Preface

Across the sweeping canvas of American history, two markers—inhertad and ineluctable—from the Elaine Race Massacre of 1919 in Phillips County, Arkansas of the Mississippi River Delta invite a degree of attention to the episode yet to be received from public consciousness. First, the sheer number of persons who died in the massacre—more particularly, the countless African-Americans who perished—would certainly cause this massacre to be judged one of the most deadly racial conflicts—perhaps, the most deadly racial conflagration—in the history of the nation. Second, the wellspring of the civil rights movement in the United States during the 1950s and 1960s drew constantly from the 1923 U. S. Supreme Court’s decision in Moore v. Dempsey that emerged out of the legal proceedings in Phillips County against African-American defendants, charged with the murders of whites allegedly committed during the massacre. The ruling in Moore v. Dempsey broke a long chain of Supreme Court decisions brutally adverse to the safety and rights of African-Americans.

Two heroes whose individual backgrounds could not have been more dissimilar share in this American saga. Most apparent, Scipio Africanus Jones, African-American lawyer, who started as a laborer in the Arkansas fields to become a 20th century Moses, climbed, through brilliance and tenacity, to forensic heights to free the black sharecroppers, unjustly found guilty of crimes in the aftermath of the massacre, and, at the same time, developed the legal strategy that, ultimately, through the intervention of the U. S. Supreme Court, altered the application of the 14th Amendment to the U. S. Constitution to protect the individual rights of and due process for American citizens. The other hero, Oliver Wendell Holmes, Boston patrician and distinguished jurist, who wrote the majority opinion for Moore v. Dempsey, not only opened the door to freedom for wrongfully convicted Arkansas sharecroppers, but also articulated a new judicial precedent and principle under which the federal government would more forcefully thereafter engage in the constitutional protection of its citizens.
Oliver Wendell Holmes wrote the majority opinion for Moore v. Dempsey, which altered the U. S. Supreme Court’s approach toward equal protection, thus paving the way for more progressive civil rights decisions. (Photo: Library of Congress)

Notwithstanding the historical and legal significance of the Elaine Race Massacre, outside a handful of advocates and a somewhat wider audience that those advocates engendered, the massacre and its aftermath have been largely ignored. Whether this inattention can be explained by the remote location of the massacre, by the desire of many blacks and whites in Phillips County and through Arkansas to keep quiet about it, or by the rush of other affairs affecting the State and the nation, we’ll never know. It is certainly time for more airing of those few days at the very end of September and early October, 1919 and subsequent associated and gravid events, if, for no other reason, than to debunk the erstwhile success of silence.
The Beginning of the Beginning


For several years following my father’s death in 1946 when I was a year old, I lived with Lonnie and Hattie, my maternal grandparents—until my mother brought my older brother, who, upon our father’s death, spent much more of his time with the paternal side of the family, and me together under one roof in Monticello, another small town in Southeast Arkansas. Soon, thereafter, Lonnie died of a cerebral hemorrhage, but even today, I reminisce over the adoration we shared for each other.

Out of the blue—I must have been in junior high school—without provocation or any apparent reason, Mother casually mentioned that prior to her becoming a teenager, Lonnie had participated in a “well-known” race riot while in the employ of MoPac. Later on, she editorialized about it now and then: How he traveled on a MoPac train to the battle between the races, how the place of bloody engagement with the blacks had been close to the railroad tracks. Not much more than that. Whenever she mentioned the race riot, Mother frequently referred to Lonnie, in a matter-of-fact tone, as a member of the Ku Klux Klan.

The Birch family, pioneer residents of Desha County, immediately south of Phillips County in which Elaine is located, consisted of planters, but, unlike other male family members, who chose to farm, Lonnie instead took a job with MoPac in McGehee, only a few miles from the Birch farms. Home for himself, Hattie, and their several children and situated about sixty miles south of Elaine, McGehee had become MoPac’s regional center for Southeast Arkansas. If anyone in that part of the country found it necessary to get to Phillips County by railroad, the easiest mode of non-local land travel in the early part of the 20th century, the path generally led through the community. Arkansas Governor Charles Hillman Brough had brought federal troops from Little Rock to Elaine via McGehee to “restore” order, and except for those coming through Memphis, all other contributors or witnesses to the Elaine Race Massacre, if, by rail, probably passed by way of Lonnie’s hometown.

Much later, I made the simple connection that the race riot to which Mother nonchalantly alluded and the Elaine Race Massacre were one in the same. It was not very difficult to conflate the related and disparate factors leading to Lonnie’s participation in the massacre—his employment in Southeast Arkansas with MoPac; the routine, quasi-police role MoPac undertook during that time in that region of the State; Lonnie’s chthonic views about race, evidenced by his membership in the Ku Klux Klan; and the history, conveyed by Mother’s verbal remembrances. I had learned that Lonnie, though employed by MoPac, kept in contact, for kinship and financial reasons, with the farmers in the Birch family and therefore would have undoubtedly known of the rumored threats for unionization by African-American sharecroppers in the Arkansas Delta to negotiate for higher cotton prices with the white planters; after all, Robert Hill, the black organizer of black sharecroppers, and his Progressive Farmers and Household Union, both of which were to be so indivisibly linked to the massacre in Phillips County, resided in Winchester, a small hamlet about six miles north of the Birch farms on Highway 65.
I can indeed conflate the convincing pieces that led to the conclusion Lonnie took part in the Elaine Race Massacre, but I cannot reconcile my love for Lonnie and his apparent views about and role in racism, as practiced in the Arkansas Delta by whites during the first part of the 20th century. In my readings that dealt with the period, I recall the references to the Arkansas Delta as the heart of darkness, and it may have been—with my own grandfather’s propensity adding, in goodly supply, no doubt, to the pool of darkness that spread murderously and perniciously over the land. Yet, he was always kind to me—much kinder than virtually anyone else. So, I will not try to reconcile the two—it would be false, serpentine and artificial. But maybe he couldn’t reconcile the two either. He was who he was, and now that he is dead, I can only ponder the questions—with the answers secluded and forever distant. Still, I know unreservedly my own path to Elaine is, in part, to discover a slice of him that eludes my memory and baffles my personal conscience.

The Elaine Race Massacre Revealed

In 2008, writing the litany of poetry and prose for the formal apology by the Episcopal Church in a national service—Day of Repentance—for the Church’s role in slavery and associated evils, a project that segued a little later into a series of poems I composed and entitled Meditations For Civil Rights Activists, I dove headlong into research to refine my knowledge of consequential African-American writers and leaders. As I read various books, letters, essays and sundry materials of such personages as W. E. B. Du Bois, James Weldon Johnson, Ida B. Wells-Barnett and others, I repeatedly came across references to and comments about the Elaine Race Massacre of 1919. Although reared—a white male—during the 1950s and early 1960s in Southeast Arkansas, some eighty miles or so from Elaine, except for episodic and abstruse allusions about Lonnie by Mother, which I later used to make connections to the massacre, I could recount nothing told or read about the event. I never learned about the Elaine Race Massacre during my school days, in history classes, even in Arkansas history instruction; I never heard it discussed in family circles or in casual conversations at the local cafés or coffee shops or at church and social gatherings. Nothing. A handful of whites died, but many more African-Americans lost their lives—several writers say hundreds, others say less—mostly in “the killing fields,” just north of Elaine. Ida B. Wells-Barnett, the fervid lynching critic, traveled from Chicago to Arkansas in early 1920 to understand the event and to interview African-American prisoners, convicted of the murdering of whites during the massacre; she had even written about the incident, including a book of some sixty pages, The Arkansas Race Riot. But I knew nothing. Several friends from Monticello High School with whom I’ve continued a rather close relationship were contacted; they likewise had no or little information to bear on the matter. A void, the silence, evanescence, if you will, of neglected history.

As part of my research, which grew in intensity, I learned the massacre had gradually crept into the public consciousness among many Arkansans, as, over time, information and recounted recollections seeped into the open air. Indeed, I eventually discovered that a symposium had been held a few years ago in Phillips County, allowing both African-Americans and whites to coalesce information that people gleaned over the years about the massacre and its immediate aftermath. I also learned that three excellent books, which discussed the massacre, had been written since 2000: Robert
Whitaker’s *On the Laps of Gods* and Grif Stockley’s two books—*Blood in Their Eyes* and *Ruled by Race*. These books built on earlier information about and studies of the massacre. The excellence of these three books by these two formidable writers convinced me to rely heavily on information presented by them as being distinctly reliable. In reciting the facts and narrative of the Elaine Race Massacre, I have depended mainly on Whitaker and Stockley—not to the exclusion of other sources. But since these two writers are not in agreement in all circumstances, I have chosen to follow a course that seemed most determinative in each case, and that decision affects the contents of this article.

Notwithstanding these books, the silence of neglected history still prevailed. I soon contacted several times the Arkansas branch of a national African-American organization to ascertain whether it had plans, even preliminary ones, for a centennial observance of the massacre. After all, if there were a significant set of programs, memorials, and general reminiscences to be scheduled for the centennial in 2019 for commemoration of the massacre, some initial plans or fundraising should soon begin. No return calls, no letters written in response to the inquiries. In additional instances, outreach to others met with similar silence. On the other hand, I did find strong interest by some Arkansans for giving more attention to the massacre—through public forums or other public acknowledgements. I’ve nonetheless had to conclude there is an unwritten agreement, among many blacks and whites, for silence or only modest acknowledgement about the massacre and other unsettling history. Indeed, in her recent and acclaimed book, *One With Others*, published in 2010, both a poetic and investigative account of the 1969 *March Against Fear* from West Memphis, Arkansas to Little Rock, Arkansas, C. D. Wright changed or omitted names—nearly a half century after the march, presumably as a result of vicinal responses to various inquiries Wright pursued about the past epoch. I guess I’m forced to consider quite seriously the cynical words of one elder Arkansan, who told me a few years ago: “We should have learned that racism is a scab that never heals. If you poke at it enough, it’ll start to bleed, and we’ve had more than enough blood spilling out of the wound.”

### The Times: Black, Red and White

A new, threatening world gripped the white planter class in the Arkansas Delta at the conclusion of World War I. African-American men, returning in consequential numbers from Europe, were different men than those who left the shores of the United States to fight. Europe had shown respect for black Americans, and many were decorated heroes. After risking their lives for this country, these African-Americans expected to be treated with greater fairness and equity upon their return. As an immediate concern to the planters, these African-American veterans knew how to take care of themselves and how to use firearms. However, as soon as these blacks set their feet back on home soil, whites were determined to make it clear that nothing, at all, had changed; maybe, it had even gotten worse in early 1919 with lynchings, shootings or burnings alive of African-American veterans and other blacks in places like Star City and El Dorado, Arkansas, and in near-by states of Louisiana and Mississippi.

At the same time, communism had just recently swept Russia and promoted a world-wide conquest; in the United States, did this mean vigorous unionization of farm workers, especially among African-
Americans, who tilled the Arkansas Delta cotton fields? Fear of the radicalization of the African-American in this country, assumed at the inspiration of Bolshevist agitation, became rampant.

Racial confrontations broke out everywhere in the country during the summer of 1919: Chicago, South Carolina, Washington, D.C., Texas, Georgia, Tennessee, Nebraska, and as far west as Arizona—prompting the black poet, James Weldon Johnson, to coin a double entendre phrase for the nation’s upheaval, “The Red Summer of 1919.” Numerous journalists, in and out of the United States, believed the internal American conflict, at the time, constituted a race war.

Hoop Spur And “The Killing Fields”

During 1919, rumors and tense times pervaded the white citizens of Phillips County, Arkansas on the Mississippi River—home to many substantial cotton farms. Indeed, a committee, composed of County leaders and plutocrats most of whom lived in Helena, the County seat, had formed to monitor any potential problems that might surface among African-Americans. In fact, white planters heard from “spies” and other sources that a certain Robert Hill, a newly returned African-American veteran, living a few miles outside of Phillips County in Winchester, Arkansas, planned to organize black sharecroppers into a union—the Hoop Spur Lodge of the Progressive Farmers and Household Union. The union would give black sharecroppers enhanced leverage to bargain over cotton prices and to eliminate the “take it or leave it” power among the planters that had kept prices artificially low at which sharecroppers sold their cotton. There was a hot, disturbing rumor associated with the union’s organizational efforts that a list existed of white planters in Phillips County targeted for murder and that a black uprising could be forthcoming.

In truth, late into the evening on Tuesday, September 30, 1919, existing and prospective African-American members of a newly formed union and Robert Hill were meeting in the Hoop Spur church, right off of Highway 44, on the northern outskirts of the town of Elaine, some twenty miles southwest of Helena. In addition to the men present, women and infants attended—aggregating about 100 persons. At a little after 11:00 PM, a Model T Ford, whose passengers consisted of the Phillips County deputy sheriff, a security agent from MoPac, and a black “trustee” (prisoner from the county jail), pulled up next to a bridge that crossed the Govan Slough—within eyesight of the guards posted outside the church in case someone tried to interfere with the union proceedings. Within minutes, bullets streamed and whistled through the air and into the church, glass crashed—people inside fell to the floor and over each other, and some crawled out windows and began running into surrounding fields. Outside, next to the car, the MoPac agent lay dead with a load of buckshot in his belly and with another shot in his neck—the car riddled with bullets. The deputy sheriff—with a bullet wound to his knee—crawled to safety along the MoPac tracks, which, at that point, paralleled Highway 44; he would later climb aboard a passing train. The unharmed “trustee” walked to a nearby community. Mysteriously, the Hoop Spur church burned to the ground later that night, disguising the bullet shots that had sprayed the interior.

In three hours, the county sheriff’s office had been informed of the deadly shootout; a few hours later, Helena posses of white men were deputized and on the hunt to crush the black insurrection, which
County fathers now feared had begun with the gunfire at Hoop Spur. Mid-morning on October 1st, once past the Hoop Spur church, the Helena posses continued south a short distance and turned west on a dirt road where blacks were living—the shooting of the African-Americans commenced. In addition to the Helena posses, another one came from south to north from Elaine. Blacks hid in the woods, coppices and in the slough that ran roughly along Route 44. Several blacks emerged from the slough holding up their hands, but they were shot and killed. Other African-Americans simply ran, but they too were gunned down—frequently among lineated cotton rows—at the hands of the posses.

The map depicts important scenes of the Elaine Race Massacre.

According to the note to me from Robert Whitaker, author of *On the Laps of Gods*, which note
appears later in this article, approximately 15-20 African-Americans were killed that first morning. Two additional whites also died—either from blacks shooting at posse members or from friendly fire by or between bands of white shooters.

Groups of whites started to arrive from close communities, Mississippi, Memphis, and other outside areas, and it is reported that those posses were responsible for much indiscriminate killing of blacks, including those who were simply working cotton fields in Phillips County, well away from Hoop Spur and unaware of the events.

Soon after noon on that day, October 1st, with the total tally of whites actually killed so far at three though reported to be four (the fourth turned out to be only a minor wound), a call went out from Phillips County to Arkansas Governor Charles Hillman Brough for help; in turn, Brough sent a message to the nation’s war secretary indicating that four whites had been killed and African-Americans were ready to mass an attack. Specifically, the Governor requested authorization to use federal troops from nearby Camp Pike, thereby bypassing a required step for Governor Brough to first call out the Arkansas National Guard, but the war department quickly consented to the request, and the Governor and the federal troops were shortly on their way to Phillips County via McGehee. According to Whitaker in a following note, most of the African-Americans killed, as part of the Elaine Race Massacre, were slain by the federal troops, including the immolation of one African-American.

How many died in the massacre? There is plenty of documentation on the number of whites killed: Five—one security agent from MoPac, three locals, and a corporal with the federal soldiers. However, one meaningful aspect of the massacre still remains unknown and will undoubtedly remain unknown forever: How many African-Americans actually lost their lives in the massacre? A reporter from the Arkansas Gazette at the time estimated that over 850 blacks had died, but this figure is uniformly discredited as being too high. Possible deaths, among African-Americans, now range from as few as twenty-five, a figure which is discredited as being too low, to hundreds. To attempt to bring order to this chaos, created, in large part, by the necessity of looking retrospectively over nearly 100 years, Robert Whitaker in On the Laps of Gods developed a map entitled “The Killing Fields,” demonstrating, according to his best estimates, the location, the number of African-Americans who died as a result of individual attacks, and the responsible parties for those deaths. As a consequence of my own interest in this unresolved (and likely unresolvable) factor—that is, quantifying the African-Americans killed during the massacre—I reached out to Robert Whitaker to determine the extent to which he could even more specifically estimate or reaffirm the total deaths among African-Americans, based on “The Killing Fields” information that appeared in his book. He was especially cooperative and responded as follows:

... one of the military reports said that the military alone had killed 60 or so... When I was researching and writing, I spent a great deal of time and effort in mapping out—in time and space—the various reports of killings/shootings, etc. And when I put together that map, I felt confident that it was quite accurate. At first glance, the black and white versions of events seem totally disconnected, but once I had this mapped out, I could see how—in instance after instance—whites and blacks were describing the same events, albeit with a different perspective.

I put together the map through a variety of sources: local maps at the time, local
newspaper reports, the military reports, reports from the federal agents, and then from close attention to the testimony given in the legal case. What comes clear is this:

The local posses out of Helena, which came that first morning, probably did kill only 15 to 20 blacks. And that became the number they reported in the news, as though that were the total number killed. The killing by the groups that came across from Memphis and other surrounding areas is much harder to count. There are sporadic accounts from whites that tell of various killing events, and I mapped out those best I could. But this part is indeed murky, and this killing went mostly unreported by the white press. Finally, there is the killing by the soldiers called out to put down the “riot.” The white newspapers told at the time that the soldiers restored the peace. But if you look at their own reports, they tell of opening fire with machine guns and of a significant number of blacks killed.

It is the documentation for the killing by the military, which I write about in the On the Laps of Gods, that is the best evidence, in my opinion, that the total number of killed was above 100. So, I am confident that the map I drew accurately describes reports of killing fields in time and space. And that map does strongly support a total number killed above 100. I personally believe 300 is too high, however. That is because I think that the numbers reported for some of the killing fields, and, in particular, those where the killing was done by the outside posses, were exaggerated by some of the witnesses.

In addition to the reasons Whitaker describes above for difficulty in establishing a precise number of African-Americans killed in the massacre, there are other factors that make a clear calculation impossible. First, an obscurity prevails when such a long time passes between the acts and the search for a realistic record. Second, soon after the massacre, a sizeable group of African-American families and individuals apparently left Phillips County—taking their recollections of the massacre with them. Third, no one, at the time, seemed to have an inclination to take responsibility for documenting this aspect of the massacre. I have no reason to disagree with Whitaker’s view that the figure is “above 100”—with most of that figure attributable to the federal troops and their liberal use of machine gun weaponry. It is, at least, provocative and interesting to note, however, that both the Encyclopedia of Arkansas History and Culture and Grif Stockley refer to “hundreds” of African-Americans having perished in the Elaine Race Massacre.

The Threat of A Mob: Justice in Phillips County

Even while federal troops continued to “restore order” to Phillips County, African-Americans were being arrested and impounded—in the Elaine school building, the Phillips County jail annexed to the Courthouse, and buildings nearby both. But the County fathers had an immediate problem. A large number of blacks and a white lawyer, suspected of aiding the sharecroppers, were now held in the County jail, and a sizeable lynch mob had been forming on and off outside the Courthouse during the day on Thursday, October 2nd. County leaders held a deep concern that a mass lynching would further scar the image of Helena for future economic prospects, but, even more, multiple lynchings
would surely cause an expanded, immediate, and substantial exodus of African-Americans out of the County—after all, the cotton needed to be picked. The doors of the Courthouse swung opened in the early evening, and the mob was invited inside—doors being locked behind them. At this point, County leaders and plutocrats cajoled the mob into foregoing any further violence; in turn, the mob received a promise from the County fathers that the guilty parties would be prosecuted and electrocuted with celerity. Based on these assurances, the mob dispersed and departed. The promise to a mob and the associated judicial and political proceedings in Phillips County and the State of Arkansas set a course that, in less than four years, concluded with a U. S. Supreme Court decision altering and guarding civil rights in the future.

The puissant center of Phillips County was the County seat, Helena. As the principal heart for the administration of justice in the County, the home for many of the white planters, the social and cultural fulcrum of the region, and, at the time, one of the larger cities in Arkansas, Helena had a key role in weaving the tapestry for the massacre in the aftermath of the violence. The trials of the African-Americans would be held there, black prisoners jailed there, and speeches by County fathers to the “lynching” mob were given there that conveyed assurance swift “justice” would be meted out against the black murderers and insurgents if the crowd just let justice run its course.

By the end of the week, the County fathers had another problem. The Elaine Race Massacre (referred to, at the time, by a series of different appellations) started to gain wide interest throughout Arkansas and the country with many inquiries coming into Helena. What could be said that made sense from the perspectives of the Governor and the County fathers? Further, before leaving Phillips County on Friday, Governor Brough had appointed a Committee of Seven, composed of the County Judge, the mayor of Helena, and prominent landowners, to investigate and decide on the African-Americans to be prosecuted. A story needed to be fashioned and transmitted to cogently satisfy relevant interests, and one finally evolved. On Tuesday night, September 30, the deputy sheriff and the MoPac security agent, not knowing that a union meeting was in progress, had simply stopped next to the Hoop Spur church to fix a tire and were ambushed by blacks, resulting in the death of the MoPac security agent and a bullet wound to the deputy sheriff. The following morning, posses dispersed to arrest the blacks responsible for the murder, but the whites had been overpowered by a more significant force of African-Americans with high-powered rifles. Posses from neighboring states and towns came to help, and federal troops joined in the efforts to quell the insurrection—blacks were waging war against whites in Phillips County. According to this story, a written list existed of twenty-one planters to be killed by the African-Americans, and the tale went on to relate that the initial counts of dead blacks had been seriously exaggerated—no more than fourteen actually died.

Anyone familiar with the massacre knew this version to be fabricated. Indeed, the U. S. Justice Department immediately disseminated several agents, arriving on Friday, October 3rd, to uncover the truth about the deadly conflict. The report that came back to Justice contained a completely different story from the “official,” local one: There had been no planned slaughter of whites by the African-Americans, and the number of blacks killed had actually been many times greater than fourteen. However, operating under the Woodrow Wilson Administration’s policies regarding African-Americans, the Justice Department simply allowed the report to be innocuously filed away; in point of fact, a local Justice Department official, involved in the investigation, even offered comments, at the time, supportive of the local version.
Now came a difficult phase: The prosecution of the African-American union and other leaders in accordance with the County fathers’ story. Prisoners in the County Courthouse, the blacks to appear in court needed to be “convinced.” To receive the desired testimony, City and County law enforcement officers, the black “trustee,” and MoPac security agents would invoke various techniques, including conversation, severe whipping, suffocation, and visits to an electric chair with the current increased until pain couldn’t be sustained, to persuade the prisoners of the “official,” local account. After one, two or three sessions of treatment, most African-Americans could be counted upon to adhere to the version requested, though some blacks still chose to adopt refractory stands instead.

The legal proceedings for those accused were, as an understatement, speedy. Interrogations of the prisoners started on Saturday, October 4th, with a report being issued two days later. Then began the determination of which of the three hundred, imprisoned black men should be indicted for murder—it took just a few days to dispose of those decisions. On Monday, October 27th, the grand jury convened, and the trials commenced on Monday, November 3rd. In advance, County leaders and plutocrats developed the list of lawyers who would serve as prosecutors, and the judge, overseeing the trials, decided on defense counsel for the African-American sharecroppers. Though well credentialed, attorneys for the defense often asked questions that reinforced or improved the prosecutors’ positions, or they didn’t follow up on questions at all. Moreover, the jury box included law enforcement officers and men who took part in the posses that went to Elaine. The trials themselves were also handled with dispatch, and jury verdicts with even more haste—juries often returning decisions in as little time as two minutes.

On November 21st, just eighteen days after the first trial began and less than seven weeks after the massacre, seventy-four convicted, shackled, black prisoners boarded a train—sixty-two headed to Cummins State Farm for lesser crimes, such as second degree murder, assault to kill, and “night riding,” and twelve led on their way to The Walls, a prison located just out of Little Rock, where the Elaine Twelve were scheduled to be electrocuted for murder—six on December 27th and the other six on January 2nd. Thus far, County fathers had lived up to their promise to the lynch mob.

At this moment, however, a new figure enters the drama, and the County fathers could not have possibly envisioned the role this black attorney from Little Rock would play in determining the ultimate conclusion to the Elaine Race Massacre.

A Moses For The Elaine Twelve

Scipio Africanus Jones, son of a black woman and a white man, worked his way from the Arkansas fields to become a lawyer before the age of twenty-six. A member of the black power elite of Little Rock early in his career, he developed a reputation for a keen and lissome legal mind and was a well-regarded attorney by both races. When a proposition came forth to end voting for African-Americans in Arkansas, Jones organized a strong state-wide group to oppose the proposition, which failed decisively. An accomplished trial lawyer, Jones regularly argued before the Arkansas Supreme Court. He waged battles for the civil rights of blacks, and numerous African-American families named their
children after him. In 1901, Jones claimed before the State’s Supreme Court that his client’s criminal conviction should be overturned inasmuch as the black defendant had had the Fourteenth Amendment right to due process violated; though Jones lost the case, he would later return to a similar argument to benefit six of the sharecroppers and, more generally, invigorate the legal underpinnings of civil rights for African-Americans.

Scipio Africanus Jones, the African-American lawyer from Little Rock, by becoming the legal Moses for the black sharecroppers who were found guilty in the accelerated trials following the Elaine Race Massacre, provided the case in Moore v. Dempsey that altered the U. S. Supreme Court’s more restricted position on equal protection, thus leading to future Supreme Court decisions favorable to civil rights. (Image: Courtesy of the Butler Center for Arkansas Studies)
At the time the Elaine Twelve arrived at The Walls for execution, Jones and several black attorneys knew it was time to start to work on saving the convicted men–Jones being selected among his colleagues to lead the effort. They also quickly realized it would be a requisite for Jones to team up with a sympathetic and respected white lawyer–the nod went to an elderly, former Confederate soldier, Colonel George W. Murphy. Jones early on decided the initial trials in Phillips County had been manifestly unfair; and, as a first step, a motion for a new trial on the grounds that equal protection had been violated was presented to the local presiding judge, who denied the motion but stayed the executions. While Jones held the opinion that the trials had certainly been unfair, he also believed they didn’t violate the Arkansas due process standards; however, upon review of the verdicts, he detected that in the rush to judgment, the Phillips County juries in six of the cases failed to specify whether the verdict had been for first or second degree murder–this group of cases would thereafter be known as the “Ware Six.” In March, 1920, the Arkansas Supreme Court handed down its ruling that the verdicts for the Ware Six were fatally defective, and it granted new trials for those impacted; with respect to the remaining six, the so-called “Moore Six,” the Court ruled that they had received fair and impartial trials. Nevertheless, until the results of the retrials for the Ware Six occurred, new execution dates for the Moore Six would be postponed.

The Elaine Twelve were found guilty of murder and were scheduled to be executed shortly after the massacre. (Image: Courtesy of the Butler Center for Arkansas Studies)

For the new proceedings in Phillips County, Colonel Murphy took the lead, but soon after the retrials commenced, Murphy, 79, collapsed, requiring Jones to step into the elderly attorney’s place. As the retrial progressed, Jones would succeed in altering the story the jury had heard in the first trial; black witnesses recanted stories, telling the local court that they were tortured for the testimony previously given. In addition, during the proceedings, Jones set a trap for the local presiding judge that he thought would make this retrial also appealable to the Arkansas Supreme Court. Predictably, the
Ware Six were once again found guilty of murder by an all-white jury.

At the conclusion of the retrials for the Ware Six with new guilty verdicts, an execution date of July 23, 1920 was established for the twelve. But, as a result of the legal trap Jones set for the presiding judge in Phillips County during the retrials, the Arkansas Supreme Court also invalidated the second convictions of the Ware Six, and yet another new trial was ordered—the threat of imminent electrocutions again being removed. While Jones had, thus far, been able, through legal acumen and tactics, to keep proceedings astir for the Ware Six, it had not gone so well for the Moore Six. In fact, on October 11, 1920, the U. S. Supreme Court denied the petition that had rested on equal protection; coincidentally, Colonel Murphy, who worked well with Jones in defense of the Elaine Twelve, died of cardiac complications the same day of the Supreme Court decision. The replacement for Murphy went to another white attorney, Edgar McHaney, whose departure from the team some time later over money issues would create a temporary predicament for Jones.

It had been believed that until legal proceedings for the Ware Six were concluded, the Moore Six would not receive a new execution date; yet, to the defense team’s dismay and astonishment, a date of June 10, 1921 was set for the execution of the Moore Six by the new Governor, Thomas McRae, who replaced Brough. The leaders and plutocrats of Phillips County had changed their strategy—to apply pressure to sever the timing for the execution of the Moore Six from that of the Ware Six. After the Arkansas Supreme Court set aside the second trial for the Ware Six, Jones had asked the local presiding judge for a change in venue from Phillips County, but the judge decided that he would not rule on this request for the Ware Six until after the June 10 execution date for the Moore Six.

Coffins had already been ordered. The promise to the lynch mob by the County fathers nearly two years previously would now be kept, but the Moore Six continued to believe in Scipio Jones.

Over the last several months, lynchings and mob violence against African-Americans had been widespread throughout the nation. In Arkansas alone during the first months of 1921, there had been in late January the burning alive of a black in Nodena; in March, lynchings of blacks in both Hope and Monticello; and in early May, the lynching of another African-American in McGehee.

**U. S. Supreme Court Precedent for Civil Rights: Moore v. Dempsey**

Soon after the Civil War, the 14th Amendment to the Constitution was enacted by Congress. The Amendment, in addition to effectively making all former slaves citizens of the United States, stated, in part, that “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” In addition, Congress passed a Habeas Corpus Act in 1867, which provided state prisoners access to federal courts to ensure that due process could be realized. Notwithstanding these two legal pillars, the U. S. Supreme Court had, following passage of both, undercut their intended effect through the next fifty years by determining that states alone, not the federal government, were responsible for the civil rights
of their citizens.

Jones found himself with few options for the Moore Six. As an act of near desperation, in a frantic search for deus ex machina, on the afternoon of Wednesday, June 8th, less than forty hours before the scheduled executions, Jones and McHaney appeared before an Arkansas judge, who had dubious authority to hear the criminal case. Yet, upon hearing the facts for the petition that relied upon the tenets of the 14th Amendment, the judge ruled in favor of the request and stayed the execution. The State Attorney General appealed immediately to the Arkansas Supreme Court, asking that the judge’s order be annulled, but the State Supreme Court decided to hear arguments the following Monday. After the hearing, the Arkansas Supreme Court ruled, on June 20th, against the judge’s order with a determination that the execution of the Moore Six could proceed; in turn, Governor McRae set September 23, 1921 as the new electrocution date. The next step would be an appeal by Jones to the U. S. Supreme Court.

In late August, two white, former MoPac security agents, key witnesses in the first trials, now were recanting their stories and telling the truth. With affidavits from these two white MoPac security agents, combined with the affidavits of three sharecroppers who also recanted, the story of injustice in Phillips County to be told in federal district court had become much more credible and compelling. The local court in Phillips County had simply not been independent, for the Committee of Seven, deciding who would be electrocuted and sent to prison and the length of terms given, had taken over the function of the courts. A new factual topography rose for Supreme Court review. Since the State clung to a “demurrer” approach to the facts contained in the Moore Six petition, it was expressing a view that the facts, as stated in the request, did not matter, and, to that point, in late September, 1921, the federal district court ruled against the Moore Six. Jones had thirty days to burnish an appeal to the U. S. Supreme Court, but confusing the situation for Jones was that, surprisingly, the week before the federal district hearing, Jones’ co-counsel, McHaney, who had replaced Colonel Murphy, resigned over money issues with the NAACP, which had been funding a meaningful part of the sharecroppers’ defense. Nonetheless, with the true story of the Elaine Race Massacre now well-publicized and not challenged by the State, it was clear the State did not wish to return to the courtroom to try the Ware Six, so, before proceeding, the State would first simply let the U. S. Supreme Court decide on the Moore Six.

The U. S. Supreme Court would not hear the case until, at the earliest, the fall of 1922, and furthermore, someone, other than Jones, had been approved to present the case to the U. S. Supreme Court. Instead of Jones, Moorfield Storey was chosen by the NAACP; Storey, an older attorney, distinguished Boston Brahmin, former secretary to the abolitionist Senator Charles Sumner, and first president of the NAACP, had much experience arguing cases before the Supreme Court. Upon release of the record on appeal as prepared by Jones, it seemed abundantly clear to Storey that the facts for the sharecroppers should support the proposition that the Arkansas Supreme Court had affirmed torture and a farce for a trial—indeed, the State process had been a “judicial lynching.”

In addition to the preparations necessary for the Moore Six hearing in the nation’s capital, Jones had been active in pursuing freedom for the other prisoners; in October, 1922, he successfully arranged to have all, but fifteen, of the sharecroppers released from the Cummins State Farm.

In advance of Moore v. Dempsey being argued before the U. S. Supreme Court, lynchings and the
burnings of blacks alive continued throughout the nation. Only a few days prior to the Supreme Court hearing, a race battle broke out in Florida with several blacks being killed and white posses hunting down African-Americans hiding in the woods—a comparatively smaller incident, but still a grim and lugubrious reminder of the Arkansas massacre.

On the day of the U. S. Supreme Court hearing, which Jones unfortunately missed—a deep, personal and professional loss—as a result of miscommunications with or misinformation from the Court clerk regarding the hearing’s date, Storey punctuated the point in his argument that if the case before them did not warrant the petition requested, then the portion of the Constitution on which the petition was based should be eliminated for it had no meaning. Importantly, the Arkansas Attorney General could not argue the facts since the State had demurred on the facts earlier in the lower court.

Oliver Wendell Holmes, the eminent Supreme Court jurist, would write the opinion for the majority in the Moore v. Dempsey case; he believed firmly the federal court had a duty to provide relief to state prisoners convicted in state proceedings that were grossly unfair. In the 6-2 decision for Moore v. Dempsey, this point received amplification in Holmes’ language:

If the case is that the whole procedure is a mask—that counsel, jury, and judge were swept to the fatal end by an irresistible wave of public passion, and that the State Courts failed to correct the wrong, neither perfection in the machinery for correction nor the possibility that the trial court and counsel saw no other way of avoiding an immediate outbreak of the mob can prevent this Court from securing to the petitioners their constitutional rights.

With this ruling, the federal government became the protector of basic rights of individual American citizens. Some believed the ruling as important as any event since the Emancipation Proclamation. In retrospect, one could have then envisioned that the days of Jim Crow were numbered. The civil rights movement in the United States, as the 20th century would know it, had begun.

Out of The Wilderness: Liberation

The Moore Six, the Ware Six and those at Cummins State Farm remained in prison; Jones acknowledged much still needed to be accomplished. The favorable decision by the U. S. Supreme Court, released on February 19th, 1923, though precedent setting and historic, had not set the Moore Six free. Rather, the ruling ordered the federal district court to hold a trial to determine if the sharecroppers’ allegations were true. Upon that affirmation, then Arkansas would be ordered to release the Moore Six. Jones knew that the Ware Six and Moore Six remained inextricably linked, and he could now implement part of a strategy leading to freedom for all the sharecroppers.

Having also previously set another, more momentous trap for the prosecution, which had failed to comply, for the Ware Six defendants, with Arkansas state law, Jones would now petition the Arkansas Supreme Court for the immediate freeing of those affected defendants. After the filing by Jones of a “motion for discharge” in mid-April, the Arkansas Supreme Court, in fact, ordered the
Ware Six free in late June, 1923. With the liberation of the Ware Six, only twenty-one men, including the Moore Six, of the original prisoners found guilty in the aftermath of the massacre were incarcerated.

By mid-September, Jones had received enough signatures to petition the Governor to grant a full and complete pardon to the remaining prisoners. At about the same time, he not only pushed others to assist in a settlement process, but he also conducted an outreach to the County fathers. Did the State and Phillips Country really want a trial to be held in federal court that would further disclose and reprise the manner in which the first trials were conducted? By late September, the mayor of Helena, the Committee of Seven, and other County leaders petitioned the Governor to commute the sentences of the Moore Six and effectively reduce the sentence to time served. A little over a month later, Jones constructed the final compromise with the State for the Moore Six; without pleading guilty to any charge, they had their sentences commuted to twelve years (being immediately eligible for parole) and were promised to be released within twelve months.

Yet, the drama did not abate. A few months following the compromise, seven of the fifteen remaining men at Cummins–but not the Moore Six–were released, and then the anniversary of the November settlement also passed, still with no freedom for the Moore Six. On December 19, 1924, Governor McRae, only a few weeks before leaving office, released the last sharecroppers imprisoned at Cummins. At this point, Jones understood the Governor had reneged on the agreement, and since the newly elected governor, replacing McRae, won the gubernatorial election with the backing of the Ku Klux Klan, Jones had run out of virtually all options.

Jones caught a train to Helena. Once he arrived, Jones went to the various offices of the County fathers; since they had agreed to the negotiated deal a year earlier, County leaders should sign a petition in support of the release of the prisoners. In addition to the signatures received in Helena, Jones made sure names of leading citizens from Elaine were obtained. On Christmas Eve, he delivered to the Governor the petition of hundreds of names, including those from Phillips County and prominent citizens from throughout the State. Again, nothing happened. On January 13th, 1924, Jones visited Governor McRae once more, but, this time, he left with the assurance the men would be freed. Later that day, as his final act as governor, McRae gave the Moore Six “indefinite furloughs.” All the prisoners from the Elaine Race Massacre were now free.

Not only were the sharecroppers, who had been unfairly convicted and imprisoned, free, but Scipio Africanus Jones, African-American, former field hand himself, had also engineered a legal strategy that established a limit on states’ rights in legal proceedings against the individual and created a new, forceful precedent for federal protection of the basic rights of American citizens, as guaranteed by the 14th Amendment.

Another View of “The Killing Fields”

In August, 2012, in route to my 50th high school reunion in Monticello, I flew into Memphis to explore, as much as one could now explore, the physical locale north of Elaine where much of the
massacre occurred. A representative from the University of Arkansas—a friend who knew of my continuing interest in and inquiry into the massacre—met me south of Memphis in Helena, and we began our journey back into that patently sad and disturbing moment in American history. Out of Helena, we traveled southwest on Highway 44, a rather deserted, small, but now paved road that shortly brought us to Elaine in less than thirty minutes. While much of the massacre happened on the outskirts, just north of town, we thought we’d spend a little time meandering through Elaine just to get a sense of the place, nearly 100 years later. The town appeared smaller than I had imagined—a hamlet of a little more than 600 persons (according to the 2010 Census). Phillips County had suffered a continuing and depressed economy over the last several decades—its population, which fell nearly 18% from 2000, was now less than half of the 1950 figure of about 46,000. With a population decline of about 26% since 2000, the performance of Elaine paralleled that of the County but was even worse.

The elevated MoPac railroad tracks that brought Governor Brough, the Camp Pike troops, Lonnie and others involved as participants in or witnesses to the Elaine Race Massacre, ran alongside Highway 44 and were unobstructedly visible a few yards from the center of town.

For film buffs, the town conveyed an abraded look and feel of Thalia, Texas in The Last Picture Show—with crumbling and vacant walls for several downtown (to the extent a downtown existed) buildings. After driving only a few blocks further south, we eyed a relatively new school with a gymnasium in back; a plaque declared it had been opened in 1984, but the school was now boarded up with a warning sign proclaiming trespassers would be prosecuted. Across a street from the abandoned school stood another relatively spacious, somewhat impressive, but vacant building. We then stopped in at the town library in the center of Elaine and were told the school closed a few years ago with students now being bused to Marvell, a small neighboring community. Several women in the library gave us a quick, unsolicited summary of the economic ills of the region, but there was no doubt, at all, in their minds, why we, these strangers, came to Elaine—others, also curious to sense the place of the massacre, had preceded us. Without prompting, one woman told us they had nothing of interest, but we could possibly find more information in Helena at the County Museum.

As we walked and rode by and through “The Killing Fields” and adjacent areas in the fierce and thick summer sun and August Arkansas humidity under a broad azure sky with only a few, high cirrus clouds, guided mostly by the Whitaker map and with an eerie notion we could be surveying a concealed necropolis under foot, two striking and related conclusions sprung to mind. First, little change to most of the landscape or along the narrow, dirt roads, off of Highway 44, had taken place over almost 100 years; at the same time, some of the wooded and copse spots, where the African-Americans hid themselves from both the white posses and the federal troops, and the sharecropper shacks had completely disappeared, replaced by ever expanded farmland. We were also able to fix, within rows of the cultivated land, the approximate location of the Hoop Spur church, where the union meeting had been held, where the automobile that carried the deputy sheriff, the MoPac security agent and the “trustee” had closely parked and where the first blood had been spilled on the night of September 30, 1919. Second, no one ever intended to set any historical reminder in this place—a marker of explanation, a monument, a memorial of any kind—for notable exposition so future generations could know, with a degree of certainty, that several whites and more than a hundred (and, perhaps, hundreds of) African-Americans died in these humble and unremarkable fields and in like spaces within Phillips County as part of one of the most important racial confrontations in our
country’s history.

In my quest to sight an existential piece of Lonnie among the ruins of the Elaine Race Massacre, I had, after all, concluded history can be doubtless and too much and too little abided in the fields and fury of Phillips County for Lonnie and me to inhabit any amicable turf there—too much intervening and unsympathetic time, too much dismay as I turned the leaves of record, which bore too much descent and strife and turpitude, too little comity, too little heart.

Lonnie on the author’s second birthday in 1946.

The End of the Beginning

Several people, in and out of Arkansas, have talked about an appropriate commemoration for the Elaine Race Massacre—in connection with or in advance of the centennial. To be sure, the massacre and its aftermath plead for expanded recognition in the public consciousness across the State of Arkansas and nation. Back home alone in my study but still absorbed in this unassailable point, I cautiously return to Phillips County with a troubling vision—to the killing fields, to Elaine, to the forlorn and erstwhile violated countryside, and, in that vision, I despair that if historical markers appear along Highway 44 at the former, blood-drenched sites, contemporary variants of the October, 1919 posses will, on some lonely and tenebrous night, obliterate any conspicuous reminders of the unrestrained pogrom. I conjure up an idea that maybe a fitting memorial should appear next to the steps leading into the Phillips County Courthouse or on the grounds of the State Capitol, near the statues of the
Little Rock Central Nine. At that moment, I wonder why silence and void are always the preferred resolve to evil and lies; in the background of the vision, which now travels half way around the world to the outskirts of Kiev in the Ukraine near the Dnieper River and to September, 1941, I then hear the gurgling and groaning sounds from a giant ravine with Jews being indiscriminately shot at the mouth of the pit and haphazardly rolled down the steep slopes—as I also remember the first two lines of the famous poem by the Russian poet, Yevgeny Yevtushenko: “Over Babi y Yar, there are no memorials.”

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J. CHESTER JOHNSON has written verse for over forty years. His work received praise from writers and poets spanning several decades—from, among others, Allen Tate and Nobel Laureate I. B. Singer to current, well-known poets, such as Molly Peacock and Major Jackson, who commented, regarding Johnson’s most recent volume, St. Paul’s Chapel & Selected Shorter Poems: “Undoubtedly, this is a work headed for literary permanence in our collective ear.” In his twenties, Johnson served with W. H. Auden as the two poets for the retranslation of the Psalms, as now contained in The Book of Common Prayer. For the last ten years, “St. Paul’s Chapel,” the signature poem for his recent book of verse, has been the memento card for the approximately 30,000 weekly visitors to the Chapel, which was the relief center for the recovery workers at Ground Zero following 9/11. He and his wife, Freda, live in New York City and have two children.

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