black individuals through ‘infamous methods’ that disgraced the very essence of the Magna Carta.<sup>119</sup>

The 14<sup>th</sup> Amendment codifies these rights for all citizens, but “the infamous methods adopted to defraud him of those rights . . . is a monstrous disgrace to the civilization of the age.”<sup>120</sup> It is clear that lynching is one of the “infamous methods” used to rob Black Americans of their rights. While Black Americans may not have explicitly framed extrajudicial violence and lynch mobs as constitutional violations, their actions and responses reflect a deep-seated

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<sup>118</sup> “Magna Charta.”

<sup>119</sup> “Magna Charta.”

<sup>120</sup> “Magna Charta.”

understanding of their rights under the 14th Amendment and a determination to resist infringements upon those rights.

### **Plessy v. Ferguson: An Attack on Due Process and Equal Protection**

With his first-class ticket in hand, Homer Plessy boarded the East Louisiana Railway's No. 8 train in New Orleans on June 7, 1892, and took a seat in the whites-only car.<sup>121</sup> The train was bound for Covington, Louisiana, approximately forty miles away, but Plessy never intended to reach this destination. An Afro-Creole from New Orleans, the shoemaker, civil rights activist, and member of "Citizens' Committee to Test the Constitutionality of the Separate Car Law," Plessy intentionally broke the law by sitting in the whites-only car as a legal strategy to force an arrest and subsequent lawsuit that would make its way to the Supreme Court of the United States as a challenge to the 1890 Separate Car Law. Four years later, in April 1896, Albion Tourgée, attorney for the Citizens Committee and Homer Plessy, appeared before the Supreme Court and argued that the race based Separate Car Law violated the 14<sup>th</sup> Amendment right to equal protection. Equal protection required that citizens "similarly

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<sup>121</sup> Glenn Rifkin, "Overlooked No More: Homer Plessy, Who Sat on a Train and Stood Up for Civil Rights," *The New York Times*, January 31, 2020, sec. Obituaries, <https://www.nytimes.com/2020/01/31/obituaries/homer-plessy-overlooked-black-history-month.html>; See Steve Luxenberg, *Separate: The Story of Plessy v. Ferguson, and America's Journey from Slavery to Segregation*, Illustrated edition (New York London: W. W. Norton & Company, 2020); .Blair L. M. Kelley, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy V. Ferguson* (Chapel Hill, University of North Carolina Press, 2010).

situated” be treated equally under the law.<sup>122</sup> The Separate Car Act required Black passengers to travel in a segregated car for no other reason than race. It interfered with the free movement and travel rights of Black Americans, an unconstitutional infringement on their rights under the Fourteenth Amendment.

Federal courts have extrapolated the Privileges and Immunities Clause of the 14<sup>th</sup> Amendment as a Constitutional right to interstate travel.<sup>123</sup> Even without Constitutional language, U.S. courts have upheld the right to travel as a fundamental right of citizenship. *Corfield v. Coryell*, 6 F. Cas. 546 (C.C.E.D. Pa. 1823) is one of the earliest cases to address the right to travel. The court held that interstate travel is a constitutional right, predating the formal interpretation of privileges and immunities under the 14<sup>th</sup> Amendment.<sup>124</sup> *Corfield* set a precedent for protecting interstate economic activities and personal liberties under the Constitution that would eventually become codified in the 14<sup>th</sup> Amendment.

The right to freedom of movement is the bedrock of life and liberty enshrined in the 14<sup>th</sup> Amendment. It cannot be abridged without due process of law, meaning that the state cannot deprive a citizen of “life, liberty, or property”

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<sup>122</sup> “Supreme Court Decisions & Women’s Rights: Interpreting the Equal Protection Clause | SCHS Classroom Resources,” Supreme Court Historical Society, accessed April 5, 2023, <https://supremecourthistory.org/classroom-resources-teachers-students/decisions-womens-rights-equal-protection-clause/>.

<sup>123</sup> Christopher Mrakovic, “A Constitutional Right to Localized Intrastate Travel,” *Seton Hall Legislative Journal* 43, no. 2 (May 20, 2019): 368, <https://scholarship.shu.edu/shlj/vol43/iss2/6>.

<sup>124</sup> Mrakovic, “A Constitutional Right to Localized Intrastate Travel,” 368.

without giving notice and an opportunity for the citizen to be heard before an impartial administrative hearing or court of law.<sup>125</sup>

Black Americans asserted that federal enforcement of the right to equal protection and due process was essential to quell lynch mobs that deprived Black Americans of their constitutional right to “life, liberty, and property.” Lynch law<sup>126</sup> illegally violated the right to movement at will by forcing Black people from their homes, property, places of business, land, and public spaces to mete out vigilante justice in contravention of the Constitutional protections of the 14<sup>th</sup> Amendment. *Plessy* went to the heart of safeguards for Black mobility and justice. In other words, this was more than a case about the right to travel. It was a Trojan Horse to test how far the courts would go to recognize the due process and equal protection rights of the 14<sup>th</sup> Amendment.<sup>127</sup>

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<sup>125</sup> The importance of this amendment and the role that Black freedpeople had in bringing these rights to fruition in the Constitution cannot be overstated. Prior to the Constitution, the *Articles of Confederation* permitted each state to create their own laws regarding citizenship. However, the privilege and immunity clause of the *Articles* determined that a citizen of one state could become a citizen of another state with a different set of citizenship laws merely by moving to another state. A citizen of a state was a national citizen by virtue of state citizenship and the right to interstate travel. These state constitutions excluded enslaved and free people of color from citizenship in word or practice. Justice Taney reinforced this exclusion in the *Dred Scott v. Sandford* decision (1857), declaring that Black people were not American citizens.

<sup>126</sup> “Lynch Law Definition & Meaning - Black’s Law Dictionary,” The Law Dictionary, November 4, 2011, <https://thelawdictionary.org/lynch-law/>. “A term descriptive of the action of unofficial persons, organized bands, or mobs, who seize persons charged with or suspected of crimes, or take them out of the custody of the law, and inflict summary punishment upon them, without legal trial, and without the warrant or authority of law.”

<sup>127</sup> Bronwen Butler, Personal Interview, January 26, 2023.

On May 18, 1896, Justice Henry Brown, writing for the Fuller Court in a 7-1 decision, issued the ignominious ruling that the Louisiana Separate Car Act was not a violation of the 14<sup>th</sup> Amendment if racially segregated facilities were equal in quality. Justice Brown's opinion established the "separate but equal" doctrine that ushered in decades of legal discrimination and segregation. *Plessy* remained the law of the land for six decades until *Brown v. Board of Education* ruled that "separate but equal" was unconstitutional. But on that day in 1896, segregationists celebrated.

The ruling was another blow to African Americans who had seen the political gains from Reconstruction taken away by force and legislation. *Plessy* was another link in the Jim Crow chain that sought to tether Black movement at will to the dictates and whims of white supremacy. It would test the boundaries of Black movement at will and the government's willingness to protect Black citizens against the racial violence that arose in response. When the answer came back as "not at all," *Plessy v. Ferguson* reaffirmed that the law and the courts are ideologically racialized spaces that required Black people to physically move within those spaces in ways that upheld white supremacy and violated equal application of the law.<sup>128</sup> This attack on Black mobility made a mockery of the inalienable right to life, liberty, and property.

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<sup>128</sup> *Plessy v. Ferguson* also raises concerns about both substantive and procedural due process. While *Plessy* was given notice and a chance to present his case, there are arguments that he did not receive a fair trial due to the lack of an impartial judiciary.



Black Americans often resorted to armed self-defense to protect themselves and their communities against mobs unlawfully seizing Black Americans from their homes, businesses, public areas, and even jails. In doing so, they implicitly asserted their right to fair treatment and legal recourse, even amidst pervasive racial discrimination and systemic oppression.

In response to the *Plessy* decision, the *Baltimore Afro-American* reprinted an article from the American Baptist Home Mission Society that proclaimed the constitutional rights of Black Americans were being violated and that Black Americans must be willing to fight for their rights if they were to be fully free.<sup>129</sup> Activist newspapers were uncharacteristically reserved in their response to the ruling other than to express their contempt of Chief Justice Fuller's illogical reasoning and to praise Justice Harlan's dissent. However, *The Cleveland Gazette* issued a pointed statement on its front-page deriding what it called "The recent 'civil rights' decision (?)."<sup>130</sup> The scare quotes surrounding *civil rights* implied that it was not a civil rights decision at all, while the question mark implied doubt regarding its true association with civil rights. The *Plessy* opinion was the same segregationist racism in the vein of *Dred Scott v. Sandford* decision almost forty years earlier.<sup>131</sup> I, like the writer, suggest that *Plessy* is affirmation of Chief Justice Taney's *Dred Scott* ruling that Black men (here, Black citizens) have no rights that white men are legally obligated to uphold. However, in the aftermath of

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<sup>129</sup> "Negrophobia, Violence to Be Avoided," *The Afro-American*, June 27, 1896.

<sup>130</sup> "The Recent 'Civil Rights' Decision," *The Cleveland Gazette*, May 30, 1896.

<sup>131</sup> "The Recent 'Civil Rights' Decision."

*Dred Scott*, Black abolitionists continued to use armed self-defense and political violence to push the North and the South into a civil war.<sup>132</sup> So too, in the aftermath of *Plessy*, would Black Americans use armed self-defense against mobs and individuals violently interfering with the right to movement at will and its 14<sup>th</sup> Amendment protections.

Case in point, the article immediately after “The recent “civil rights” decision(?)” proclaimed that Jack Trice, a Black man living in Florida, deserved a “gold crown studded with the purest and most valuable of gems.”<sup>133</sup> Trice killed three white men who broke into his home to lynch his fourteen-year-old son. The writer compared Jack Trice’s actions to a Black Louisianian who engaged in a similar defense of their 14<sup>th</sup> Amendment right. While he did not refer to the Black Louisianian by name, it’s likely he’s referencing Ovide Belizaire. Belizaire fired upon twelve to thirteen masked men who invaded his home looking for someone they thought was inside.<sup>134</sup> The paper predicted that “a new era in the treatment of our people . . . would surely result” if the example of Trice and Belizaire “be more generally followed by our people in the south similarly placed.”<sup>135</sup> It then expressed the desire that more “Jack Trices” emerge across the South.<sup>136</sup>

The *Plessy* verdict, while it may have stalled enforcement of the 14<sup>th</sup>

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<sup>132</sup> Jackson, *Force and Freedom: Black Abolitionists and the Politics of Violence*.

<sup>133</sup> “The Florida Afro-American,” *Cleveland Gazette*, May 30, 1896.

<sup>134</sup> “Exhibit: The Lafayette Parish Community Remembrance Project,” University Libraries, June 16, 2023, <https://library.louisiana.edu/news-events/news/20230616/exhibit-lafayette-parish-community-remembrance-project>.

<sup>135</sup> “The Florida Afro-American.”

<sup>136</sup> “The Florida Afro-American.”

Amendment, did not stop the Black press from urging armed self-defense or Black Americans from using it when confronted with violence undermining movement at will. In “As to Jim Crow Cars,” Julius F. Taylor, editor of *The Broad Ax*, urged Black women to arm themselves with a club or pistol to protect themselves from white men who attempted to assault them on Jim Crow cars.<sup>137</sup>

Maggie Whiteman Steward, co-editor of the Bristol, Virginia, newspaper *The Ship*, was one of many Black Americans who called for armed self-defense against lynch mobs.<sup>138</sup> *The Broad Ax* called her a “courageous and brilliant editoress.”<sup>139</sup> Steward argued that Black Americans must be prepared to defend themselves and their families and advised readers to:

[k]now how to shoot and teach your family the same. The white man knows how to shoot and keeps Winchesters. He teaches his wife and baby boy to shoot. That's what the negro needs to learn. Couple that on to your prayers and fasting.<sup>140</sup>

By emphasizing the necessity of teaching wives and children to defend themselves and their homes, Steward conveyed the need for armed self-defense as a means to safeguard “life, liberty, and property” in the face of white violence. Steward’s approach recognized that spiritual and non-violent methods such as prayer and fasting were valid responses to racial violence but urged a multifaceted approach by combining those methods with armed self-defense. Agreeing more with her philosophy of armed self-defense than the efficacy of

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<sup>137</sup> “As To Jim Crow Cars,” *Broad Ax*, November 26, 1898.

<sup>138</sup> “Believes in Praying with a String to It,” *The Broad Ax*, June 6, 1899.

<sup>139</sup> “Believes in Praying with a String to It.”

<sup>140</sup> “Believes in Praying with a String to It.”

spiritual supplication, *The Broad Ax* boldly stated that, “a good double-barrel rifle and plenty of ammunition will go a great deal further in protecting our families from being mobbed and lynched than all the prayers which can be sent up to heaven.”<sup>141</sup>

*The Broad Ax*'s “Cause of Lynching” published in the same issue states that the because of the violence from lynch mobs and white supremacists groups “the condition of the colored man as affects life, liberty, and property is unsafe and absolutely without protection.”<sup>142</sup> The federal government's reluctance to enforce the 14<sup>th</sup> Amendment, coupled with state and local complicity or apathy in regard to vigilantes and lynch mobs, underscored Steward and *The Broad Ax*'s support for armed self-defense of the foundational rights in the 14<sup>th</sup> Amendment.

### **“A Man's Home is His Castle”: Armed Self-Defense, the 14th Amendment, and the Lynching of Frazier Baker**

Frazier and Lavinia Baker's house was on fire. It was 1:00am on February 22, 1898, and the couple along with their six children were sound asleep. Mrs. Baker was the first to wake. As she quickly roused her family, the mob of over one hundred white citizens of Lake City, South Carolina, fired into the home, wounding several of the children.<sup>143</sup> As the fire rapidly consumed the Baker home, Mr. Baker turned to his wife and said, that they “might as well die running as

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<sup>141</sup> “Believes in Praying with a String to It.”

<sup>142</sup> “Cause of Lynching,” *The Broad Ax*, June 6, 1899.

<sup>143</sup> “Infernal Brutes! ‘Chivalrous’ Southern White Barbarians Murder a Father and His Babe,” *Cleveland Gazette*, February 26, 1898.

standing still."<sup>144</sup> Lavinia gathered one-year old Julia in her arms and prepared to run.<sup>145</sup> Frazier Baker threw open the front door. The lynch mob shot him down before he made it across the threshold. As her husband slumped to the floor, the lynch mob shot Lavinia Baker. A bullet went through Lavinia Baker's arm, striking Julia in the skull, killing her instantly. Lavinia Baker sustained additional wounds but managed to get her remaining children out of the house and into a nearby field where they scattered into the dark. Later that day, Lavinia Baker and her children made their way to a neighbor's house. Grieving and in shock, the surviving Bakers were left to piece their lives together.

One year earlier, in 1897, the William McKinley administration had appointed Frazier B. Baker to be the postmaster of Lake City. It was a federal position usually occupied by a white man or woman. The position came with secure pay sufficient for renting a modest home. The white residents of Lake City objected to Baker's appointment as postmaster. They also objected to having a Black family in their community. South Carolina senator Ben Tillman, a white supremacist and member of South Carolina's violent paramilitary Red Shirts, expressed the sentiments and anger of the white Lake City residents when he declared that they would not accept or deposit mail "with a n\*\*\*\*r."<sup>146</sup> Tillman was instrumental in the 1895 South Carolina constitutional convention that rejected

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<sup>144</sup> "Widow of F.B. Baker," *The Topeka Plaindealer*, April 28, 1899.

<sup>145</sup> Some news reports claim that Julia was an infant, others say 1 or 2 years- old. What's certain is that the lynch mob killed her as she lay in her mother's arms.

<sup>146</sup> "Southern War on Color," *Afro-American Sentinel*, March 5, 1898.

any pretense of equality or civil liberty for Black South Carolinians.<sup>147</sup> South Carolina was one of the former Confederate states that begrudgingly ratified the 14<sup>th</sup> Amendment in 1868. Although South Carolina could do nothing about the birthright citizenship clause, the 1895 constitutional convention instituted provisions that wrote legalized segregation and disfranchisement back into the South Carolina Constitution but in ways that appeared neutral on their face and so did not trigger federal oversight under the 14<sup>th</sup> and 15<sup>th</sup> Amendments.<sup>148</sup>

By the time the Bakers arrived in Lake City in 1897, Jim Crow was firmly entrenched in South Carolina law and customs, and it was secured through violence. The *Charleston News and Courier* described Lake City as “a white man’s town, not over a dozen negroes living in the place, and not one owning a foot of land in the corporate limits of the town.”<sup>149</sup> The Black residents of Lake City were not only living on the outskirts of town, but they were also at the margins of state citizenship with no more rights than the state was willing to give and minimal protection from the federal government that was unwilling to use its 14<sup>th</sup> Amendment power to enforce the civil rights of Black Americans.

When Frazier Baker arrived in Lake City with his federal appointment, Lake City was outraged at the disruption to the racial hierarchy and social order.

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<sup>147</sup> Stephen Kantrowitz, *Ben Tillman & the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000), 43–44.

<sup>148</sup> “Freedoms Lost: The Constitutional Convention of 1895 – Special Collections,” accessed June 28, 2024, <https://speccoll.cofc.edu/freedoms-gained-and-lost/the-constitutional-convention-of-1895/>.

<sup>149</sup> Chestnut, Trichita M., “Lynching: Ida B. Wells-Barnett and the Outrage over the Frazier Baker Murder,” *Prologue, National Archives*, 2008, 21–22.

To white southerners, a Black man appointed to a such a position of public authority was “repugnant” and a “folly” perpetrated by the McKinley administration.<sup>150</sup> In the year before the lynching, Baker had been injured in two assassination attempts and received numerous threats on his life. There had also been several attempts by white Lake City residents to persuade Baker to resign his position or appoint a white deputy. Baker refused to yield, stating that “he would die before he would resign or relinquish his office to a white man.”<sup>151</sup> When a mob appeared on the evening of February 16, 1898, and fired warning shots above his home, Baker took steps to protect his family. He ordered a rifle but tragically it was still *en route* on February 22, so he asked a friend, Goodman Cusaac, to intercept the mail carrier and retrieve the package to get it to him sooner.<sup>152</sup> The rifle arrived the day after the Baker and his family were attacked.<sup>153</sup>

The Bakers represented the thousands of Black Americans whose daily lives and labors represented efforts to construct a meaningful citizenship buttressed by the rights protected under the 14<sup>th</sup> Amendment, which implicitly included the right to live in a place of their choice, so it would not be surprising that the narrative of the Baker lynching was repeated in the Black press from coast to coast. The macabre details of the tragedy were used to highlight the

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<sup>150</sup> Terence Finnegan, *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881–1940* (Charlottesville: University of Virginia Press, 2013), 83.

<sup>151</sup> “Horrible Occurrence,” *The Wilmington Messenger*, February 23, 1898.

<sup>152</sup> Fostenia W. Baker, *Black Postmaster in a White Town: The Lynching of Frazier Baker and His Daughter*, Kindle ed. (Xlibris, 2023), loc. 598.

<sup>153</sup> Baker, *Black Postmaster in a White Town*, Kindle ed., loc 598

ongoing injustices in the southern states, but even more, activist publishers, Black leaders, and Black politicians took to the press to castigate any Black man that does not defend their family as is their right under the common law castle doctrine. In May 1899, just one month after the judge declared a mistrial in the federal trial of thirteen of the twenty-four named perpetrators, the *Colored American* printed a portion of a lecture Rev. R. C. Ransom, an A.M.E. Church bishop and activist, delivered in Cleveland, Ohio the week before in which he stated:

If the government, if the state, if the country, and municipality will not protect our lives and our homes, certainly, I say that any Negro, who finds himself attacked, ought to defend himself and his home with Winchester or dynamite or anything else at hand. And as for myself, I'd not only throw dynamite – I would hurl the eternal gates of hell at the fiends that sought to invade my rights.<sup>154</sup>

Ransom recognized that all levels of government had done little to protect the rights and the lives of Black Americans, despite the 14<sup>th</sup> Amendment clearly expressing the right of all citizens to “life, liberty, and property.” Ransom didn’t advocate mere self-defense but a full-force counterattack in defense of home and their rights.

*The Colored American* affirmed Ransom’s intent to defend his home, saying that there was nothing radical about using lethal violence to protect your home and family. It claimed that the right to use lethal force to defend one’s

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<sup>154</sup> “Rev. R. C. Ransom Enunciates the Popular Doctrine That ‘A Man’s HOME Is His Castle’ -- Heroic Measures for Defense -- Bishop Walter’s Prophecy -- The United States Troops Now in the Philippines Want to Get Away,” *The Colored American*, May 20, 1899.



home was “as old as the centuries based on a man’s home is his castle.”<sup>155</sup> In other words, it is the right of every citizen to use deadly force to protect their home, family, or any other place legally under the control or protection of the citizen from violence or unlawful intrusion, with few exceptions. In this way, the Black press drew on the common law jurisprudence of Edward Coke, the most influential judge of 16<sup>th</sup> and 17<sup>th</sup> century England. Coke left a legacy of common law rulings and doctrines that influence the British and American legal system today. Coke reported the ruling in *Semayne’s Case* (1604) that the

most common birth-right that the subject hath for the safeguard and defense, not merely of his goods, lands, and revenues, but of his wife and children, his body, his fame, his life ...the house of an Englishman is to him his castle and *et domus sua cuique est tutissimum refugium. each man’s home is his safest refuge.*<sup>156</sup>

The longstanding legal doctrine draws upon the image of a castle with its moats, battlements, turrets, and gates to define the rights of all citizens to provide for the defense of residents under siege, and Black Americans were under siege. This aspect of English common law was brought to the colonies and subsumed into the body of law that eventually formed the basis of the 14<sup>th</sup> Amendment.

Rev. Ransom and the *Colored American* were part of a widespread but unofficial movement of communal advocacy for armed self-defense of home and

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<sup>155</sup> “Rev. R. C. Ransom Enunciates the Popular Doctrine That ‘A Man’s HOme Is His Castle’ -- Heroic Measures for Defense -- Biship Walter’s Prophecy -- The United States Troopps Now in the Phillippines Want to Get Away.”

<sup>156</sup> Sir Edward Coke, *The Third Part of the Institutes of the Laws of England: Concerning High Treason, and Other Pleas of the Crown, and Criminall Causes*, 1st ed. (M. Flesher, 1644), 162.

family that echoed the common law principle, implicitly supported by the 14<sup>th</sup> Amendment, that individuals have the right to use lethal force in defense of their home. Black leaders promoted and encouraged armed self-defense as the primary method of self-help and a necessary response to actions that threatened their homes and communities. Similarly, *The Broad Ax* called not only for self-defense but also for the Black community of South Carolina to exact retribution for the attack on the Baker family. In unequivocal language, the paper declared:

All those who participated in that horrible affair and those who were instrumental in urging on the cold-blooded assassins out to be shot to death, for they are a disgrace to South Carolina, a disgrace to our nation, and a disgrace to the Anglo-Saxon race. And if the negroes of South Carolina do not avenge the death of Baker and his children then they are unworthy of the name of freemen.<sup>157</sup>

This call for vengeance expressed the desire for Black Americans to circumvent the legal process that too often failed to deliver justice. *The Broad Ax* demanded the entire Black population of South Carolina engage in retaliatory violence unbound by proximity or locality.

The *Afro-American Sentinel* editorial represented a belief among Black leaders and laymen that armed resistance was the only thing that would stop the lynching terror. The editor wrote that "if the white mob knew that even 25 black men were waiting with guns, they wouldn't have attacked" the Bakers. This was not just a call for men like Baker to defend their families in isolation, but a call to the community that no Black family should stand alone when faced with white

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<sup>157</sup> "The South Carolina Horror," *The Broad Ax*, February 26, 1898.

violence. The *Afro-American Sentinel* derided the Black community of Lake City not only for cowardice but for their failure to uphold the law. The writer stated that “there was not even ONE Negro in the whole community that possessed courage enough to move a finger in self-defense.”<sup>158</sup> The writer noted:

[t]he Negroes of Lake City had ample warning that they might expect trouble from their neighbors, and there is no reasonable explanation for their failure to prepare for it except attribute it to base cowardice. Every act of the whites in reference to Baker's appointment was a defiance of the authority that made the appointment and would have prompted brave men of law-abiding disposition to have made preparation to uphold the law at whatever costs. Although Baker was fired on several times before the last and fatal assault, there was not a single shot given in return. The Negro population in and about Lake City is greater than that of the whites.... And yet the mean-spirited wretches waited for protection from a government which, in cases of this kind, is as powerless under the Constitution to protect them as is the government of Great Britain.<sup>159</sup>

In essence, the *Sentinel* editors criticized the African American community in Lake City for failing to prepare for conflict despite warnings, attributing this to cowardice and/or a naïve faith in a law that had so often failed them. We know that Baker had in fact taken steps to protect his family by ordering a weapon, but tragically he had acted too late. The Baker tragedy served as a harsh lesson about the lack of preparedness and communal support in the face of imminent danger.

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<sup>158</sup> “Brutal Barbarians vs. Arrant Cowards,” *Afro-American Sentinel*, March 5, 1898.

<sup>159</sup> “Brutal Barbarians vs. Arrant Cowards.”

The Baker tragedy also underscores the necessity of armed self-defense of the right to live undisturbed by the threat of violence. Black families and communities lived with the daily threat of violence to “life, liberty, and property” with minimal help, if any, from the government. Collective action and armed self-defense were imperative to protect themselves from the mobs and brutality that disregarded their rights to due process and equal protection.

During the turn of the century, when the Black newspapers encountered stories of Black men defending their homes and families, they described them in heroic terms. This portrayal aimed to encourage other Black readers to exhibit the same bravery and even to sacrifice their lives, if necessary, to oppose mobs attempting to violently uproot and displace them from their homes. The July 4, 1885 issue of *The New York Freeman* asserted that “Black men have the right of retaliation...” to “protect himself from violence, outrage, and usurpation of his common rights.”<sup>160</sup> On a national holiday celebrating the ideals of the Declaration of Independence and the rights bestowed in the Constitution, this paper’s words drew a parallel between the American colonists’ fight against the disregard of their fundamental rights by the British crown to Black citizens’ rights of armed self-defense against the ongoing attacks on their rights and their homes. Black Americans had legal citizenship through the 14<sup>th</sup> Amendment, but Jim Crow and lynching violence made it dangerous to engage in the common law practices of citizenship and homemaking that white Americans took for granted. Papers like

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<sup>160</sup> *New York Freeman*, “Fiendishness in Texas,” July 4, 1885.

the *New York Freeman* reminded Black Americans of their rights and through articles about Black Americans who used armed self-defense roused them to defend those rights as a just and necessary act to uphold the Constitution and defend the law.

The Black press covered stories like that of Nelson Jones' stand against a lynch mob in Georgia in an effort to empower and encourage Black Americans to defend themselves against white citizens who threatened the life, liberty, and property of Black Americans. In 1890, the widely read *Indianapolis Freeman* published an article entitled "A Georgia Outrage" that included subsections with headings such as "The Cowardice of White Men" and "Heart Rending Story" and described how Jones protected his family from a lynch mob and withstood 29 bullets in two attacks intended to compel him to leave his home, his family, and all he had worked for. For "advising blacks against the interests of the whites," Nelson Jones was ordered to leave the county if he wished to save his life. He not only refused to leave but told the white man who gave him the warning that he would "stand to the bitter end."<sup>161</sup>

Although what the article meant by "advising blacks against the interest of whites," was not specified, a *New York Age* editorial published just a month earlier described a situation that Jones may have encountered. According to the news article, there was a concerted effort on the part of white farmers and merchants in Mississippi and Georgia to force Black Americans into the

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<sup>161</sup> "A Georgia Outrage," *The Freeman*, February 8, 1890.

sharecropping system by refusing to rent land or sell supplies to any Black American trying to build and maintain their own homestead.<sup>162</sup> Jones owned his own property and worked his own land. He and his family were self-sustaining. As determined as Jones was to remain on his property and defend it and his family to the death, if necessary, it is not unlikely that Jones was advising other Black families not to leave their property and avoid the perpetual debt of sharecropping.

Sharecropping not only resulted in economic dependence on landowners, but the contracts between the landowner and the sharecroppers bound the laborers to the landowner who owned their homes and their labor for terms set in the contract. Not only did the share system exploit labor but it also eliminated the conditions of freedom established in the 14<sup>th</sup> Amendment: movement at will, the right to own a home. Although the right to defend the residence they were legally allowed to occupy under the terms of the share contract existed, to do so risked expulsion from the farm, being blackballed from working for other farmers, and in even further debt as the landowner sought reimbursement for any credit they had extended. As a Black man who owned his own land and crops, Jones avoided the exploitation of the system, white landowners would resent his efforts to undermine their exploitative practices and his position as a model for other Black families.

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<sup>162</sup> "Will the Conspiracy Become General?" *New York Age*, January 18, 1890.

Jones refused to relinquish his inalienable right to own private property, remain on it, and defend it. He purchased a Winchester, told his wife about the threat, and warned his family to get ready. That same evening, Jones' house was attacked by a mob of white men. *The Indianapolis Freeman* described Jones' defense and counterattack in heroic terms. When the mob lobbed burning balls of kerosene-soaked cotton into the house, Jones doused almost all of them. When the house caught fire, Jones, willing to face death rather than lose his family in the flames, opened the door "amid a shower of bullets, and ran outside, he faced the enemy and used his Winchester as long as he could raise it to his shoulders."<sup>163</sup> He fired, providing cover for his family who made it to safety without injury. The mob fired fourteen bullets into Jones, but he managed to drag himself behind rows of corn, pulled out his pistol, and continued to fire on the mob until they left. Jones' valor saved his family and turned back a determined lynch mob. Days later, while he lay in bed recovering, the door flew open. The mob returned and shot him another fifteen times, but armed with his Winchester and pistol, Jones drove them away once again.<sup>164</sup> *Indianapolis Freeman* editor, Edward E. Cooper, wished other Black men would, when faced with similar circumstances, demonstrate the same bravery and heroism. "If we had more men of the Nelson Jones stamp," he declared, "we would be better off."<sup>165</sup>

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<sup>163</sup> "A Georgia Outrage."

<sup>164</sup> "A Georgia Outrage."

<sup>165</sup> "A Georgia Outrage."

*The Cleveland Gazette's* portrayal of Jack Trice, previously discussed, was mirrored in the May 23, 1896, issue of *The Richmond Planet*. The short article used the forceful language and militant spirit of its editor, John Mitchell, to describe the incredible defeat of fifteen men who attacked John Trice's Florida home and demanded he hand over his fourteen-year-old son after a fight with the local marshal's son.<sup>166</sup> Trice refused and fired upon the mob, critically wounding two of them and killing two others.<sup>167</sup> In writing about Trice's bravery, the article stated, "What right had these white men to attack his home? It was his castle.... Colored men defend yourselves against all lawless comers. Shoot down the lynchers as Jack Trice has done and take the consequences."<sup>168</sup>

Trice had every right to defend his home with lethal force. The white men attacking Trice's home were operating outside of the law. His use of armed self-defense was not only a necessary use of force, but it was also a legal response to unlawful violence. Black Americans wanted to peacefully engage in the 14<sup>th</sup> Amendment right of movement at will and creating homes free from violence and government interference. When that was not possible, armed self-defense was a self-help method encouraged by Black activists and the Black press. A writer for *The Freeman* called Trice a hero and instructed other Black Americans to respond in the same way when attacked by vigilantes.<sup>169</sup> However, recognizing

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<sup>166</sup> "He Shot To Kill. A Florida Afro-American Man Gives a Mob That Called for His Little Boy a Warm Reception," n.d.

<sup>167</sup> "Brave Defender," *The Richmond Planet*, May 2, 1896.

<sup>168</sup> "Brave Defender."

<sup>169</sup> "Regulators Regulated," *The Freeman*, May 30, 1896.



Trice as a hero was not the sole purpose of the article. The writer declared that Trice's actions also offered an important lesson, which he sought to clarify.<sup>170</sup> "If one must be hounded down," they wrote, "we reiterate that if hell be the port of destination, he should have full escort." It's a demand repeated time and time again throughout the Black press by editors, activists, and everyday citizens. When attacked by mobs acting outside the bounds of law and justice to forcibly override the life, liberty, and property of Black citizens, death may be the only possible outcome, but take as many of the mob as possible with you.

#### **"To Uphold at All Hazards of the Law": Jailhouse Defenses and the 14<sup>th</sup> Amendment**

In August 1899, Henry Walker, accused of the attempted rape of a white woman, was brought to the county jail in Wyandotte County, Kansas. Almost immediately, rumors began circulating about a mob of vigilantes planning to break into the jail to lynch Walker. The *Daily American Citizen*, the longest running Black newspaper in Kansas, reported that as rumors of the mob made their way through the Black community, armed Black American began to gather throughout the night at the jail house to protect Walker.<sup>171</sup> The paper reported that "[n]ot less than 500 Negroes were out, about 200 were secreted in different places commanding a full view of the jail, while almost twice as many congregated on different routes leading to the jail."<sup>172</sup> This gathering of arms is

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<sup>170</sup> "Regulators Regulated."

<sup>171</sup> "Five Hundred Negroes Patrol the Town, Etc.," *Daily American Citizen*, August 17, 1899.

<sup>172</sup> "Five Hundred Negroes Patrol the Town, Etc."

reminiscent of the free Black communities that guarded homes and individuals from the clutches of bounty hunters and slave catchers after the passage of the Fugitive Slave Act. Black armed self-defense has been an integral component of how Black Americans interpreted and performed their rights as citizens from the colonial era through today. Armed self-defense is a throughline in Black American history.

It's worth highlighting that editors, columnist, and agents for the *Daily American Citizen* included Lutie Lytle, Frances J. Jackson, Mary E. Nero, and Mrs. C. H. J. Taylor. These women, along with Ida B. Wells, C.C. Steward, and others, underscore the inclusive grassroots nature of the movement for the rights of Black Americans. This period included active participation of both women and men in advocating for the interests of the Black community.

Asserting their right to due process and equal protection, Black Americans used armed self-defense to prevent Black citizens accused of crimes from being forcibly removed from their homes or jail before they could be brought before a body of law. Walker's defenders came armed with "old muskets that hadn't seen service since '61, Springfields and the deadly Mauser and Winchester rifles, colts, bulldogs and various other makes of shooting irons."<sup>173</sup> The weapons amassed among the Black citizens included nearly forty-year-old muskets, revolvers, and firearms used both for self-protection, hunting, and war. Prepared to die defending Walker's right to due process, one Winchester wielding man

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<sup>173</sup> "Five Hundred Negroes Patrol the Town, Etc."

stated, "It's not the intention of the negroes in Wyandotte country to protect criminals in their own race any more than any other race, but it is their sworn determination to uphold at all hazards of the law."<sup>174</sup> In other words, the gathered men were not there to because of a belief in Walker's innocence. Rather, the men were determined to uphold the law at the expense of their own lives. Their will to uphold the right to due process and equal protection guaranteed to all citizens compelled them to devote their "lives in defense of what was right, as free as any American citizen."<sup>175</sup> They sought to secure their due process right to a hearing by preventing lynch mobs from depriving Black Americans of life, liberty, or property without notice and an opportunity to be heard before an unbiased and impartial court of law. Through armed self-defense, Black Americans asserted their rights to due process and equal protection by demanding safe access to a legitimate body of law. Many seemed to be willing to use lethal force against anyone attempting to deprive them of these rights.

In this context, Black citizens expressed willingness to use lethal force to reject forced removal from jails and courtrooms and thus the denial of their rights under the Fourteenth Amendment. While the 14th Amendment entitles Black citizens to due process and equal protection, it does not explicitly authorize armed self-defense. However, Black Americans found it necessary to resist

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<sup>174</sup> "Five Hundred Negroes Patrol the Town, Etc."

<sup>175</sup> "Five Hundred Negroes Patrol the Town, Etc."

forced removal from jails and courtrooms to protect their fundamental rights, including their freedom of movement.

When Black Americans resisted forced removal from jails and courtrooms, they were asserting their right to remain in legal custody and to undergo due process of law. The concept of freedom of movement in this context refers to their right to not be unlawfully taken away from the custody of legal authorities. Many Black American viewed armed self-defense a necessary to uphold the law, particularly when resisting lynch mobs attempting to bypass legal custody. Armed self-defense, though outside the legal framework, was seen as essential to ensuring their rights to due process and equal protection. When lynch mobs forcibly removed Black Americans from their jail cells, homes, and courtrooms, they violated the essential practices of liberty and life, which are critical for due process and equal protection. This included the right to freedom of movement, a necessary component of due process and equal protection.

Armed Black Americans participated in jailhouse defenses as guards, pickets, message bearers, and lookouts. Although contemporary Americans remain largely unaware of how often Black individuals and communities organized and participated in jailhouse defenses, an analysis of the Black press reveals that their actions in fact received widespread coverage from coast to coast. I could find no news article in the Black press condemning jailhouse defenses but came upon many that praised these actions as bravery, reveled in the death of murderous white citizens, and encouraged all Black Americans to

own guns. Thus, Walker's defenders were part of a larger movement of Black jailhouse defenders throughout Kansas and the United States.<sup>176</sup>

Brent M.S. Campey discusses several organized, grassroots jailhouse defenses in *This is Not Dixie: Racist Violence in Kansas: 1861-1927*. Campey notes nearly twenty jailhouse defenses in Kansas alone between 1890 and 1916 in which Black Americans gathered to protect the 14<sup>th</sup> Amendment rights of a Black citizen. Not only were they exercising their own movement at will, but they were also enforcing and protecting the accused's right to freedom from movement.

Jailhouse defenders were typically well-organized and well-armed. Black Americans deployed almost immediately as rumors of a lynch mob began to move throughout the community.<sup>177</sup> In 1901, the *Wichita Searchlight* reported that William Snelly, a Black man, shot and killed Cash Johnson in self-defense. Within two hours, "every Colored man who could be found was informed by a committee and each in turn told every other Colored man whom he met and . . . armed with shot guns, pistols, knives, clubs, and every other instrument of destruction" mobilized a jailhouse defense.<sup>178</sup> Organized and efficient, approximately 300 men formed pickets and guards near the jail house where Snelly was being kept. Determined to give their lives protecting Snelly's due

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<sup>176</sup> Brent M. S. Campey, *This Is Not Dixie: Racist Violence in Kansas, 1861-1927* (Champaign: University of Illinois Press, 2015).

<sup>177</sup> Campey, *This Is Not Dixie*, 118.

<sup>178</sup> "Mob Foiled. Colored Men Guard Jail in This City To Prevent Lynching.," *Wichita Searchlight*, January 19, 1901.

process and equal protection rights, the men guarded the jail every night until talk of lynching ceased and the angry mob “decided to let the law take its cours[e].”<sup>179</sup>

Another organized jailhouse defense assembled quickly in 1904, as the threat of another lynching circulated throughout Kansas City. To protect a Black child accused of killing a white boy during a ball game, members of the Black community refused to trust any white man with the young boy’s life. Turning the accused into the authorities themselves, they then guarded the jail against the approximately 200 white men gathering outside.<sup>180</sup> “Any Negro who picks up a gun and stands guard in order to protect a member of his race that he may have a trial before the bar of justice, a right that is accorded an American citizen,” the editors of the Topeka *Plaindealer* wrote, “is a martyr.”<sup>181</sup> The men were not acting based on beliefs about the boy’s guilt or innocence but rather to make sure that he faced a legal tribunal after notice and the opportunity to be heard. The paper equated the selfless action of the men to “Nat Turner of old,” the enslaved freedom fighter “who lay down his life that others might live and breathe the free air.”<sup>182</sup>

Regardless of the individual facts of jailhouse defenses across the United States, the intent was to preserve the rights to due process and equal protection.

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<sup>179</sup> “Mob Foiled. Colored Men Guard Jail in This City To Prevent Lynching.”

<sup>180</sup> “Kansas City Race Trouble,” *The Topeka Plaindealer*, May 6, 1904.

<sup>181</sup> “Kansas City Race Trouble.”

<sup>182</sup> “Kansas City Race Trouble.”

After the Black community in Key West, Florida, repulsed a lynch mob attacking a jail in 1897, the *National Reflector* printed the following:

Much credit is due these brave Negroes who mustered sufficient courage to uphold the law and meet and repulse with Winchesters, a mob of outlaws bent on committing murder. Honor to the men who in battling for the right of a trial by jury, have met force with force and emerged triumphantly from the combat. Let others of our race do likewise, and if the sheriff has not the facilities for upholding the law and staying the fury of a frenzied mob, let the Negroes volunteer, and in the name of justice and humanity, defend the prisoner even with their lives.<sup>183</sup>

Each line of this editorial mentioned the necessary use of force to uphold the law. The author notes that the men had “courage to uphold the law” against a “mob of outlaws.” Lynch law and “rough justice” were outside the common law justifications for using lethal force. Black writers sought to depict white citizens who engaged in the barbaric practice as the outlaws undermining the authority of the state and the constitutional right of all citizens to due process that includes a trial by an impartial jury. The reporter called on all Black Americans to defend the law and the accused with their lives if necessary. This call to action is found throughout the Black press in the wake of the 13<sup>th</sup> and 14<sup>th</sup> Amendments. Black Americans from Jacksonville, Florida, to Paducah, Kentucky, were commended for repelling lynch mobs repudiating due process and equal protection through a coordinated strategy of armed self-defense.<sup>184</sup> The Black press praised individuals and communities who stood guard over jails, courthouses, and the

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<sup>183</sup> “At Key West, Florida,” *The National Reflector*, July 3, 1897.

<sup>184</sup> “This Week’s Lynching Record,” *The Afro-American Advocate*, July 29, 1892.

accused to uphold the law against mobs intent on removing Black Americans both physically and legally from their rights to due process and equal protection under the law.

Throughout the turn of the century, Black families and communities faced pervasive violence with little government protection. Black Americans steadfastly asserted their rights as citizens under the 14th Amendment, emphasizing their entitlement to life, liberty, and property, protected by due process and equal protection under the law. Lynch mobs and vigilante groups sought to undermine these protections through violence and extrajudicial punishment, coercing Black Americans to abandon property or submit to vigilante justice for perceived offenses, thereby denying them fundamental rights to justice and legal recourse. Figures like Nelson Jones and Jack Trice exemplify Black Americans who courageously defended these rights, while Frazier Baker's story serves as a stark reminder of the consequences of relying on government intervention and the failure of communal support.

The right to freedom of movement was crucial for exercising the 14<sup>th</sup> Amendment right to access to legal institutions essential for fair treatment. Men and women who participated in Henry Walker's jailhouse defense aimed to secure their due process rights by preventing the lynch mobs from depriving Walker of life, liberty, or property without fair judicial process. Through armed self-defense, jailhouse defenders asserted their rights to due process and equal



protection, insisting on safe access to justice, even if it meant using lethal force against those threatening these rights.

In the post-bellum and Reconstruction eras, armed self-defense was waged alongside political and diplomatic efforts. As Reconstruction ended and Jim Crow stripped away citizenship rights, Black Americans defended themselves and their citizenship through armed resistance and the Black press. In this chapter, I aimed to spotlight grassroots activism through armed self-defense at the turn of the century, emphasizing the continuous thread of radical Black resistance. I also sought to demonstrate how Black Americans used the Black press as a tool, amplifying calls for self-defense and documenting instances where they defended their rights under the 14th Amendment. Through this platform, Black voices articulated their understanding of the law, asserted their positionality within society, and advocated for active resistance against injustice.

## Chapter 3

### Suffrage: Black Mobility, Armed Self-Defense and the 15th Amendment

#### 15<sup>th</sup> Amendment

##### **Section 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—*

##### **Section 2**

*The Congress shall have power to enforce this article by appropriate legislation.*

Building upon the promise of citizenship in the 14<sup>th</sup> Amendment, the 15th Amendment, ratified in 1870, aimed to empower Black men by granting them the right to participate in the political process and exercise their fundamental right to vote. The quest for the right to vote was deeply intertwined with the broader struggle for freedom and equality for Black Americans. Initially recognizing that political representation was essential to securing and maintaining their newfound freedom, many supporters of racial equality attempted to include voting rights in both the 13th and 14th Amendments to the Constitution. However, concerns regarding the balance of power between Northern and Southern states via congressional representation, coupled with hostility toward the notion of Black Americans being recognized as citizens with equal rights and equal opportunity

to shape law and policy through the right to vote led to the omission of explicit provisions for voting rights in these amendments.<sup>185</sup>

For Black men, the right to vote under the 15<sup>th</sup> Amendment held tremendous promise and tremendous agony. The amendment promised that full participation in the American democratic process would not be denied based on race, but it did little to ensure the safety and fairness of that participation. In addition, the 15<sup>th</sup> Amendment did nothing to include Black women in the franchise. However, women actively pursued their right to vote while supporting Black men in their determination to register, campaign, and cast their ballots in safety.<sup>186</sup>

The 13<sup>th</sup> Amendment led to a mass exodus from plantations and rural areas to urban centers for employment, family reunification, to escape exploitative labor arrangements, the hope of escaping violence, access to

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<sup>185</sup> Gerard N. Magliocca, *American Founding Son: John Bingham and the Invention of the Fourteenth Amendment* (New York: New York University Press, 2013), 113. See Louisa M. A. Heiny, "Radical Abolitionist Influence on Federalism and the Fourteenth Amendment," *The American Journal of Legal History* 49, no. 2 (April 2007): 193. State representatives were to be allocated according to the number of eligible voters. To appease moderate Republicans, Radical Republicans amended the language that would have granted 'political rights and privileges,' including voting, to Black Americans, changing it to 'privileges and immunities,' a less expansive term that excluded specific political rights such as voting. Conservatives worried that suffrage would result in the "awful menace of negro domination and its attendant dangers." William B. Darrow, "The Killing of Congressman James Hinds," *The Arkansas Historical Quarterly* 74, no. 1 (2015): 24–25.

<sup>186</sup> Martha S. Jones, *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), 142.

education and other opportunities. This mobility transformed the political landscape of the South as Black Americans established themselves in urban areas and demanded political participation and representation through voting.

Section 2 of the 14th Amendment addresses the apportionment of representatives in the congressional House of Representatives. According to Section 2, “Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state . . . .”<sup>187</sup> Put simply, representation is based on state population, the total number of people living in the state. Unless a male citizen, twenty-one or older has engaged in rebellion against the government or been convicted of a crime, he cannot be denied the right to vote. A state that disenfranchises eligible male citizens will have their congressional representation reduced proportionally.<sup>188</sup> This provision illustrates the importance of eligible voters being able to relocate to a different state without facing discriminatory barriers to voting. Thus, the 15th Amendment establishes voter eligibility and implicitly connects voting rights to freedom of movement through the provisions of the 14th Amendment.

Registering to vote often required individuals to physically visit registration offices or polling places. At the least, it required canvassers and voter registration volunteers to move throughout their voting districts free from intimidation and

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<sup>187</sup> “The Constitution: Amendments 11-27,” *National Archives*, November 4, 2015, <https://www.archives.gov/founding-docs/amendments-11-27>.

<sup>188</sup> “The Constitution: Amendments 11-27.”

harm. On election day, the ability to travel to polling places and cast ballots without interference was critical for ensuring that African Americans could freely and safely participate in the electoral process. Therefore, the freedom to move and establish residence and engage in the political process without fear of discrimination or retaliation was crucial for Black Americans. Any restrictions or intimidation tactics aimed at impeding their movement to the polls would undermine their ability to exercise their voting rights.

With this chapter, I aim to broaden the understanding of the 15th Amendment beyond its provision of voting rights to Black citizens. I contend that the citizenship practices inherent in the voting process, including the right to defend oneself, are integral components of the amendment's legacy. Black voting activism has always been intertwined with the concept of free movement. The ability of Black individuals to move freely and exercise their voting rights created ripples that challenged and disrupted the stability of white supremacy. However, in navigating these turbulent waters, Black citizens exercising their 15th Amendment right often found themselves targeted by white supremacist violence. This chapter considers how Black communities responded to this violence, focusing on the many voices and actions indicating a belief that the right to defend oneself against such violence in pursuit of the right to vote was a fundamental aspect of citizenship.

Black Americans used the Black press as a powerful tool to express support for voting rights and armed self-defense in pursuit of that goal, and in this

way, they contributed to important grassroots movements developing strategies of resistance to voter suppression and violence. Through letters, personal accounts, and interviews, individuals shared their experiences and perspectives about the violence and their responses to it, demonstrating a collective commitment to protecting their access to the political process. By sharing their stories and advocating for armed self-defense, Black Americans asserted their agency and resilience. Their contributions to the discourse surrounding self-preservation and community protection underscored the importance of grassroots activism in the fight for full citizenship and equality.

Black Americans as a voting bloc were both feared and feted. Many predominantly Black districts emerged in the aftermath of slavery, as formerly enslaved individuals and their descendants settled in specific areas. Granting voting rights to Black men threatened to disrupt the existing power dynamics and challenge the dominance of white political elites in these districts. Historian Hannah Rosen writes of the “mass exodus from slavery” that transformed cities like Memphis, Tennessee, into refuges for Black migrants seeking freedom and a measure of safety provided by the Freedmen’s Bureau and the presence of the Union military.<sup>189</sup> The population of Black Americans in Memphis rose from almost 4,000 before the war to nearly 11,000 by 1865 as the Union occupation of Memphis encouraged Black Americans to make their way to the city for

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<sup>189</sup> Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009), 24–25.

freedom.<sup>190</sup> The population of Black Americans in Memphis increased exponentially following emancipation.<sup>191</sup> Atlanta, Georgia, also experienced a tremendous increase in Black residents with the percentage of Black Americans increasing 125 percent in the decade between 1860 and 1870.<sup>192</sup> This mass migration had a transformative impact on Southern politics. The demographic shift, coupled with the right to vote, empowered Black Americans to organize and mobilize for their rights, disrupting the political dominance of white supremacy.

A contributor to *The Weekly Louisianan*, identified as Daisy, wrote of an ambush that took place in Winston County, Mississippi several months before the November 1875 election. As a large group of Black Americans were concluding a meeting and leaving town, a crowd of white men opened fire on them. Three Black men were injured. Daisy described how the White Leaguers “perpetrate the most revolting outrages upon the defenseless negroes who dare exercise the right of suffrage.”<sup>193</sup> She wrote that the “White Leaguers are thoroughly organized and determined to reduce the ‘n\*\*\*\*r’ vote.”<sup>194</sup> Although there were few injuries and no fatalities in this particular attack, the intention and effect of the violence extends far beyond its immediate physical consequences. These

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<sup>190</sup> Rosen, *Terror in the Heart of Freedom*, 30.

<sup>191</sup> Rosen, *Terror in the Heart of Freedom*, 30.

<sup>192</sup> H. Paul Thompson Jr., *A Most Stirring and Significant Episode: Religion and the Rise and Fall of Prohibition in Black Atlanta, 1865–1887* (Ithaca: Cornell University Press, 2012).

<sup>193</sup> Daisy, “On the Wing. “Another Bloody Gulf Between the Black and the White,” *Weekly Louisianan*, September 11, 1875.

<sup>194</sup> Daisy, “On the Wing.”

targeted violent encounters no doubt were intended to intimidate and thus hinder Black individuals and communities from engaging in political activities such as attending meetings, participating in political events, or even going to the polls to vote, out of concern for their safety. By targeting Black individuals with violence and intimidation, perpetrators not only infringed upon their right to vote but also restricted their freedom of movement, effectively denying them the full exercise of their constitutional rights.

“Civil Rights in New York” called on Black men to defend their civil rights even if it meant financial ruin or death. The article begins by stating that a New York City theater refused entrance to a Black couple. The writer, most likely T. Thomas Fortune, states that although the Supreme Court recently struck down the *Civil Rights Act of 1875* removing federal protection from discrimination in public accommodations, Fortune reminded Black readers of the importance of asserting rights despite discrimination. He wrote,

. . . let colored men assert their rights, and if they have to die in defending them, or bankrupt themselves, better a dead man or a pauper who dared to assert his manhood, than a living slink who prized his miserable life and money above the right to live as a man.<sup>195</sup>

According to Fortune, it is futile for Black Americans to expect to receive help from the government whether they are discriminated against or murdered at the hands of "lawless ruffians" as seen in the election-related violence of the Danville

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<sup>195</sup> “T. Thomas Fortune, "Civil Rights in New York," *New York Globe*, December 29, 1883.



Massacre a month earlier.<sup>196</sup> Fortune's call to action was unequivocal: assert their rights, fight to the death for them. Political engagement, including voting, is essential for full citizenship. White Americans used violence, segregation, discrimination, and intimidation to restrict Black American political participation, by controlling access to registration, political events, and polls. Fortune reminded Black Americans to assert their civil rights, through force, if necessary, to ensure their inclusion in the political process.

White Americans also used violence to expelling Black voters from their voting districts. Blatant murder was a common tactic in states with a Black majority.<sup>197</sup> In 1884, Hardy Fortner, a resident of Copiah County, Mississippi, was one of many Black voters across the South who was whipped and told to leave the area rather than vote in the upcoming election.<sup>198</sup> *The National Republican* reported that bulldozers, lynch mobs and groups of men who used violence and coercion to suppress Black political participation, particularly the right to vote, shot Thomas Wallace in the neck. Black voters across Copiah County were whipped and warned to leave.<sup>199</sup>

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<sup>196</sup> Fortune, "Civil Rights in New York."

<sup>197</sup> "We Must Educate," *The Cleveland Gazette*, November 17, 1883. Speaking of the Danville Massacre the writer claims that, "it is in those states in which the Negro is largely in the majority that these riots and massacres occur."

<sup>198</sup> "Mississippi Outrages," *National Republican*, February 19, 1884; See also "The Southern Outrages," *The State Journal*, February 23, 1884.

<sup>199</sup> "Mississippi Outrages."

In 1890, W. Calvin Chase, editor of *The Washington Bee*, one of the most “influential African American newspapers in the country,”<sup>200</sup> reminded his readers that the Black vote, independent and resistant to manipulation from Republicans and Democrats, was essential to turn “freedmen” into “freemen.”<sup>201</sup> Despite being legally free, the barriers to economic and political participation hindered Black Americans from being “free men,” possessing equal rights and participation in the democratic process.<sup>202</sup> Chase echoed the thoughts of Black Americans for whom voting was essential to promoting and maintaining civil rights and challenging the white supremacy that made them second-class citizens.

The months preceding elections were fraught with violence against Black Americans. Threats of physical harm, lynching, and other forms of terror were employed to dissuade Black men from registering to vote or from casting their ballots. This atmosphere of fear and coercion aimed to suppress voter turnout and maintain white political control through intimidation tactics. The tactics of disenfranchisement extended beyond explicit measures like poll taxes and literacy tests; they were deeply intertwined with broader efforts to restrict the freedom of movement and expression by preventing Black Americans from accessing the polls and inhibiting canvassing and voter registration. Paramilitary groups, lynch mobs, and white supremacist organizations like the Ku Klux Klan

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<sup>200</sup> National Endowment for the Humanities, “The Washington Bee. [Volume],” accessed April 18, 2024, <https://chroniclingamerica.loc.gov/lccn/sn84025891/>.

<sup>201</sup> “A Word to Leading Colored Men,” *The Washington Bee*, January 4, 1890.

<sup>202</sup> See Introduction, note 9.

attempted to shake off “negro domination” by controlling Black access to all aspects of the voting process.

Black men “were driven from the state” to end “negro domination” during the 1898 Wilmington, North Carolina coup that wrested control from Radical Republicans to install a Democrat regime. “By one means or another,” wrote J.C. Pritchard, a contributor to *The Recorder* out of Indianapolis, “they have deprived thousands of white and colored republicans of the rights that are guaranteed to them by the constitution of the United States.”<sup>203</sup> By keeping Black voters away from the polls, the violence reinforced existing power structures and maintained white supremacy by disenfranchising Black citizens. These tactics aimed to control the movements of Black individuals, preventing them from exercising their rights as citizens to participate in the democratic process.

Black Americans knew that violence and intimidation intended to compel them to leave their homes, forgo registering, or going to the polls constituted a direct violation of the fundamental rights that they understood, or hoped, had been guaranteed by the 15th Amendment, the right to take part in the political process without threat of harm when doing so. Many Black Americans chose to take the risks.

Concerned about election violence, Des Moines voters formed a committee several days before the 1898 Iowa elections. They submitted a

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<sup>203</sup> Pritchard, J.C., “Restriction Of Suffrage,” *The Recorder*, October 20, 1900.

telegram to President McKinley asking him to protect the right to vote. Their telegram, reprinted in the *Iowa State Bystander*, read, in part:

[T]he fundamental principal of our government is to guarantee to every man's life, liberty, and the pursuit of happiness thereby giving to every man his civil and political rights as specified in the 13th, 14th, and 15th Amendments of the Constitutions... [we] urge your Honorable Majesty to ask our law makers in your message to Congress to make or modify our general election laws so that every citizens can go to the polls unmolested and deposit his ballots and have it counted without being shot down or intimidated.<sup>204</sup>

This appeal for protection to “go to the polls unmolested,” and once there actually cast their vote in safety, demonstrates their understanding that these amendments not only safeguard their civil and political rights but also implicitly encompass the right to freedom of movement as a prerequisite for the full exercise of political agency.

Within the first years of the 15th Amendment, Black Americans were already expressing doubts about the U.S. government’s protection of Black mobility and voting rights. Bivian Gardner, Assumption Parish delegate to the Louisiana Constitutional Convention in 1879, just nine years after ratification of the 15<sup>th</sup> Amendment, accused the attending politicians of instituting poll taxes, literacy requirements, and other restrictions that disproportionately impacted Black voters.<sup>205</sup> He stated that “voting is an inalienable right” and if politicians continue to block the Black vote or make it difficult, he would “sound the tocsin of

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<sup>204</sup> “Colored People Indignant,” *Iowa State Bystander*, November 18, 1898.

<sup>205</sup> “On the Elective Franchise and the Exodus,” *Weekly Louisianan*, July 19, 1879.

alarm, and recommend my people to leave the state in which their liberties are no longer respected.”<sup>206</sup> In so stating, Gardner was acknowledging not only the importance of the Black vote to Louisiana politics, but also how the migration of Black Americans out of Louisiana would alter the labor force and potentially state representation in Congress. Black Americans were a substantial portion of Louisiana's population, especially in rural areas where many worked as sharecroppers or tenant farmers. Because congressional representation substantial reduction in population due to Black migration would decrease Louisiana's representation votes, diminishing their influence in national elections.

Many members of the Black press published articles, letters to the editor, and reprints from other Black newspapers urging their readers to carry protection when registering to vote or going to the polls. Black Americans actively engaged with the Black press, both as writers and readers, to amplify their voices and document their activism. Letters to the editor, articles, and reports circulated widely, urging fellow community members to remain vigilant during voter registration and at the polls. Through these mediums, Black individuals affirmed their right to vote and emphasized the importance of protecting that right through individual and collective direct action in the form of armed self-defense. This grassroots activism, facilitated by the Black press, highlighted a collective determination to assert their citizenship and defend their voting rights against systemic threats.

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<sup>206</sup> “On the Elective Franchise and the Exodus.”

### **“Race War – Must We Fight?”: Post-Reconstruction Election Violence in Danville, Virginia**

The 1883 Danville, Virginia, Massacre was one of many election massacres instigated by white Americans in counties where Black voters were a majority of the population. The fear of “negro domination” due to a mobile and burgeoning Black population coupled with claims about Black criminality were common justifications for violence levied against Black voters. In 1882, Danville, Virginia, a predominantly African American city in southern Virginia was in control of the Readjuster Party, a radical biracial, bipartisan party that welcomed Black men as members of the party and as political equals. With the 1883 election approaching, white residents of Danville expressed their fear and resentment of being under control of “the negro party.”<sup>207</sup> Upset about the lack of deference in public spaces, worried about being pushed out of market spaces, and rumors about criminality and immorality, the white residents of Danville beseeched the white residents in the surrounding majority white counties to save them by voting Democrat.<sup>208</sup> These concerns about perceived loss of control in public spaces and economic spheres reflected broader anxieties about freedom of movement and economic autonomy for Black Americans. The call to white residents in

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<sup>207</sup> Jane Dailey, *Before Jim Crow: The Politics of Race in Postemancipation Virginia* (Chapel Hill: University of North Carolina Press, 2000), 114

<sup>208</sup> Dailey, “*Before Jim Crow*,” 115.

surrounding majority white counties to "save" Danville from "the negro party" illustrated the power dynamics at play. By mobilizing white voters in neighboring areas, the white residents of Danville aimed to maintain their privileged position and prevent the majority Black population from gaining influence.

The spark that ignited the Danville massacre was a sidewalk scuffle between Charles D. Noel, a white clerk, and Hense Lawson, a black waiter. Noel ended up in the gutter.<sup>209</sup> Angry and embarrassed, Noel stalked away but later returned with friends, Bob Taylor, and George Lea. In his testimony about the ensuing brawl, Noel stated that he, Taylor, and Lea approached Lawson as he stood with approximately fifteen to twenty Black men.<sup>210</sup> Black Americans in town for market day gathered to watch the interaction. Bob Taylor and George Lea drew their weapons. The ensuing fight between Lawson and Noel ended with both men bloodied. An onlooker, George Adams, attacked Lea in an attempt to take his gun. Adams was unsuccessful and ran. The Black residents angrily urged police to arrest Lea for having a concealed weapon. The twenty or so white men that were at the scene insisted on making the Black crowd disperse and drew their weapons. One of the white men yelled, "Fire!" and the white men shot into the crowd of Black onlookers.<sup>211</sup> To assuage white fears of Black violence in the days leading up to the election, Readjusters had asked Black

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<sup>209</sup> Dailey, *Before Jim Crow*, 575–76.

<sup>210</sup> "Danville Riot, November 3, 1883. Report of Committee of Forty with Sworn Testimony of Thirty-Seven Witnesses, &c." (Richmond: Johns & Goolsby, 1883).

<sup>211</sup> "At Danville, Va, on Nov. 3d a Quarrel between Two Colored Men Was Taken up by a White Man," *Western Recorder*, November 9, 1883.

residents of Danville to avoid carrying weapons at political meetings and on election day. Thus, when the white instigators and white onlookers fired into the Black crowd in the market square, the Black citizens were largely unprepared for the onslaught.<sup>212</sup> As the crowd ran, the men pursued prominent Black citizens with the intent to murder them.<sup>213</sup> Word of the violence traveled among the Black and white communities.

The local militia and armed white Danville residents patrolled the Black neighborhoods that night through the next day to intimidate Black residents into staying away from the polls. As a result, the Democrats won a decisive victory, ousting the Readjuster party. Within the next several years, Black Americans abandoned thriving Black neighborhoods and institutions as they were forced to leave Danville or live on the margins of the city. The city transitioned from a majority Black population to a majority white population. The post-massacre demographics persist to this day.<sup>214</sup>

Black Virginians recognized the Danville Massacre as a “concocted plan” designed to produce “political results” by stoking anger against Black voters. *The People’s Advocate*, an African American newspaper out of Washington, D.C., claimed that the orchestrators of the massacre immediately notified the white

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<sup>212</sup> Hahn, *A Nation Under Our Feet*, 404.

<sup>213</sup> Dailey, *Before Jim Crow*, 580.

<sup>214</sup> Wilmington, NC Population by Race & Ethnicity - 2023 | Neilsberg," accessed June 30, 2024, <https://www.neilsberg.com/insights/wilmington-nc-population-by-race/>.



press with reports of a “Negro uprising.”<sup>215</sup> Less than a decade earlier, *The People’s Advocate* had articulated the pattern of white violence and instigation that occurred before every election:

... we may expect again to see the independent press crammed with sensational and unreliable stories about the general uprising of the Negroes to exterminate the whites. These outrageous lies at the beginning of each election year are manufactured to conceal their murderous outrages.<sup>216</sup>

Well attuned to the use of sensational and unreliable stories about supposed Black uprisings as a smokescreen to conceal the true motives behind white supremacist violence and intimidation tactics, the *Advocate* now sought to expose white Danville residents’ and the white newspapers’ well-worn scheme of fabricating reports of a “Negro uprising” in order incite violence aimed at reducing the Black vote. The orchestrators of the Danville massacre sought to justify their violent actions and perpetuate the myth of Black aggression, thereby deflecting attention from their own culpability.

The massacre and the claims about an uprising had the desired result – the overthrow of bi-racial Readjuster rule in Danville. Frustrated with the semblance of voting rights and the constant threat of danger, the *People’s Advocate* called for using arms to protect voting rights. On November 10, 1883, they published an article titled “Gun-Shot Policy” that “advise[d] every colored man in Virginia to purchase a first-class fowling piece or an English Bull Dog for

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<sup>215</sup> “Gun-Shot Policy,” *The People’s Advocate*, November 10, 1883.

<sup>216</sup> “The Pistol and Bowie Knife,” *The Peoples Advocate*, May 27, 1876.

the purpose of protection.”<sup>217</sup> The writer told Black Americans to keep their weapons “in his house on the shelf, well oiled and well charged, in order that when his house is attacked or his life endangered he may retaliate by taking ‘an eye for an eye and a tooth for a tooth.’”<sup>218</sup> The writer also advised Black Americans to form societies for “mutual protection and that should any man invade our natural or equal rights in justice to ourselves we should make an example of him.”<sup>219</sup> There are “two sides to this killing business” and Black Americans should either “leave the south” or “fight for our rights,” doing anything less is cowardice.<sup>220</sup>

Just days after the white supremacists overthrew the Readjuster party in Danville, the *New York Globe* published an article in response to the massacre entitled “Race War --Must We Fight?” The answer, according to the article was a resounding “yes.” Expressing the frustration and anger of Black Americans whose right to vote was quashed by violence, the author called for a militant response to the violent suppression of Black voters. It stated:

Colored men must stand their ground against Bourbon intolerance, and if it is necessary to fight to do so, let them fight. It is an outrage that twenty years after the war, a colored man cannot walk upon the streets during election time without some white ruffian attempting to shove him off the sidewalks.<sup>221</sup>

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<sup>217</sup> “Gun-Shot Policy.”

<sup>218</sup> “Gun-Shot Policy.”

<sup>219</sup> “Gun-Shot Policy.”

<sup>220</sup> “Gun-Shot Policy.”

<sup>221</sup> “The Race War -- Must We Fight?,” *New York Globe*, November 10, 1883.

Thus, the accusation that a Black man shoved a white man off a sidewalk and then was insolent rather than appropriately submissive and apologetic, demonstrated to racist white citizens that Black Americans were unfit for self-governance and the freedoms associated with independence and citizenship. Consequently, a shoving match on the sidewalk was about more than who has the right of way. It was an attack on Black mobility and equal citizenship. This is the context in which the author of "Must We Fight?" commands Black men to "stand their ground" and fight.<sup>222</sup>

"Must We Fight?" expressed frustration that every scuffle between a white man and a black man should result in a riot and two or three deaths:

Let colored men stand their ground. There is far more honor in dying like a freeman than living like a slave. . . . If white men are determined to turn a low brawl between a black man and a white man into a mob and war of races, let black men be prepared for such emergencies and acquit themselves like free men. If it is necessary for colored men to turn themselves into outlaws to assert their manhood and citizenship, let them do it.<sup>223</sup>

"Must We Fight?" reflected a sentiment of defiance and resistance against the oppression that restricted the liberties of Black individuals in the late nineteenth century. The author expressed frustration at the disproportionate and violent response by white society to even minor conflicts between Black and white individuals. By advocating for Black men to "stand their ground" and assert their rights, the quote underscored the importance of freedom of movement and the

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<sup>222</sup> "The Race War -- Must We Fight?"

<sup>223</sup> "The Race War -- Must We Fight?"

right to exist without fear of violence or persecution. The call for armed self-defense reflected a recognition of the harsh realities faced by Black communities, where violence and the threat of violence were wielded as tools of oppression. The author insisted that Black men be prepared to defend themselves and their communities against the threat of mob violence:

There is far more honor in dying like a freeman than living like a slave; there is more glory in resenting an insult than in swallowing it like a slinking cur. If white men are determined upon shooting whenever they have a difference with a colored man, let the colored man be prepared to and shoot also . . . let black men be prepared for such emergencies and quit themselves like free men.<sup>224</sup>

When the Supreme Court struck down the *Civil Rights Act of 1875* in October 1883, it left few options for enforcing the 14<sup>th</sup> and 15<sup>th</sup> Amendments. What became known as the *1883 Civil Rights Cases* let Black Americans know they would not be receiving any help from the federal government. According to the ruling, Congress could only intervene in state actions if the state passed laws that, on their face, discriminated against Black Americans. Additionally, Congress had no legislative or enforcement power to protect the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendment rights of Black Americans. The impact was akin to the removal of federal troops from the former Confederate states in 1877, that left Black Americans at the mercy of segregationists and white supremacists. White supremacists knew they could suppress the Black vote through increasingly discriminatory laws and various forms of violence and intimidation without fear

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<sup>224</sup> “The Race War -- Must We Fight?”

that the government would send in federal troops to uphold the rights or protect the lives of Black Americans.

Black citizens knew that their hard-won rights would have to be won anew every day. The Black press' role in affirming Black citizenship and motivating Black Americans to defend their political rights through armed self-defense was crucial. Henry Clay Smith's newly establish *Cleveland Gazette* attempted to correct the record of defenseless Black Americans. Smith believed that the white papers had under-reported the number of white people killed during the massacre, stating that there were fewer Black casualties than white ones<sup>225</sup>. There is pride and vindication evident in his assessment of the casualties. "If the latter is not a fact, we are sorry," he wrote. The double meaning wasn't on Black readers. On its face, as a journalist if he has misreported the facts, he apologized. However, if it was not accurate that there were more white people killed than Black Americans, he was sorry for that as well. It was a bold admission but reflected the anger many Black Americans felt at the endless and unjustified violence. He went on to state that the outcome of the Danville massacre should inspire other newspapers and members of the press that "are continually urging that our people in the south compel respect for their rights by force."<sup>226</sup> Smith seemed to accept the dominant narrative of the white newspapers that Black voters had started the riot, but with an important twist,

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<sup>225</sup> "The Reports of the Danville, Va., Trouble," *Cleveland Gazette*, November 10, 1883.

<sup>226</sup> "The Reports of the Danville, Va., Trouble."

stating, “we do not believe that the riot was started by colored people *without good and just causes* and a number of them” [italics mine].<sup>227</sup> It was important for Smith that Black readers read about Black voters standing up for their rights even if it required the use lethal force.

“We Must Educate,” an editorial in the November 17, 1883, *Cleveland Gazette*, attacked resolutions such as one that was passed in Mississippi on November 7<sup>th</sup> ordering Black Americans to “keep out of politics.”<sup>228</sup> The editorial, most likely written by Henry Clay Smith, claimed that white citizens’ fear of retaliation for the cruel treatment of Black Americans led them to pass similar resolutions across the South and to instigate riots in counties where they were outnumbered. Smith claims that it is time to educate Black Americans in the methods that white Americans use to obtain power and hold on to it. Smith stated:

...the whites are better educated, better competent to cheat, steal, and shoot *well*, that they have the reins of the State government in their hands. When once the masses of our people there are reasonably intelligent, then and not till then can they seize the reins of government and if there is any killing or paying old debts to be done the Negro will not always be the sufferer.<sup>229</sup>

Black Americans, Smith argued, needed to be more intelligent in those areas if they ever want to gain and exercise real political power. The advice he gave to Black southerners was this: “If you must die in defense of your rights unaided by

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<sup>227</sup> “The Reports of the Danville, Va., Trouble.”

<sup>228</sup> “We Must Educate,” *Cleveland Gazette*, November 17, 1884.

<sup>229</sup> “We Must Educate.”

a government you have so nobly helped to establish and maintain, try to kill two of those infernal wretches before you are done for.”<sup>230</sup> Again, Smith reminded the *Cleveland Gazette’s* readers that the government had left them to their own defenses. Therefore, when attacked for exercising your rights, fight back. Explicitly stated: Be prepared to die. Be ready to kill.

T. Thomas Fortune used his position as the nation’s foremost Black journalist to advocate armed self-defense in response to violent attacks on Black voters. The *New York Globe* rejected calls for patience, admonitions to study to be a good citizen, and to obey the laws as a death warrant for Black Americans and their citizenship. Fortune’s encouragement to Black men to fight back received criticism in the white press. In “The Stand and Be Shot or Shoot and Stand Policy” from the December 1, 1883, *New York Globe*, Fortune responded to a condescending editorial in the Jacksonville *Herald*, a white newspaper. The *Herald* editorial expressed disapproval of Fortune’s militant directive to Black Americans and suggested that “the Negro pursue his way, improve his condition, purify his franchise, study the duties of citizenship and obey the laws.”<sup>231</sup> Fortune dismissed the paternalistic advice and offered his own: “We advise the colored men to be manly, courageous, honest, virtuous, and if be necessary for them, in their capacity of good citizens to stand their ground.”<sup>232</sup> Fortune reminded the

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<sup>230</sup> “We Must Educate.”

<sup>231</sup> “The Stand and Be Shot or Shoot and Stand Policy,” *New York Globe*, December 1, 1883.

<sup>232</sup> “The Stand and Be Shot or Shoot and Stand Policy.”

writer of the *Herald* editorial that the only reason that Black men would need to fight and stand their ground was because of the white people who murder and were prone to violence. Although Black Americans wanted peace, he argued, they would not sacrifice their rights or their lives when attacked by mobs who want their extermination.<sup>233</sup>

In 1893, the Parsons, Kansas, newspaper, *Parsons Weekly Blade*, printed “Instructions How to Vote Under the New Law” that provided step-by-step instructions on how to obtain, prepare, and cast a ballot. The article also reminded voters that there would be someone at the polls to assist them if they had any questions.<sup>234</sup> Voting was an obligation and right of all Black men. However, the *Parsons Weekly Blade* did not rely solely on the vote to prevent lynching and other abuses claiming, “the use of this method has proven too conservative and therefore futile; wrongs have not been righted, the wrong-doers are condoned and are not diminished. Something more persuasive should be employed and we suggest the use of a warranted breech-loader.”<sup>235</sup>

### **“We Are in Favor of Anarchy and Revolution”: Wilmington Massacre of 1898**

By 1898, Booker T. Washington’s accommodationist policy, outlined in what became known as the *Atlanta Compromise*, was on solid footing with a large portion of Black America. Newspapers such as the Washington, D.C.

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<sup>233</sup> “The Stand and Be Shot or Shoot and Stand Policy.”

<sup>234</sup> “How to Vote Under the New Law,” *Parsons Weekly Blade*, October 28, 1893.

<sup>235</sup> “Negroes Have Dinned into Their Ears,” *Parsons Weekly Blade*, October 9, 1897.



*Colored American*, Washington, D.C's *The Washington Bee*, and Boston's *Colored Citizen*, and even T. Thomas Fortune's once militant *The New York Age*, reportedly accepted financial assistance from Washington and promoted the narrative of achieving equality through diligence, self-sacrifice, and adherence to the law. They advocated that Black Americans focus on hard work and economic success rather than engaging in civil rights activism. Although Washington abhorred lynching, his philosophy did not address what Black Americans should do when lynch mobs came to their doors. The wait for equality as Black Americans were being murdered by lynch mobs raised the ire of other Black leaders and activists who viewed such an approach as not only deadly but also a step backward from the rights they fought for and were owed as United States citizens. This sentiment was particularly pronounced in cities like Wilmington, where the Black population surged in the post-bellum period. Wilmington grew from a population of approximately six hundred free black people before the Civil War to 11, 324 Black people in 1898.<sup>236</sup> There were 8,731 white residents living in Wilmington, giving Wilmington a Black majority.<sup>237</sup>

In 1894, Fusionists, Wilmington's bi-party political party, wrested control from the Democrats. Black men quickly earned positions once occupied by white men. As in Danville, white residents of Wilmington began to mutter about "negro

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<sup>236</sup> David Zucchini, *Wilmington's Lie: The Murderous Coup of 1898 and the Rise of White Supremacy*, Kindle ed.,(New York: Atlantic Monthly Press, 2020), loc. 2115.

<sup>237</sup> Zucchini, *Wilmington's Lie*, Kindle ed., loc. 2115.

domination.”<sup>238</sup> Local and state power brokers and white supremacists met in New Bern, North Carolina to discuss their solution to the “negro problem.”<sup>239</sup> Thus began a campaign of propaganda centered around stoking racial fears with false or embellished narratives of wanton Black criminality, particularly of Black men raping white women.<sup>240</sup> The *Wilmington Messenger*, *Raleigh News and Observer*, and *Atlanta Constitution* spread tales of “Negro domination” fomenting the expulsion or murder of the Black community as the only way to save white female virtue and white masculinity.<sup>241</sup>

As a result, Black men registered to vote under a cloud of violence.<sup>242</sup> Black Americans were murdered during the massacre, but they also fought back. The *Fair Play* based in Fort Scott, Kansas, reported that on November 8<sup>th</sup>, Black residents of Wilmington had “received another supply of arms.”<sup>243</sup> In the days leading up to the massacre, an order for Winchesters and 16-shot pistols was placed with the Odell Hardware Company but was rejected when the owners

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<sup>238</sup> Zucchini, *Wilmington's Lie*, Kindle ed., loc. 1294.

<sup>239</sup> Zucchini, *Wilmington's Lie*, Kindle ed., loc. 1183.

<sup>240</sup> Glenda E. Gilmore, “Murder, Memory, and the Flight of the Incubus,” in *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*, ed. David S. Cecelski and Timothy B. Tyson (Chapel Hill: University of North Carolina Press, 1998), 74–75, 78.

<sup>241</sup> Michael Honey, “Class, Race, and Power in the New South: Racial Violence and the Delusions of White Supremacy,” in *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: Univ of North Carolina Press, 1998), 170–71.

<sup>242</sup> “The Wilmington Riots,” *The Freeman*, December 3, 1898.

<sup>243</sup> “Drove Whites from Streets. A Clash between the Negroes and the ‘Red Shirts’ Expected,” *Fair Play*, November 11, 1898.

discovered that the order came from Black men.<sup>244</sup> No stores in Wilmington or surrounding areas would sell arms and ammunition to the city's Black residents.<sup>245</sup> Despite the difficulty in obtaining arms, *Fair Play* reports that at a midnight parade on November 7, 1898, every Black person drilling was heavily armed.<sup>246</sup> The *Fair Play* also reported that "street cars were stoned and white citizens driven from the streets."<sup>247</sup> The Black residents of Wilmington were preparing to fight back.

Despite Black efforts to meet force with force, the Democrats and their White Supremacy Campaign successfully overthrew the Fusionist government. Black Fusionists were killed or forced to leave Wilmington at gunpoint. Packs of Red Shirts, a white supremacist paramilitary group, invaded Black neighborhoods and homes indiscriminately murdering those unable to hide or leave. Still, despite being outgunned and outmanned, Black residents of Wilmington engaged in armed self-defense against impossible odds throughout the massacre.<sup>248</sup> A clash in Wilmington's Fifth Ward, resulted in several casualties

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<sup>244</sup> Zucchini, *Wilmington's Lie*, Kindle ed., 1727–1738.

<sup>245</sup> Prather, Sr., *We Have Taken a City*, 28. See also LaRae Umfleet, "1898 Wilmington Race Riot Report - North Carolina Digital Collections," North Carolina Digital Collections, May 31, 2006, 136, <https://digital.ncdcr.gov/Documents/Detail/1898-wilmington-race-riot-report/2257408?item=2277556>.

<sup>246</sup> "Drove Whites from Streets. A Clash between the Negroes and the 'Red Shirts' Expected," *The Fair Play*, November 11, 1898.

<sup>247</sup> "Drove Whites from Streets. A Clash between the Negroes and the 'Red Shirts' Expected."

<sup>248</sup> LaRae Umfleet, "1898 Wilmington Race Riot Report - North Carolina Digital Collections," North Carolina Digital Collections, May 31, 2006, 121, 130-131,

among the armed white and Black citizens.<sup>249</sup> The *Iowa State Bystander* reported that although the skirmish ended with Black citizens retreating, their numbers were growing as more men from the nearby industrial facilities joined them.<sup>250</sup> The white vigilantes of Wilmington were waiting for the state's light infantry, over six hundred white men from surrounding cities, and the United States naval reserves with their new machine gun were standing by.<sup>251</sup> By the end of the day on November 12, it is estimated that at least two hundred and fifty Black Americans lay dead or dying.<sup>252</sup> In addition, the many who later died from wounds or exposure from sleeping in the swamps and surrounding woods brings the estimated death toll even higher.<sup>253</sup>

The Indianapolis *Freeman* published an account of the massacre from a man who was forced to flee the city. In describing the Wilmington, North Carolina, election massacre, W.E. Henderson, a Black resident of Wilmington spoke about the danger Black voters faced in Wilmington. In the months prior to the coup, white residents warned Black residents not to register and not to vote.

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133-134, <https://digital.ncdcr.gov/Documents/Detail/1898-wilmington-race-riot-report/2257408?item=2277556>.

<sup>249</sup> Umfleet, "1898 Wilmington Race Riot Report," 121.

<sup>250</sup> "The Whites Kill Colored Citizens," *Iowa State Bystander*, November 18, 1898.

<sup>251</sup> Zucchino, *Wilmington's Lie: The Murderous Coup of 1898 and the Rise of White Supremacy*, 2020, locs. 222–248.

<sup>252</sup> Umfleet, "1898 Wilmington Race Riot Report - North Carolina Digital Collections," 5.

<sup>253</sup> DeNeen L. Brown, "Majority-Black Wilmington, N.C., Fell to White Mob's Coup 125 Years Ago," *Washington Post*, November 10, 2023, <https://www.washingtonpost.com/history/2023/11/10/wilmington-massacre-150-anniversary/>.

According to Henderson, the Democrats brought in Gatling guns, rifles, and ammunition.<sup>254</sup> Despite the show of force, Black men were determined to vote. Henderson stated that one man said, “I will register and vote, even if I am shot down for it.”<sup>255</sup>

Henderson was one of many Black citizens of forced to leave the city at gun point.<sup>256</sup> In an address before a large congregation that gathered at the Bethel A.M.E Church Thanksgiving service, Henderson bore witness to the massacre that took place in Wilmington the prior month. Henderson stated that he and other prominent members were ordered to leave Wilmington. On the night of the massacre, approximately fifty men “each armed with a rifle and wearing a white handkerchief about his left arm” filled his home. When Henderson asked why he was being ordered to leave, he was told, “You are not the sort of man we want here.” Henderson and his family were given two days to gather their belongings, settle their affairs, and leave the city.<sup>257</sup>

The Hendersons pulled the curtains closed on their train from the city and were in a constant state of fear “as at every station were mobs ready to lynch any Negroes who had been deported from Wilmington who might attempt to leave the train.”<sup>258</sup> Henderson was angered by his family’s expulsion from their home. He told the congregation that it was “outrageous” that he and other Black citizens of

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<sup>254</sup> “The Wilmington Riots.”

<sup>255</sup> “The Wilmington Riots.”

<sup>256</sup> “The Wilmington Riots.”

<sup>257</sup> “The Wilmington Riots.”

<sup>258</sup> “The Wilmington Riots.”

Wilmington “should be sent into a separate State. It was their toil that had cleared the forests and drained the swamps, making them fit for cultivation. Their work had enriched the men who now hate them.”<sup>259</sup> Henderson talked about the injustice of driving away Black residents when they have homes that they worked and paid for.

Henderson's experience underscores the broader implications of freedom of movement and voting rights. The violent expulsion of Black residents from Wilmington wasn't just an attack on their physical presence but an assault on their civic identity and political participation. The right to vote is inherently tied to the concept of freedom of movement. Without the ability to freely reside and move within their own country, Black citizens were effectively barred from participating in the political process. This dual denial of rights—movement and voting—stripped them of their full citizenship.

In the aftermath of the violence, some members of the Black press who condemned the massacre nonetheless also blamed Black citizens who pushed for voting rights and equality, for exacerbating racial tension. However, the most widely read and influential newspapers expressed unequivocal support for armed self-defense and retaliation. John Mitchell, editor of *The Richmond Planet* stated that, “Colored men must defend their homes, kill a few of their murderers, and then send up a prayer to God just before they leave for the “unknown” country.”<sup>260</sup>

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<sup>259</sup> “The Wilmington Riots.”

<sup>260</sup> “Editor Manly’s Predicament,” *The Broad Ax*, December 10, 1898.

A month after the massacre, *New York Age* editor T. Thomas Fortune declared that “one white man should have been killed for every black who lost his life in Wilmington” and a crowd of Black Americans in a meeting at New York City’s Cooper Union cheered “at any suggestion of retaliatory violence.”<sup>261</sup>

They also condemned the expulsion of Black citizens from Wilmington as a violation of life, liberty, and property and an affront to voting rights. Regardless of where they migrated, Black Americans would put their finger on one side of the political scale. Movement at will was the basis of their political rights under the 15<sup>th</sup> Amendment, and it was worth fighting for. The *Broad Ax* stated that “[I]f we are to be denied our just rights, then we are in favor of anarchy and revolution.”<sup>262</sup>

In response to white violence, the Black press and its readers understood that armed self-defense could result in their own death. An editorial in the *Broad Ax* titled “The Race Problem” rebuked a *Salt Lake Herald* editorial accusing Black leaders of stoking racial animosity leading to massacres. The *Broad Ax* countered that Black leaders did not incite resentment but rather emphasized the necessity of defending their rights and those of their families, even to the point of sacrificing their lives, stating that “it is nobler to fight for principles than to endure servitude.”<sup>263</sup> Newspapers like the *Freeman* echoed Bishop Taylor’s call to action against lynch mobs and all forms of white violence: ““Negroes, get your guns!”

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<sup>261</sup> Haley John, “Race, Rhetoric, and Revolution,” in *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*, ed. David S. Celeski and Timothy B. Tyson (Chapel Hill: University of North Carolina Press, 1998), 210.

<sup>262</sup> “Chips,” *Broad Ax*, November 19, 1898.

<sup>263</sup> “The Race Problem,” *The Broad Ax*, November 19, 1898.

Take a life for a life, meet death with death. [M]eet fire with fire."<sup>264</sup> Self-defense and resistance against racial violence resonated strongly within Black communities, particularly in the face of escalating tensions and threats.

Black editors and leaders like William Calvin Chase used his newspaper, the *Washington Bee*, as a platform to urge Black Americans to fight back against lynch mobs. It was an influential newspaper at a time when the white supremacist backlash against Black politics and Black Americans was brutal and unrestrained by government authority or human decency. As such, the *Washington Bee* was an outspoken critic of Booker T. Washington's *Atlanta Compromise* and the advice to wait on political agitation in favor of focusing on industrial trade and economic stability. Chase's animosity toward Washington's philosophy of racial advancement was more than a difference of opinion. Chase's disdain for Washington's ideology was echoed by L.W. Pulies In his speech before the Bethel Literary and Historical Society. Pulies stated that the *Atlanta Compromise* "...was a standing rebuke to the sturdy manhood; the eloquent protest against outrage and the life work of the immortal Frederick Douglass, and a refutation of the exposures of barbarism and wholesale murder of negroes, echoed through two continents by Ida. B. Wells."<sup>265</sup> In other words, Washington's position was the antithesis to the antilynching work of leaders like Douglass and Wells who urged Black Americans to fight back against lynch mobs and other

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<sup>264</sup> "B Square's Bluster," *The Freeman*, November 26, 1898.

<sup>265</sup> "Booker T. Washington Denounced," *Washington Bee*, October 26, 1895.



forms of racial violence. Puares continues, “If Mr. Washington’s speech in all its ramifications is the hit of the century, then the barbarous murders in the South during the past weeks is a fitting response to that speech.”<sup>266</sup> The implication is that Washington's willingness to compromise on civil rights and his emphasis on appeasing white supremacy only served to embolden and justify racist violence against Black communities. It is a rebuke that exposed the accommodation strategy as doing little to stop the ongoing lynchings in America. It was a prescient warning of the massacre that would take place in Atlanta within the next decade.

### **“A Few May Die So that Others May Be Free”: The 1906 Atlanta Riot**

In the context of the 1906 Atlanta Riot, this spirit of resistance and defiance took on added significance. Atlanta, regarded as the epitome of the New South, symbolized the hopes and ambitions of its Black and white inhabitants alike, striving for modernization, industrialization, and economic diversification beyond reliance on agrarian practices. In the first decade of the 20<sup>th</sup> century, Atlanta’s population grew 69 percent from approximately 89,000 people to 150,000.<sup>267</sup> In the years between 1890 and 1900, Atlanta’s Black population grew almost 300 percent making the Black community almost 40 percent of the population.

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<sup>266</sup> “Booker T. Washington Denounced.”

<sup>267</sup> “Atlanta Race Massacre of 1906,” *New Georgia Encyclopedia*, accessed August 31, 2023, <https://www.georgiaencyclopedia.org/articles/history-archaeology/atlanta-race-massacre-of-1906/>.

Burgeoning Black population caused considerable anxiety among both the white elite who feared Black demands for equality and the white working-class who competed with Black Americans for resources. This anxiety often erupted in violence when white Atlantans felt that Black citizens “didn’t know their place” and Black Americans asserted their right to movement at will. Thomas Watson, a powerful and influential white supremacist politician reflected this anger when he said, “There are too many idle negroes lying around our towns and cities. There are too many insolent negroes crowding white people off the streets. There are too many surly blacks elbowing white girls and ladies to one side on the sidewalk.”<sup>268</sup> To Watson and the people he represented, Black mobility left little room for white people to walk freely. This also reflected white fear that by moving into the area, Black votes and political endeavors would crowd out the rights and freedoms of white Americans. To many white citizens, the logical outcome of Black mobility in the streets of American cities was “social and industrial chaos”<sup>269</sup> that could only be averted through disfranchisement of Black men by violence and intimidation.

The 1906 gubernatorial contest in Georgia was a highly contentious race between white supremacists who centered their campaigns around disenfranchising Black voters. Candidate Hoke Smith promised to disenfranchise

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<sup>268</sup> David Fort Godshalk, *Veiled Visions: The 1906 Atlanta Race Riot and the Reshaping of American Race Relations*, 1st Ed. (Chapel Hill: The University of North Carolina Press, 2005), 25.

<sup>269</sup> Godshalk, *Veiled Visions*, 25.

Black voters outright. Clark Howell, his opponent, did not feel that anything further needed to be done to dispel the Black political threat because poll taxes and other voter suppression tactics would undo the intent of the 15th Amendment. Smith was the editor of *The Atlanta Journal*. Howell was the editor of the *Atlanta Constitution*. Both men used their connections to the press to inflame racial tensions and stoke fear of a Black-dominated government. The newspapers printed false reports claiming that white women had been assaulted by Black men, reports that implied that the franchise had emboldened Black men to want social and political rights, and they sought to achieve those rights through access to white women's bodies.<sup>270</sup> The papers agitated white citizens of Atlanta until violence erupted on September 22, 1906. In the weeks leading up to the massacre, Black Americans smuggled weapons into Atlanta so that the Black residents could arm themselves.<sup>271</sup> Through community networking and organization, Black Atlantans engaged in collective self-defense against the 10,000 and 15,000 white vigilantes who flooded the city in a four-day reign of terror.

On September 22, 1906, at the start of what would become known as the 1906 Atlanta Massacre, thirteen-year-old Walter White waited with his father, George White, on the front porch of their home located just a few blocks away from a neighborhood called "Dark Town" by white Atlanta residents. According to

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<sup>270</sup> Burns, Rebecca, *Rage in the Gate City: The Story of the 1906 Atlanta Race Riot* (Atlanta: University of Georgia Press, 2009), 4–5.

<sup>271</sup> Godshalk, *Veiled Visions*, 101; Burns, *Rage in the Gate City*, 137.

White's memoir, *Defending Home and Hearth: Walter White Recalls the 1906 Atlanta Race Riot*, when the white mob began to make their way through the Whites' neighborhood, George White looked at his son and said, "Son, don't shoot until the first man puts his foot on the lawn and then – don't you miss!"<sup>272</sup> White did not have to pull the trigger. Black residents fired on the mob from a nearby building and sent the mob running back the way it came.

Two days later, the smell of smoke and the sound of gunshots edged closer to Atlanta University in Brownsville, now known as South Atlanta. Thirty-eight-year-old W.E.B. DuBois, armed with a shotgun, patrolled the grounds of the campus ready to defend his family and the university faculty and students from the thousands of white Atlantans swarming the city intent on murder and mayhem.<sup>273</sup> The incredible violence playing out in downtown Atlanta was diverted away from campus by Black residents who used guns, rocks, knives, and any other tool they could attain to defend themselves from the approaching mob. The rampaging white Atlantans did not expect such fierce resistance. After sustaining casualties, they turned around and set about finding another community not as prepared or well-armed. When recalling that day, Du Bois wrote that if a white person had stepped onto his property, he would have sprayed "his guts over the grass." DuBois was one of many Black Atlantans who took up arms to defend their homes and neighborhoods.

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<sup>272</sup> "Defending Home and Hearth: Walter White Recalls the 1906 Atlanta Race Riot," accessed August 3, 2021, <http://historymatters.gmu.edu/d/104/>.

<sup>273</sup> Burns, *Rage in the Gate City*, 140.

Hundreds of Black Atlantans were attacked and murdered in public places like shops, trolleys, hotels, and sidewalks as customers and white Atlantans looked on. White mobs throughout the city raided Black churches, homes, hospitals and schools. White mobs burned, shot, beat, dismembered, and tortured Black Atlantans. The mobs burned Black homes and businesses to the ground.<sup>274</sup> This was not a riot. It was extermination. As the riot eventually subsided under the pressure of international attention, over one thousand Black Atlantans departed the city, leaving behind devastated neighborhoods stripped of community leaders and institutions. Families grappled not only with the grief of losing loved ones but also with the daunting uncertainty of how to rebuild their lives and sustain themselves in the aftermath of the violence. [citations?]

It follows that the leading voices in the Black press not only condemned the violence but also proposed and supported armed self-defense and retribution. The *Washington Bee* demanded that the Republican party stop waiting for reason or humanity from the South and strike back. In “Barbarians,” printed less than a week after the Atlanta Massacre, Chase asks, “Have the spirits of Nat Turner, Crispus Attucks, [Robert] Charles, and Toussaint L’Overture gone forever?”<sup>275</sup> By invoking the names of Black men who raised arms in the name of freedom and were willing to kill or be killed for their rights, Chase

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<sup>274</sup> “Atlanta Outrage American Disgrace The Slaughter Of Innocent Colored Citizens By Cruel Mobs In Atlanta,” *Wichita Searchlight*, September 29, 1906; “The Butchery of Negroes at Atlanta,” *The Freeman*, September 29, 1906.

<sup>275</sup> “Barbarians,” *Washington Bee*, September 29, 1906.

beseached Black men to do the same when faced with lynch mobs and the denial of their own rights. He critiqued the United States government for sending militia to halt Black Americans defending themselves from racist attacks but making concessions to the South.

Several Black newspapers anticipated and advocated for retaliatory violence. In "The Rapist and the Lynchers," *The Washington Bee* declared that not only would there be retribution but "the time will come when the colored man will use the torch, the bomb and other weapons of defense."<sup>276</sup> *The Topeka Plaindealer* also called for retaliatory violence by charging every Black American with taking "the law into their own hands."<sup>277</sup> The article, "The Negroes Must Fight! Kill and Burn When Outraged as in Atlanta, Georgia Dynamite Everything!" was clear and forceful call for retaliatory action:

Buy dynamite, nitro-glycerine, gunpowder, coal oil, matches. Blow up every public institution, from the state houses where these crimes are encouraged by filthy lawmakers and unjust men draw salaries to see that justice is done, to court houses and school houses where hatred is taught and lying and unjust judges infest. If this would not check it, extend the good work until the country was as barren as the Sahara Desert.

In short, some Black Americans deemed armed self-defense and retaliatory violence as reasonable and moral strategies ("good work") to halt the violence that restricted their civil rights, including the freedom of movement to exercise their rights under 15th Amendment. The proactive rather than reactive

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<sup>276</sup> "The Rapist and the Lynchers," *The Washington Bee*, September 1905.

<sup>277</sup> "The Negroes Must Fight! Kill and Burn When Outraged as in Atlanta, Georgia Dynamite Everything!," *The Topeka Plaindealer*, September 28, 1906.

defense of their rights aimed to deter threats such as intimidation, lynching, and other forms of violence that hindered Black Americans from fully participating in civil life.

Additionally, “The Atlanta Mob” challenged Washington’s template of respectability as the path to rights by reminding the reader that the mob grabbed respectable Black men and women from trolleys and murdered them.<sup>278</sup> Indeed, many articles discussed how Black men and women were assaulted at work and in their homes doing the very things that were supposed to earn them respect and first-class citizenship. “The Atlanta Mob” depicted Black Americans as civilized citizens while the white people were unrepentant in their barbarity. The South cannot expect Black Americans to exhibit restraint when constantly under assault, the editorial continued. Black Americans “must defend themselves, A few may die so that others may be free.”<sup>279</sup>

The brutality and impact of the Atlanta Massacre on its Black citizens, like the massacres in Danville, Virginia and Wilmington, North Carolina, was quickly minimized by the white press and the city governments. Reframed as a “riot” begun by Black citizens, the economic devastation these massacres wrought on the Black communities remained a dark secret. Despite the horrific loss and suffering in the Black community, white community leaders were eager to repair Atlanta’s image as the epitome of the New South and quiet the international

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<sup>278</sup> “Atlanta Mob,” *Washington Bee*, September 29, 1906.

<sup>279</sup> “Atlanta Mob.”

press' coverage of the brutality. The *Scotsman* described indiscriminate murder and looting by white Atlantans "thirsting for more blood" as they raged through the city shouting, "Kill the Negroes!"<sup>280</sup> Articles like "Un lynchage monstre," in the September 24, 1906, issue of *Le Petit Journal*<sup>281</sup> and "Anti-Negro Riots" in the September 26, 1906, issue of the *London Evening Standard*<sup>282</sup> detailed the carnage inflicted by the white residents.

With national and international attention aghast at the brutality, white politicians who worried about harming commercial development and city expansion in the rapidly growing city immediately began a campaign of erasure. Black civic leaders were strong-armed into supporting the narrative of Black criminality and the promise of keeping their people in line to avoid future violence. Max Barber, coeditor of *Voice of the Negro*, was appalled at this acquiescence to accommodation.<sup>283</sup> In a scathing editorial, he blamed the white daily papers in Atlanta and white politicians for the violence.<sup>284</sup> He defended Black Atlantans and accused white Atlantans of revising history to absolve themselves of blame.<sup>285</sup> Perhaps most importantly he gave voice to a growing number of Black Americans who criticized Washington's policy, especially after

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<sup>280</sup> "The Racial Conflict in America," *The Scotsman*, September 24, 1906.

<sup>281</sup> Parti social français Auteur du texte, "Le Petit Journal," Gallica, September 24, 1906, <https://gallica.bnf.fr/ark:/12148/bpt6k6176609>.

<sup>282</sup> "Anti-Negro Riots," *London Evening Standard*, September 26, 1906.

<sup>283</sup> Burns, Rebecca, *Rage in the Gate City: The Story of the 1906 Atlanta Race Riot*, 156–57.

<sup>284</sup> Burns, Rebecca, 154.

<sup>285</sup> Rebecca Burns, *Rage in the Gate City: The Story of the 1906 Atlanta Race Riot*, Revised edition (Athens, Ga: University of Georgia Press, 2009), 153–54.



Washington did not condemn the white violence.<sup>286</sup> Instead, at a Negro National Business League meeting, Washington “practically admitted that the Negro race is a race of criminals, and that too many crimes are being committed by the Negro” before restating that his accommodation strategy was the way forward.<sup>287</sup>

*The Broad Ax* added its voice to the growing number of Black Americans rejecting accommodation and advocating self-defense. A September 29, 1906 article “Booker T. Washington’s ‘Bloodless Victory’ at Atlanta Was of Short Duration” railed against newspapers who catered to “Washington’s policy of surrender and submission.” *The Broad Ax* laid the massacre in Atlanta squarely at Washington’s feet.<sup>288</sup> *The Broad Ax* called Washington “a traitor and an arch enemy to his race by advising its members to stand still and offer no resistance and permit themselves to be shot down in the streets of Atlanta like common dogs.”<sup>289</sup> *The Broad Ax* also attempted to correct the record of Black resistance and white casualties. It called white Atlantans cowards for only attacking unarmed Black Atlantans and extended praise and pride toward the Black women of Atlanta who,

...after they had time to regain their second breath they fought like demons, and urged the Colored men to brace up and fight back in

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<sup>286</sup> “Afro-American Men And Women Who Were Not Charged with Committing Any Crimes Shot down in the Streets of Atlanta,” *The Broad Ax*, September 29, 1906; “The Editor of the Atlanta News Which Caused the Murdering of Innocent Colored Men and Women, States Why Booker T. Washington Made the Charge of Excessive Crime By His Race,” *The Broad Ax*, October 13, 1906.

<sup>287</sup> “Booker T. Wasington’s ‘Bloodless Victory’ at Atlanta Was of Short Duration.”, *The Broad Ax*, September 29, 1906.

<sup>288</sup> “Booker T. Washington Denounced.”

<sup>289</sup> “Booker T. Wasington’s ‘Bloodless Victory’ at Atlanta Was of Short Duration.”.

return, and when the white Christian gentlemen found out that the Colored people were determined to defend their lives and the lives of their women and children, and protect their property, the mob halted in its work of slaughtering innocent men and women.<sup>290</sup>

And although the Black Atlantans were eventually overcome by the superior forces of the thousands of armed white citizens and Georgia state troops, “more white gentlemen were killed and wounded by the brave and liberty loving Colored men and women than the daily papers have reported.”<sup>291</sup>

The 1906 Atlanta Massacre signaled the crumbling of the accommodationist narrative of Black progress. Wealthy and middle-class Black families were subjected to the same terror as the Black families of a lower socio-economic class. Money and power did not insulate them from white supremacy. It made them a target. Similarly, Black Americans who rejected agitation, worked hard, pursued vocational education over professional paths, strove for economic improvement, and accepted segregation as the road to racial progress, found themselves as targets for expulsion and murder as well. In making no concessions to socio-economic distinctions in the Black community or political disengagement, more Black Americans realized that total annihilation, not accommodation and compliance was the objective of their white neighbors and politicians. W.E.B. Du Bois blamed the loss of Black life in Atlanta on Washington’s passive accommodation policy. There was a groundswell of Black politicians who realized that accommodation would not propel the race forward

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<sup>290</sup> “Booker T. Washington’s ‘Bloodless Victory’ at Atlanta Was of Short Duration.”.

<sup>291</sup> “Booker T. Washington’s ‘Bloodless Victory’ at Atlanta Was of Short Duration.”.

as it was Black economic success and education that made them most often the targets of white supremacy.<sup>292</sup>

Black communities faced persistent threats of violence and oppression when they asserted their 15<sup>th</sup> Amendment rights and the freedom of movement required to participate in the voting process. The need to defend oneself against racially motivated attacks underscored the urgent necessity for Black individuals to assert their right to move freely and safely within their own communities. Despite the challenges and dangers, their steadfast resistance and grassroots advocacy for freedom of movement and armed self-defense stood as a testament to their unwavering commitment to their rights as American citizens.

Despite the essential erasure of the Atlanta Massacre and the valiant defenses waged by Black Atlantans, Black Atlantans regrouped and became a bedrock of the civil rights movement where once again the Black press became essential to correcting misrepresentation of the Black struggle.

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## Conclusion

This project challenges historical narratives that portray Black Americans as victims of lynch mobs and other forms of violence. By highlighting instances of Black Americans using armed self-defense in the context of the Reconstruction Amendments, I add to the existing scholarship of Black grassroots activism and the strategies Black Americans used to fight back, literally, against racial violence. By analyzing these strategies, I contribute to a more complete narrative of Black grassroots activism and collective action. I also provide context for Black Americans' lived experience of their Constitutional rights under the Reconstruction Amendments.

My work also foregrounds the ways that violence was a tool of oppression as well as resistance. Kellie Carter Jackson's *Force and Freedom: Black Abolitionists and the Use of Political Violence* writes about Black armed self-defense in the context of the antebellum era. By building upon Jackson's theme of Black political violence and extending the analysis to the post-Civil War period, my work contributes to a comprehensive understanding of the ways in which violence has been a tool of resistance throughout Black history. My work also contributes to the importance of examining the continuities in Black resistance over time.

## Areas for Future Research

One area worth further investigation is the role of women in armed self-defense during this period. While Crystal N. Feimster's work *Southern Horrors:*

*Women and the Politics of Rape and Lynching* has addressed some aspects of this topic, more research regarding the participation of Black women in efforts to protect their communities from racial violence is needed. Research could examine the ways in which women organized and participated in self-defense initiatives.

Another area for further research is the role of Black organizations and conventions in addressing armed self-defense. a more in-depth examination of how Black organizations such as the Niagara Movement, the NAACP, the National Association of Colored Women, the Afro-American League or various Black churches and fraternal organizations advocated for or against armed self-defense as a strategy for combating racial violence. Additionally, studying the debates and discussions within these organizations about the efficacy and morality of armed self-defense could provide valuable insights into the diversity of perspectives within the Black community.

### **#LivingWhileBlack, the legacy of Black mobility and white violence**

#LivingWhileBlack emerged as a hashtag in 2018, highlighting the pervasive trend of white individuals surveilling Black Americans and contacting police when they perceive a Black person to be out of place or in a location they deem inappropriate. Alison Ettl called police on an 8-year-old girl selling water. Neighbors called police on Black filmmakers at an Airbnb who didn't wave to them. Sarah Braasch called 911 on a Black graduate student taking a nap in her dorm common room. Members of a community called police on a Black firefighter

performing safety inspections. Jennifer Schulte called police on a Black family she claimed was using the wrong kind of grill at a park. Linda Krakora called police on a 12-year-old Black child with his own lawn care business because he accidentally mowed a few inches into the neighbor's lawn. Stephanie Sebby-Stempel assaulted a Black teen at a pool and then called 911. These incidents extend beyond mere inconveniences; they encapsulate the harsh reality of Black existence in America. They are deeply rooted in a historical narrative of white resentment and anger towards Black mobility, serving as attempts to assert authority over Black individuals' freedom to move and exist without scrutiny. There are no actual laws being broken; rather, it's the perception of some white individuals that they have the authority to enforce their own version of the law based on their biases and assumptions. The absence of legal wrongdoing highlights the arbitrary nature of these confrontations, where black individuals are targeted simply for existing in spaces that some white people perceive as exclusive or off-limits to them.<sup>293</sup>

It would be disingenuous to ignore the fact that these confrontations often involve white individuals invoking the authority of the state against Black people, knowing the potential for lethal outcomes when police are involved. On May 25<sup>th</sup>, Amy Cooper called 911 on Christian Cooper, a Black male birdwatching in

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<sup>293</sup> Brandon Griggs, "Living While Black," *CNN.Com*, December 28, 2018, <https://www.cnn.com/2018/12/20/us/living-while-black-police-calls-trnd/index.html>. See also, Daniel Victor, "A Woman Said She Saw Burglars. They Were Just Black Airbnb Guests.," *The New York Times*, May 8, 2018, sec. U.S., <https://www.nytimes.com/2018/05/08/us/airbnb-black-women-police.html>.

Central Park New York. His crime? Amy Cooper was incensed that the birdwatcher told her that her dog needed to be on a leash. Ms. Cooper argued with the birdwatcher and informed him, “I’m going to tell them there’s an African American man threatening my life.” During her conversation with the police dispatcher, Cooper lied and said Christian Cooper attempted to assault her.<sup>294</sup>

The alarming number of Black Americans killed by police for engaging in legal and non-threatening activities underscores the gravity of these encounters. The false accusation made by Amy Cooper against Christian Cooper, a Black man birdwatching in Central Park, resonates deeply with historical narratives of mobilizing white womanhood to perpetuate violence against Black men. Amy Cooper's deliberate decision to invoke her perceived vulnerability as a white woman and falsely claim that Christian Cooper was threatening her life echoes a troubling legacy of racialized violence in America. These accusations served to reinforce racial hierarchies and uphold white supremacy by demonizing Black mobility and portraying Black men as threats to white womanhood. By portraying Black men as inherently dangerous and Black Americans, in general, as disruptive and out of place regardless of the mundane nature of their activities, these false accusations perpetuated harmful stereotypes and reinforced racial biases. This portrayal not only stigmatizes Black Americans but also contributes

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<sup>294</sup> Eric Levenson and Kristina Sgueglia, “There Were Two Calls between Amy Cooper and 911 about a Black Birdwatcher in Central Park, Prosecutors Say,” *CNN.com*, November 17, 2020, <https://www.cnn.com/2020/10/14/us/amy-cooper-central-park-racism/index.html>.

to the broader societal perception of Black mobility as inherently suspicious or threatening. As a result, Black Americans faced heightened scrutiny and surveillance in public spaces, further restricting their freedom of movement and perpetuating systemic inequalities rooted in the historical legacy of slavery and segregation.

In this dissertation, I have sought to fill in the historical gap surrounding the grassroots activism enabled by the freedom of movement implicit in the Reconstruction amendments. By incorporating the narratives of Black Americans like Robert Charles and Dot Price, who employed armed self-defense, I explore the militant strategies of resistance evident in Black public discourse and practice in response to white supremacist violence and the denial of constitutional rights. My aim is to empower contemporary Black Americans by showcasing the courageous actions of their ancestors. Drawing inspiration from figures such as Nelson Jones and Jack Trice, we can learn valuable lessons about the importance of collective action, solidarity, and self-defense in the ongoing struggle for racial justice and equality.

Despite the ratification of the 14th Amendment nearly 160 years ago, which was intended to guarantee life, liberty, and property, due process, and equal protection under the law for all citizens, the United States has consistently fallen short of fulfilling its promises to Black Americans. From Jim Crow laws to redlining to mass incarceration, to the ongoing lack of accountability for police brutality, the legacy of discrimination continues to shape the lived experiences of



Black Americans today. I remember the stone in my chest and my clinched fists as I watched the news coverage following Trayvon Martin's murder in February 2012. Martin was walking to a corner store from the gated community where he was staying when George Zimmerman, the captain of the neighborhood watch portrayed himself as a protector of his community, followed him, confronted him, and then shot Martin, killing the unarmed teenager. The audio of the struggle indicates that Martin fought for his life, but like many Black Americans before him, his life was ended at the hands of a vigilante. The police were hesitant to charge him, but national outcry resulted in his arrest. A year later, Zimmerman, claiming self-defense, was acquitted. The Florida jury decided that a white man's right to self-defense when he was the aggressor outweighed a black man's right to simply exist and move about freely.

I was not alone in my anger about the injustice of a white man taking a Black child's life with no accountability. Patrisse Khan-Cullors, Alicia Garza, and Opal Tometi cofounded #BlackLivesMatter in 2013 following Zimmerman's acquittal.<sup>295</sup> It became a powerful online movement for social justice, police accountability, and Black empowerment that flowed into the streets, school campuses, churches, businesses, and homes that demanded America abide by its 14<sup>th</sup> Amendment Constitutional protections for Black Americans. Today Black

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<sup>295</sup> "Trayvon Martin's Death, Black Lives Matter and the Activism That Shaped a Decade - The Washington Post," accessed April 19, 2024, <https://www.washingtonpost.com/nation/2022/02/25/trayvon-martins-death-set-off-movement-that-shaped-decades-defining-moments/>.

activism happens less in Black print media and more on social media platforms like Black Twitter and Black TikTok, as modern-day counterparts to historical black newspapers. The fatal police shootings of Black men like Philando Castile and Alton Sterling, who were both murdered by police during traffic stops, and the suspicious “suicide” of Sandra Bland who was arrested for being disrespectful during a traffic stop and was later found dead in a Waller County, Texas, jail cell are twenty-first century lynchings. In the subsequent trials, the officers were acquitted. Black social media played a crucial role in organizing protests and unifying the Black community. “We are not our ancestors” t-shirts became popular, taking the stand that Black Americans were willing to fight back where our ancestors weren’t. Ahistorical and dismissive of the losses our ancestors endured when engaging in self-defense against lynch mobs, we most certainly are not our ancestors. I find this phrase extremely disrespectful and an attempt to empower modern Black Americans by denigrating our ancestors. It also demonstrates the lack of knowledge regarding Black grassroots activism fighting for due process and equal protection and accountability. My aim is to bridge the activism of previous generations with today’s movements, empowering through continuity and shared purpose. Drawing inspiration from the armed self-defense practices of our ancestors from 1890 to 1910, my goal is to empower Black Americans to reclaim their right to defend themselves against injustice and oppression. Just as our forebears stood against systemic racism and violence in their time, we recognize the enduring need to protect ourselves and our

communities today. By illuminating the courageous actions of their ancestors who fought back and asserted their rights during this pivotal period in history, we can empower present-day Black Americans.

Today the violence of election years (mostly) forgoes guns and riots. Instead, it manifests with tactics like gerrymandering of districts and voter suppression tactics, such as closing early and late voting locations. Additionally, moving polls to inconvenient places for Black people reliant on mass transit or ride shares directly impedes the ability of Black Americans to exercise their right to vote, thus stifling their freedom of political movement.

The Georgia gubernatorial election between Stacey Abrams and incumbent Brian Kemp in 2020, serves as a glaring example. Reports of voter suppression tactics, including purging voter rolls and closing polling stations in predominantly Black neighborhoods, raised serious concerns about the integrity of the electoral process. Such actions not only undermine the 15th Amendment, which prohibits the denial of voting rights based on race, but also perpetuate systemic inequalities and injustices.

The struggle for voting rights reflects the hard-won victories of our ancestors who often fought to the death for this fundamental right. The historical fear of the Black vote was so profound that some white individuals resorted to violence, including murder, to suppress it. My goal for this dissertation is to arm and empower Black Americans with knowledge that our forebears literally risked their lives for the right to vote.

The advocacy for armed self-defense within Black communities, as championed by the Black press, encapsulates a complex intersection of historical exigencies, sociopolitical dynamics, and ideological imperatives. Emerging principally in response to the virulent racism and systemic violence of the Jim Crow era, this discourse represented a strategic response to the existential threats faced by Black Americans, particularly in the absence of effective state protection. The Black press, as a critical organ of community mobilization and consciousness-raising, played a pivotal role in disseminating and legitimizing the ethos of armed self-defense. Recognizing the importance of controlling their own narrative, Black American communities established and supported their own newspapers. These publications became vital platforms for communicating shared experiences, organizing collective action, and fostering community solidarity. Foregrounding its advocacy was a narrative of necessity, underpinned by the grim realities of racial terror and extrajudicial violence. Black newspapers meticulously documented lynching and acts of domestic terrorism perpetrated against Black Americans and their communities. These journalistic endeavors not only served to expose the brutalities of racial oppression but also framed armed self-defense as a rational response to the pervasive threat of white supremacist violence. Moreover, the Black press valorized proponents of armed self-defense, profiling individuals and organizations that espoused this ideology as exemplars of courage and agency.

By asserting the right of Black Americans to protect themselves and their families from racial violence, the Black press reframed self-defense not merely as a reactive measure but as a proactive assertion of dignity and self-preservation. In doing so, they challenged the prevailing narrative of Black American passivity and victimhood, positing armed self-defense as a morally justifiable and strategically imperative response to the exigencies of racialized violence.

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