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What *a* Preacher Saw Through *a* Key-Hole *in* Arkansas

By L. S. (Sharpe) DUNAWAY

Author of "Jeff Davis: His Life, Character and Speeches"

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Mr. Wilkes extends a broad invitation to the farmers of Arkansas, requesting them to write letters for publication, dealing with the various products raised in the state. He wants an exchange of ideas—an offering of individual opinion—with a view of building up a Monthly Bulletin which will prove of mutual benefit to all the farmers of Arkansas.

If "Bill" Wilkes is given the hearty co-operation of the "dirt" farmers of this state, he will be able to render a great and lasting good during his tenure of office as commissioner.

Brimming over with strength and energy and ambition, "Bill" Wilkes is bending every effort to advance the interests of those who go out in the early morn and toil until dewy eve—that great body of citizens representing the safety and strength of our "Wonder" State, and in whose homes may be found the purest patriotism that ever blessed the busy world.

When business or pleasure brings you to Little Rock, he wants you to make his office your headquarters while in the city; he wants you to feel and know that you are at home in his office—an office that belongs to the people—administered in behalf of the people, by a man that comes direct from the people.

For the first time in the history of Arkansas, our agricultural commissioner is a real "dirt" farmer. "Bill" Wilkes' knowledge was not acquired from the reading of books, but from every-day, practical experience, out in the fields where the cotton whitens beneath the stars, and the morning glories twine about the old kitchen door.

The Blackest Page in State History.

Most everybody in the state has heard something about the Elaine trouble in October, 1919, when seven or eight white men and a large number of negroes were killed as a result of the "Uprising" in Phillips county.

The fact that even ONE WHITE MAN had to lose his life in the riot, is cause for deep regret on the part of the writer, and we sympathize sincerely with the bereaved ones whose kindred were killed by the negroes in a tragedy brought on by "meddlers"—just that type of busybodies not worth, perhaps, the "powder and lead" required to remove them from the field of earthly activities.

Anyway, the tragedy has been enacted, and however much we regret the cause leading up to its ghastly result, there is yet another feature connected therewith that calls for calm consideration and dispassionate discussion, even though there be a strong disposition on the part of a great number of people to class it as a "closed incident."

There are certain facts connected with the "aftermath" of the tragedy, that should be related in order that we may try to prevent a recurrence of the awful march of death similar to that made on the innocent black men and women and children, following the first unfortunate firing between the whites and blacks.

It was nothing more than expected, when a chivalrous white citizenship took up arms and immediately avenged the killing of seven or eight of their own color. While

this summary action is not conducive to good government, yet it is not assailed for the reason that we know some of the leading characters in the tragedy, and we know them to be big and brave and true to the traditions of the "Old South."

The thing that "stumps" us, however, is by what authority did a coterie of Federal soldiers, aided and abetted by a collection of low-lived creatures who call themselves WHITE MEN, march down among the ramshackle homes of good old innocent, hard-working Darkeys, and then and there unlimber their guns on those poor old servants of the rebellion, finally snuffing out their lives before passing on to the next house, where the same cruel scene was enacted, thus leaving a path strewn with aching hearts and besprinkled with the red blood of innocent humanity.

One of our biggest men in the state referred to these ruthless killings as "the blackest page ever written by blood or bayonet in the history of Arkansas."

It has been charged and not denied that 856 negroes were killed during the few days immediately following the first trouble at Elaine. The fact that certain Federal soldiers were sent over to the scene of the trouble for the purpose of "quelling a riot" and ended up by starting a crusade of death that claimed the lives of nearly a thousand innocent victims of their uncontrollable wrath, justifies the scathing criticism and righteous condemnation heaped upon them by the better class of white citizens who, to a man, are outspoken against such crimes committed upon human beings, regardless of kind, color or creed.

A prominent white citizen of Miller county, who, at the time of the Elaine riot, was teaching school in Phillips county, near the scene of the trouble, is authority for the statement that 28 negroes in one bunch were



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killed and their bodies thrown into a pit and burned. He says one of the several shocking acts of the "peacemakers" sent there to protect the lives and property of both whites and blacks was the hanging of sixteen negroes on a bridge four miles from Helena.

He stated further that not a single one of that bunch of negroes was implicated in the uprising at Elaine, but that all of them were living several miles away from the trouble. It seems, however, that the "March of Death" extended over a wide area, and that every black man who happened to meet these marchers was destined to forfeit his life, for the sole reason that HIS COLOR WAS BLACK.

Now, the negro had nothing to do with the making of his color; no more so than the white man, or the Indian, or the Japanese, or any other race. And it must be a mighty poor, narrow-minded white man who would become jealous of the negro. All of us know, and the sensible negro himself knows, that he cannot, under any circumstances, become the social or political equal of the white man. But the negro should be given the same rights under the law, and the white men should see to it that he gets those rights, inasmuch as the negroes are playing a most important part in the matter of agricultural and industrial production.

It is true, the Elaine trouble is a "closed" incident. The record is written and must live on history's page. We would forget it if possible, but the stigma and the stain stands out only too plain. How much better for the state and the "Black Belt" in particular, if the law had been tracked to the letter.

Let us hope that never again shall there be a repetition of the terrible scenes enacted in the territory adjacent to Elaine; that innocence may never again feel the fury of a mob; that indeed and in truth the incident

referred to as "closed" shall never be reopened anywhere in Arkansas or in the South.

Those guilty of the outrages at Elaine, white and black, must answer finally to a higher power than is exercised here on this earth. For, regardless of their belief as to Divine Providence, it is clear to my mind that "far up above the lightning's flash and thunder's roar there sits a God of justice, who will form and fashion your destiny and mine."

When Special Agent W. A. Adkins, Deputy Sheriff Chas. Pratt, and a negro trusty started out to look for a supposed bootlegger, it was a matter hard to understand how it so happened that the car in which they were driving was able to pull through several miles of "bad" roads, then suddenly came to a standstill on a "good" road near the negro church where the first shots were fired that claimed the life of Mr. Adkins and wounded Deputy Pratt. The negro "trusty" made his get-away and reported the shooting to Helena citizens.

It has been said that there was another car with the car driven by Mr. Adkins, and that it had a negro chauffeur.

When officers went to investigate the killing of Mr. Adkins, they found the negroes up in arms and a general riot was soon in progress. In the first clash between the whites and blacks, James A. Tappan and Clinton Lee, two highly respected citizens of Phillips county who had been deputized to assist in rounding up the leaders of the trouble, were fatally shot by the blacks, while Ira Proctor, another good citizen, was dangerously wounded. About a dozen negroes were killed outright and a still greater number wounded by the deputies and white citizens who were trying to put a stop to the uprising.

Sheriff Frank F. Kitchens was ill at the time and could not go to the scene of the trouble at Elaine. Wild

rumors were in the air and many were the stories told of armed squads of negroes, waiting for the opportune moment to march on the white people and "shoot it out."

There must be some reason for this action on the part of the negroes, if any one of the several rumors had any truth in it. So the whites began a search for the real cause of the outbreak. They soon discovered O. S. Bratton, Jr., son of former Little Rock Postmaster, U. S. Bratton, and they immediately placed him under arrest charged with being an accomplice in the killing of Special Agent W. A. Adkins.

At the time of young Bratton's arrest he was found in the midst of a crowd of negroes, from whom he was collecting a fee to represent them before various plantation owners with a view of getting a "better settlement" for the negroes, and the "adjustment" of other differences between the landlords and their colored tenants.

Bratton was placed in jail and the riot continued with increasing casualties.

A negro dentist of Helena, said to be one of the leaders of the uprising, together with his three brothers, had been arrested at Elaine and were being brought to Helena by three special deputies. Orley R. Lilly, one of the deputies, was riding in the front seat of the car with two of the negroes, while the other deputies with their two prisoners were in the rear seat. Mr. Lilly was shot in the breast with a load of buckshot and killed. The shot was fired by a negro standing outside the car. None of the negroes in the car fired a shot, but all were killed by the other two white deputies, who drove the car into Helena with the four bodies.

In the meantime, Gov. Brough had gotten in touch with the War Department at Washington, and 500 Federal troops from Camp Pike, under command of Col.

Isaac Jenks, had arrived on the scene, accompanied by Arkansas' Chief Executive.

Military headquarters were established at Elaine, and all the negroes rounded up were subjected to questioning by those in charge. Before the arrival of the troops, however, Chief Deputy Dalzell of Helena, assisted by several special deputies, held the negroes in check and acquitted themselves honorably by their courageous conduct in the face of overwhelming odds.

Search was being made especially for a negro named Robert L. Hill, who was said to be at the head of a negro organization known as "The Progressive Farmers' Association." It was further said that Hill's influence over the less intelligent Darkeys was something marvelous. He had them believing that by "standing together" the negroes could make the white people divide with them in the matter of land ownership, and that if a peaceable division could not be obtained, then the negroes, outnumbering the whites about 10 to one in that section, would "rise up and march on the whites with high-powered rifles and shotguns, thus showing the strength and courage of the colored race."

In this connection we might add that Hill made good his escape into Kansas, where a Republican governor has several times declined to honor requisition papers for his return to Arkansas.

Ed Hicks, another negro known as one of the leaders, was located and arrested, charged with the murder of Clinton Lee. Two days after the killing of W. A. Adkins, the loss of life stood as follows: Five white men killed, five wounded; negroes killed 22, wounded probably 100.

According to stories told by some of the negroes "rounded up," the exact count of killed and wounded negroes was never given; but that, in their opinion, several hundred had "disappeared." The presence of Fed-

eral troops put fear in the hearts of the more timid negroes, but there were those among them that openly defied officers, citizens and soldiers alike, until death cut short their futile stand against the whites.

After the mischief had been done, after more than half a dozen white men and 20 known negroes had forfeited their lives, all on account of "meddling" whites and blacks, the situation took on a change for the better.

A "Committee of Seven" was named to look after the establishment of peace, and the running down of those responsible for the grim tragedy that had thrown its dark shadow across the fair fields of Phillips county, and red-dened her streams with the blood of its citizenship. But be it said to the everlasting credit of Phillips county and its law-loving people, not one single lynching has ever occurred within its borders, and at that time, when the race feeling was at its peak, cooler heads controlled the temper of the less conservative with the result that things quieted down and the negroes returned to their homes and went to work. Sheriff Frank Kitchens, than whom there never lived a truer, braver example of Southern chivalry, had issued the statement that there "was no need for further soldiering; that the trouble was over in Phillips county."

Notwithstanding the proclamation of the Committee of Seven to the effect that the negroes should "go home and go to work; that everything was all right," a detachment of Federal soldiers remained on duty in the Elaine section to assist in "rounding up" leaders of the insurrection.

This marked the beginning of the black page in our state's history. I am happy to state that not a single Arkansas soldier was in the company. The soldiers left there to quell and put an end to the riot, left a path strewn with orphans and widows and made mockery of the laws they were sworn to uphold and obey.

Professor J. C. Fretwell, formerly of Phillips county, who now resides in North Little Rock, says that two or three soldiers were guests at his home for two nights at the time of the trouble. He says they counted upon their fingers the number of negroes who had been killed during the day by their party and by the machine gun and made no attempt to conceal the facts. The purpose of his statement and the purpose of all the references to the Elaine riot, for that matter, is to point out the great injustice done by a bunch of soldiers, after the original riot had already been quelled.

No part of this reference to the Elaine trouble should be construed as an effort on our part to defend the negroes and condemn the whites, except in that instance where the soldiers marched rough-shod over the vast community inhabited principally by negroes, and shot them down in cold blood without any reason or excuse—thus manifesting a blood-thirstiness without any parallel disclosed in the history of civilization.

We know that Gov. Brough did not sanction the soldiers' death-dance; we know that he was not aware of the butchery that was taking place in the guise of "peace making." But the appalling practice of killing innocent Darkies continued until a fair count showed 356 dead negro bodies with a wounded list probably five times greater. It is to this grim tragedy, this wholesale slaughter, that we point the finger of accusation, and not to the beginning of the trouble when meddlers and misunderstandings created the brief uprising.

It is a strange "coincidence" that newspaper men, quick to get the news and usually accurate in their figures, were "unable to give the known negro dead," or furnish a true description of the soldiers' march of death through the cotton fields of Phillips county. And it is a "strange come-off" that these same "news hounds" found

time to write only "half the story" of all the Elaine trouble.

When finally the soldiers' ammunition was exhausted and their liquor ran low, they withdrew from the scenes of their sins against humanity, the remaining negroes gathered up their scattered dead and with slow, awkward step marched to their little churchyards and there said their simple rites over the bullet-riddled bodies of loved ones.

As time rolled on the officers of Phillips county succeeded in capturing the ringleaders of the riot, with the exception of Robert Hill, who had escaped to Kansas.

The twelve negroes, namely, Ed Hicks, Ed Ware, Frank Moore, Frank Hicks, J. E. Knox, Ed Coleman, Paul Hall, Albert Giles, Joe Fox, Will Wordlow, Alf Banks Jr., and John Martin, were placed on trial in Phillips County Circuit Court, Judge Jackson presiding.

Then was begun one of the most interesting legal battles ever recorded in Arkansas if not in the entire South. The accused negroes were represented in their first trial and conviction by local attorneys of Phillips county, appointed by the Court to defend them. After their conviction the law firm of Murphy and McHaney was employed, together with Scipio A. Jones, one of the shrewdest negro lawyers of Little Rock, to appeal the cases to the Supreme Court of Arkansas. Col. Geo. W. Murphy, senior member of the firm, went to Phillips county, filed motions for a new trial and appealed the cases to the Supreme Court. He continued to represent them until his death in October, 1920. After his death, E. L. McHaney took up the work Colonel Murphy had started and continued it until its conclusion. The state was represented by Prosecuting Attorney John Miller, assisted by Hon. P. R. Andrews, who was retained by the citizens of Phillips county. The proceedings were eager-

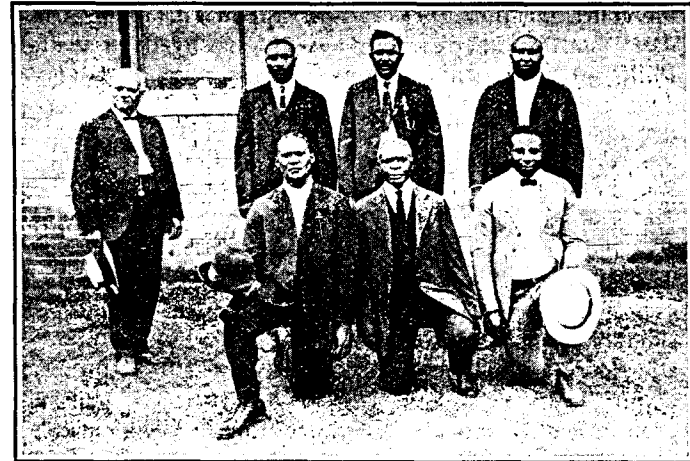


SCIPIO A. JONES,
Attorney for Defendants.

ly watched by lawyers and laymen from all over the state. An error was made by the jury in the form of its verdict. In its haste the jury returned an incorrect verdict in the case of six of the defendants, the verdict reading: "We, the Jury, find the defendants guilty as charged in the indictment." The form of the verdict should have been, to be sustained for murder in the first degree, as follows: "We, the Jury, find the defendants guilty of murder in the first degree, as charged in the indictment." The omission of the words, "of murder in the first degree," was the cause of the reversal of six of the cases. The other six appealed to the state Supreme Court, where the decision of the lower court was affirmed. The governor set the date of execution.

Twelve cases were appealed to the Supreme Court by Col. Geo. W. Murphy, of the firm of Murphy & McHaney, together with Scipio A. Jones. Six of them were affirmed and six reversed, because of the error in the verdict of the jury, as above stated. A writ of certiorari to the Supreme Court of the United States was applied for, but was denied, for the six of the negroes whose cases had been affirmed. The other six went back to Phillips county for another trial. The cases came up for trial at the following term of the Circuit Court, where Colonel Murphy and Scipio Jones appeared for them. Colonel Murphy prepared and filed written motions to quash the regular panels of jurors and all special venires brought in to try these defendants, on the ground that the colored people had been discriminated against in the selection of the jurors. The negroes were very largely in the majority in Phillips county, and many of them were capable and qualified to sit on juries, but the lower court over-ruled these motions to quash, and an exception was saved. The defendants were put on trial and all six were again convicted the second time, and again appealed their cases to the Supreme Court. Colonel

Murphy was taken seriously ill during the trial of these cases, and Jones thereafter tried them alone. Colonel Murphy prepared the brief on appeal for the defendants, and the Attorney General had filed a brief in response thereto, which was delivered to his office the day he died. Mr. McHaney then took up the work where he had left off, and followed the cases thereafter through all the courts. On the second appeal, the Supreme Court held that the lower court should have heard evidence on the motions to quash the panels of jurors and not have over-ruled such motions summarily. The Supreme Court did not hold that negroes would have to sit on the jury, but did hold that they could not be discriminated against in the selection of jurors on account of their race or color, and that the court should have heard the evidence



S. A. Jones, Ed Hicks, Frank Hicks, Frank Moore, J. C. Knox, Ed Coleman and Paul Hall. Scipio A. Jones notifying his clients who had been sentenced to the electric chair five times and whose coffins had been made, that the Supreme Court of the United States had granted them a new trial.

which the defendants offered to prove that the officers and jury commissioners in the selection of jurors had discriminated against the colored race on account of their race and color.

Returning to the six whose cases were affirmed by the Supreme Court of the State in the first instance: After the Supreme Court of the United States had refused to issue the writ of certiorari to the Supreme Court of Arkansas, directing it to send up the record for review, the Governor set a day of execution for these six negroes. A day or two before they were to be executed, attorneys representing them filed a petition for a writ of habeas corpus in the Chancery Court of Pulaski county, charging, among other things, that the judgments of conviction against them were void because they were the judgments of the mob; that mob domination controlled the court, the jury, the attorneys appointed to represent them, and everybody connected with the trial; that the Phillips Circuit Court, although a court of original jurisdiction, lost its jurisdiction by virtue of mob domination; that the verdicts and judgments in their cases were really the verdicts and judgments of the mob instead of the court, and asked that they be discharged and that their execution be prevented. The Chancery Court issued the writ and set the case down for hearing the day following the date set for their execution. The Attorney General appeared in the Chancery Court and objected to the jurisdiction of that court, which the court over-ruled, or declined to hear at that time, and thereupon the Attorney General applied to the Supreme Court for a writ of prohibition against the Chancery Court. This matter was immediately presented to the Supreme Court, where the judges all sat, which granted an extension of time to the defendants to be heard on the petition for prohibition. Some two weeks later it held that the Chancery Court was without jurisdiction to hear these cases. Thereupon,

a petition for a writ of error was applied for to the Supreme Court of the United States, being presented to Mr. Justice Holmes, who denied the petition and the Governor thereupon set another date of execution for these six negroes. Just before the day set for them to die, a similar petition for a writ of habeas corpus was presented to the District Court of the United States for the Western Division of the Eastern District of Arkansas. Judge Trieber, the District Judge, issued the writ and set a date for the hearing, beyond the date of execution, asking the presiding judge of this circuit to assign a judge to hear these cases on account of his former residence in Helena. Judge Cotterall, of the District Court of Oklahoma, residing at Oklahoma City, Okla., was assigned to hear the cases. At the appointed time for hearing, the Attorney General appeared and filed a demurrer to the petition, on the ground that the District Court of the United States had no jurisdiction to hear the petition. After argument of counsel in this case, the District Court, through Judge Cotterall, sustained the demurrer, granted an appeal to the defendants to the Supreme Court of the United States, and certified that in his judgment the case ought to be heard by that tribunal. It was heard by the Supreme Court of the United States, which court reversed Judge Cotterall's decision.

In the meantime, the other six cases which had been reversed on the second appeal and remanded for a new trial, came up for trial again. A petition for a change of venue was filed and granted by the Phillips Circuit Court, and the venue changed to Lee county. At the next term of the Circuit Court of Lee county, the defendants, being in the Lee county jail, through their attorneys, McHaney & Jones, Mann & McCulloch and R. D. Smith of Marianna, demanded a trial and filed a written motion asking for a trial, but the cases were postponed. At the next term of court, they again de-

manded trial, but the cases were again postponed. At the next term of court, counsel representing the defendants, filed a petition to discharge them under the statute of Arkansas which provides that where a defendant is in jail charged with a crime and his case is not tried within two terms of the court, without he consents thereto, he is entitled to be discharged. The Lee Circuit Court heard this petition for discharge and overruled same, and an appeal was taken to the Supreme Court of Arkansas, which held that the defendants were entitled to be discharged, and discharged them.

It was then time to try the other six cases pending in the District Court of the United States for the Western Division of the Eastern District of Arkansas, and before



Alf Banks, Jno. Martin, Ed Ware, Joe Fox, Albert Giles, Will Wordlaw, leaving the penitentiary after their discharge, accompanied by their counsel, Scipio A. Jones.

the trial, counsel representing defendants, agreed to dismiss their petition for habeas corpus if the citizens of Phillips county would secure a commutation of their sentence from the Governor to twelve years in the penitentiary. This was done and the petition pending in the District Court was dismissed, which ended the court procedure in all these cases. Later, Governor McRae, at Christmas time some year or so later, pardoned them.

Gov. McRae knew all the facts in the case; he had studied the matter from its every angle; it had been told and re-told to him until he was familiar with every phase of the case. Acting then on his judgment of the punishment involved, he wrote a pardon for them and they, like the six at Marianna, walked out of the penitentiary as free men, and from under the shadow of the chair to which they, too, had been twice condemned.

Thus ended the celebrated Elaine cases. It is not for us to say whether the ends of justice have been met in the disposition of these cases, but it is believed that the major portion of white citizens of Phillips county are satisfied with the ultimate result.

The deepest regret is in the loss of James A. Tappan and the other white citizens who fell at the first firing. The second regret is found in the "death-march" of the soldiers, whose unholy tactics subjected them to deserved criticism, for having held the bloody pen that wrote the "blackest page in the history of Arkansas;" for having committed one murder after another with all the calm and deliberation in the world, either too heartless to realize the enormity of their crimes, or too drunk on "moonshine" to give a continental darn. At any rate, the gruesome tragedy left its crimson scar on the bosom of state pride, while those who enacted it went skulking back to their army tents at Camp Pike, an outstanding disgrace to the colors under which they sail.