

January 15, 2020

To: NYU Legal History Seminar
From: John Fabian Witt
Re: January 27 seminar

Thanks so much for looking at my drafts and coming to my session! I'm thrilled to be able to share them with you.

I am attaching chapters 5 and 8 from my book-in-progress. I'm struggling with the title, and some years ago this seminar gave me the title for my first book. Maybe you can help again! A current working title is *The Radicals' Fund: Experimenting with Democracy in America's First Age of Propaganda*.

The book is the story of an organization known informally as the Garland Fund or formally as the American Fund for Public Service: a philanthropic foundation established in 1922 to give money to liberal and left causes. The Fund figures prominently in the history of civil rights lawyering because of its role setting in motion the early stages of the NAACP's litigation campaign that led a quarter-century later to *Brown v. Board of Education*.

I hope you will be able to get some sense of the project from the crucial chapters I've attached here. These chapters come from Part 2 of the book. Part 1 focuses on Roger Baldwin, the founder of the ACLU and the principal energy behind the Fund. Part 2 (including the chapters here) focuses on James Weldon Johnson, who ran the NAACP during the 1920s and was a board member of the Fund. Parts 3 and 4 turn respectively to Elizabeth Gurley Flynn (a labor radical on the board) and Felix Frankfurter, who in the 1920s served as a key outside consultant and counsel to the Fund.

To set the stage, readers have learned in Part 1 about Baldwin as a disillusioned reformer, who advocated progressive programs like the initiative and referendum only to see direct democracy produce a wave of white supremacist initiatives. Baldwin was in the middle of the residential racial zoning debates and then the terrible race riots of East St. Louis in 1917. In 1922 he established the Garland Fund with a million dollars from the inheritance of a family friend who believed that such wealth was unjust.

The chapters you have offer a historical explanation of how the Garland Fund and the NAACP arrived at its much-discussed litigation program. I offer what one might call an account of the lost radicalism of *Brown's* roots, against the many accounts in recent decades that criticize *Brown* for being insufficiently radical.

Please forgive typos, infelicities, and awkward formulations, which I fear are likely to abound. The footnotes have been added in haste to give you a sense of the sources with which I'm working.

Looking forward to seeing you soon,

jfw

Chapter 5: The Usual Crime

The American public has had grafted upon its mind . . . the idea that the lynching of Negroes and the crime of rape invariably go together.

-- James Weldon Johnson, 1919¹

At first, he thought the approaching cries might be a band of hunters crashing through the woods. But as the noise grew closer, twenty-nine-year-old James Johnson realized his peril. The shouts were from hunters, of a sort. He was their quarry. It was 1901, in Jacksonville, Florida. A party of armed white men had heard rumor of a black man with a white woman in the secluded park. Soon the men came into view.

“Death turned and looked at me,” Johnson remembered, “and I looked at death.”²

This was not the first time that young James Johnson had found himself the target of a lynch mob. Thirteen years earlier, coming home to Jacksonville from school in Atlanta, a teenage Johnson had insisted on his right to buy a first-class ticket on the train back to Jacksonville. Georgia had not yet passed a Jim Crow law for railroad cars; Johnson was correct about his legal rights. But the car’s white passengers were scandalized. The telegraph wires carried word of his affront to the next town up the tracks. By the time Johnson’s train arrived there, a crowd had formed with the intention of pulling the brazen young man off the train. A quick-witted black train porter averted the danger by wrestling the indignant Johnson into the train’s second-class car.³

Jacksonville was also not the last time Johnson would face the lynch mob. In 1918, newly appointed as a leading officer of a new civil rights organization known as the National Association for the Advancement of Colored People, Johnson investigated an especially shocking lynching in rural Georgia. Eleven African Americans had been killed in what began as an employment dispute between a white farmer and a black laborer in the town of Quitman. The victims included a woman named Mary Turner, who had been near full term in a pregnancy, and whose only offense was to proclaim her husband’s innocence. The details of her killing are

¹NAACP 1919 conference on lynching at Carnegie Hall, James Weldon Johnson and Grace Nail Johnson Papers, Beinecke Library, Yale University.

² Goldsby, Jacqueline. *A Spectacular Secret: Lynching in American Life and Literature*. Chicago, Ill.: University of Chicago Press, 2006.

³ Johnson, James Weldon. *Along This Way: The Autobiography of James Weldon Johnson* (New York: Viking Press, 1933), 85-86.

shocking. A white mob strung her upside down, doused her body in gasoline, and set her on fire. They cut the eight-month-old fetus from her belly and killed it, too. And then they riddled her hanging dead body with bullets.⁴

Quitman was a dangerous place for African Americans who even so much as questioned white supremacy. And sure enough, as Johnson talked to black residents, a gang of white men (“a pretty tough-looking lot,” Johnson remembered) began to follow him. Johnson was pretty sure that the men were among the perpetrators of the Quitman lynchings. They meant to make him their twelfth victim. And so, after a sleepless night, and having gathered the information he needed, Johnson caught the first train out of town.⁵

Of Johnson’s three near-lynchings, the Jacksonville lynch mob in 1901 came closest to taking his life. Ninety-four black lives ended in violence that year at the hands of white southern mobs. In the previous decade, lynchers had killed at least a thousand people, and maybe more, nearly all of them black men. Now, a Jacksonville park, the violent hatred of white supremacy was coming for Johnson -- and it was all a mistake, born of racism and hatred in a moment of turmoil and disorder. A massive fire had destroyed much of Jacksonville just a few days before. Johnson agreed to talk to a female reporter from an out-of-town black newspaper about the devastating effects of the fire on the city’s black neighborhoods. Johnson wanted to tell her about how the fire department had refused to protect black homes. He wanted to explain how the department had allowed the conflagration to burn the city’s leading black school, where Johnson was the principal. The reporter was so light-skinned, however, as to seem white, at least from a distance. When a white streetcar conductor saw the two walking into a park, their innocent conduct triggered a storyline so deeply etched into the habits of mind of southern white culture as to call forth a virtually scripted response. He sounded the alarm. A nearby state militia regiment, assembled to keep the peace in the fire’s aftermath, sprang into action. White militiamen armed with rifles and bayonets rose to the defense of white womanhood.

Finding the pair in a clearing in the woods, the armed white men surged around Johnson, seized him, and began to beat him. They tore his clothes. “Kill the damned nigger! Kill the black son of a bitch,” they yelled. Death by lynching seemed certain. Johnson believed that showing even the slightest sign of fear would seal his fate; any attempt to flee would be his undoing. But self-possession and dignity, he thought, might keep him alive. And so he submitted to the beating in hopes that something would intervene and cause it to stop. Eventually, at last, a white officer arrived. Johnson made no complaint when the officer placed him rather than his attackers under arrest and took him and his journalist companion to the militia’s temporary headquarters. The commanding officer turned out to be a white Jacksonville lawyer who knew Johnson’s family. He quietly released Johnson as soon as it became clear what had happened. Adrenaline carried Johnson all the way home. Only then did he collapse in a mix of anger, exhaustion, terror and shame – shame, as he wrote a few years later in a partly autobiographical novel, that he “belonged to a race that could be so dealt with,” and shame, too, for his country, which claimed to be “the great example of democracy to the world.”⁶

⁴ NAACP, *Thirty Years of Lynching in the United States, 1889-1918*. New York, 1919; Armstrong, Julie Buckner. *Mary Turner and the Memory of Lynching*. Athens, Ga.: University of Georgia Press, 2011.

⁵ Johnson, *Along This Way*, 333-35.

⁶ Johnson, James Weldon. *The Autobiography of an Ex-Coloured Man*. Edited by Henry Louis Gates. New York:

W.E.B. Du Bois, the black leader and intellectual, would later describe Johnson's near lynching in Jacksonville as the formative event in his friend's life.⁷ The brush with danger caused Johnson to move to New York on the verge of the Great Migration. Nearly six million African Americans would move from South to North in the next half-century. Johnson would become a prominent figure in the first outpouring of black creativity it produced, later known to many as the Harlem Renaissance. He would write poems on the violence of white supremacy and publish his influential novel, whose final scene climaxed in a spectacle lynching of the kind to which he himself had nearly fallen prey. As a journalist and as a leader of the National Association for the Advancement of Colored People, Johnson would speak out about his own lynching episodes and about the thousands of others that ended in unspeakable violence.

Johnson's experience also set a path for him into the world of American race politics – a path that would shape the course of his career for the next two decades. Johnson would become known for his elegant and refined manner, for the dignity with which he carried himself, and for the grace with which he treated others. Roger Baldwin described him as an artist and a scholar, someone who on the outside appeared “ill-fitted” for a fight.⁸ Du Bois said that Johnson had “the fine soul of a poet.” But beneath his refined surface, Johnson burned with anger at the violence of the mob. He crafted his own image as an indictment of the raw lawlessness of the lynch mob.⁹

In the wake of the First World War, Johnson would dedicate his life to ending the scourge of lynching. In the United States Congress, he would fail. But in the culture he would win. At the very moment in which people like Baldwin were turning away from the formal politics of the ballot box, Johnson's failure in Congress caused him to do the same. Like Baldwin, Johnson stopped campaigning for votes, at least for the time being, and took up campaigning for public opinion instead. Johnson aimed to change what Americans thought about their world. And that effort drew him into the American Fund.

The Fury of the Mob

Johnson was born James Wilson Johnson in 1871. He was one of very few black children in the Reconstruction South not to be the child of an enslaved person. His maternal great-grandfather, Etienne Dillet, had been a white French soldier stationed in Haiti after France abolished slavery

Vintage Books, 1989: 187-88.

⁷ Du Bois at James Weldon Johnson's retirement dinner. "Mr. Johnson . . . was once nearly lynched in Florida and quite naturally lynching to him, despite all obvious excuses and explanations and mitigating circumstances, can never be less than a terrible real." Goldsby, Jacqueline. *A Spectacular Secret: Lynching in American Life and Literature*. Chicago, Ill.: University of Chicago Press, 2006: 166

⁸ Baldwin, Roger. The Papers of Roger Nash Baldwin (1885-1981). Seeley G. Mudd Manuscript Library, Princeton University. Sterling Microform, Film B19457: 26 reels. Box 20, folder 12: Autobiography (1920-1931): Chapter VI. Civil Liberties and Government, the New and Fair Deal Periods, 1932-1952: 317.

⁹ Du Bois, W. E. B. *Dusk of Dawn: An Essay toward an Autobiography of a Race Concept*. New York: Harcourt, Brace & World, Inc., 1940.

in its colonies in 1794. His maternal great-grandmother was a black woman there named Hester Argot. When Napoleon restored slavery in most of France's American colonies in 1802, Dillet hurried Hester and their son Stephen (James's grandfather) off the island on a vessel that eventually made landfall in the Bahamas. Johnson's maternal grandmother, Mary Symonett, moved to New York City where she lived with her daughter (Johnson's mother) Helen as a free black woman before the Civil War. Mary and Helen fled to the Bahamas soon after South Carolina fired on Fort Sumter in 1861 out of fear that their freedom might be taken away, even in the North, if the South won the war.¹⁰

Johnson's father, also named James Johnson, was born a free man in Virginia in 1830 before moving as a child to New York. During the Civil War, the elder James moved to the Bahamas to follow his love interest Helen Symonett. The two married. And meanwhile James thrived as the head waiter at an exclusive hotel in the booming economy of the wartime Bahamas. (Confederate blockade runners used the island as a layover.) During the post-war recession, James and Helen moved to Jacksonville, which was fast becoming a winter destination for well-heeled northerners. Harriet Beecher Stowe, the author of *Uncle Tom's Cabin*, wintered there beginning in 1867. Tourist dollars and a northern abolitionist clientele made the city an unusually appealing place for African-Americans during Reconstruction.¹¹

The Jacksonville of the 1870s was, Johnson wrote, was "known far and wide as a good town for Negroes."¹² The older James Johnson purchased a generous home and found a new position as head waiter, this time in the exclusive St. James Hotel, where the position of head waiter commanded authority and offered a good salary. Johnson's mother worked as a schoolteacher at the Stanton Normal School, one of the leading institutions of black education in Florida. The family acquired modest but not insignificant holdings in local real estate.¹³

The Johnson family was part of a thriving black middle class in post-war Jacksonville. In 1880 there were at least 38 black-owned businesses in the city. Successful tradesmen and merchants owned leading stores like Abraham Campbell's famous meat and poultry stall in the city market, or Milton Christopher's legendary produce market. Black businessmen ran small manufacturing shops, a real estate agency, clothing and shoe stores, oyster markets, and beauty parlors. Others worked as contractors and home builders. A black-owned photography studio boasted white and black patrons. There were four black doctors in the city. The flourishing black economy produced an array of voluntary and civic organizations, too. The Duval Fire Engine Company started as a volunteer institution in 1876 and was incorporated into the new municipal fire department a decade later. Benevolent associations and relief bureaus like the Benevolent Association of Colored Folks and the Colored Orphan's Home Association provided aid for needy members of the black community. The Colored Law and Order League upheld community standards and policed crime in black neighborhoods. The Colored Medical

¹⁰ Johnson, *Along This Way*; see also Rebecca Scott & J. M. Hebard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2005).

¹¹ Johnson, *Along This Way*; Joan D. Hedrick, *Harriet Beecher Stowe: A Life* (New York: Oxford University Press, 1994); Robert Cassanello, *To Render Invisible: Jim Crow and Public Life in New South Jacksonville* (Gainesville: University Press of Florida, 2013).

¹² Kennedy, Patricia. "Lavilla, Florida, 1866-1887: Reconstruction Dreams and the Formation of a Black Community." M.A., University of Florida, 1990: 49 (quoting *Along This Way* at 45).

¹³ Johnson, James Weldon. *Along This Way*. 1933.

Protective Health Association and the Colored Relief Bureau looked out for the black community's medical needs.¹⁴

Racial segregation existed in the Jacksonville of Johnson's childhood of course. But it was more often a matter of custom rather than of law. Even then it did not reach a number important areas of city life.

The state constitution of 1868 had been written by Republicans in a constitutional convention at which nearly forty percent of the delegates were black. The charter they produced promised equality in voting rights at the state level.¹⁵ In the city of Jacksonville, the political power of African Americans was even greater. The city's black community made up a slight majority of the city's population, and the city was a bastion of Republican Party politics throughout the second half of the nineteenth century. In the year Johnson was born, black men served in citywide elected office as city marshal, as city tax assessor, and as justice of the peace. Black men sat on the city council. Johnson's own father served as an official in the small suburb of Jacksonville known as LaVilla. In the city proper, elections produced a black mayor and a city council split evenly between whites and blacks as late as 1887. That same year saw a black man appointed to the municipal court and another named to the three-person police commission.¹⁶

Black political participation produced legislative victories for Florida's black community. In 1873, when Johnson was two years old, the Republican-controlled state legislature enacted a civil rights bill prohibiting discrimination in public accommodations like inns, railroads, and theaters. The bill went even further. It repealed every existing Florida law and local ordinance in which the word "white" was used to discriminate on the basis of "race, color, or previous condition of servitude." The state's Republican governor promptly signed the civil rights bill into law.¹⁷

Johnson's family took full advantage of the freedoms afforded them. The family typically purchased tickets in the first-class rail car and took their seats as a matter of course. Johnson's first two boyhood friends were white boys, and the family's friends and neighbors included whites as well as blacks. As a newborn, when his own mother fell ill, Johnson was nursed by a white neighbor named Mrs. McCleary. ("In the land of black mammies," Johnson liked to quip, "I had a white one.")¹⁸

¹⁴ Richardson, Barbara Ann. "A History of Blacks in Jacksonville, Florida, 1860-1895: A Socio-Economic and Political Study." Ph.D., Carnegie Mellon University, 1975.

¹⁵ Ibid: 188-9; Jerrell Shoffner, "The Constitution of 1868," 41 *Fla. Hist. Q.* 356-74 (Apr. 1963).

¹⁶ Levy, *James Weldon Johnson*, 58-59; Richardson, *History of Blacks in Jacksonville*, 54-197; Cassanello, *To Render Invisible*, 48-49; Brown, Cantor, and Larry Eugene Rivers. "'The Art of Gathering a Crowd': Florida's Pat Chappelle and the Origins of Black-Owned Vaudeville." *The Journal of African American History* 92, no. No. 2 (Spring 2007) (2007): 169-90.

¹⁷ "A Bill to be entitled An act to Protect all Citizens of the State of Florida in their Civil Rights, and to Furnish the Means for their Vindication." Ch. 1947, Laws of Fla. No. 13 (1873)

¹⁸ Johnson, *Along This Way*, 9.

From his earliest years, Johnson took part in the basic trappings of middle-class life. His mother trained him on the family piano and read aloud to him from the novels of Charles Dickens. A precocious young Johnson was soon racing through classics of European literature, ranging from the Christian allegory of *The Pilgrim's Progress*, to the macabre fairy tales of the Brothers Grimm, to the poetry of Sir Walter Scott. As a teen, Johnson played baseball on a Jacksonville baseball team known as "The Roman Cities"; the team was all black, but it played before integrated crowds. Johnson's parents made sure that he and his brother had the chance to see the world, too. In 1884 the family took a long trip to New York City, where they spent time with T. Thomas Fortune, editor of the nation's leading black newspaper, the *New York Age*. Fortune's brother lived in Jacksonville, where the editor had been a houseguest of the Johnsons. Johnson also traveled to the Bahamas as a child, where he met his maternal grandfather Stephen, who had been smuggled out of Haiti as a small child eight decades earlier.

Beginning at the age of five, Johnson attended the school where his mother taught.¹⁹ The Stanton Normal School had been built in 1869 with funds from the Freedmen's Bureau and from the American Missionary Association, an antislavery organization whose money helped build scores of schools across the South after Emancipation.²⁰ In 1887, Johnson left Jacksonville to continue his studies at Atlanta University (another American Missionary Association school), where he attended both high school and college, graduating in 1894. Johnson received a classical education in Greek, Latin, and algebra, modeled on the academic courses at Yale, where Atlanta University's first three presidents were trained. Georgia also delivered an education in the world.²¹ Johnson encountered harsh racial separation in the city of Atlanta, where the university's white teachers were shunned by the city's white community for their dealings with black students.²²

On graduating, Johnson returned to Jacksonville. His many talents bloomed. He became the young principal of his alma mater, the Stanton Normal School.²³ Journalism caught his eye, too. In 1895, he founded the *Daily American*, a short-lived but spirited newspaper that served briefly as an antidote to Jacksonville's white-owned and racist *Florida Times-Union*.²⁴ He read law in the office of a local white lawyer and became the first black lawyer to be admitted to the Duval County bar. Soon he began practicing law with a friend who was admitted shortly after him. Johnson handled the writing and the office work while his partner took the courtroom roles.²⁵

¹⁹ Johnson, *Along This Way*; Joe M. Richardson, "The Freedmen's Bureau and Negro Education in Florida," 31 *J. Negro Ed.* 460 (Autumn 1962); Richardson, Barbara Ann. "A History of Blacks in Jacksonville, Florida, 1860-1895: A Socio-Economic and Political Study." Ph.D., Carnegie Mellon University, 1975.

²⁰Raphael O'Hara Lanier, History of Negro education in Florida (Ph.D. Diss., Stanford University, 1928), 61-63; Winsboro, Irvin D. S., and Abel A. Bartley. "Race, Education, and Regionalism: The Long and Troubling History of School Desegregation in the Sunshine State." *The Florida Historical Quarterly* 92, no. No. 4 (Spring 2014) (2014): 714-45. <https://www.jstor.org/stable/43488431>: 716

²¹ Johnson, *Along This Way*, 121-22

²² Ibid: 65-66

²³ Richardson, "A History of Blacks in Jacksonville," 147-48

²⁴ Levy, *James Weldon Johnson*, 55-56

²⁵ Ibid: 51-76

As if the roles of school principal, newspaperman, and lawyer were not enough, Johnson took up songwriting, too. As a teenager, Johnson's younger brother Rosamond had moved to Boston to study music at the New England Conservatory. By the late 1890s Rosamond was performing in New York in the country's most famous African-American vaudeville show. Hosted by the legendary impresario John Isham, *Oriental America* was the first show to appear on Broadway with an entirely black cast. Rosamond won a lead role. By the turn of the century, Rosamond had moved to New York and was fast becoming one of leading songwriters in the city's racially integrated theatrical scene. James joined in, writing lyrics for Rosamond's scores. Together with another black showman named Bob Cole, the two brothers wrote operettas and highly successful musical theater songs like "Under the Bamboo Tree" and "Congo Love Songs." Their work was a hit with Broadway audiences, white and black alike. In 1900, the brothers wrote a song on the occasion of Abraham Lincoln's birthday. They called it "Lift Every Voice and Sing." Its influence spread. Two decades thereafter the NAACP dubbed it the Negro National Anthem. It is still sung and still celebrated as such a century later.²⁶

Even as Johnson flourished, however, Jacksonville's African American community took a turn for the worse. Much worse. Looking back a half century later, Johnson would reflect that for the first fifty years of his life, conditions for blacks in Florida and all around the United States were in precipitous decline.²⁷

Johnson was five years old when Florida's white Democrats swept an integrated Republican administration from the statehouse in the election of 1876. Johnson was ten when the state prohibited racial intermarriage. Four years later, in 1885, a new state constitution adopted a poll tax that disfranchised poor black voters (and often poor white ones as well). In 1887, the newly reconstituted state legislature passed a Jim Crow law requiring railroads to separate passengers by race. (Coming home from Atlanta University that year, Johnson recalled, was his "first experience" on a "Jim Crow Car.") The city of Jacksonville remained the state's last haven of mixed-race Republican rule for some time longer. But that could not last in a state dominated by the party of white supremacy. In 1889, Democrats in the state capital rewrote the Jacksonville city charter to eliminate home rule. The new charter authorized the governor to appoint the city council and gave the governor's council appointees the power to select the mayor. At the same time, a complex statewide multiple-ballot scheme aimed to make voting as difficult as possible. By 1891, 2,228 of the 2,365 registered voters in Jacksonville's Duval County were white. Two years later, with Jacksonville now made safe for Jim Crow, the state legislature restored home rule to the city.²⁸ Under white leadership again, the new Jim Crow Jacksonville promptly prohibited mixed-race education and segregated the city's streetcars.²⁹

²⁶ Ibid: 75-76; Stewart Lane, *Black Broadway: African Americans on the Great White Way* (Garden City, N.Y.: Square One Publishers, 2015); Imani Perry, *May We Forever Stand: A History of the Black National Anthem* (Chapel Hill: UNC Press, 2018).

²⁷ Johnson, *Along This Way*, 44-45

²⁸ Richardson, Barbara Ann. "A History of Blacks in Jacksonville, Florida, 1860-1895: A Socio-Economic and Political Study." Ph.D., Carnegie Mellon University, 1975: 192-217

²⁹ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 77

Jacksonville's story was repeated in cities across the South at the end of the nineteenth century. In state after state, the relative freedoms of Reconstruction gave way to the onslaught of Jim Crow.³⁰ The United States Supreme Court took a prominent role in the process, too. The Court's 1896 decision in *Plessy v. Ferguson*, decided a year after Booker T. Washington's Atlanta Compromise address, confirmed the constitutionality of state Jim Crow laws like the 1883 Florida law requiring racial segregation on the rails. A sequence of lesser known but equally important decisions made it nearly impossible to protect African Americans against private discrimination. The Fourteenth Amendment, ratified in 1868, provided that no *state* could discriminate. The Supreme Court reasoned that private people are not states. In the *Civil Rights Cases*, decided in 1883, the Court struck down an 1875 federal civil rights law on the ground that the Fourteenth Amendment did not grant Congress the power to regulate private discrimination. Discrimination by railroads, wrote Justice Joseph Bradley, was beyond Congress's reach. So, too, was discrimination in theaters and hotels.³¹

Nowhere were the declining fortunes of African Americans clearer than in the rising violence of white lynch mobs. "The race," Johnson later observed, had been subjected to two crushing blows – first "Disfranchisement and Jim-Crowism" and then "the fury of the mob."³²

The half-century after 1882 witnessed at least 2,805 documented lynchings in the South, taking the lives of some 2,805 victims.³³ Estimates going back to Reconstruction put the total number far higher; according to one leading student of the phenomenon, the number of deaths at the hands of southern lynch mobs was probably closer to 5,000.³⁴ Ninety-four percent of those lynching victims were black.³⁵ A corresponding percentage of the participants in lynch mobs was white. And virtually none of the participants were ever punished for their actions.³⁶ In 1917, the NAACP estimated that out of more than 2,000 lynching episodes in the previous thirty years – many of them public events in broad daylight -- fewer than six men had been convicted on criminal charges.

In Florida, where Johnson grew up, at least 224 African Americans were lynched during the era of Jim Crow. The toll of victims began to mount while Johnson was a teenager and

³⁰ C. Vann Woodward, *The Strange Career of Jim Crow*; C. Vann Woodward, *Origins of the New South*; J. Morgan Kousser, etc.

³¹ *Plessy v. Ferguson* (1896); *Civil Rights Cases* (1883); *Hall v. DeCuir* 95 U.S. 485 (1878).

³² Johnson, James Weldon. *Along This Way*. 1933: 158

³³ Tolnay, Stewart E. & Beck, E.M. *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930*. 1995; Cook, Lisa D. . "Converging to a National Lynching Database: Recent Developments and the Way Forward." *Historical Methods* 45 (2012), p. 57. <http://dx.doi.org/10.1080/01615440.2011.639289>.

³⁴ Cook, Lisa D. . "Converging to a National Lynching Database: Recent Developments and the Way Forward." *Historical Methods* 45 (2012), p. 57. <http://dx.doi.org/10.1080/01615440.2011.639289>; see also Pfeifer, Michael J. "At the Hands of Parties Unknown: The State of the Field of Lynching Scholarship." *Journal of American History* 101, no. 3 (2014): 832-46. <https://doi.org/10.1093/jahist/jau640>: 841.

³⁵ Tolnay, Stewart E. & Beck, E.M. *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930*. 1995.

³⁶ Francis, Megan Ming. "The Price of Civil Rights: Black Lives, White Funding, and Movement Capture." *Law & Society Review* 53, no. 1 (2019): 275-309.

young man; some 105 black men were lynched in Florida during the fifteen years from 1889 to 1903, precisely when Johnson was himself most vulnerable. Leaving Florida for school in Atlanta offered no respite. More lynchings took place in Georgia than in any other state; more than 61 of them, according to an NAACP count, happened while Johnson was at Atlanta University. And as time went by, the brutality of lynchings seemed to grow. A few years after Johnson left Atlanta, a black man named Sam Hose was lynched not far from the city. Hose, a farm laborer, stood accused of murdering his white employer. Later investigations would suggest that Hose was acting in self-defense. But the posse assembled to track him down was convinced otherwise. By the time the pursuers captured Hose, rumors had spread that he had also raped his employer's wife. Hose admitted the murder. Even under torture, he denied the rape charge. Nonetheless, the mob took Hose to a public road where some 2,000 whites had gathered. According to a euphemistic *New York Tribune* report, the mob cut off his "ears, fingers, and other portions of his body." As spectators cheered, the mob tied Hose to a stake and burned him alive. When the fire was finished, his charred bones were cut into pieces and distributed as souvenirs.³⁷

Hose's lynching was only one of a deadly parade of spectacle lynchings in the South near the end of the nineteenth century. Time and again mobs of white men took the law – or what they supposed the law to be -- into their own hands and executed African Americans in the most terrible fashion. In Texas in 1897, a black man named Robert Hilliard was burned to death before a crowd whose cheers grew louder with evidence that he was still conscious during the ordeal. (A local publishing company hawked souvenir photographs of the event.)³⁸ In Dade County Florida in early 1901, a mob of 30 men shot two black murder suspects to death through the bars of a jail cell when the jailer refused to surrender the keys.³⁹

Lynchings were said to be the punishment for black men who raped white women – this, white Southerners insisted, was the "usual crime" to which lynching was the only sufficient response.⁴⁰ But the truth was that only one in four lynchings involved even an allegation of rape, and many of those, like the lynching of Sam Hose, were almost certainly fabricated. Approximately 80 lynching victims during the period were women, several of them pregnant.⁴¹ Lynching, as Johnson put it, was thus not really about "punishment for the crime of rape," nor even about "the alleged criminality of the negro." It was instead "a relic of slavery," representing the determination of white southerners to continue to assert the "dominance" of white supremacy "by force." There was one thing that connected the thousands of lynchings, and it was not rape accusations. Lynching was the ultimate expression of the system of Jim Crow and racial subordination that spread across Jacksonville and the South during the last two and a half decades of the nineteenth century. It was a continuation and extension of the Jim Crow state in violent form, a kind of "state-sanctioned terrorism," as two leading students of the

³⁷NAACP, *Thirty Years of Lynching in the United States, 1889-1918*. New York, 1919.

³⁸Ibid; Wood, Amy Louise. *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill: University of North Carolina Press, 2009: 64

³⁹ NAACP, *Thirty Years of Lynching in the United States, 1889-1918*. New York, 1919.

⁴⁰ Markovitz, Jonathan. *Legacies of Lynching: Racial Violence and Memory*. Minneapolis: University of Minnesota Press.

⁴¹ NAACP, *Thirty Years of Lynching in the United States, 1889-1918*. New York, 1919.

phenomenon have put it, designed to create “a climate of terror” among the region’s black communities.⁴²

And yet the Supreme Court shrugged off the violence of lynching, using the same logic by which it dismissed discrimination in theaters and on railroads. Mob violence was beyond the scope of Congress’s authority because it, too, was private conduct. The first such ruling came in 1875, in a case called *United States v Cruikshank*, arising out of the Colfax Massacre in Louisiana on Easter Sunday, 1873. A veritable army of white men, many of them veterans of the Confederate Army, massacred dozens of blacks in a bitter election dispute. Historians have called it the last battle of the Civil War.⁴³ But the Supreme Court ruled that the federal government lacked the authority to prosecute the offenders because the mob was a private group, not a state. “The Fourteenth Amendment,” wrote Chief Justice Morrison Waite, “prohibits a State from depriving any person of life, liberty, or property without due process of law, but this adds nothing to the rights of one citizen as against another.” If state officials were involved in their capacity as government employees, then the state had acted. But if they took off their uniforms and acted as private citizens, or if they simply looked the other way as the white mob did its terrible business, then discrimination was beyond the constitution’s purview.⁴⁴

As a young man at Atlanta University, Johnson raged at the sickening drumbeat of lynchings and at the nation’s supposed inability to intervene. The “only way to stop this lynching business,” Johnson concluded in the early 1890s, was “to take a hand in it.” If a “few white men were found strung up,” he said bitterly, “the South would come to see” that lynching was “not such funny business after all.”⁴⁵ Even a youthful Johnson, however, understood that violence was not a practical tactic. Whites greatly outnumbered blacks in the South, and the resources of the white community made overt physical resistance futile.

And so, after his near-lynching in 1901, James Johnson moved north. It was the third time in a century that members of his family had moved to escape dangerous political conditions. His grandfather had been smuggled out of Haiti; his mother had been whisked from New York to the Bahamas.

This time, however, migration not only altered the fate of the Johnson family, it also promised to alter the political conditions from which the family fled. Moving north was not merely flight; it offered a chance to regain some of the political power that Jim Crow had stolen

⁴² Johnson, James Weldon. “The Practice of Lynching: A Picture, the Problem, and What Shall Be Done About It.” *The Century Magazine*, November, 1927, 1927, 65-70.

⁴³ Charles Lane, *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction* (New York: Holt, 2008); Nicholas Lemann, *Redemption: The Last Battle of the Civil War* (New York: FSG, 2006).

⁴⁴ *United States v. Cruikshank*, ___ U.S. ___ (1875); Reeder, Jesse Woodland. “Federal Efforts to Control Lynching.” Ph.D., Cornell University, 1952.

⁴⁵ Johnson, James Weldon. “The Best Methods for Removing the Disabilities of Caste from the Negro: ms. Lecture written as a student at Atlanta University,” n.d., box 67, f. 294, James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

from African Americans in places like Jacksonville. Migration might alter the political landscape of the nation and thereby change the calculus of the ballot box. In particular, it might press the Republican Party, the party of Lincoln and the party of Johnson's childhood, to attend once again to black voters. In New York, Johnson would become a part of the effort to reconnect the Republican Party to its emancipatory roots – an effort that began in the patronage empire of Booker T. Washington.

The Greatest American Game

In New York, Johnson found a thriving black community. Not since the Jacksonville of his youth had he lived in a place where the possibilities for African Americans were so wide. Johnson took up residence at the Hotel Marshall on West 53d Street, at the heart of what he called “Negro Bohemia.” The Marshall was home both to the city's leading black artists and musicians and to its rising black political class. Johnson entered a mixed-race world of Broadway musicals, writing lyrics alongside Rosamond.⁴⁶ He also met the patronage manager for the New York branch of Booker T. Washington's powerful Tuskegee network, a man named Charles Anderson.⁴⁷

For Johnson, Anderson represented new hope for black advancement through politics – hope that had been cut off for a decade in the South. Anderson was the key figure in the black wing of the city's Republican Party. Johnson recalled him as a “cool, calculating player in the hard game of politics”; Anderson, he continued, was “an astute politician, keen in his study of men and the uses to be made of them”; Charlie Anderson, as his political chums called him, was on intimate terms with the bosses of the state's white Republican leadership.⁴⁸ He was close to party elites like Secretary of War Elihu Root, and even the new president of the United States, Theodore Roosevelt. Anderson functioned as a vital intermediary between Booker T. Washington's Tuskegee machine and the Republican Party. He also worked as Washington's enforcer. A fierce Tuskegee loyalist, Anderson operated behind the scenes to punish Washington's critics in the black community. He got them fired from government jobs. He placed bad stories about them in the newspapers. “I can bet on my friends,” he liked to say, “and they can bet on me.”⁴⁹

To place such bets, Anderson needed talented people. Johnson fit the bill. Johnson already knew Booker T. Washington, whom Johnson had met when the black leader gave a speech in Jacksonville to mark Emancipation Day in 1898. Johnson was also connected to the Tuskegee machine through the long-time Johnson family friend and newspaperman T. Thomas Fortune, who was a leading figure in Washington's network. And so, when Anderson established the New York City Colored Republican Club to support Theodore Roosevelt in the 1904 presidential election, he naturally asked Johnson to serve as the Club's vice president.

⁴⁶ Johnson, James Weldon. *Along This Way*. 1933: 151-180

⁴⁷ “Charles William Anderson.” In *American National Biography Online*, 2000. <http://www.anb.org/articles/05/05-00023.html?a=1&n=anderson%2C%20charles&ia=-at&ib=-bib&d=10&ss=0&q=1>.

⁴⁸ Watkins-Owens, Irma. *Blood Relations: Caribbean Immigrants and the Harlem Community, 1900-1930*. 1933: 76

⁴⁹ Levy, James Weldon Johnson: *Black Leader, Black Voice*, 100.

Johnson agreed, and he soon became an enthusiastic supporter of Republican politics. The “big guns of the campaign,” Johnson later recalled, “boomed” in the Club’s meeting room. Black musicians from the Hotel Marshall down the street played music weekly. Johnson and his brother Rosamond even wrote a campaign song, which Roosevelt himself proclaimed “bully good.”⁵⁰

Most of all, Johnson learned about the art of politics, the “greatest American game,” as Johnson called it. From inside the Republican machine he saw the strength and force of “political loyalty” in the “vast army of actual and prospective holders of political jobs, from street cleaner up.” Roosevelt’s reelection in 1904 catapulted Anderson to the important (and lucrative) post of collector of internal revenue for Wall Street and the New York waterfront. Johnson, in turn, took over the presidency of the Colored Republican Club. He had become a consequential figure in Washington’s circle of black Republican notables.⁵¹

In his new position, Johnson put into practice Charlie Anderson’s lessons about political loyalty. An increasingly bitter fight in black politics was breaking out between Washington and his younger rival, W.E.B. Du Bois. Johnson knew Du Bois, too. They had met in 1904, shortly after Johnson read Du Bois’s searing book from the year before, *The Souls of Black Folk*. The two men had much in common. Born three years apart, they were college-educated African Americans dedicated to equal rights for blacks. Johnson had “been much impressed” by Du Bois’s book, at least privately, notwithstanding its uncompromising criticisms of the Tuskegee strategy of accommodation. *The Souls of Black Folk* accused the Tuskegee power brokers of speeding “the disfranchisement of the Negro,” accelerating the “status of civil inferiority for the Negro,” and reducing aid to the “higher education of Negro youth.” Du Bois charged that Booker T. Washington promoted a fantasy of economic progress without political strength. The younger man, by contrast, insisted on the priority of political rights. He contended that there could be little progress in civil rights (including economics) without the protections afforded by political power.⁵²

Johnson kept his admiration for Du Bois private. He demurred when Du Bois invited him to join the Niagara Movement, an organization established in 1905 as a rebuke to Tuskegee’s accommodationist strategy. And Washington rewarded his loyalty. Within a year, Anderson arranged to have Johnson appointed to the Consular Service, a merit position in the civil service that seemed likely to offer a secure position for a black officeholder even if the political winds changed. Secretary of State Philander Knox appointed Johnson to the post of U.S. Consul in a backwater Venezuela harbor town known as Puerto Cabello. A congratulatory letter from Washington graced the festivities at Johnson’s farewell dinner in May. Johnson, it seemed, had been confirmed as a solid Tuskegee man.⁵³

⁵⁰ Levy, *James Weldon Johnson*, 66-67; Johnson, *Along This Way*, 218-19.

⁵¹ Johnson, *Along This Way*, 218-19; Gilbert Osofsky, *Harlem: The Making of a Ghetto* (1966); Patrick G. Williams, “Charles William Anderson,” in *American National Biography Online* (2000).

⁵² Levy, *James Weldon Johnson*, 104; W.E.B. Du Bois, *Souls of Black Folk*, 51.

⁵³ Levy, *James Weldon Johnson*, 104, 107; Johnson, *Along This Way*, 259-60, 313.

Johnson enjoyed his first posting to quiet Puerto Cabello. Among other things, he appreciated the respect he was afforded and the absence of the racial insults so common in life in the United States. Even New York was no match. Johnson reported back to his friends at Tuskegee that local elites had even urged him to marry one of their daughters and to move to Venezuela. Johnson's position also came with new prominence in the black coalition of the Republican Party. During his stints back in Washington, he was now invited into the informal "Black Cabinet," a small group of leaders and political appointees who advised Roosevelt and then President William Howard Taft on questions touching the nation's black community. Anderson and Washington were the group's unofficial leaders, and Johnson soon became a key member.⁵⁴

The Black Cabinet soon turned out to have less influence than the Tuskegee group had hoped, with significant consequences for James Johnson. After two years of effective service in his Venezuela backwater port, Johnson grew ambitious for a transfer and promotion. Roosevelt himself had raised the prospect of a more prominent posting in 1906 by proposing that Johnson be transferred to a plumb job on the French Riviera. Roosevelt had hoped in part to make amends to the black community after the dishonorable discharge of the all-black Twenty-Fifth Regiment, which had been framed by white residents for the murder of a white bartender in Brownsville, Texas. Secretary of State Root rejected the appointment of a black man to so desirable a post; "it simply could not be done," Root decided.⁵⁵

The promotion that could be arranged was to transfer Johnson to Corinto, Nicaragua. Corinto was a more important post than Puerto Cabello. Johnson got a front row seat for a civil war that soon broke out, complete with the landing of American marines. But Corinto was not as pleasant a posting. The tropical conditions irked Johnson. Among other things, in 1910 Johnson married the urbane Grace Nail, the daughter of an influential black New York family. Corinto's climate, Johnson decided, was unsuitable for his new wife, and so in late 1911, Johnson began to press the Taft administration for a transfer to a more cosmopolitan setting. Charlie Anderson met with the president personally to lobby on Johnson's behalf, and by early 1912 Johnson told his wife he was "quite sure" he would get it. As the year progressed, however, his transfer became mired in what he called "the political tangle" in the Capitol during the three-way presidential race between Taft, Theodore Roosevelt, and the Democratic nominee Woodrow Wilson. In the early fall, Johnson found himself "bitterly disappointed" to see that he had not been included on the list of promotions. He steeled himself for "one last stand," but Wilson's victory in November sealed his fate. After the election, Taft nominated him to the consul's post in the Azores in the Atlantic off of Portugal. The lame-duck nomination stood no hope in the Senate, which was controlled by the Democrats. Once the new administration took over, Johnson's prospects dimmed. Wilson's new secretary of state, William Jennings Bryan, began to push black officeholders out of the State Department. Bryan told Johnson that he should be grateful to have a job at all. "I was up against politics plus race prejudice," Johnson wrote. In September he resigned rather than be fired or left to rot in the humid obscurity of Corinto.⁵⁶

⁵⁴ Levy, *James Weldon Johnson*, 104-07; Johnson, *Along This Way*, 259-60.

⁵⁵ Levy, *James Weldon Johnson*; Johnson, *Along This Way*.

⁵⁶ P. C. Knox to President William Howard Taft, Dec 21, 1911; JWJ to GNJ, April 6, 1912; JWJ to JEN, May 26, 1912; JWJ to GNJ, Aug 17, 1912; JWJ to GNJ, Aug 31, 1912; JWJ to GNJ, Sep. 10, 1912; JWJ to GNJ, Oct 31, 1912, in James Weldon Johnson Papers, Beinecke Library, Yale; Johnson, *Along This Way*, 251-60, 293; Levy, *James Weldon Johnson*, 114.

Johnson later remembered that his dislike of Woodrow Wilson “came nearer to constituting keen hatred for an individual than anything I have ever felt.” Wilson’s election, he believed, served as “a signal” to the white South that “the country had been turned over not only to the Democratic Party in general, but to the South in particular.” Federal buildings in the South, Johnson wrote, had once been “the only place in the South where a Negro could pretend to share in the common rights of citizenship.” But with Wilson’s assumption of the presidency, newly emboldened Democratic Party appointees changed that; Johnson complained that the Democrats’ postal service appointees in the South “cut ‘Jim Crow’ windows” into the side of federal buildings so as to force blacks “to get their mail, without coming into the post office.” Black post office customers “had to stand in sun or rain until the last white person on the inside had been served.” The Capitol witnessed new segregation, too. In 1917 Johnson was denied a meal at the Supreme Court’s cafeteria. Two years later he protested angrily against the whites-only policy at the public restaurant in the Library of Congress.⁵⁷

Beginning in the fall of 1914, Johnson channeled his anger at Wilson and the Democrats through a weekly column in the *New York Age*, the newspaper edited by his old family friend, T. Thomas Fortune. In the early twentieth century, Fortune’s paper was squarely in the Tuskegee camp; indeed, by 1914 Washington had quietly become the newspaper’s majority owner. Fortune, in turn, had become the presiding dean of black journalism.⁵⁸ Yet leadership in the black community was changing. Fortune left the paper in the same year Johnson arrived, and though the older man was replaced by another adherent to the gospel of Tuskegee, Booker T. Washington’s empire was increasingly fragile. Washington himself was increasingly hobbled. A malicious accusation associated him with a white woman in New York. Physically weakened and aging, he died in 1915.⁵⁹

With Fortune and Washington out of the way, Johnson could write and speak his mind more freely. And in his new position, he developed an idea about the place of journalism and public opinion in black America. Black papers, he wrote, were “not primarily newspapers.” They were not the purveyors of truth for truth’s sake, or at least not only that. They were also “race papers,” and as such they functioned as “organs of propaganda” by which the Negro could fight for what Johnson called the “right to contend for his rights.” As Johnson saw it in 1915, the way to accomplish equality for blacks was to produce propaganda promoting the power of the party of Lincoln and tearing down the party of Wilson.⁶⁰

⁵⁷ Johnson, *Along This Way*, 300-06; Levy, *James Weldon Johnson*, 117.

⁵⁸ Levy, *James Weldon Johnson*; Seraille, William. "Timothy Thomas Fortune." In *American National Biography Online*, 2000.

⁵⁹ Robert J. Norell, *Up From History: The Life of Booker T. Washington* (2009); Louis R. Harlan, *Booker T. Washington: The Wizard of Tuskegee* (1983), 320-21.

⁶⁰ Johnson, James Weldon. "Do You Read Negro Papers?" *New York Age*. October 22, 1914. In *The Selected Writings of James Weldon Johnson*, ed. S.K. Wilson (New York, Oxford University Press): 151.

In editorial after editorial, Johnson excoriated Wilson's Democrats. Johnson condemned his old nemesis, William Jennings Bryan, as "better fitted to be the teacher of the infant class in a large Sunday school" than to serve as secretary of state.⁶¹ "A Democratic vote cast in Maine," Johnson asserted in the *Age*, "is an endorsement and a strengthening of Democratic practices in Mississippi."⁶² Any black voter who thought about adopting an independent stance between the parties, he announced, was "a lost sheep."⁶³

In 1916, Johnson came out strongly for the Republican presidential nominee, Charles Evans Hughes. Du Bois saw it differently; Du Bois called on African Americans to reject both the major parties and to throw their vote to the hopeless Socialist candidate. But Johnson vocally supported the Republican nominee. In part, Johnson genuinely admired Hughes's work as associate justice on the Supreme Court. Hughes had penned the opinion in *Bailey v. Alabama*, a case in which the Court had overruled an Alabama law establishing criminal punishments for farm laborers who quit a job before the end of their contracts. Hughes wrote that the criminal enforcement of employment contracts constituted involuntary servitude in violation of the Thirteenth Amendment.⁶⁴ Most of Johnson's energy for the 1916 campaign, however, stemmed from his hatred of Wilson rather than from any special love for Hughes. In a civil rights conference at Amenia, New York in the fall, Johnson said that "it was the duty of every colored man" to oppose Wilson, even if he had kept the U.S. out of the world war.⁶⁵ In early October, Johnson urged a "solid Negro vote" to oppose the "Solid South" of the Democratic Party. Even if "you feel the Republican Party has done little for us," he pleaded, "tell in the name of God, what we are to expect from Democracy?"⁶⁶ On questions of race, Johnson wrote bitterly, Wilson was a "man of timidity, of indecision, of inaction, and of cowardice."⁶⁷ Johnson told his old patron Charlie Anderson that defeating Wilson was "the most vital question that has confronted the colored voters of the United States in twenty years."⁶⁸

Yet it was not to be. Early election returns seemed to be headed in the Republican candidate's direction. But late results from the western states turned the tide for Wilson. Hughes and the Republicans had lost.

For Johnson, however, electoral loss came with a silver lining. The election seemed to bring new signs of progress for blacks in the Republican Party. Hughes arranged for Johnson to appear on the platform at Madison Square Garden for his final campaign rally. Just before election day, the would-be president sat down with Johnson to talk about black voters' concerns. Surely these were signs of recognition by the Republican leadership of the growing power of

⁶¹ Johnson, James Weldon. "Bryan Talks." *New York Age*. June 15, 1916.

⁶² Johnson, James Weldon. "___." *New York Age*. October 22, 1914.

⁶³ Johnson, James Weldon. "The Lost Sheep." *New York Age*. November 19, 1914. In *The Selected Writings of James Weldon Johnson*, ed. S.K. Wilson (New York, Oxford University Press): 203.

⁶⁴ *Bailey v. Alabama*, ___ U.S. ___ (1911); Johnson, "___," *New York Age*. June 15, 1916.

⁶⁵ Edward T. Ware to JWJ, Oct 21, 1916, James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

⁶⁶ Johnson, James Weldon. "Vote the Republican State Ticket." *New York Age*. October 12, 1916.

⁶⁷ Johnson, James Weldon. "Why Charles E. Hughes Should Be Elected." *New York Age*. October 19, 1916.

⁶⁸ Johnson, James Weldon. "___." *New York Age*. August 10, 1916; Levy, *James Weldon Johnson*, TK; also JWJ to Charles Anderson, Oct 22, 1916, JWJ Papers, Beinecke, Yale.

black voters.⁶⁹ The key, as Johnson saw it, was the growing black migration to the North. As black populations grew in northern cities, Johnson thought, they garnered increasing political clout. In the North, after all, African Americans were permitted to vote, and the black vote might now be a deciding factor in elections in some important northern states. Here was “real political power,” Johnson wrote hopefully, not something to “be traded for a mess of pottage.”⁷⁰ The future of black politics, Johnson concluded, lay “with colored voters in Northern and Border States.”⁷¹

Four years later Johnson’s hopes seemed to come to fruition in the election of Warren Harding. Johnson attended the Republican National Convention in Chicago in July 1920 as a member of the party’s National Advisory Committee. Harding called on Johnson personally for advice and guidance. Twice Johnson traveled to Ohio to sit on Harding’s porch and talk politics. The Ohioan, Johnson conceded privately, was “a man of very little imagination and seemingly of very little human sympathy.” Harding was reluctant to speak out publicly in defense of black voting rights, to take a strong stance in opposition to lynching, or even to condemn discrimination in the federal civil service; the candidate’s key advisors in the Republican Party believed that doing any of these things would cost Harding more white votes than the black votes it might win. On the other hand, the party’s 1920 platform included an anti-lynching plank. Lynching, it declared, was “a terrible blot on our American civilization.” No such provision had appeared on the 1916 platform. Here was evidence that the Republicans were beginning to heed what Johnson saw as the new electoral calculus of northern black migration. “The Republican Party would increase its chances of national success,” Johnson argued, if it won the “pivotal states in the North where the Negro holds the balance of power.” Harding himself seemed to bend toward the party’s black constituency more than Hughes had. The candidate held a public “Colored Voters Day” in Marion at the height of the campaign season. And Harding’s own statement on lynching was arguably stronger than the position that appeared in the party platform. Harding’s tilt to the party’s black wing was palpable enough that rumors spread a few years later asserting that his great-grandmother had been an African American. A century later DNA testing would disprove the allegation. But Harding’s otherwise moderate stance on civil rights had gone just far enough to make the rumors plausible at the time.⁷²

When Harding won by a landslide, Johnson was ecstatic. The party of Lincoln swept the electoral college votes of every border state save Kentucky, which Harding lost by a hair. Republicans picked up an astounding 63 seats in the House of Representatives and 10 seats in the Senate, turning slim majorities in each chamber into commanding positions. The entire federal government would be in the hands of the Republican Party. And in the weeks after the election,

⁶⁹ Johnson, *Along This Way*, 307; Richard B. Sherman, *The Republican Party and Black America* (1973).

⁷⁰ Johnson, James Weldon. “The Frank Case Again.” *New York Age*. October 29, 1914.

⁷¹ J.E. Spingarn to JWJ [handwritten note in JWJ’s hand], Aug 17, 1916, box 19, folder 454, JWJ Papers, Yale.

⁷² JWJ to Pauleus Sannon [Haiti], Aug 26, 1920, box 8, folder 185, JWJ Papers; Johnson, *Along This Way*, 358; Randolph C. Downes, *The Rise of Warren Gamaliel Harding* (1970); Levy, *James Weldon Johnson*, 208-09; Richard B. Sherman, “The Harding Administration and the Negro: An Opportunity Lost,” 49 *J. Negro Hist.* 151 (July 1964) (“terrible blot”); Sherman, *Republican Party and Black America*, 137-38, 142 (“increase its chances” . . . “Colored Voters Day” . . . palpable enough); Claudine L. Ferrell, *Nightmare and Dream: Antilynching in Congress* (1986), 107; Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909-1950* (1980), 57; Joshua Farrington, *Black Republicans and the Transformation of the GOP* (2016), 11-37; Beverly Gage, “Our First Black President?,” *New York Times Magazine*, Apr. 6, 2008.

Johnson turned to thinking about what African Americans should get from the new Republican-controlled federal government. First on his list was an anti-lynching bill. Such a bill had been part of the Republican Party platform. Harding had personally offered support for such legislation, at least in principle. And the new black voting block in the North had helped deliver him the election. With unified Republican government for the first time in a decade, anti-lynching reform seemed certain to follow.⁷³

The Rape Myth

Johnson took up the cause of federal anti-lynching legislation in a new role. In 1920 he became executive secretary of a fledgling civil rights organization known as the National Association for the Advancement of Colored People.

The NAACP had been founded in 1909 when a race riot in Abraham Lincoln's hometown of Springfield, Illinois led critics of the Tuskegee machine to establish a new and more militant organization for the defense of African-Americans. Du Bois's Niagara Movement formed part of the Association's base, along with a group of white progressives. Du Bois himself served as the new group's publicity director and editor of its monthly journal, *The Crisis*.⁷⁴ Initially, Johnson declined to join the new organization just as he had declined to join the Niagara Movement. Loyalty to Booker T. Washington was too important.⁷⁵ Yet Johnson had earned Du Bois's continuing respect, and when Washington died in 1915, the NAACP welcomed Johnson into the fold. By the end of the next year, the organization appointed him as its field director, where his job was to organize new local chapters, especially in the South. ("I find it difficult to think of any other field which would allow me so large an opportunity for the advancement of the race," he wrote to NAACP president Joel Spingarn.⁷⁶) NAACP insiders celebrated; it was a "coup d'etat," they said, to convert a loyalist from the very heart of Tuskegee.⁷⁷

Traveling through the South as the NAACP field director afforded Johnson a new view of Jim Crow, and in particular a new view of lynching. Building on his thinking about black journalism and race propaganda, Johnson came to believe that the problem was a crisis of public opinion. He concluded that lynching was like the problems with which men like George Creel and Walter Lippmann were grappling. Johnson shared his theory at an NAACP conference on lynching held in Carnegie Hall in the spring of 1919. The "whole problem," Johnson proclaims, "rests upon public opinion." Any campaign against lynching, no matter what the

⁷³ Johnson, *Along This Way*, 362; Levy, *James Weldon Johnson*, 243.

⁷⁴ Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (2009); Francis, Megan Ming. "The Battle for the Hearts and Minds of America." *Souls* 13, no. 1 (2011): 46-71.

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⁷⁶ James Weldon Johnson to J.E. Spingarn Nov 5, 1916, accepting position, from Johnson, James Weldon. James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

⁷⁷ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 184; Johnson, James Weldon. *Along This Way*. 1933: 309.

method, would require confronting the fundamental outlook of white Americans. And the candid truth of the matter, Johnson asserted, was that deep down “public opinion in the United States was not actually against lynching.” Many Americans were “horrified at the very thought of lynching,” to be sure. But it was also true that “they do not condemn it.” Deep in their unconscious, even those white Americans who professed to believe lynching was wrong also “feel that somehow or other perhaps it was the only thing that could be done under the circumstances.” The reason was that the “American public has had grafted upon its mind,” Johnson concluded, “the idea that the lynching of Negroes and the crime of rape invariably go together.”

Rape supplied the script for the lynch mob. Rape was the “usual crime” – or so went the stock storyline in the mind of the white South. The rape narrative was a “distortion and misrepresentation,” Johnson noted. Lynching was not actually “a punishment for the crime of rape.” It was really an assertion of white dominance. An NAACP study in 1918 proved as much, showing that only a small fraction of lynchings involved even the allegation of rape. The fact that lynch mobs targeted women as well as men was evidence of the same point. Johnson pointed out bitterly that the light skin color of many African Americans served as silent testimony that the real problem of interracial rape worked in the reverse direction. White men had been sexually exploiting black women for centuries. Yet in the realm of public opinion, such facts seemed to make little or no difference. As Lippmann noted, scripts and stereotypes could exist almost without regard to fact. What mattered was that the rape myth had gained a hold on the popular imagination. It had become one of the stock of key ideas by which public opinion organized the chaotic experience of the world. As Johnson saw matters, the rape myth had been established by the “well directed propaganda” of white supremacy.⁷⁸

Johnson determined to lead the NAACP in a project of counter propaganda, one that would break the mold of the rape myth. In 1920, the NAACP elected him to lead the organization. The combination of social graces and firmness that had allowed Johnson to navigate the divide between Du Bois and Tuskegee seemed to make him a perfect man to pilot the organization. And Johnson made it his first order of business to interrupt the electric storyline that powered Jim Crow. He would, as another NAACP organizer put it, “explode the rape myth” and rewrite the script of Southern lynching.⁷⁹

Johnson’s effort to alter America’s lynching narrative commenced in April 1921, when Congressman Leonidas Dyer of Missouri introduced an antilynching bill into the new 67th

⁷⁸ Johnson, James Weldon. “Address Delivered by James Weldon Johnson, National Conference on Lynching, Carnegie Hall.” May 5, 1919. See Johnson, James Weldon. *Along This Way*. 1933: 337

⁷⁹ Jonathan Markovitz, *Legacies of Lynching: Racial Violence and Memory* (University of Minnesota Press, 2004), 11.

Congress.⁸⁰ Dyer's uncle, David Dyer, was the federal judge who had struck down St. Louis's residential segregation initiative as unconstitutional in 1916. The next year, Congressman Dyer's district in St. Louis had served as a refuge for blacks streaming across the Mississippi to escape from the East St. Louis race riots.⁸¹ Now Dyer proposed to make killings by mobs of three or more people a federal offense. With the NAACP's active encouragement, and with Johnson deeply involved, the bill proposed penalties for counties in which lynchings took place and for state officials implicated in such killings. Dyer's bill also authorized federal protection for those charged with state crimes who had reason to fear that they would be lynched before the resolution of their case.

For nearly the next year and a half, Johnson spent nearly every day in the Capitol. The House Judiciary Committee amended the bill around the edges, but under Johnson's watchful eye Dyer's bill retained its basic core.⁸² He lobbied representatives and senators, reminding them time and again of the increasingly important black vote in their districts and in their states. Some refused to meet him. But he was buoyed by the fact that many Republicans opened their doors to welcome him. He coordinated letter writing campaigns and successfully fended off late-stage efforts to dilute the bill. All in all, Johnson said, the Dyer bill campaign represented "the greatest concentrated action I have yet seen the colored people take."⁸³

Dyer's bill touched off a ferocious struggle in the House of Representatives. If enacted, it promised, as President Harding urged in his message to the new Congress, to "wipe the stain of barbaric lynching" from the American scene.⁸⁴ But Southern Democrats took up a bitter fight against the bill. And to do so, they turned to the conventional storyline of the lynch mob and sketched lurid scenes from the script of the rape myth. James Paul Buchanan of Texas opened the debate by raising "the crimes of the rape fiend." There was "not one spot of earth" in which the lynch mob would not avenge the "pitiless horror" of violated white womanhood, Buchanan spat. James F. Byrnes of South Carolina, who would later serve as a justice on the U.S. Supreme Court and then as governor of his state, insisted that rape was responsible for "most of the lynchings in America." The real lawlessness, Byrnes asserted, was not lynching at all but the antilynching bill proposed by Dyer and the Republicans, which Byrnes insisted violated the constitution by encroaching on the prerogatives of state criminal law.

In graphic language, white Southerners summoned up fantastical visions of fearsome black devils and innocent white women. What if "your wife or your daughter be criminally assaulted by an African brute," a fevered James Benjamin Aswell of Louisiana asked. "Thinking

⁸⁰ Ferrell, Claudine L. *Nightmare and Dream: Antilynching in Congress*. New York: Garland Publishing, Inc., 1986.

⁸¹ "City Is Enjoined From Enforcing Segregation Laws: Judge Dyer Issues Temporary Order Pending U. S. Supreme Court's Decision in Louisville Case. Thinks Acts Invalid Would Have Issued Perpetual Injunction if Question Was Not Before Higher Court." *St. Louis Post Dispatch*, April 17, 1916. Proquest.

⁸² 1918 version: U.S. Congress, House, *To protect citizens of the United States against lynching in default of protection by the States*, H.R. 11279, 65th Congress, introduced in House April 9, 1918, http://congressional.proquest.com/congressional/docview/t01.d02.65_hr_11279_1h_19180408; 1921 version: U.S. Congress, House, *To assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching*, H.R. 13, 67th Congress, reported with an amendment in House October 31, 1921.

⁸³ Johnson, James Weldon. *Along This Way*. 1933: 365.

⁸⁴ Zangrando, Robert L. *The NAACP Crusade against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980.

men,” he continued, “recognize that rape or attempted rape is the primary cause of the mob spirit,” and any bill put forward to stop such mobs was nothing more than an effort to protect “the assaulters of women”; to pass such a bill, he raved, would be “to sacrifice the fairest of God’s creatures” to the “lust” of the “beast.” Representative Finis Garrett of Tennessee drew applause from his Democratic colleagues when he urged that the bill’s title be amended to read “A bill to encourage rape.” Congressman John Tillman of Arkansas drew still more applause when he pronounced that “the most dangerous and deadly animal living is not the man-eating tiger of the jungle, nor the blood-thirsty lion of the desert, nor the hooded cobra of India, not the diamond rattlesnake of the western plains, but the lewd brute” – the “black criminal” who “would defile or pollute” the “pure girlhood or womanhood” of “a million sweet-faced Virginias” singing innocently on their way to school. Patrick Drewry of Virginia conjured a vision of “the good wife, bleeding and choking” who with her final breath tells her husband “that a fiend in human form attacked her while she, singing in her home, was preparing for his homecoming.” No laws, Drewry fumed, could stop the vengeance that would inevitably flow when “her tender body had been outraged.” Representative William Larsen of Georgia explained why: “When a virtuous female has been raped and ruined by a black brute, would you have her suffer further humiliation by being dragged before the court and the curious public?”

Despite the sensational and hate-filled fantasies spinning out on the floor of the House, the Dyer bill moved forward. Johnson rallied Republican legislators by marshalling statistics about lynching that showed Democrats’ lurid stories to be untrue. Congressman Dyer announced on the floor of the House that the rape myth “was as far from the truth as many of the other extravagant statements that have been made.”⁸⁵ In January 1922, the House moved toward a vote. Johnson reported back to the NAACP from Washington that he was “pouring” into the bill’s supporters “as much of our dope as they will hold.”⁸⁶ Southern Democrats threw procedural obstacles in the way, but the Republican majority overcame them. Johnson even hoped the Republicans might be joined by “a number of Northern Democrats.”⁸⁷ As word of the bill’s progress spread, the capitol’s black community began to appear in the galleries above the House floor. By late January, more than 500 African-Americans filled the galleries as the debate entered its final and ugliest phase. Congressman Thomas Sisson of Mississippi, an arch advocate of Jim Crow, viciously attacked the Dyer bill and announced that it would not stand regardless what the Congress did. “We are going to protect our girls and womenfolk from these black brutes,” he howled to applause from his fellow southerners. “When these black fiends keep their hands off the throats of the women of the South then lynching will stop, and it is never going to stop until that crime stops.” Rising from his chair, Sisson declared “I would rather the whole black race of this world were lynched than for one of the fair daughters of the South to be ravished and torn.” Pandemonium broke out in the House chamber. Henry Allen Cooper, Republican of Wisconsin leapt to his feet. “It is the first time,” he exclaimed, “that I have heard mob law openly advocated in the Congress of the United States.” The gallery went wild. “Does the gentleman advocate rape?,” Sisson shot back. The chair tried in vain to quiet the crowd. “Sit

⁸⁵ Congressional Record, January 4, 1922.

⁸⁶ Dray, Philip. *At the Hands of Persons Unknown: The Lynching of Black America*. New York: Random House, 2002: 266

⁸⁷ Johnson, J. W. (1934). *Negro Americans, What Now?* New York, Viking Press.

down niggers,” the Mississippian sneered at the gallery. “We are not niggers, you liar!” responded voices from the crowd.⁸⁸

In the end, it was the votes that counted, and the Republicans had the votes. On January 26, 1922, the House passed the Dyer bill by a margin of 231 to 119. Johnson had won a monumental victory.⁸⁹

When the bill moved over to the Senate, the NAACP faced a greater challenge. The old rule of the filibuster meant that a blocking coalition of senators could defeat legislation unless two-thirds of the Senate voted to move forward. The Republican majority was five votes short of being able to win the day by itself. Even worse, key Republicans in the Senate doubted that Congress possessed the authority to enact Dyer’s antilynching bill. Harkening back to cases like *United States v. Cruikshank* in 1875 and *The Civil Rights Cases* in 1883, the powerful senator William Borah of Idaho observed that the Supreme Court had limited Congress’s power. The Court had ruled that the Fourteenth Amendment had authorized Congress to prohibit discrimination or unlawful force by state actors, but not by private actors. Congress, Borah warned, could not prohibit private violence or discrimination.⁹⁰

Johnson remained undeterred. Such constitutional objections, he noted, had a curious feature. Constitutional lawyers’ readings of the Fourteenth Amendment seemed to reflect the same kinds of habit of mind that had produced the rape myth. The Constitution’s text did not by itself mandate the limits imposed by the Supreme Court. State actors lurked behind the ostensibly private lynch mobs of the South; law enforcement officers were often deeply and even principally involved. Moreover, at other times in American history, the Supreme Court had identified broad unspecified power in the federal government when the occasion seemed to demand it. The Congress’s power over immigration, which had produced the Emergency Immigration Act of May 1921, was one example. The Congress’s authority over fugitive slaves in the mid-nineteenth century had been another.

Johnson asked a further question. Why did the state action doctrine seem so salient to constitutional lawyers, while other provisions of the Fourteenth Amendment fell out of view? Section Two of the Amendment was a case in point. Section Two provided that any state denying voting rights to male citizens 21 years of age or older would lose representation in the Congress and the Electoral College proportional to the size of the disfranchised population. There was no doubt that the Jim Crow constitutions of the South had disfranchised hundreds of thousands, if not millions of black men. Yet neither Congress nor the Supreme Court had

⁸⁸ Sullivan, Patricia. *Lift Every Voice: The Naacp and the Making of the Civil Rights Movement*. New York: The New Press, 2009.

⁸⁹ Zangrando, Robert L. *The NAACP Crusade against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980.

⁹⁰ [Congressional Record (Borah)]; Ferrell, *Nightmare and Dream*, 245-54; Levy, *James Weldon Johnson*, 256; Zangrando, *NAACP Crusade*, 64-66; *The Nation*, Dec. 22, 1922, p. 650.

reduced the representation of any Jim Crow state. The conventions of constitutional law – the basic script for the meaning of the Fourteenth Amendment – omitted this problem altogether.⁹¹

Johnson gathered favorable opinions on the constitutional question from Harding's Attorney General, Harry Dougherty, as well as eminent Republicans like Elihu Root and former attorney general George Wickersham. Bouncing back and forth between the White House, the Republican National Committee, and Capitol Hill, Johnson argued that the constitutional objections were little more than "hair-splitting and sophistry," the result of "a maze of judicial decisions" that had as their goal to nullify the Fourteenth Amendment. Johnson argued moreover that the objections overlooked the political gains for the Republican Party to be had from cementing its connection to African Americans.⁹² For all his work, however, Johnson could neither dislodge the constitutional storyline about state action, nor change the basic calculus of the Senate filibuster. In September, when a key cloture vote fell short, the Senate put off consideration of the Dyer bill until the lame duck session after November's mid-term elections. Johnson and the NAACP had counted on the leverage of the election to pressure senators to vote for the bill. The prospect of black votes in the North, they had hoped, would allow success for civil rights in Congress after decades of failure. Postponement seemed to threaten a year and a half of work. And so Johnson cast about for one last trick to put the bill over the top. It arrived, just as the bill was being sidelined, in the form of a new propaganda opportunity – and a new way to finance it.⁹³

Johnson joined the founding board of directors of the American Fund for Public Service in the very weeks of 1922 during which the Dyer bill began to languish in the Senate. Roger Baldwin had brought Charles Garland's gift to Johnson's attention in the spring. A puzzled Johnson could not quite believe that Garland "simply did not want the money." It seemed too good to be true. But he told Baldwin that was "in favor of accepting Mr. Garland's gift along the lines which he lays down," at least "in a general way." By July, the Fund was in place, and Johnson realized that at least some of Garland's million dollars might be spent in the work of reshaping public opinion on lynching.⁹⁴

As if on cue, a publicity expert named Edward L. Bernays proposed to Johnson and the NAACP that they initiate a last-ditch publicity campaign to rescue the Dyer bill. The NAACP, Bernays recommended, should draw on the propaganda strategies pioneered during the war to disrupt the conventional storyline of lynching.⁹⁵

Bernays was the nephew of Sigmund Freud not once but twice. His mother was Freud's sister; his father's sister was Freud's wife. In 1919, Bernays had translated and published his

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⁹² Johnson, "Anti-Lynching Bill Sound," *New York Tribune*, July 2, 1922; also JWW Papers, Beinecke.

⁹³ Zangrando, Robert L. *The Naacp Crusade against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980.

⁹⁴ Johnson, James Weldon. *Along This Way*. 1933: 386

⁹⁵ *Ibid*: 356

uncle Sigmund's *Introductory Lectures on Psychoanalysis*, and Freud's ideas about the subconscious wellsprings of human behavior powerfully influenced the young American. As a young public relations innovator on Broadway in the 1910s he brought together his uncle's insights on the subconscious with the crowd psychology of social psychologists like Gustave Le Bon, Gabriel Tarde, Wilfred Trotter, and Graham Wallas. Channeling their ideas about the workings of the mind in mass society, Bernays realized that the buzzing confusion of the modern world was too much for people to comprehend. What the modern mind craves, Bernays believed, is a way to organize the chaos of the world. To do that, we rely on conventions, stories, and stereotypes. We rely on mental templates to shape disorganized experience into manageable concepts. Such templates are hugely valuable. They bring coherence to the otherwise disordered bric-a-brac of experience. But they also produce their own version of reality, distorting and remaking the experience they are designed to reproduce and manage.⁹⁶ The mind, Bernays liked to say, is "a logic-proof compartment" whose walls are made up of social scripts with which to make sense of the world.⁹⁷

None of this was original to Eddie Bernays. He shamelessly borrowed from Lippmann, Wallas, and others. What Bernays added was to take such ideas, draw out their implications, and apply them to the practical and often cynical labor of shaping public opinion. For Bernays saw the operation of a mass subconscious as proof of the impossibility of democracy and self-rule. In a world of complexity, he believed, the "active energy of the intelligent few" makes the "public at large" aware of ideas and prepares them to act on those ideas. Elites, Bernays insisted, inevitably determine "the organized habits and opinions of the masses," for it is elites who shape and manipulate the frames and templates into which people organize the maelstrom of experience. Opinions are not based on logic or reason, but on "dogmatic expressions accepted on authority," sometimes from parents, and sometimes from church leaders, teachers or political figures. According to Bernays, these men – the men who shape the mental circumstances in which people made sense of their lives -- are the real rulers of the world. They form what Bernays called "an invisible government which is the true ruling power of our country."⁹⁸ They and they alone direct "the group and the herd," which meant that the men who shape mass opinion control "the basic mechanisms of social change." Public relations men, Bernays wrote echoing Lippmann, are the secret administrators of modern life. They sift through the raw data of the world and the flotsam and jetsam of social life to select the issues that will become salient. The "public relations counsel," as Bernays liked to call himself, "creates new stereotypes" and thereby remakes the very process by which the modern mind comprehends reality.⁹⁹

By 1922, Bernays's work was already becoming the stuff of legend. Bernays had taken on the strongest and most powerful taboos of the public mind and turned them to his advantage. When a play on Broadway titled *Damaged Goods* ran into accusations that it was lewd and obscene, Bernays assembled a sober group of elites to testify earnestly to its value as a warning against the public health risks of venereal disease.¹⁰⁰ During the war, Bernays took his talents

⁹⁶ Tye, Larry. *The Father of Spin: Edward L. Bernays and the Birth of Public Relations*. New York: Crown Publishers, 1998.

⁹⁷ Bernays, Edward L. *Crystallizing Public Opinion*. New York: Boni & Liveright, 1923.

⁹⁸ Bernays, Edward L. *Propaganda*. 1928. <http://www.historyisaweapon.org/defcon1/bernprop.html#SECTION4>.

⁹⁹ Bernays, Edward L. *Crystallizing Public Opinion*. New York: Boni & Liveright, 1923.

¹⁰⁰ *Ibid*: 6-8

into the Committee on Public Information, where he worked with Creel to shape the wartime propaganda efforts of the United States. (One post-war journalist wrote that Bernays “had an excellent opportunity to practise on the Monster, the Mass Mind, at a moment when it was most appallingly massive and most shockingly monstrous.”¹⁰¹) After the war, Bernays took his new sophistication in the workings of the mass mind back into the marketplace. When hairnet manufacturers looked to increase their sales, Bernays organized an effort to make long hair fashionable.¹⁰² Later in the 1920s, Bernays would launch his most infamous campaign when he engineered an effort on behalf of the American Tobacco Company to encourage women to smoke. Hundreds of fashionably dressed young women marched down Fifth Avenue smoking “Torches of Freedom” quietly paid for by American Tobacco.¹⁰³ Bernays refused to let his own wife smoke, citing what he thought were the obvious health risks. But when American Tobacco’s green packaging on its “Lucky Strikes” brand proved off-putting to fashion-conscious women consumers, Bernays crafted a campaign to make green the fashionable color of the moment. Bernays’s “Green Ball” for New York’s high society was once again quietly financed by American Tobacco.¹⁰⁴

Not all of Bernays’s efforts were so dubious. He believed that the “mysterious alchemy of public opinion” might be reshaped to nudge social life in good ways as well as bad. In 1920, the NAACP had asked him to work his magic on their behalf when for the first time they held their annual conference in a southern city. The NAACP’s Atlanta conference had been one of Bernays’s first publicity jobs after coming out of Creel’s wartime CPI. He took to it with enthusiasm, promising to “dramatize” the NAACP’s goals and “concentrate attention” on the organization. Focusing on prominent leaders in churches, politics, and education who would be “stereotypes for ideas that carried weight,” Bernays helped produce a conference that he believed “had its definite effect in building up the racial consciousness and solidarity of the Negroes.”¹⁰⁵

Now, two years later, as Bernays watched Johnson struggle to sell the Dyer bill to the American public, he offered to assist the NAACP again. Writing to the NAACP’s president, Arthur Spingarn, Bernays proposed a “plan to secure public support for the passage of the Dyer bill” by “awakening the public to the necessity for its passage.” It would be, he said, a classic “public relations campaign.” He urged the creation of a national “Anti-Lynching Committee” made up of prominent Americans who would stand for the “moral law and order issue.” Simultaneously, he urged that the NAACP take “a full page advertisement” in daily newspapers with the goal of “crystallizing public opinion.” (The next year Bernays would use the same phrase for the title of his influential book on public relations.) Thousands of copies of the advertisement could be made and distributed separately with letters to opinion leaders around the country. The NAACP might thereby disrupt and remake the stock scripts by which so many white Americans tried to make sense of the horrors of lynching.¹⁰⁶

¹⁰¹ John T. Flynn, “Edward L. Bernays: The Science of Ballyhoo,” *The Atlantic Monthly* 149 (June 1932), 562, 566.

¹⁰² Tye, Larry. *The Father of Spin: Edward L. Bernays and the Birth of Public Relations*. New York: Crown Publishers, 1998: 54

¹⁰³ Ibid: 30

¹⁰⁴ Ibid: 39

¹⁰⁵ Bernays, Edward L. *Propaganda*. 1928.

¹⁰⁶ Edward L. Bernays to Arthur Spingarn, Sep. 11, 1922, Arthur B. Spingarn Papers, Library of Congress; Edward L. Bernays, *Crystallizing Public Opinion* (New York: Boni & Liveright, 1923).

The difficulty was money. The campaign would have to begin immediately if it were to save the Dyer bill. An effort of six to eight weeks, Bernays projected, would cost the NAACP \$3,000 in his fee, plus an additional \$4,000 to \$5,000 in advertising costs and letter writing expenses.¹⁰⁷ The dollar amounts were not astronomical, to be sure. But given the NAACP's budget, such a campaign was entirely out of the question. When Johnson took the helm of the organization in 1920, he found its budget in crisis. The NAACP had no reserves in the bank and \$4,000 in expenses each month. Fieldwork took up one-third of the organization's \$50,000 annual budget, but the chapters contributed only \$25,000 each year, leaving a huge shortfall to be filled by private fundraising. Johnson observed that the organization operated on a "very, very, very narrow margin." That was being generous. In reality, it didn't operate on a margin at all.¹⁰⁸

In September, the NAACP proposed to the American Fund that one of its very first grants be for Bernays's antilynching campaign. Johnson orchestrated the application, but in view of his role as a member of the Fund board, he arranged for Arthur Spingarn of the NAACP's legal committee to apply for the fund. Spingarn wrote to Roger Baldwin proposing a \$10,000 grant for support of what Spingarn (appealing to the Fund's desire to support dissenting causes) called "the most unpopular cause in America."¹⁰⁹ Johnson chimed in to urge that such a grant might create a "revolution in public sentiment." Bernays's campaign aimed to supply the "uninformed American people such facts" as to disrupt an otherwise "insistent public opinion" and substitute a new body of public opinion in its place.

Baldwin did not take much convincing.¹¹⁰ The Board, he wrote in the same year, was "anxious to help stop lynching and will consider any realistic application."¹¹¹ And so the Fund board unanimously agreed and made a grant to the NAACP of \$2,500 conditional on the organization raising an additional \$2,500.¹¹² Johnson personally guaranteed the last \$300 of the matching funds to ensure release of the money.¹¹³ In December and January, when Bernays's campaign ran over budget, the Fund kicked in an additional thousand dollars.¹¹⁴ In March, with

¹⁰⁷ Letter from Bernays to Arthur Spingarn, Sep. 11, 1922, in Spingarn, Arthur B. Arthur B. Spingarn Papers, 1850-1968.

¹⁰⁸ Sullivan, Patricia. *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement*. New York: The New Press, 2009; Levy, *James Weldon Johnson*, 229.

¹⁰⁹ Arthur Spingarn to AFPS on Sep. 19, 1922. Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 10

¹¹⁰ James Weldon Johnson to Roger Nash Baldwin, Dec. 22, 1922. Ibid.

¹¹¹ Roger Nash Baldwin rejecting application from Southern Cooperative League's Dr. Philander P. Claxton for funding for an anti-lynching campaign against "lynching by state action," bluntly stating "we are anxious to help stop lynching and will consider any realistic application, but yours was not one." Ibid, Reel 3

¹¹² Walter White to Moorfield Storey, October 19, 1922, in People, N. A. f. t. A. o. C. NAACP Special Correspondence. People, National Association for the Advancement of Colored. NAACP Minutes. Papers of the NAACP, Part 01: Meetings of the Board of Directors, Records of Annual Conferences, Major Speeches, and Special Reports. ProQuest.

¹¹³ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 10

¹¹⁴ Roger Nash Baldwin to James Weldon Johnson on January 26, 1923. Ibid.

the NAACP's coffers drained yet again by the costs of the antilynching campaign, the Fund loaned the organization another \$3,000, which the Fund soon converted to an outright gift.¹¹⁵

All told, the Fund contributed \$6,365, and the money was used just as Bernays had prescribed.¹¹⁶ Full page advertisements ran in late November under a banner headline, "The Shame of America." The ads appeared in the *New York Times*, the *Chicago Daily News*, the *Atlanta Constitution*, the *Washington Post*, the *Kansas City Journal*, the *Kansas City Star*, the *San Antonio Express*, and *The Nation*.¹¹⁷ The ads insisted that "the cause of lynching" was not rape, a claim the NAACP backed up with careful statistics. 28 people, screamed the subhead, had been publicly burned. More than 3,000 had been lynched in thirty years.¹¹⁸ Writing back to New York from the Capitol, Johnson reported that the message and the prominence of its publication had caused "a sensation here among our people."¹¹⁹

The Senate reconvened days later, but in that forum the Johnson-Bernays campaign proved to be too late to alter the outcome for the Dyer bill. Democrat Oscar Underwood of Alabama, the minority leader, told majority leader Henry Cabot Lodge of Massachusetts that the Democrats would prevent all Senate action in the lame duck session if the antilynching measure were put to a vote. Lodge (whose own reelection fight was now safely over) promised not to press the antilynching bill to a decision. The Dyer bill adventure had come to a bitter end.¹²⁰

Johnson and the NAACP were devastated. "I do not believe you can understand the pressure under which I work," a demoralized Johnson confided to a friend.¹²¹ Close colleagues worried that Johnson might "break down unless he takes a much needed rest soon."¹²² The blow was doubly difficult for Johnson because Republicans – the party of Lincoln and Emancipation – had betrayed the cause by refusing to break the filibuster. Responsibility for lynching, he now charged, "rests equally with the Republican majority" as with "the lynching tactics of the Democrats." The "failure of the United States Senate" to even consider the measure, Johnson continued, was "a license to mobs to lynch unmolested." Johnson bitterly noted Harding's lukewarm support, and that of his attorney general, too.¹²³ Indeed, newspapers around the

¹¹⁵ *Initial loan*: Special Meeting of the Board of Directors, Friday, March 30, 1923, in Collection A -- Correspondence and Press Releases, NAACP Papers. *Conversion to gift*: March 1914 letter of Roger Nash Baldwin, in Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.

¹¹⁶ American Fund for Public Service Records

¹¹⁷ NAACP, "Tenth Annual Report of the National Association for the Advancement of Colored People for the Year 1919." 1919. <https://babel.hathitrust.org/cgi/pt?id=inu.32000006224739&view=1up&seq=5>: 48

¹¹⁸ "The Shame of America." *New York Times*. November 23, 1922.

¹¹⁹ Letter from James Weldon Johnson to Walter White, Nov. 23, 1922, in Johnson, James Weldon. James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

¹²⁰ Zangrando, Robert L. *The Naacp Crusade against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980: 69

¹²¹ Jackson, Miles M. "Letters to a Friend: Correspondence from James Weldon Johnson to George A. Towns." *Phylon* 29, no. 2 (2nd Qtr, 1968 1968): 182-98. http://www.jstor.org/stable/pdf/273949.pdf?_=1463686924855:197

¹²² Zangrando, Robert L. *The Naacp Crusade against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980: 80

¹²³ James Weldon Johnson, "Open Letter to Every Senator of the United States," Dec. 13, 1922, in Johnson, James

country began to report a rumor that the Dyer bill's defeat had been prearranged and planned all along.¹²⁴ The *Atlanta Constitution* asserted that Republican leaders had "never seriously considered passing the proposed anti-lynching law."¹²⁵ The *Louisville Courier Journal* opined that the Republican Party was "not at all displeased with the result of the filibuster."¹²⁶ And an irate W.E.B. Du Bois concurred. Republicans, he wrote in the NAACP's magazine *The Crisis*, "never intended to pass the Dyer Bill, unless they could do so without effort, without a fight, and without appearing publicly to defend the rights of the Negro race."¹²⁷ The "century-old attempt at government of, by and for the people," Johnson concluded, now "stands before the world convicted of failure."¹²⁸

Neither political party, it seemed, could be trusted; if black voters forgave the Republican Party for abandoning the Dyer bill, Johnson seethed, "we deserve disfranchisement now and forever." The failure of the Dyer antilynching bill touched off the historic move of African American voters away from the Republican Party. Du Bois asked whether "any Negro voter in the future" could support either major party "without writing himself down an ass?"¹²⁹ In 1924, Johnson urged NAACP members to support northern Democrats and to abandon the unreliable Republican Party.¹³⁰ Four years later he refused to serve as the Republican candidate for Congress in Harlem. "My fervor as a Republican partisan had for some time been cooling off," he remembered, "until now it was quite cold."¹³¹ Indeed, as the 1920s progressed, Johnson concluded that the partisan politics of the ballot box were a lost cause. America's "greatest game" was simply unavailable for the cause of black equality. "As the national political condition now exists," he explained in 1928, "any involvement of the Association on a definite partisan basis would do the organization irretrievable harm."¹³² Writing the next year in H. L. Mencken's *American Mercury*, Johnson said that "in the political game played on the national gridiron," the black voter had no role save one. The Negro, Johnson fumed, "is the ball." The fate of the Dyer bill, like Roger Baldwin's initiative and referendum project in St. Louis a decade before, had revealed electoral politics to be a dead end.¹³³

The bill's collapse also revealed an NAACP in disarray. The demands of the Dyer Bill effort had taken up virtually all Johnson's time. The expense of the effort left the organization in a financial crisis.¹³⁴

Weldon. James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

¹²⁴ *The Nation*. December 13, 1922.

¹²⁵ "Dyer Bill Abandoned." *The Atlanta Constitution*. December 6, 1922.

¹²⁶ "Collapse of the Dyer Anti-Lynching Bill." *Louisville Courier Journal*. December 9, 1922

¹²⁷ Du Bois, W.E.B. *The Crisis*. January 1923.

¹²⁸ JWJ, "Memorandum from Mr. Johnson to Dr. Du Bois, 1923," in Sondra Kathryn Wilson, *Selected Writings of James Weldon Johnson*, vol. 2, pp. 39-41.

¹²⁹ Wilson, Sondra Kathryn, ed. *The Selected Writings of James Weldon Johnson*. 2 vols. Vol. 1. New York: Oxford University Press, 1995: 41

¹³⁰ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 278

¹³¹ Johnson, James Weldon. *Along This Way*. 1933.

¹³² James Weldon Johnson to Moorfield Storey, July 24, 1928, in Johnson, James Weldon. James Weldon Johnson and Grace Nail Johnson Papers. Beinecke Library, Yale University.

¹³³ Johnson, James Weldon. "A Negro Looks at Politics." *The American Mercury* 18, no. 69 (September 1929): 88-94.

¹³⁴ Cortner, Richard C. *A Mob Intent on Death: The Naacp and the Arkansas Riot Cases*. Middletown, Conn.:

And yet a new kind of politics rose even as the Dyer bill crashed. Bernays's campaign for the NAACP had failed to win the Senate floor. But it had electrified American public opinion. The *San Francisco Call* described the NAACP program as "the most amazing advertisement ever paid for and printed in any newspaper."¹³⁵ The progressive editors at *The Outlook* magazine reported that in the wake of the publicity Johnson orchestrated around the Dyer bill, many whites in the South were "coming to feel a sense of shame for their long endurance of this crime against democracy and humanity."¹³⁶ Du Bois saw the same unexpected but happy consequence. "On one single day," he wrote of the NAACP's full-page advertisements, a lone organization of only a few thousand members and no great wealth had "made five million intelligent Americans think about lynching." The NAACP had "reached the unreached" – it had captured the attention of "white people who knew and cared little about lynching," and it had dislodged (even if just slightly) the inevitability of the rape myth. "Was it worth it?" Du Bois asked. The answer seemed clear to him. "Propaganda depends on advertising," and given the effects of advertising on public opinion, "we ought to have spent ten times that amount and we shall."¹³⁷

Johnson agreed. Writing to Baldwin a year later, Johnson noted that the number of lynchings had declined precipitously after the NAACP advertising effort. By the NAACP's count, 61 lynchings in 1922 had become 28 in 1923, and then only three in 1924. In traditional political terms, the NAACP's efforts seemed to have accomplished very little. The collapse of the Dyer bill combined with the Republicans' poor showing in the 1922 midterm elections had essentially ended the prospect of antilynching legislation. Yet even then, lynchings had plummeted. The lesson, Johnson concluded, was clear. The publicity Bernays had designed around the Dyer bill effort had done work outside of the formal political system. It had changed public opinion sufficiently as to alter the shape of the problem.¹³⁸

The American Fund, which had financed the anti-lynching advertisements, now emerged to support such efforts. In December and then again the following March, Johnson wrote Roger Baldwin seeking funds to help the NAACP's work. Together, Johnson suggested, the NAACP and the American Fund could reshape public opinion; the two organizations could give new facts to an "uninformed American people. Baldwin told Johnson that all the directors recognized the "hard sledding" that the NAACP had endured over the previous two years.¹³⁹ And so new

Wesleyan University Press, 1988: 25

¹³⁵ NAACP, "Tenth Annual Report of the National Association for the Advancement of Colored People for the Year 1919." 1919. <https://babel.hathitrust.org/cgi/pt?id=inu.32000006224739&view=lup&seq=5>: 48

¹³⁶ Miller, E.E. "What Southerners Think of the Dyer Bill." *The Outlook*. December 6, 1922. Vol. 132: 598-99

¹³⁷ Du Bois, W.E.B. *The Crisis*. January 1923. This piece was based on (and the quoted sections here are present in) "Memorandum from Mr. Johnson to Dr. Du Bois: Re: Crisis Editorial" Wilson, Sondra Kathryn, ed. *The Selected Writings of James Weldon Johnson*. 2 vols. Vol. 1. New York: Oxford University Press, 1995: 40-44

¹³⁸ May 15, 1924 Memorandum regarding the "policy of the [American Public Service] Fund as it relates to the Negro as a minority group," in Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources., Wilmington, Del.: Film B18228

¹³⁹ March 1924 letter of Roger Nash Baldwin. Ibid.

money from the Fund began to replenish the NAACP's nearly empty accounts. A grant of \$3,000 in March supported the organization's general operations.¹⁴⁰ Another \$1,500 in June paid for a move to bigger offices near Union Square. The total for the year amounted to 10% of the NAACP's annual budget.¹⁴¹

Johnson's lesson was much like the one Baldwin had learned in St. Louis on the eve of the First World War. The Great Migration of African-Americans northward had not enfranchised black Americans in the game of electoral politics, at least not yet. Legislative efforts like the antilynching bill were out of reach for the foreseeable future. Yet as one observer soon noted in the pages of the *Harvard Law Review*, "agitation for a federal anti-lynching law" had produced a "flux in social consciousness."¹⁴² What Johnson needed, what the situation required, was another occasion for capturing the attention of the country and galvanizing public opinion. The Supreme Court of the United States soon produced precisely such an occasion.

¹⁴⁰ *Initial loan*: Special Meeting of the Board of Directors, Friday, March 30, 1923, in Collection A -- Correspondence and Press Releases, NAACP Papers. *Conversion to gift*: March 1924 letter of Roger Nash Baldwin, in Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228

¹⁴¹ Roger Nash Baldwin to Mary White Ovington on June 21, 1923 (approving moving expenses for the NAACP but refusing to finance the Legal Defense Fund). *Ibid.*

¹⁴² "Mob Domination of a Trial as a Violation of the Fourteenth Amendment." *Harvard Law Review* 37, no. 2 (1923): 247-50.

[To ABF colleagues and friends: chapter 6 follows Johnson and the Garland Fund into the case of Moore v. Dempsey, which arose out of a terrible race massacre in Arkansas in 1919 produced a civil rights victory in the Supreme Court in early 1923, right after defeat in the Senate on the Dyer bill. Success in court leads to further litigation efforts, principally the Scopes Monkey Case in 1924, which Baldwin sets in motion and which the Fund finances. Circumstances pull Johnson and the Fund into more court activity when the Fund finances the NAACP's defense of Ossian Sweet in Detroit. Chapter 7 then turns to Johnson's efforts as presiding figure in the famously electric Harlem art scene of the 1920s, where he enters a debate over the political uses of arts and literature in an era in which electoral politics is unavailable. Chapter 8 picks up the story]

8. Education of the Masses

The first step toward labor organization among Negroes on any definite and lasting scale must be to reveal the plight of the Negro common school.

W.E.B. Du Bois to James Weldon Johnson, 1925¹

“I was surprised at learning,” remembered James Weldon Johnson, “that giving away money, if it done at all judiciously, is a difficult job.”²

The directors of the American Fund had aimed to spend Garland’s million in a few short years. The stock market interfered with their plans. In the year and a half after the Fund opened for business, the Dow-Jones industrial average increased in value by nearly a third. The Fund’s own investments fared even better. Charles Garland’s gift had included shares worth slightly over a half-million dollars in the blue-chip First National Bank of the City of New York. By the end of 1926 those shares had nearly tripled in value. “The stock,” Baldwin later remarked, “increased faster than we could give away income and principal.”³

Johnson took the lead for the Fund’s board of directors in evaluating grant applications relating to the protection of racial minorities. He reviewed applications from fly-by-night weekly black magazines and from Booker T. Washington-style industrial-education schools in the deep South. Eccentric would-be pamphleteers applied for grants to finance their latest screeds on questions about American racial politics. African-Americans who had run afoul of the law in one way or another petitioned for assistance. Distinguished applicants applied, too. The historian Carter Woodson applied for funds. So did officials of the New York Urban League. Requests came in from a black playhouse in Cleveland and a black editor in Pittsburgh, from the prominent black playwright Garland Anderson, and from Howard University philosopher Alain Locke.⁴

¹ W.E.B. Du Bois to James Weldon Johnson, Jan. 15, 1925, American Fund for Public Service Records, New York Public Library, reel 7; same in W.E.B. Du Bois Papers, University of Massachusetts at Amherst Special Collections and University Archives.

² Wilson, Sondra Kathryn, ed. *The Selected Writings of James Weldon Johnson*. 2 vols. Vol. 2. New York: Oxford University Press, 1995: 564

³ Historical Share Price, First National Bank of the City of New York, Global Financial Data, <https://www.globalfinancialdata.com/Finaeon/Account/Login?ReturnUrl=%2ffinaeon%2f>; Baldwin, Roger. *The Reminiscences of Roger Baldwin, 1953-1954*. Oral History Research Office, Columbia University.

⁴ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources,, Wilmington, Del.

The Fund made a few small grants and rejected others. Woodson received a modest grant. Anderson and Locke did not. Industrial education for blacks received no funds, though the Urban League did. But a question soon emerged. How could the directors best use of their funds for protecting minority groups?

The Fund's first assistance to African-American organizations had been support for the anti-lynching advertisements the NAACP ran in newspapers around the country in late 1922. The Dyer Bill failed, but to Johnson's great relief, lynchings had fallen sharply ever since debate over the question had captured national attention. In the middle of the decade, lynching had fallen by two-thirds since 1920, and by nearly 90% from the barbaric height of the practice in the 1890s. Johnson attributed the drop-off to the NAACP's publicity campaign, and the campaign's apparent success left Johnson and his organization casting about for a new priority.⁵ Legal defense funds remained a priority, and the Fund helped the NAACP build its legal defense funds in cases like the Sweet trial in Detroit. But legal defense was reactive, not programmatic. Johnson began to wonder what the next affirmative strategic step was for the NAACP and how the resources of the American Fund could help.

In truth, Johnson's problem was even thornier than this. He was beginning to wonder if the Fund and the NAACP were poorly matched to one another. Johnson was the Fund's only black director. He would be the only person of color to serve as a director in the Fund's nineteen-year history. And the agenda of the two organizations sometimes seemed radically at odds. As Baldwin and a number of other directors conceived it, the Fund existed first and foremost to promote movements of workers and producers. Baldwin had voted against the Fund's second grant to support the anti-lynching campaign. He was growing openly skeptical of the role of minority protection in the Fund's work.

In the middle of the 1920s, after several years of debate and experimentation, Johnson and Du Bois arrived at an idea that transformed the Fund and the NAACP. The resolution of their dilemma was to rethink the social function of education. Together they turned the effort to improve the black schoolhouse into a bridge between race politics and the moribund American labor movement. In the process they forged a connection that helped to remake American democracy.

⁵ Memorandum regarding the "policy of the [American Public Service] Fund as it relates to the Negro as a minority group," May 15, 1924, in Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del. For debate over the Fund and the reorientation of the NAACP agenda, see Megan Ming Francis & John Fabian Witt, "Movement Capture or Movement Strategy? A Critical Race History Exchange on the Beginnings of *Brown v. Board*," *Harvard Civil Liberties & Civil Rights Law Review Online* (forthcoming 2020). By 1926 the NAACP had decided not to spend all of the anti-lynching grant money it had received from the Fund, allocating the left-over amount to a savings account for possible future use.

The Cash Value of a Negro Child

Growing up in Reconstruction Florida, Johnson and his family had treated education as the great equalizer. Education would produce uplift. Over the next half-century, however, Johnson watched black education become one of the great symbols of Jim Crow's rise. By the 1920s, black education in the South was in desperate condition.

Johnson's experience in education traced the arc of black schooling in the post-war South. The school he attended as a child in Jacksonville had been established in 1868, three years before Johnson's birth, when local blacks – nearly all of them ex-slaves – formed an informal educational association like ones being formed across the South and scraped together enough money to acquire a lot in the downtown part of the city. The Freedmen's Bureau financed the building of a schoolhouse, as it did in towns throughout the former Confederacy, and named it after the recently retired Secretary of War, Edwin Stanton. In a pattern that would recur for decades in towns across the South, the school's name left the impression that the Freedmen's Bureau or some northern philanthropist had paid for the entire school, even though freedmen just out of slavery had sacrificed and borne the lion's share of the cost.

The Stanton School's first teachers were Lucelia and Philomela Williams, white sisters from Massachusetts affiliated with the American Missionary Association, which in the late 1860s sent hundreds of white women from the north to teach in new southern schools.⁶ Stanton students included elementary school children and also several hundred black adults in teacher training classes. In the 1870s, Stanton's teaching program graduates fanned out across the state to replace white instructors like the Williamses. Johnson's mother became a teacher at Stanton in the same decade, and soon black teachers made up most of the seven members of the school's faculty. Johnson enrolled as a student in 1877, when the Stanton School was less than a decade old.⁷ He proceeded from there to Atlanta University, one of a handful of colleges established by northern missionary societies after the war. Places like Atlanta, or like Fisk University in Nashville (founded in 1866), Howard University in Washington, D.C. (founded in 1867), and Shaw University in Raleigh (founded in 1865) taught that education was, as Johnson came to think, "a means of living, not of making a living." Everything in Johnson's upbringing suggested that education was a way of life, an end in itself.⁸

Johnson was hardly alone in thinking of education this way. Freedpeople had turned to education with stunning enthusiasm and dedication. Johnson's path had been relatively privileged and middle class. But freedpeople with nothing but their own willpower had sought out education nearly everywhere across the South. The first group of so-called "contraband slaves" who fled from their owners for the safety of Union lines in 1861 immediately formed a school at Fortress Monroe in Northern Virginia, where a black missionary teacher named Mary Peake taught a class of fifty students before the war was six months old. By the end of the war's first year, dozens of black teachers were convening informal schools for people moving from

⁶ Butchart, Ronald E. *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876*. Chapel Hill: University of North Carolina Press, 2013.

⁷ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 12

⁸ Johnson, James Weldon. *Along This Way*. 1933: 122

slavery to freedom in the Union-occupied areas of the rebel South. Literacy followed the Union Army. Schools appeared in the South Carolina sea islands in 1862, in Vicksburg in 1864, and in upcountry South Carolina in 1865. Freedmen's schools appeared in Florida beginning in 1862 at Fernandina and in 1864 in Jacksonville, where a missionary teacher named Esther Hawks held mixed-race classes in a confiscated Odd Fellows meeting hall.⁹ By the middle of 1865, Freedmen's Bureau officials counted ten Florida schools for blacks with 21 teachers and nearly 2,000 students. By the end of the year, the number of black schools in the state had tripled.¹⁰

Free public schools for children in the South were a direct result of black enthusiasm for education. As Du Bois once observed, "public education for all at public expense was, in the South, a Negro idea."¹¹ In Johnson's home state, the first real system of public schools found its roots in the Radical state constitution of 1868. By 1869, some four years after Appomattox, 153 black schools in the state enrolled 7,000 children.¹² Across the South, freedpeople insisted on getting education for themselves and their children. A startled agent of the Freedmen's Bureau charged with starting a school in Wilmington, North Carolina reported that "the Freedmen have started a school on their own, and employ at their own expense a colored teacher."¹³ Charlotte Forten, a free black woman from Philadelphia, wrote back from St. Helena Island in South Carolina in 1862 that she "never before saw children so eager to learn."¹⁴ In Corinth, Mississippi, a Union army chaplain reported finding ex-slaves with their books at "every hour of daylight" and deep into the night.¹⁵ In Vicksburg, Natchez, and Meridian, freedpeople turned their own educational associations into provisional boards of education, assessing impoverished local black communities to build and maintain schools.¹⁶ "What other people on earth," asked John W. Alvord, the superintendent for education of the Bureau, "have ever shown . . . such a passion for education?"¹⁷ Black political conventions held in the immediate aftermath of the war expressed the sentiment with force. "Whereas Knowledge is power, and an educated and intelligent people can neither be held in, nor reduced to slavery," the Colored People's Convention of the State of South Carolina resolved in 1865, "we will insist upon the establishment of good schools for the thorough education of our children."¹⁸ For decades,

⁹ Bullock, Henry Allen. *A History of Negro Education in the South: From 1619 to the Present*. Cambridge, Mass.: Harvard University Press, 1967. <https://www.fulcrum.org/epubs/m613mx627?locale=en>.

¹⁰ Richardson, Joe M. "The Freedmen's Bureau and Negro Education in Florida." *Journal of Negro Education* 31, no. No. 4 (Autumn 1962) (1962): 460-67. <https://www.jstor.org/stable/2293965>.

¹¹ Anderson, James D. *The Education of Blacks in the South, 1860-1935*. Chapel Hill: University of North Carolina Press, 1988: 6 (quoting *Black Reconstruction*)

¹² Johnston, Sidney. *Florida's Historic Black Public Schools*: National Register of Historic Places, 2003: 11

¹³ Butchart, Ronald E. *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876*. Chapel Hill: University of North Carolina Press, 2013.

¹⁴ Nieman, Donald G., ed. *African Americans and Education in the South, 1865-1900*. New York: Garland Publishing, Inc., 1994: vii

¹⁵ Williams, Heather Andrea. *Self-Taught: African American Education in Slavery and Freedom*. Chapel Hill: University of North Carolina Press, 2005; 65-66

¹⁶ Span, Christopher. "'I Must Learn Now or Not at All': Social and Cultural Capital in the Educational Initiatives of Formerly Enslaved African Americans in Mississippi, 1862-1869." *Journal of African American History* 87, no. No. 2, Spring 2002 (2002). <https://www.journals.uchicago.edu/doi/abs/10.2307/1562463>.

¹⁷ Butchart, Ronald E. *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876*. Chapel Hill: University of North Carolina Press, 2013.

¹⁸ Williams, Heather Andrea. *Self-Taught: African American Education in Slavery and Freedom*. Chapel Hill: University of North Carolina Press, 2005.

Johnson and countless others recounted stories of “old men and women” who went to night school, fathers who labored, and mothers who “toiled over wash-tub and cook-stove to keep children in school,” securing education whenever the “opportunity was available.” No sacrifice “was considered too great.”¹⁹

Johnson personally witnessed the waning days of this early enthusiasm for education. In 1891 he spent the summer between terms at college teaching school in a tiny Georgia cotton-farming community located thirty miles south of Atlanta. For Johnson the experience was transformative. “In all of my experience,” he reflected forty years later, “there has been no period so brief that has meant so much in my education for life as the three months I spent in the backwoods of Georgia.” He taught 50 students at five cents per pupil in a “shanty of a church,” with not a single desk for the students nor a blackboard for the teacher. He lived in a crude two-room shack hosted by a sharecropper family, with no privacy except a simple sheet hung to divide the space. His students, he recalled fondly, were “willing and teachable.”²⁰ Johnson came away from Georgia convinced, as he put it the next year in a speech at Atlanta University, that “education of the masses, above all else” offered a path toward equality and uplift for black Americans.²¹

The shanty schoolhouse in Georgia also showed Johnson how blacks’ early hopes for education had been dashed. He saw what he came to think of as the brute heart of Jim Crow: the “thick wall standing on the line of race and color.” It was there, as a twenty-year-old teacher, that he felt the dangerous hatred of white work gangs as he walked along isolated roads to and from his school. In the nearby county seat, Johnson watched the prosecution of a black man charged with stealing a hog. “I don’t have to tell you,” the prosecuting attorney told the all-white jury in open court, “this nigger is guilty.” To be white in rural Georgia, Johnson realized, was to be “superior in the eyes of the law, in opportunities, and in all the awards that the public decencies may assure to the individual.”²²

Johnson’s time in the miserably equipped Georgia schoolhouse confirmed, moreover, that education had not yet reached the masses – and that Jim Crow was making schools in the South worse, not better.

Even at the height of radical Reconstruction, when Republicans and African-Americans controlled state governments, nearly every southern state separated public schooling by race. To be sure, separate race education offered some advantages for black southerners. Separate classrooms created opportunities for black teachers; already by the early 1870s black teachers were displacing white teachers in black schools. Yet even early on, some far-sighted black statesmen objected. Hiram Revels, the first black member of the United States Senate, warned

¹⁹Johnson, James Weldon. "Since Lincoln Freed the Negro." *New York Tribune*, Feb. 11, 1934.

²⁰ Johnson, James Weldon. *Along This Way*. 1933: 110-119

²¹ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 45

²² Johnson, James Weldon. *Along This Way*. 1933: 119

that separate black schools would be too easily relegated to second-class status.²³ Revels's prediction soon proved accurate. After Reconstruction ended in the late 1870s, a new round of state constitutions sponsored by southern whites prohibited mixed-race public schools. Segregation, as Revels had feared, set the stage for an all-out assault on the freedpeople's great hopes for education.

Separation meant isolation, and isolation meant vulnerability to attack. In 1869, an unidentified arsonist burned down Esther Hawks's school in Florida. Hawks's school in the Jacksonville Odd Fellows hall would turn out to have been the last integrated classroom in the city for a century. Incendiary attacks on black schools became common across the South. Night riders with the Klan assaulted teachers in black schools, including a colored teacher whipped and driven out of Weakley County, Tennessee in 1869 and a Virginia teacher forced to flee from her schoolhouse through the window by a gang of "low class rowdies" armed with "guns and pistols" in 1872.²⁴ In Mississippi, one leading historian writes, groups of Klansmen "ordered teachers to quit, forced school directors to resign, and ordered county superintendents to step down."²⁵ By one estimate, the Klan burned or otherwise destroyed 256 schools used by black students.²⁶ Departure of U.S. forces from the South made things worse. In Georgia, Brigadier General Davis Tillson reported that "in almost every case . . . the withdrawal of troops has been followed by outrages on the freed people; their school houses have been burned" and "their teachers driven off or threatened with death."²⁷

In the long term, a subtler form of assault may have been even more damaging to the education of black schoolchildren. White state governments systematically starved black schools of resources. From 1876 to 1905, per capita funding in black schools in the South fell by more than half.²⁸ In Johnson's Florida, total white school expenditures in 1897-98 more than doubled black school expenditures, both in absolute terms and in per-pupil terms.²⁹

Segregation, combined with the successful disfranchisement of black voters, ensured that funding inequalities got worse at the turn of the twentieth century, even though new support for public education among white voters dramatically increased overall school funding. In the three years between 1902 and 1905 alone, funding at public schools in the former slave states increased by 75%. Little of the new spending went to black schools. To the contrary, as black educator Horace Mann Bond observed, white officials raided black school budgets to increase spending on white schools without raising taxes.³⁰ In Florida, per-pupil funding in black schools

²³ Bond, Horace Mann. *The Education of the Negro in the American Social Order*. New York: Prentice-Hall, 1934: 53

²⁴ Fairclough, Adam. *A Class of Their Own: Black Teachers in the Segregated South*. Cambridge, Mass.: Harvard University Press, 2007: 113

²⁵ Ibid: 59

²⁶ Ibid: 51

²⁷ Ibid: 49

²⁸ Bullock, Henry Allen. *A History of Negro Education in the South: From 1619 to the Present*. Cambridge, Mass.: Harvard University Press, 1967. <https://www.fulcrum.org/epubs/m613mx627?locale=en>: 87

²⁹ Cochran, Thomas Everette. *History of Public School Education in Florida*. Lancaster, Pennsylvania: New Era Printing Co., 1921.

³⁰ Kousser, J. Morgan. "Progressivism — for Middle Class Whites Only: North Carolina Education, 1880-1910." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 177-202. New

decreased from \$4.63 to \$3.11 between 1890 and 1910. White per-pupil funding increased from \$9.42 to \$11.58 in the same years. Per-pupil spending in black schools fell from half of per-pupil spending in white schools to a mere quarter of per-pupil spending in white schools. The academic year in black schools contracted by nine days during the same period while increasing by twelve days in white schools.³¹

Johnson expressed outrage at the education inequities in his home town of Jacksonville. In a 1915 article in the *New York Age* about a new plan to issue city bonds for school construction, Johnson observed that of a total of \$915,000 to be raised, city officials had allocated \$800,000 to the construction of white schools, leaving only \$115,000 to black schools, even though half of Jacksonville's school-age population was black. Johnson's published the demoralizing school funding disparities in state after state. In North Carolina, the ratio of black school expenditures to white school expenditures dropped from 1.05 between 1880 and 1885 to 0.40 between 1906 and 1910. In 1914 Louisiana schools spent \$16.60 on each white student but only \$1.59 on each black student. South Carolina spent \$9.65 on every white student, and a mere \$1.09 on every black student. The budgets of Alabama, Georgia, and Mississippi featured similarly dreadful inequities. By the measure of historian J. Morgan Kousser, disfranchisement at the turn of the century essentially cut per-student black school expenditures in half as a fraction of white school expenditures.³²

Funding inequities took concrete form in school facilities. Black school buildings were often antiquated, crumbling, wood-frame structures, often with only one room and no running water or toilets. White students were increasingly able to attend school in modernized masonry buildings. Teacher pay scales diverged by race, too. In Jacksonville, Johnson earned less than half what a white principal would have earned when he served as principal of the Stanton School. White teacher salaries in Florida doubled between 1890 and 1910, increasing substantially faster than the national average. Black teacher salaries in the same period actually fell, often by as much as 50%. By 1910 black teachers in Louisiana earned merely a quarter of what their white counterparts made. Black teachers frequently earned less than washerwomen and cooks. Black teachers in Alabama might expect to make between \$60 and \$100 each year, at a time when cotton picking wages might range from \$1.50 to \$3 each day, when letter carriers earned \$14 per week, and when ministers often earned between \$200 and \$400 a year.³³

It would have been a miracle if black schoolchildren and underpaid teachers raced to crumbling schoolhouses with the same eagerness for education they had displayed in the immediate wake of slavery. The era of Jim Crow, however, was no age of miracles. At the turn

York: Garland Publishing, Inc., 1994, citing Bond, Horace Mann. *The Education of the Negro in the American Social Order*. New York: Prentice-Hall, 1934.

³¹ Margo, Robert A. "Race Differences in Public School Expenditures." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 203-. New York, 1994.

³² Kousser, J. Morgan. "Progressivism — for Middle Class Whites Only: North Carolina Education, 1880-1910." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 177-202. New York: Garland Publishing, Inc., 1994.

³³ Fairclough, Adam. *A Class of Their Own: Black Teachers in the Segregated South*. Cambridge, Mass.: Harvard University Press, 2007: 126-29

of the twentieth century, the share of Florida's black school-age children attending classes began to drop, falling for the first time since the Civil War began.³⁴

Johnson began his career in the Florida schools nearer to the beginning of black education's long-term decline than to its end. He began as principal at Stanton just a year after William N. Sheats, the man who would preside over the demise of black Floridians' post-slavery dreams for education, became state superintendent of education.

The diminutive Sheats was known widely as "Florida's little giant of education."³⁵ Education, he believed, was the path to a New South of prosperity and growth. But Sheats faced an obstacle that had bedeviled public education in the state since Emancipation. White voters in Florida resisted paying for public education if doing so meant providing resources to black schools.

Sheats's own views on black education were more progressive in certain ways, but no less dangerous to black Americans' aspirations for equality. Courts, Sheats understood, might not allow states to simply abolish public education for blacks while leaving it in place for whites. Even setting the courts aside, Sheats thought that some kind of black education was advisable. His ideas on the subject reflected a new consensus forming among leading southern educators who adopted a new, more paternalistic, and less violent form of white supremacy. In 1885, when Florida's Democrats wrote a new Jim Crow constitution to replace the state's Reconstruction constitution of 1868, Sheats successfully defended black education against white delegates who pressed to abolish black schools altogether.³⁶ A decade later, as state superintendent, Sheats supported spending on black education and rebutted complaints that white tax dollars subsidized black schools.³⁷

But Sheats was no racial egalitarian. He believed that nature put limits on blacks' capacities for education and he aimed to effectuate white rule in the South through the black schools. He defended inequality in the financing and quality of education by saying that "the recent denizens of the cotton patch" had "a minimal of interest in all that pertains to progress or intellectual advancement."³⁸ It was "in the very nature of things," he insisted, that "the white

³⁴ Anderson, James D. *The Education of Blacks in the South, 1860-1935*. Chapel Hill: University of North Carolina Press, 1988: 187

³⁵ White, Arthur O. "Booker T. Washington's Florida Incident, 1903-1904." *Florida Historical Quarterly* 51, no. No. 3 (Jan. 1973) (1973): 227-49. <https://www.jstor.org/stable/30151545>.

³⁶ Johnston, Sidney. *Florida's Historic Black Public Schools*: National Register of Historic Places, 2003.

³⁷ Arthur O. White, "Race, Politics, and Education: The Sheats-Holloway Election Controversy, 1903-1904," 53 *Fla. Hist. Q.* 253, 255 (1975); Arthur O. White, "State Leadership and Public Education in Florida," in Goodenow & White, eds., *Education and the Rise of the New South* (G. K. Hall & Co. 1981); "William N. Sheats and Pitfalls of Democratic Control of Public Education." 2016, <https://www.redefinedonline.org/2016/11/william-n-sheats-and-pitfalls-of-democratic-control-of-public-education/>.

³⁸ Winsboro, Irvin D. S., and Abel A. Bartley. "Race, Education, and Regionalism: The Long and Troubling History of School Desegregation in the Sunshine State." *The Florida Historical Quarterly* 92, no. No. 4 (Spring 2014) (2014): 714-45. <https://www.jstor.org/stable/43488431>.

population” would be “the ruling element in our Southland.” The point of black education was not to foster the intellect or create equal citizens, but to accommodate blacks to the fact of their inequality and to turn “the vast number of idle, absolutely worthless negroes” into “industrious and self-supporting” people -- or at the very least “to fit them for residence among the white population” as a subordinate class.³⁹ It followed for Sheats that at least some state funding for black education was wise. As George Drew, the first redeemer governor of the state, had put it in 1876, it was “cheaper to build schoolhouses than to build poor houses and jails to support paupers and criminals.”⁴⁰ Sheats concurred. “We will have to educate the negroes, for our own interest,” he explained to white voters. “As long as he is here he is a menace to the health and life of this country. We must educate the negro to take care of himself,” Sheats concluded, or “else we will have to support him always.”⁴¹

In Sheat’s noxious new cocktail of paternalism and white supremacy, segregation was a crucial ingredient. Sheats had written separate education into the state’s basic document. “White and colored children shall not be taught in the same school,” the 1885 constitution provided. Sheats claimed credit for the provision for the rest of his career. “The preservation of the Caucasian blood (the purity of it),” he asserted, “should be the highest duty of every American.” There was “no greater crime against nature” than forcing white children “into school and necessarily into social relations” with African-Americans.⁴²

Johnson watched Sheats use segregation as a cudgel in 1896 when the superintendent’s segregation doctrine brought to national attention Sheats’s effort to close down the only remaining racially-mixed school in the state. The American Missionary Association had opened a private school to train black teachers in the tiny town of Orange Park, an outpost of expatriate New Englanders about fourteen miles upriver from Jacksonville. The Orange Park School boasted proudly of teaching black and white students alike “on the very spot where, less than a generation ago, gangs of slaves toiled under the overseer’s lash.”⁴³ Sheats disdained the entire project as a “vile encroachment” upon the “social and moral system”; the real plan of these “fanatical equalitists,” he warned, was undoubtedly “miscegenation” and race-mixing.⁴⁴ Sheats persuaded the state legislature to make it a crime to teach mixed groups of white and black students in the same school building, even in private schools. In April, with the all-important Democratic primary in the election for superintendent approaching, the county sheriff arrested seven teachers and two patrons, all white, for violating the Sheats Law. Much of the northern

³⁹ “*absolutely worthless...*” William N. Sheats and Pitfalls of Democratic Control of Public Education." 2016, <https://www.redefinedonline.org/2016/11/william-n-sheats-and-pitfalls-of-democratic-control-of-public-education/>; “*to fit them for residence...*” White, Arthur O. "Race, Politics and Education: The Sheats-Holloway Election Controversy, 1903-1904." *Florida Historical Quarterly* 53, no. No. 3 (Jan., 1975) (1975): 253-72. <https://www.jstor.org/stable/30145959>.

⁴⁰ Johnston, Sidney. *Florida’s Historic Black Public Schools*: National Register of Historic Places, 2003.

⁴¹ Lempel, Leonard R. "The Long Struggle for Quality Education for African Americans in East Florida." *Journal of Florida Studies* 1, no. 7 (2018).

⁴² Richardson, Joe M. “‘The Nest of Vile Fanatics’: William N. Sheats and the Orange Park School.” *Florida Historical Quarterly* 64, no. April 1986 (1986): 393-406.

⁴³ Perry, Rev. T.S. (July 7, 1894). “Normal School, Orange Park, Fla.” *The American Missionary* 48(7) 263-63: 263

⁴⁴ Richardson, Joe M., and Maxine D. Jones. *Education for Liberation: The American Missionary Association and African Americans, 1890 to the Civil Rights Movement*. Tuscaloosa, Alabama: University of Alabama Press, 2009: 31

press reacted with outrage. "No more infamous legislation has been attempted since the close of the war," wrote the editors of the popular magazine *The Outlook*.⁴⁵ Eventually a court struck down the Sheats Law as unconstitutionally defective for technical reasons. But the damage was done. The Orange Park School never regained its footing, limping along until an arsonist burned its chapel building in 1911. Sheats was reelected by a landslide.⁴⁶

Ironically, demagoguery on behalf of Jim Crow was not enough to save Sheats from being race-baited himself. In 1903, Sheats joined with other Florida officials to invite Booker T. Washington to speak to a gathering of white educators at Gainesville. Sheats thought that Washington would present an appealing model for black education as an accommodation to white rule. But Sheats's political opponents leapt at the opportunity to associate their rival with a black man. They spread rumors that Sheats had invited Washington to lecture whites about white education in a white school auditorium. Scandalized editors warned that Sheats's liberal policy toward black education would "forever establish the equality of the races."⁴⁷ *The Gainesville Daily Sun* accused Sheats of being a secret Republican and supporting "negrophylism." In the election the next year, a Democratic primary opponent who openly promised to reduce funding to black schools defeated Sheats handily. He was out of office for eight years before retaking the superintendent's role in 1913 and serving until his death in 1922.⁴⁸

Johnson had quietly joined in the protests against Sheats's attacks on black education. He supported the Orange Park missionaries during the Sheats Law controversy and delivered a commencement address at the struggling school.⁴⁹ Two years after the Orange Park controversy Johnson became president of the black Florida State Teachers Association, succeeding a black Oberlin graduate named Thomas DeSaille Tucker who had served as president of the State Normal College for Negroes in Tallahassee. In 1901, when Sheats fired Tucker and replaced him with a graduate of Booker T. Washington's Tuskegee Institute, Johnson became the most important black educator in the state, notwithstanding that he was not yet even thirty years old. But there was little he could do to alter the trajectory of black education. Johnson's autobiography, published in 1936, did not mention his tenure as president of the Teachers Association. Nor did it make even passing reference to either the assault on the Orange Park School or to the firing of his predecessor. Johnson omitted these parts of his life history because they were not progress stories. In his career as an educator, they had been impossible to fix. Sheats's system of paternalistic segregation turned public education into a system of oppression.

⁴⁵ "The Sheats Law Dead." *Outlook*, November 7, 1896, 1896, 837-38.

<https://books.google.com/books?id=isJOAQAAMAAJ&lpg=PA837&ots=nGWfan6dhO&dq=%22sheats%20law%22%20orange&pg=PA837#v=onepage&q=%22sheats%20law%22%20orange&f=false>.

⁴⁶ Johnston, Sidney. *Florida's Historic Black Public Schools*: National Register of Historic Places, 2003: 23-24

⁴⁷ White, Arthur O. "Race, Politics and Education: The Sheats-Holloway Election Controversy, 1903-1904." *Florida Historical Quarterly* 53, no. No. 3 (Jan., 1975) (1975): 253-72. <https://www.jstor.org/stable/30145959>: 264

⁴⁸ "William N. Sheats and Pitfalls of Democratic Control of Public Education." 2016, <https://www.redefinedonline.org/2016/11/william-n-sheats-and-pitfalls-of-democratic-control-of-public-education/>.

⁴⁹ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Negro American Biographies and Autobiographies. Chicago: University of Chicago Press, 1973: 57

By the end of his tenure as superintendent, the state spent more than ten times on white schools than on black schools. Blacks made up nearly half the population.⁵⁰

Segregation was more than a symbol of white supremacy, though it was that, too. Sheats understood that segregation was an invaluable tool in the distribution of resources in the Jim Crow South. Governor James Vardaman of Mississippi, one of the political demagogues who sometimes baited racial paternalists such as Sheats, liked to say that “money spent for the maintenance of public schools for Negroes is robbery of the white man.”⁵¹ The truth of the matter was the exact opposite. Du Bois coyly called it “taxation without representation.” Segregation allowed southern white voters to embezzle money from black taxpayers.⁵²

Vardaman’s argument, which was a commonplace in the progressive-era South, rested on the notion that black citizens paid few state and local property taxes because they owned little property. Johnson and others responded correctly that this argument willfully misunderstood the way tax burdens work. Only primitive ideas about taxes held that they fell exclusively on the party nominally paying them. Sophisticates understood that the landowner taxed on his property was not necessarily the “one who really pays the taxes” (as Johnson put it) or at least not the only one who paid the taxes.⁵³ Such thinking, Johnson wrote in 1915, was “obsolete, and the school boards of Jacksonville and every other southern city know it.” Renters, for example, typically paid rent that implicitly included a share of the tax due. Indeed, every person who rented, worked, or bought goods or services, Johnson explained, contributed toward the community’s taxes in the form of the increased costs embedded in every transaction.⁵⁴ Carter Woodson, the black historian, agreed. The black consumer and renter, Woodson insisted, contributed mightily to state coffers, even though many of their contributions came in a form impounded into the price term of the goods and services they bought or the wage term of the labor contracts into which they entered. Indeed, black citizens often ended up paying more than their share, since when blacks did own property, white tax assessors typically assigned unfairly high values to it. Vardaman was wrong. When black schools received less in per pupil funding than white schools, the result was a kind of theft from black students.⁵⁵

⁵⁰ Cochran, Thomas Everette. *History of Public School Education in Florida*. Lancaster, Pennsylvania: New Era Printing Co., 1921: 24-26

⁵¹ Bond, Horace Mann. *The Education of the Negro in the American Social Order*. New York: Prentice-Hall, 1934: 103

⁵² Du Bois, W. E. B. "Negro Education." *The Crisis*, February, 1918, 1918: 176

⁵³ Johnson, J.W. "The Importance of the Negro to the South," Aug 16, 1916: 115-116 in Wilson, Sondra Kathryn, ed. *The Selected Writings of James Weldon Johnson*. 2 vols. Vol. 1. New York: Oxford University Press, 1995: 116

⁵⁴ Johnson, J.W. "The Apportionment of Public School Funds in the South," Mar 11, 1915: 111-113 in Wilson, Sondra Kathryn, ed. *The Selected Writings of James Weldon Johnson*. 2 vols. Vol. 1. New York: Oxford University Press, 1995: 112

⁵⁵ Woodson, Carter. *The Mis-Education of the Negro*. 1933. <https://bltc.alexanderstreet.com/cgi-bin/BLTC/hub.py?type=getdoc&docid=S8461-D001>: xxxi

By the 1920s leading black intellectuals had a name for the fiscal pattern in southern state education funding. Du Bois called it “double taxation.” Since the era of the Stanton School in 1868, black families that had contributed their share of in tax dollars needed also to raise additional private money from their own communities or from outside philanthropists if they wanted to finance schools.⁵⁶ Alain Locke complained that “Negro education costs double and yields half.”⁵⁷ To prove the point, black educator Horace Mann Bond showed that counties with higher percentages of blacks in the population produced schools with a greater disparity between white and black school funding.⁵⁸ Johnson’s Florida illustrated the phenomenon. In 1910, counties in which African Americans made up a quarter or less of the population provided white schools nearly three times the per-pupil funding of black schools. Counties in which African Americans made up a three-quarters or more of the population provided white schools nearly fourteen times the per-pupil funding of black schools. Three decades later, the Swedish sociologist Gunnar Myrdal explained the math behind the phenomenon in his massive study of segregation in the South. “If, for instance, there are twice as many negroes as white children,” he wrote, “every (local) dollar per pupil taken from the negro group means two dollars per pupil added to the apportionment for the white group.”⁵⁹

Bond put the point more bluntly. Segregated schools meant that each Negro child represented a “cash value.” Not since slave auctioneers had put children on the block, Bond wrote furiously, had black young people represented cash to white families in quite such a direct way. Across the South, the so-called black belt counties that had larger populations of black children to exploit – the counties where slavery had taken hold most deeply -- now featured the biggest school funding inequalities. Bond quantified the effects. Black schools in the deep South with the largest share of school-age black children received only tiny fractions of what funding parity would have required, ranging from 21% in Mississippi and 28% in Georgia to 31% in Florida. By creating separate school systems, Jim Crow governments had stolen blacks’ tax dollars for white schools. Segregation, Bond concluded, meant that “Negro children” had “a definite cash value for every white school child.”⁶⁰

Out of Our Field

The directors of the American Fund disagreed with one another about how to consider grant applications from African-American organizations. Sometimes it seemed as if they disagreed about grant applications of most kinds. But in the early years of the Fund, its directors seemed

⁵⁶ Du Bois, W. E. B. "Negro Education." *The Crisis*, February, 1918, 1918: 176

⁵⁷ Locke, Alain. "Negro Education Bids for Par." *Survey Graphic* 54, no. September 1925 (1925): 567.
[https://archive.org/stream/surveycharityorg54survrch#page/566.: 567.](https://archive.org/stream/surveycharityorg54survrch#page/566.:)

⁵⁸ Bond, Horace Mann. *The Education of the Negro in the American Social Order*. New York: Prentice-Hall, 1934: 95

⁵⁹ Margo, Robert A. "Race Differences in Public School Expenditures." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 203-. New York, 1994: 204

⁶⁰ Bond, Horace Mann. *The Education of the Negro in the American Social Order*. New York: Prentice-Hall, 1934: 233

certain of one thing. They uniformly opposed using their scarce resources for work in black education.

Applicants seeking grants for children's education made little headway in applying to the Fund. From the first year of its operation, the Fund refused grants for the education of schoolchildren as a matter of policy. By late 1924, a memorandum for the board of directors openly suggested that education was best thought of as outside the Fund's scope.⁶¹ The directors rejected grant applications from experimental progressive schools, public school teachers' unions, and everything in between. Outside critics objected. The Fund's directors, they charged, unduly preferred more colorful radicalisms over the time-tested virtues of education for children. "Education," one influential teachers' union leader appealed, "is perhaps the most important social enterprise in existence."⁶² But Baldwin rejected the idea that schooling held out hope for radical change. "Schooling, however free," Baldwin wrote to one disappointed applicant, "is not the major education that most children get." He doubted whether "any school methods now in effect" could "build the kind of character and intellect" that would disrupt the influences of the modern world. To the contrary, Baldwin insisted, the historic role of schools was to foster and nourish the basic hierarchies of "our authoritarian society."⁶³ And in any event, Baldwin concluded, more traditional philanthropic foundations like the Carnegie Corporation offered support to children's education. The American Fund's resources were better used for less popular causes.

Ironically, black education was less appealing to the Fund than most other education causes. Black schools already received substantial support from the largest philanthropic foundations in the world. A survey of the education field for the Fund's directors observed that philanthropy for black schools abounded. The Rockefeller family contributed \$53 million to the General Education Board by 1909; together with the Rockefellers' Southern Education Board, it placed \$10 million each year into Negro schools. The Phelps-Stokes Fund, the Carnegie Foundation, the Slater Fund, and the Laura Spelman Rockefeller Memorial Fund all made substantial grants in black education. The Rosenwald Fund contributed millions, building 5,000 schools by the end of the 1920s.⁶⁴ The sheer size of these rich foundations made a mockery of the tiny American Fund. In many cases, the annual grants of any one of the large foundations exceeded the total value of the American Fund. "There are already agencies in the field aiding Negro education," the Fund explained to a grant applicant in Huntsville, Texas.⁶⁵

⁶¹ Roger Nash Baldwin, "A Few Questions Concerning Our Policy Which May Serve Members of the Board of Directors in Preparing Memos", Dec. 1924, questioning whether education for children is within the Fund's capacity. Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 1 (Directors' Correspondence); see also Committee on Applications, April 2, 1924, recommending groups to drop, including experimental education. In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 3.

⁶² Dr. Henry B. Linville, 1925. In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 33.

⁶³ To Harry Kelly, July 31, 1923. In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del: Film B18228, Reel 30.

⁶⁴ Anderson, James D. *The Education of Blacks in the South, 1860-1935*. Chapel Hill: University of North Carolina Press, 1988: 153

⁶⁵ To the Houston Industrial Training School in 1923. Ibid.

Even worse, the big northern philanthropies had helped turn black education in a direction that was ill-suited to the American Fund. Black schools had come to depend heavily on northern philanthropic funding. (By 1930, the Rosenwald Fund had contributed funds to the school buildings enrolling 40% of black school students in the country.) But such contributions came at a price. Northern philanthropic support for black education had almost entirely supported forms of education that promoted the white supremacy of paternalists like William Sheats. The Peabody Fund, which had delivered \$2.5 million to southern schools by the turn of the twentieth century, gave money only to segregated schools. During Louisiana's brief experiment with mixed schools, the Peabody Fund directed financial support to private whites-only schools, reasoning that white families unwilling to attend integrated schools were more deserving than black families, since the latter were already receiving support from taxpayers for their children's education.⁶⁶ At the Slater Fund, general agent Jabez Lamar Monroe Curry was a Confederate Army veteran and supporter of public education for whites who thought that the beneficiaries of the Fund's largesse in black schools were "stupid, indolent," and "shiftless" people "with a low tone of morality" and "strong racial peculiarities and proclivities."⁶⁷

Men like Roger Baldwin's uncle, William H. Baldwin, Jr., had also taken the lead in pressing black educators toward the Booker T. Washington model of industrial-style education and political accommodation. As a trustee at Washington's Tuskegee Institute, the elder Baldwin had worked closely with white educators including Florida's Sheats to create a system of black schools in the South that would accommodate the South's racial caste system and match the interests of industrial employers in cheap labor.⁶⁸ Du Bois accused William of supporting Tuskegee to create a pliant black labor pool that would undermine the power of the mostly white railroad brotherhoods with which William tangled from time to time in his capacity as a railroad executive. And although William Baldwin had died in 1905, the project of managing the southern black population through support for industrial education at Tuskegee and elsewhere had continued apace.⁶⁹

Black schools in the South depended on the support of white school superintendents like Sheats or white northern philanthropists like William Baldwin, Jr., or both. It was no wonder that leading southern black educators accommodated Jim Crow. It was essentially impossible to draw on philanthropic funds or keep one's job in public education while openly challenging Jim Crow. Writing in the middle of the twentieth century, Ralph Ellison's novel *Invisible Man* would spoof the Negro college president as notoriously subservient and ingratiating. It was

⁶⁶ West, Earle H. "The Peabody Education Fund and Negro Education, 1867-1880." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 407-. New York, 1994: (segregated schools) 407, (Louisiana) 418.

⁶⁷ Finkenbine, Roy E. "'Our Little Circle': Benevolent Reformers, Th Slater Fund, and the Argument for Black Industrial Education, 1882-1908." In *African Americans and Education in the South, 1865-1900*, edited by Donald G. Nieman, 70-. New York: Garland Publishing, Inc., 1994: 77

⁶⁸ Anderson, James D. *The Education of Blacks in the South, 1860-1935*. Chapel Hill: University of North Carolina Press, 1988: 88

⁶⁹ Anderson, James D. "Northern Foundations and the Shaping of Southern Black Rural Education, 1902-1935." *History of Education Quarterly* 18, no. No. 4 (Winter 1978) (1978): 371-96.
<https://www.jstor.org/stable/367710>: 392

small wonder, then, that Baldwin condescended to what he called the “servile” attitude fostered in American schools. “Negro education,” he wrote, “is a little out of our field.”⁷⁰

Johnson expressed little interest in having the Fund follow the big philanthropic foundations into support for black schools in the South. Grant applications from such institutions were nonstarters because they were out of step with both the NAACP and radical directors of the American Fund like Baldwin. Nonetheless, Johnson was at a loss as to how to guide the Fund’s resources. In the mid-1920s the gap between the Fund’s directors and the NAACP seemed to growing.

In August 1925 the Fund’s board held a special meeting in Manhattan at the East 48th Street home of Robert Morss Lovett. Directors like Baldwin and Lovett seemed only barely if at all to include a place for black organizations in their new funding priorities. The assembled directors reviewed their past efforts in an eclectic array of areas: labor journalism and research, workers education, workers’ health, birth control, child labor, the labor movement, and work for the Negro. Charles Garland attended, too, and expressed concern that the board seemed to lack a common objective. Discussion ensued. And by the end of the evening the group reached a new, more focused consensus. “The consensus of opinion,” as the minutes of the meeting reflected, was that the abolition of “economic oppression” was the core of the Fund’s mission and that the labor movement was “the only force capable of accomplishing this and establishing a new free social order.” The Fund’s resources, the directors resolved, ought to go to those groups within the labor movement capable of increasing its “militancy, efficiency and effectiveness.”⁷¹

Few applications from black organizations could meet the Fund’s newly clarified criteria. Few such organizations were explicitly connected to American labor. Turning down one application, the directors explained that although they were “not out of sympathy with any radical efforts of the Negroes,” they had nonetheless committed to limit themselves to organizations affiliated with “the American labor movement.” As to the political efforts of black Americans, the Fund directors were blunt: they were “not attempting to finance these more general activities.”⁷² The Fund’s secretary elaborated a few months later saying that the American Fund financed only activities “closely allied with the American Labor movement” and adding that its “interest in work among the Negroes is from this angle almost exclusively.”⁷³ Baldwin’s communications for the Fund went still further, expressing skepticism about whether the Fund ought to support further applications from organizations like the NAACP at all. Again

⁷⁰ Ralph Ellison, *Invisible Man* (New York: Random House, 1952); Roger Nash Baldwin to W.E.B DuBois on January 29, 1925. In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del., Film B18228

⁷¹ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del., Film B18228, Reel 3

⁷² Elizabeth Gurley Flynn to Theophilus Lewis, Jan 6, 1926, In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del., Film B18228, Reel 31.

⁷³ Elizabeth Gurley Flynn to William H. Baldwin, April 1, 1926, Ibid.

and again, Baldwin insisted that the board ought “to select so far as possible, only aggressively militant activities or phases of activities.” The NAACP, he implied, was no such thing.⁷⁴

As Baldwin began to edge away from supporting the NAACP, Johnson made a renewed case for supporting the organization’s efforts. Aid to the Negro, he conceded, often seemed “entirely outside of most of the general currents” of the Fund’s work. But that was because the situation of black America was so distinctive. “When we deal with such things as ‘producers movements,’ ‘cooperative movements,’ or even so fundamental a thing as ‘organized labor,’ we touch the Negro in hardly more than an indirect way.” It could hardly be otherwise given the discrimination against black workers in American labor unions. And for these reasons, Johnson asserted, African Americans were nearly a thousand years behind in their political history. Many of the goals “which have long since passed out of the general radical program, some of them as long ago as the signing of the Magna Carta,” he wrote, “are still radical for American Negroes.” These included “protection of life by ordinary process of law; trial by a jury of his peers’ emancipation from peonage; the right to vote under the same qualifications required of other citizens; fair participation in the common school fund; to earn his livelihood in the manner in which he is best fitted to do so.”

“To help the Negro most effectively,” Johnson reasoned, the Fund needed “to help him along the lines in which he is already working.” In “most instances” this meant that the Fund would “need to make his case a special matter,” and not merely subsume support for blacks into its general efforts to support radical workers’ political projects. As Johnson saw it, black America’s most pressing needs were defensive: to protect their existing rights rather than to expand them. “The most direct and most beneficial help . . . can be given by appropriating money . . . as will enable him to hold the same citizenship rights which he now possesses.” Johnson’s agenda for the Fund thus began with “continued aid” in the “educational campaign against lynching” and aid in legal defense, at least in cases with nationwide visibility likely to set important precedent. Johnson cited the continuing struggle of black sharecroppers and farmers. He urged, too, that the Fund offer education about the labor movement to adult blacks migrating to the North. Mostly as an afterthought, he added the fight for a “fair share of public school funds.”⁷⁵

At Johnson’s urging, Mary White Ovington, the white chair of the NAACP board of directors, wrote Baldwin to press similar points. The race problem, she insisted, was not merely a subset of the class problem, but “a problem by itself.” Even among workers -- perhaps especially among workers -- the black worker was “a pariah” and “an outcast.” Support for working-class politics under such conditions might not benefit black workers. Echoing Johnson,

⁷⁴ Memorandum Regarding Future Handling of Fund. In Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del., Film B18228, Reel 1 (Board of Directors’ correspondence).

⁷⁵ May 15, 1924 James Weldon Johnson memo regarding the “policy of the Fund as it relates to the Negro as a minority group.” Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228, Reel 2.

Ovington urged that the Fund help “the persecuted group to carry out its own plans.” Consider the Arkansas sharecroppers, she said. They had sought to hire a lawyer to represent them in their effort to gain a market price for their labor. That “may not be the way that white sympathizers would attack peonage.” But “it is the way the colored people did attempt to attack it,” Ovington observed, “and for that reason it is likely to be the best one for their sympathizers to pursue.” In sum, Ovington concluded, “we can assist in a battle that the oppressed themselves are waging.” Efforts to liberate African Americans would “work best along the lines that the sufferers themselves laid out.”⁷⁶

Despite Johnson’s and Ovington’s best efforts, the Fund’s directors expressed continuing skepticism. African-American projects outside traditional labor movement lines seemed increasingly to be beyond the heartland of the Fund’s focus. Baldwin voted against Ovington’s request for funds and prevailed upon his fellow directors to block the NAACP’s application. The tension between the two organizations grew and Baldwin and Ovington were soon at one another’s throats. (“You are now keenly feeling your power,” Ovington charged, accusing Baldwin of enjoying the Fund’s money too much.)⁷⁷

By the end of 1924 and early 1925, however, Johnson began to experiment with a new approach, one that would cater more explicitly to the Fund’s focus on industrial politics. Perhaps the Fund could protect “the Negro as a minority group,” Johnson suggested, “by helping the Negro to become as rapidly as possible an integral factor in the industrial and labor world.” After all, he reasoned, “the masses of Negroes in the United States have all along been workers.” Now the Great Migration was making them important factors not only in southern cotton fields, but also in the North’s industrial centers. If the Fund would not support some of the NAACP’s central efforts, it could at least finance surveys on the number of blacks in and out of organized labor, on the attitude of black workers toward unions, and on the feelings of white workers toward black ones. “Some method of educating the Negro in the modern labor ideas,” Johnson proposed, “should be perhaps devised.”⁷⁸

As an idea, Johnson’s new initiative held promise at the Fund. It catered to the labor interests of the Fund’s white directors. But what exactly could the Fund do to facilitate the organization of black workers? White unions were almost entirely closed off to blacks. Labor was in crisis during the 1920s. Union membership was in sharp decline. Black workers, many of them migrants or farm workers, were disorganized and poorly situated to organize anyway.

From this crisis of the mid 1920s, Johnson and the NAACP forged a solution to their dilemma, one that altered the future of the Fund and eventually redirected American democracy.

⁷⁶ Mary White Ovington to Robert Nash Baldwin, May 19, 1924. Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228, Box 49, Reel 31.7

⁷⁷ Mary White Ovington to Robert Nash Baldwin, May 28, 1924. Service, American Fund for Public. American Fund for Public Service Records, box 49, reel 31.

⁷⁸ James Weldon Johnson to American Fund for Public Service, December 17, 1924, American Fund for Public Service Records, box 49, reel 31.

The answer to organizing American workers, they conceded, seemed counterintuitive at first, even implausible. It seemed to fly in the face of the work by much larger philanthropic foundations. But Johnson's logic was impeccable. The answer was to transform education in the American South.

Fasten Slavery Permanently

W. E. B. Du Bois first glimpsed the way forward. Schools for blacks might draw the interest of the white radicals like Baldwin, but if only their purpose could be turned upside down. The prevailing model of industrial education seemed reactionary; it advanced the interests of the wealthy northern capitalists. But if education for the black masses became a path toward organizing black labor, then schooling could forge a connection between the NAACP and white economic radicals.

Education had been of interest to Du Bois long before he became intrigued with the kinds of economic radicalism influential among the American Fund's directors. In 1901, while on the faculty at Atlanta University, he led a study of the Negro Common School, decrying the unjust funding of black schools in the South and warning of efforts to reduce funding still further. A 1911 update concluded that conditions had gotten worse, not better, in the intervening decade. And his most famous book, *The Souls of Black Folk*, published in 1903, insisted that education would be central in "the social regeneration of the Negro."⁷⁹

The founding of the NAACP in 1909 gave new institutional force to Du Bois's attention to education. The organization's founding platform demanded "for the Negroes, as for all others, a free and complete education."⁸⁰ The inaugural issue of organization's journal, *The Crisis*, edited by Du Bois, singled out discrimination in schools as especially dangerous to democracy: "Human contact, human acquaintanceship, human sympathy," Du Bois wrote, "is the great solvent of human problems. . . . Separate them by color and they grow up without learning and the tremendous truth that it is impossible to judge the mind of a man by the color of his face."⁸¹ The organization's 1911 agenda led off first and foremost with a commitment "to begin immediately a scientific study of Negro schools" and "to form a National Committee for the purposes of studying the problem of national aid to education."⁸²

Most of all, Du Bois directed withering skepticism toward the idea that big philanthropy held a solution to the crisis of black schools. In one sense, such a view was hardly surprising.

⁷⁹ Du Bois, W. E. Burghardt. *The Souls of Black Folk: Essays and Sketches*. Chicago: A. C. McClurg & Co., 1903: 108.

⁸⁰ National Negro Committee, Platform Adopted by the National Negro Committee, 1909, NAACP Papers.

⁸¹ Sullivan, Patricia. *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement*. New York: The New Press, 2009: 124

⁸² Record, Wilson. "Negro Intellectual Leadership in the National Association for the Advancement of Colored People: 1910-1940." *Phylon* 17, no. No. 4 (4th Qtr.) (1956): 375-89: 378

Big philanthropies like the Rockefeller General Education Board had financed the educational projects of Du Bois's rival, Booker T. Washington, while rejecting some of Du Bois's earliest efforts to study black education. Throughout his career, Du Bois would tangle with the leading educational philanthropies of the age. By the mid-1920s, for example, Du Bois had drawn the ire of the Rockefeller General Education Board and the Carnegie Corporation by engaging in a verbal war with the white president of Du Bois's alma mater, Fisk University, who was a recipient of Rockefeller and Carnegie money.⁸³ But Du Bois's resistance to white philanthropists in black education ran deeper. For Du Bois grasped that white money in black schools often went hand-in-hand with the projects of men like Florida's William Sheats, who aimed to use education to repress black equality rather than to further it.

Thomas Jesse Jones was, for Du Bois, the most influential and the most dangerous agent of northern white philanthropists. Born in Wales and educated at Columbia University under the tutelage the sociologist Franklin Giddings, Jones taught as an assistant chaplain and instructor at Hampton beginning in 1902. In 1910, Jones compiled the statistics about Negro life for the decennial U.S. Census. In 1912, the Phelps-Stokes Fund and the Rockefeller-financed General Education Board selected him to oversee a giant study of black education jointly sponsored by the United States Department of Education. And in 1918 he helped establish the Commission on Interracial Cooperation, a group of white southerners along with the leaders of some historically black colleges, which Jones hoped would serve as a counterweight to the growing influence of the NAACP in questions about race. In these capacities, Jones became a central figure in guiding philanthropic funds to the black South. Few were as influential as he was.⁸⁴ And few were as disliked by black educators. Carter Woodson called him "narrow-minded, short-sighted, vindictive and undermining."⁸⁵

From the start, Jones championed Hampton's industrial education model, which he believed suited "the actual needs" of black students. The right kind of education, Jones believed, would ameliorate what he called the "character failings inherent in the Negro race." Du Bois rejected everything about Jones's views. Speaking at a 1906 conference at Hampton, Du Bois criticized Jones's theory of vocational education, condemning the Hampton model on its own home turf. Jones retorted that Du Bois was motivated by "unfounded beliefs and hearsay evidence." Hampton never invited Du Bois back.⁸⁶

⁸³ L. Hollingsworth Wood Papers, 1903-1953. Haverford College: FISK UNIVERSITY - "Matter of DuBois address," 1924-1925, Box 22.

⁸⁴ Johnson, Donald. "W.E.B. Dubois, Thomas Jesse Jones and the Struggle for Social Education, 1900-1930." *The Journal of Negro History* 85, no. No. 3 (Summer, 2000) (2000): 71-95.
https://www.jstor.org/stable/2649057?seq=1#page_scan_tab_contents.

⁸⁵ Woodson, Carter. "Thomas Jesse Jones." *The Journal of Negro History* 35, no. No. 1 (Jan., 1950) (1950): 107-09.
https://www.jstor.org/stable/2715572?seq=1#page_scan_tab_contents.

⁸⁶ Johnson, Donald. "W.E.B. Dubois, Thomas Jesse Jones and the Struggle for Social Education, 1900-1930." *The Journal of Negro History* 85, no. No. 3 (Summer, 2000) (2000): 71-95.
https://www.jstor.org/stable/2649057?seq=1#page_scan_tab_contents.

Jones published his two-volume report on the state of Negro education in 1917. The official Department of Education study called for more funding to black schools. It criticized the under-funding of black education and called for “more adequate appropriations.” But once again Jones specified that education for colored youth – “mental, moral, and social” -- needed to be “wisely fitted to their actual needs.” Jones held low expectations for what black students needed. Jones mocked the “extravagant and high-sounding names” of colored schools. He condemned Negro colleges teaching Greek and Latin, ridiculing what he derided as Negroes’ “childish love for classics.” He chided black southerners for disliking industrial education, whose “real meaning,” he said, had “been largely misunderstood by the colored people and their friends.”⁸⁷

Du Bois responded with a furious denunciation of Jones’s report in the pages of *The Crisis*. “The General Education Board,” Du Bois wrote icily, had “long ago surrendered to the white South by practically saying that the educational needs of the white South must be attended to before any attention is paid to the education of Negroes.” Jones, said Du Bois, was not really aiming simply to stop “a silly desire to study ‘Greek’” and substitute a more practical common-sense curriculum. He really wanted to prevent Negroes from developing “a class of thoroughly educated men according to modern standards.” Jones’s industrial schools model, Du Bois insisted, would “deliberately shut the door of opportunity in the face of bright Negro students.” The reality was that Jim Crow governments used black classrooms “as training schools for cheap labor and menial servants instead of for education,” and did so under circumstances of “double taxation in the support of private school.” Why, Du Bois asked, did Jones not have any black co-authors on his report about black schools? “In this very report,” Du Bois observed, “the Negro was practically unrepresented” – just as in running the public school system itself. Here lay what Du Bois saw as “the weakness and sinister danger of Mr. Jones’ report.” The real function of black education in Jones’s approach was to create a pool of “cheap, contented labor to be used only in an emergency.” Du Bois asserted that Jones and the philanthropists aimed to maintain a reserve army of pacified African-American labor “for keeping white union labor from extravagant demands.”⁸⁸

The Jones study for the Department of Education came with all the prestige of the federal government and the biggest philanthropic foundations. Du Bois set out to undo its effects with his own studies for the NAACP and *The Crisis*. In February 1923, on a motion by Du Bois, the NAACP board of directors established a Committee on Education in Southern Schools to make education part of the organization’s campaign for the year.⁸⁹ A committee report followed in June, setting out the inequalities in school funding in the South. Throughout 1923, Du Bois stayed on topic, simultaneously publishing articles in *The Crisis* on the tragedy of Jim Crow schools, North and South alike. “Of all sorts of segregation and discrimination that meet the Negroes in the United States,” Du Bois thundered, “that in the common public schools is most dangerous, most insidious, the most far reaching.” The problem was that discrimination in elementary schools established “group hostility in those tender years of development when

⁸⁷ Jones, Thomas Jesse. *Negro Education; a Study of the Private and Higher Schools for Colored People in the United States*. 2 vols. Washington, D.C.: Government Printing Office, 1917. 1: <https://archive.org/details/negroeducationa01fundgoog>

⁸⁸ "Reflections of W. E. B. Du Bois on Education as a Force for Racial Progress." *The Journal of Blacks in Higher Education* 2, no. Winter 1993-1994 (1993): 4-5. <https://www.jstor.org/stable/2962536>.

⁸⁹ Minutes of the Meeting of the Board of Directors, Feb. 14, 1923, p. 2, NAACP Papers.

prejudices tend to become natural and instinctive.” School discrimination, he wrote, “plants race prejudice in children during their most impressionable years.”

The real problem, as Du Bois saw it, was not separate schools as such. The “one thing worse than segregation,” he cautioned, was “ignorance,” and inexcusably underfunded schools were forcing ignorance on far too many.⁹⁰ Philanthropists had stepped in to fill the void, at least in part. But Du Bois had helped a generation of black intellectuals see the costs of relying on the benevolence of the wealthy. Inequitable state funding, Du Bois observed, compelled black educators “to go begging up and down the land, hat in hand, crawling to the door steps of the rich and powerful for the dole of knowledge.” The experience of men like Thomas Jesse Jones, William H. Baldwin, and William Sheats demonstrated moreover that philanthropists had their own agenda, a mix of paternalistic white supremacy and capitalist self-interest. So long as they controlled funding of black schools, philanthropists would exert too much control over the content of the education that took place inside of them. “We eternally damn the system that makes education depend upon charity,” fumed Du Bois.⁹¹ Men like Locke and Woodson agreed with Du Bois that “education is not and should not be a private philanthropy: it is a public service and whenever it becomes a gift of the rich it is in danger.”⁹²

Philanthropists’ effort to maintain a pool of docile labor in the South seemed to cut against the interests of most whites, too. “White laborers of the South will not allow the states to support decent common schools and high schools for Negroes,” Du Bois wrote in *The Crisis*. But the same working-class voters who refused to fund public schools for blacks, Du Bois observed, “sneer and yell and curse at black labor” because it “underbids them.”⁹³ As early as 1903, Du Bois had questioned whether a nation could successfully industrialize when “one half of the labor class is completely unable to protect its rights.”⁹⁴ Several decades later, Du Bois asserted that using the Negro worker “as a labor reservoir on starvation wage” would block white workers from gains.⁹⁵ The philanthropists’ model of industrial education seemed designed to accomplish both of these ends at once.

⁹⁰ Du Bois, “The Tragedy of Jim Crow,” 26 *The Crisis* 169, 171 (Aug. 1923)

⁹¹ Du Bois, “Gifts and Education,” 29 *The Crisis* 151, 151-52 (Feb. 1925).

⁹² Du Bois, *The Education of Black People* (Herbert Aptheker ed. 1973), 185; Alain Locke, “Negro Education Bids for Par,” 54 *Survey Graphic* 567, 568 (Sep. 1925); Fairclough, *Class of Their Own*, 319-27; Jarod M. Scott, Carter G. Woodson and Thomas Jesse Jones: A Comparative Study in Race and Philanthropy, 1915-1921 (M.A. Thesis, Clark University, Atlanta, Ga, July 2003); see also Marybeth Gasman, “W.E.B. Du Bois and Charles S. Johnson: Differing Views on the Role of Philanthropy in Higher Education,” 42 *Hist. of Ed. Q.* 493, 495 (2002).

⁹³ Du Bois, W. E. B. “The Tragedy of ‘Jim Crow’.” *The Crisis*, August 1923, 1923, 169.

⁹⁴ Du Bois, W. E. B. *The Souls of Black Folk*. Edited by Donald B. Gibson. New York: Penguin Books, 1903, 1989:143

⁹⁵ “Reflections of W. E. B. Du Bois on Education as a Force for Racial Progress.” *The Journal of Blacks in Higher Education* 2, no. Winter 1993-1994 (1993): 4-5. <https://www.jstor.org/stable/2962536>: 5 (quoting Du Bois in 1933)

In 1924 and 1925 a possible solution appeared, ironically in the form of another philanthropic foundation, this time the American Fund. The NAACP's finances did not allow it to pick and choose its sources of support so finely. And in any event, the American Fund lacked the resources to provide substantial support to the massive world of education per se. But the Fund's money seemed to have altered the national conversation about lynching. Perhaps resources from the Fund could help start a new debate about public education, too. The key would be finding a way to make the project of black education appeal to the economic radicals of the American Fund board.

In November 1924, Du Bois and Johnson reached out to the American Fund board to propose a new project. Du Bois submitted the application for resources under his name alone, because as a board member Johnson thought that he ought not submit grant proposals himself. (He did not hesitate to vote on proposals from the NAACP.) "Negroes," Du Bois's proposal began, "form a large and increasingly important part of the laboring class in the United States." Under modern conditions, it was becoming impractical to promote the interests of the laboring class – to "deal with this class intelligently in the mass" -- unless their children are being properly educated. But black children were manifestly not able to find proper educations. "Today," Du Bois observed, "the average Negro child in the South is not being given an opportunity to learn even to read and write."

Du Bois asked for an initial \$5,000 grant and proposed to send agents out into the field to study inequities in funding and conditions. "I believe that the seriousness of the situation," he wrote, "can only be brought to the conscience of the country by a careful investigation covering the South."⁹⁶

Johnson followed up in a private letter to Baldwin observing that "the large foundations" would not give Du Bois even "ten dollars to do anything." Two decades of feuding between philanthropists and Du Bois meant that no other foundation would undertake to assist Du Bois's study. Johnson doubted, too, whether such foundations wanted to get at "the root of race conditions" in the South.⁹⁷

Baldwin was diffident and inclined not to fund the Du Bois application. "We are not entirely certain that we are the proper body to finance it," he told Du Bois.⁹⁸ Privately he reached out to the Rockefeller foundations and others to see if they would fund the proposal. "It concerns a matter really outside the scope of this Fund," he explained.⁹⁹ The Slater Fund declined.¹⁰⁰ The Commission on Interracial Cooperation, which Thomas Jesse Jones had helped establish as a less assertive alternative to the NAACP, criticized Du Bois's proposal on the grounds that it promised merely to repeat Jones's 1917 study for the Department of Education.

⁹⁶ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228, Reel 7

⁹⁷ Ibid: Reel 10

⁹⁸ Ibid: Reel 7

⁹⁹ Ibid (December 4, 1924 letter to James H. Dillard of the John F. Slater Fund)

¹⁰⁰ Ibid (James H. Hillard's response on December 17, 1924)

The Commission panned Du Bois's study as "another superficial study . . . adding insult to injury" and discouraged the American Fund from financing it.¹⁰¹

At Johnson's urging, the Fund held Du Bois's application over for a second meeting. Du Bois used the intervening weeks to campaign for his grant. "It seems to me," he wrote Johnson, "that the trustees of the Garland Fund do not realize that unless certain investigations into the condition of the Negro are done by liberal agencies, we are bound to get all our information from unfair sources." The Bureau of Education was tainted by a bias in favor of the white South. Men like Jones, aimed to make it appear "that only Hampton and Tuskegee have done anything toward Negro education" and that "Negro common schools in the South" were "improving so rapidly that there is no cause for alarm." The difficulty was that men in the South, white or black, could not tell the truth about Jim Crow. "No southerner, white or black, can attack the South and stay there." Without a new report done outside the auspices of foundations such as the Phelps-Stokes Fund, Jones's report threatened "to settle matters for the next decade."¹⁰²

The solution Du Bois and Johnson hit upon was to connect the financing of black education in the South to labor in the North. White labor movement was badly hampered by the availability of cheap and unorganized black labor. "If now the Garland Fund wishes to encourage organized labor among Negroes," the Fund would have to "encourage intelligence among Negroes." Elementary education in the South was the place to start, and the "first step toward labor organization among Negroes" would be "to reveal the plight of the Negro common school."¹⁰³

Still, Baldwin resisted. Old friends like L. Hollingsworth Wood, an ally from the ACLU and trustee at Fisk, encouraged Baldwin to turn Du Bois down. The NAACP, urged Wood, would produce undue "antagonism on the part of the white South."¹⁰⁴ But the new campaign by Johnson and Du Bois to connect black education to labor organizing had a galvanizing effect on the American Fund board. Baldwin's ally on the board, Norman Thomas, who would soon run for president on the Socialist Party ticket, advised that the project seemed to be "a valuable expenditure of money, the effect of which, although it may be irritating in some quarters will be distinctly good." "This is one in which I believe," Thomas affirmed.¹⁰⁵

In May 1925, the American Fund board approved a \$5,000 grant for Du Bois's study of Negro education in the South. "We are willing to finance this," Baldwin told Du Bois.¹⁰⁶ The Fund board delegated oversight of the project to a committee consisting of Thomas and Johnson.

¹⁰¹ Ibid (T. J. Woofter, Jr. of the Commission on Interracial Cooperation to James H. Dillard, December 15, 1924.

¹⁰² Du Bois, W. E. B. W. E. B. Du Bois Papers. W. E. B. Du Bois Papers. University of Massachusetts Special Collections and University Archives. <http://oubliette.library.umass.edu/view/full/mums312-b168-i380> (January 15, 1925 letter to James Weldon Johnson)

¹⁰³ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228

¹⁰⁴ Ibid (January 17, 1925 letter)

¹⁰⁵ Ibid (March 25, 1925 letter)

¹⁰⁶ Ibid (May 7, 1925)

Du Bois hired two younger assistants: Horace Mann Bond and E. Franklin Frazier, each of whom was becoming a leading figure in black education in his own right. Together, the three researchers worked with leading members of local black communities in the South to go into files of local school boards and get data and to take photographs of dilapidated black schoolhouses. By the fall of 1926, Du Bois reported to the Fund's board that he thought "we have here a larger body of truth concerning Negro public schools in the South than has been gathered before."¹⁰⁷ The published versions of the studies appeared in *The Crisis* beginning in September with a long 16-page article about the Negro common school in Georgia. Du Bois drew the reader through the history of discrimination against black schools in the state. He reviewed the legal framework in state law. And he delivered pages of statistics. In particular Du Bois delivered county- and district-level statistics to show that much discrimination arose out of the discretion of local officials.¹⁰⁸

In some ways, the Georgia study was the high point of the project. Articles came out in *The Crisis* in December (Mississippi), May and June 1927 (North Carolina), December 1927 (South Carolina), and April and July 1928 (Oklahoma).¹⁰⁹ Each successive article was less comprehensive than the one before it. Du Bois attributed the unevenness of the series to insufficient funding, but Baldwin and the board of the American Fund were reluctant to release still more funds for magazine articles. Still, Du Bois's series in had accomplished something striking and important. Never before had the statistics of racial discrimination in American schooling been delivered to so wide an audience, let alone so wide an audience of black readers. *The Crisis* delivered detailed reports for months on end about the inequality of black and white schools to 30,000 subscribers.¹¹⁰

The timing of the Garland Fund studies of education in the South was propitious. The articles came out during an outcropping of new interest in education among African-Americans. At the NAACP, assistant executive secretary Walter White called for "nationwide agitation to launch a counter offensive" against school discrimination "in all northern and border states."¹¹¹ Leading black educators like Kelly Miller at Howard cited growing segregation by race in northern and border-state schools as evidence against the argument of some white liberals that the color line was crumbling.¹¹² The new attention existed outside the tiny circle of talented-tenth intellectual leaders, too. Controversies over exclusion of blacks from the best public schools proliferated across cities in the North -- Toms River, Philadelphia, and Indianapolis among them -- and produced outpourings of coverage in the black press.¹¹³ New black constituencies for education appeared, too. The percentage of black school-age children attending school shot up during the 1920s. (In 1910 it had been merely 30%; by 1950 the share

¹⁰⁷ Ibid (W.E.B. Du Bois, Report to the Directors of the Am Fund for Social Service [sic] on a Study of Public Common School Education in the South for Negroes, n.d. [27 Oct 1926])

¹⁰⁸ Du Bois, W.E.B. "The Negro Common School in Georgia." *The Crisis*. September, 1926.

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¹¹⁰ Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228 (W.E.B. Du Bois, Report to the Directors of the Am Fund for Social Service [sic] on a Study of Public Common School Education in the South for Negroes, n.d. [27 Oct 1926])

¹¹¹ Douglas, Davison M. *Jim Crow Moves North: The Battle over Northern School Desegregation, 1865-1954*. New York: Cambridge University Press, 2005: 188-89

¹¹² Kelly Miller, "Is the Color Line Crumbling?," *Opportunity*, Sep. 1924, pp. 284-85.

¹¹³ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. 1973: 282

was more like 70%.) Black teachers became a more powerful voice, organizing themselves into new and more effective lobbying organizations. The Virginia Teachers' Association grew from 200 members in 1920 to 3,000 in 1930. Even southern locales like Atlanta saw new organizing in the first half of the 1920s by black families to resist bond issues whose yields were to be allocated in such a way as to exacerbate already inequitable school funding. Ever-greater disparities in school funding drew further attention to education. In Johnson's home state of Florida, William Sheats's long tenure led a group from Columbia University's Teachers' College to describe Jacksonville-area colored schools in 1927 as so shockingly poor that they "can hardly be considered part of the system."¹¹⁴ A headline in the black newspaper the *Pittsburgh Courier* broadcast the news bluntly: "Negro education in Florida Needs Help: Amazing Situation Revealed."¹¹⁵ By 1931, Du Bois warned in the pages of *The Crisis* that failure to educate black children risked "to fasten slavery permanently upon the colored people of the United States."¹¹⁶

The NAACP's appeal to the American Fund left an enduring mark on both organizations. It changed the outlook of men like Du Bois and Johnson, with lasting effects. Just a year earlier Johnson had warned the directors of the American Fund that efforts to protect black people in America required radically different strategies than the labor movement efforts on which the Fund aimed to focus. Mary White Ovington, chair of the board at the NAACP, had called Johnson "hopelessly reactionary on labor and other problems."¹¹⁷ But now Johnson and Du Bois began to see ways in which the interests of the black community and the labor movement might be aligned. "Our original faith in education," Johnson wrote in the early 1930s, may have been "almost childish." But now, he conceded to one correspondent, "the economic basis of the Negro's condition has not been sufficiently stressed." Education came to have new economic meaning for Johnson. "Day by day," he marveled, "negro education is bringing the economic problem to the fore."¹¹⁸

For Du Bois, the engagement with the American Fund helped propel what soon became his famous transformation into economic radicalism. He had begun the decade with a series of articles on education in *The Crisis*. Black education, he had argued, was critical to American democracy. By the end of the decade, Du Bois offered a different argument. Education was vital, he now contended, because it opened up the path to labor organizing for African-American workers and to making inroads on the fierce racism of white unions. With this idea, Du Bois began his historic shift, one that would be sealed when he resigned from the NAACP in 1934. For nearly his entire career to that point, he had countered Booker T. Washington's insistence on

¹¹⁴ White, Arthur O. "State Leadership and Black Education in Florida, 1876-1976." *Phylon* 42, no. No. 2 (2nd Qtr., 1981): 168-79: 174. <https://www.jstor.org/stable/274721>.

¹¹⁵ Winsboro, Irvin D. S., and Abel A. Bartley. "Race, Education, and Regionalism: The Long and Troubling History of School Desegregation in the Sunshine State." *The Florida Historical Quarterly* 92, no. No. 4 (Spring 2014): 714-45: 724

¹¹⁶ Sullivan, Patricia. *Lift Every Voice: The Naacp and the Making of the Civil Rights Movement*. New York: The New Press, 2009.

¹¹⁷ Levy, Eugene. *James Weldon Johnson: Black Leader, Black Voice*. Chicago: University of Chicago Press, 1973: 185

¹¹⁸ Johnson, James Weldon. "The American Negro." *The Times* (London), Tuesday, Apr 22, 1930.

putting economic questions before political ones. He had criticized Thomas Jesse Jones and the big foundations on the same ground: they had developed a theory of education organized around a vision of cheap labor. The radical directors of the American Fund, however, had asked him to develop an economic theory of education on his own, to justify his engagement with schooling for black America by reference economic conditions.

If engagement with the Fund altered the NAACP, engaging the NAACP changed the Fund, too. Baldwin had overcome his skepticism of Du Bois's education proposal. And within a few short years, he had come to think of the grant not only as a research project but as call to action. "I had understood," he wrote to Du Bois, "that the purpose of the study was to furnish a basis for some sort of a campaign. That was, I thought, the purpose of the Fund in voting the money."¹¹⁹ And indeed some sort of a campaign was in order. The Fund's efforts to renew the American labor movement in the 1920s had stumbled over the seemingly implacable racism of the white labor unions. "The black worker," Johnson wrote, "finds getting into most of the white labor unions no easier than getting an invitation to a white bourgeois dinner party."¹²⁰ Why not, then, make protecting minorities central to the Fund's agenda, rather than merely a secondary consideration? After all, Baldwin had encountered the explosive mix of race and labor as far back as the East St. Louis riots.

Johnson himself had encountered an especially trenchant formulation of the basic problem. "Never let a nigger pick up a tool," he heard a group of white workers say in 1920.¹²¹ The Fund's efforts to rescue American labor in the 1920s, as it happened, would come to turn on getting the tools of industry into the hands of black Americans.

¹¹⁹ Roger Nash Baldwin to W.E.B. Du Bois, March 2, 1929. Service, American Fund for Public. American Fund for Public Service Records. Scholarly Resources, Wilmington, Del.: Film B18228, Reel 7.

¹²⁰ Johnson, J. W. (1933). *Along This Way*: 45

¹²¹ *Ibid*: 355