



1619 Project Discussion Article Packet



1619 Project A New Origin Part 5 Race, Citizenship, and Inheritance

August 11, 2022

6:30 – 8:00 PM

Zoom ID: 823 648 5349 | Password: 691353

www.heightslibrary.org

Upcoming 1619 programs

All programs on Zoom from 6:30 pm – 8:00 pm.

Topics subject to change.

September 8, 2022

1619 Project: New Origin part 6
Race, Medicine, and Health Care

October 13, 2022

1619 Project: New Origin Part 7
Slavery, Police, and Self-Defense

November 10, 2022

1619 Project: New Origin Part 8
Race, Politics, and Progress

Please check our 1619 Discussion homepage at:
<https://heightslibrary.org/services/1619-project/>

The Library's 1619 topic interviews are on Youtube
<https://www.youtube.com/hashtag/1619projectdiscussion>

Unpacking 1619 Podcast

New episode every other Wednesday

[https://heightslibrary.org/services/unpacking-1619-
podcast/](https://heightslibrary.org/services/unpacking-1619-podcast/)

Contact: John Piche' at jpiche@heightslibrary.org

On July 6, 1853, more than one hundred delegates took their seats in Corinthian Hall, the grandest meeting place in Rochester, New York. They had made their way from ten states—Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Rhode Island, and Vermont—for that year’s Colored National Convention. Excluded from political parties, statehouses, and Congress, Black activists found, in the convention’s three days of deliberation and discussion, a place for developing ideas, honing strategies, and demonstrating a capacity for full citizenship. The proceedings were models of political debate, organized by republican principles of representation and run along parliamentary-style rules of order.¹

Though closer to Canada than to New York City, Rochester was an apt site for a Black convention. From that city in western New York, one of the leading Black activists of the day, Frederick Douglass, published his independent newspapers, *The North Star* and *Frederick Douglass’ Paper*. Papers like these reached the far corners of Black America with news, editorials, lively letters to the editor and reports on the ideas being generated during “colored convention” proceedings.

Since the first convention met in Philadelphia in 1830, delegates had been advancing the cause of slavery’s abolition, which grew to be a force of consequence in national culture and politics. Black abolitionists brought together their distinct voices to promote antislavery, along with education, commerce, agriculture, and temperance. In doing so, they defined an African American political agenda, with a focus on establishing their citizenship.

At the 1853 Rochester convention, Frederick Douglass took the floor as chair of the Committee on the Declaration of Sentiments and delivered a les-

son on what it meant to belong in the United States. He wove together principles from founding documents like the Declaration of Independence and the Constitution with political history, moral philosophy, and Christian theology. His message was unequivocal: Black Americans were “by birth . . . American citizens; by the principles of the Declaration of Independence, we are American citizens; within the meaning of the United States Constitution, we are American citizens; by the facts of history; and the admission of American statesmen, we are American citizens; by the hardships and trials endured; by the courage and fidelity displayed by our ancestors in defending the liberties and in achieving the independence of our land, we are American citizens.”²

Citizenship is an old concept, with roots that stretch back to the ancient world. To be a citizen is to be an insider. It is to belong. A citizen may be guaranteed a place within a set of boundaries and entitled to fundamental rights, and bears responsibilities as a member of the polity. Citizenship is a defining feature of democracy in the United States and promises to protect the despised, the unorthodox, and the unwanted from removal, exile, and banishment. However, for most of its first century, the country neglected to define precisely who was a citizen. Its founding texts speak of U.S. citizens but do not address the question directly. Still, the persistent influence of slavery and anti-Black racism on law and politics meant that belonging in the country was determined, in part, by which side of the color line a person was on. No matter what else they might accomplish, most free Black Americans such as the delegates at the colored conventions could not become citizens.

Twenty-first-century Americans become citizens by many routes, including naturalization after marriage and migration. The foremost way to citizenship is, however, the accident of birth. This is due to the first clause of the Fourteenth Amendment, ratified in 1868, which established that: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.”³ This birthright principle is now so foundational that many people assume citizenship in the United States has always worked this way. It has not. Convention delegates struggled over decades to establish the birthright principle as a foundation of American democracy, and today’s Constitution reflects their vision when it unceremoniously bestows citizenship upon millions of children each year by virtue of their birth on U.S. soil. The birthright principle distinguishes the United States as a democracy and while that rule predominates in the Americas, it is not a standard feature of democracies worldwide. Instead, many nations determine a child’s citizenship by a mix of factors in addition to place of birth, including the citizenship status of their parents.

Today, some U.S. lawmakers charge that birthright citizenship is an arbitrary or excessive principle by which to define national belonging. The House of Representatives, in each session since 2007, has introduced the Birthright Citizenship Act, a law that would exclude the U.S.-born children of undocumented immigrants from birthright's protections. In 2018, then-president Donald Trump declared his intent to do away with birthright, though the means by which he would do so were never fully disclosed. Remarkably, figures as highly placed as former U.S. attorney general William Barr and U.S. Supreme Court Associate Justice Amy Coney Barrett, when questioned, have declined to express views about the legal parameters of birthright citizenship despite the principle having been law for more than 150 years.

These dismissals of birthright citizenship's importance overlook the critical history of how this principle has secured the promise of democracy for all, regardless of differences in color, religion, political affiliation, and more. They also erase the decades of work by Black activists, joined at times after 1830 by some white antislavery allies, to clearly define citizenship in the United States. Their efforts are reflected in the first sentence of the Fourteenth Amendment. In twenty-eight words, it made plain that Black Americans were not outsiders; they were citizens.

Black Americans had been exploring citizenship and how to secure it since the eighteenth century. They knew that the Declaration of Independence provided that "all men are created equal" and at one point speaks of "fellow citizens," but did not explain who was and was not a citizen. The Articles of Confederation, drafted in 1777 to govern the new loose assembly of former colonies, told them nothing about who was a citizen and instead promised that "the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states."⁴ It was not even clear who had the authority to rectify the oversight. The principle of federalism divided governance in the new nation between the states and the federal government, but neither had express authority over citizenship. Ambiguity and confusion followed.

In the years after the American Revolution, Paul and Jonathan Cuffe, men of African and Native descent, lived in Dartmouth, Massachusetts, where they were required to pay taxes but denied the right to vote. This, they argued, was a contradiction. If they were to be taxed like white citizens, they could not then be denied citizenship's political rights. In a series of petitions in 1780 and

1781, the brothers demanded "to know . . . whether all free Negroes & mulattoes Shall have the same Privileges in this Town of Dartmouth as the white People have." If they were equal to white men, the brothers allowed, they should pay their share of local taxes. But without the right to vote—without privileges equal to those of white taxpayers—they would not. The Cuffes eventually settled their dispute by paying a reduced tax. Still, they exposed an ambiguity in the new Massachusetts state constitution, which noted, "All men are born free and equal and have certain natural, essential, and unalienable rights." No one could say for certain whether the Cuffes were included among "All men."⁵

The new U.S. Constitution of 1787 more tightly knit together the states and made express provisions for taxation and national defense. The framers engaged in wide-ranging debates across competing interests—Southern versus Northern; slaveholding versus free-soil; Republican versus Federalist. But they addressed citizenship only indirectly. Article II provided that the president must be a "natural born Citizen." Article I said that members of the House of Representatives must have been U.S. citizens for at least seven years; for senators, the requirement was nine years. Federal courts, the new Constitution provided, could hear disputes between citizens of different states. "Citizens of each state" were entitled to the privileges and immunities of "Citizens in the several states." Still, nowhere did the Constitution define what made one a citizen.⁶

This ambiguity frustrated clergy member Absalom Jones and the men and women of Philadelphia's Free African Society. By the end of the eighteenth century, their city was home to a community of formerly enslaved people and their descendants—free Black Americans—that had burgeoned after 1780, when Pennsylvania began to gradually abolish slavery. They busily built churches, mutual aid societies, and their own political culture even as their lives were plagued by racism. Federal laws, such as the 1790 Naturalization Act, set in place a color line that excluded Black people from citizenship by way of naturalization, further creating an atmosphere of uncertainty about where they stood before the law.⁷

In 1799, seventy-one Black Philadelphians lodged a formal claim and insisted on their entitlement to "Liberties and unalienable Rights" and likened themselves to "every other class of Citizen within the Jurisdiction of the United States."⁸ The petition arrived in Congress in January 1800, where representatives managed to do little more than disagree. There was not even a consensus about whether Black Americans had a right to petition Congress in the first place, though the First Amendment guaranteed "the right of the peo-

ple . . . to petition the Government for a redress of grievances." When it came to the question of whether Black Americans enjoyed the rights of citizens, the House considered the petition only long enough to send it to a committee, where it quietly died.⁹

Dissension—and contradiction—persisted into the 1820s. None among the country's political and legal elite were willing to answer the citizenship question that stalked Black Americans. In 1821, an appeal from customs official William Lindsay, the collector for the Port of Norfolk, Virginia, asked U.S. attorney general William Wirt: Could a free Black man command an American merchant vessel? Federal law, Lindsay understood, barred noncitizens from commanding such ships. Wirt's answer confused as much as it clarified. The attorney general wrote: "I am of the opinion that the constitution, by the description of 'citizens of the United States,' intended those only who enjoyed the full and equal privileges of white citizens in the State of their residence." It followed that because free Black Virginians were not full and equal citizens of their state, they could not be citizens of the United States. They were instead, in Wirt's view, mere residents. But he also left the door open to the idea that if a Black person's home state deemed them a citizen—as did some Northern states, such as Massachusetts and New York—they *might* also be citizens of the United States. Wirt answered the Norfolk official's question, but he did not settle much else.¹⁰

Congress was similarly muddled in its thinking about Black citizenship. In 1820, the western territory of Missouri was admitted as a new state. In what became known as the Missouri Compromise, Congress decided that slavery would be permitted in Missouri but prohibited in all other parts of the Louisiana Purchase north of the 36°30' parallel, a surveyor's line that arbitrarily delineated North from South. But soon a second disagreement erupted when lawmakers in Missouri proposed a constitution that flat-out barred "free Negroes and mulattoes" from the state.¹¹

Debate on this restriction gave Congress a chance to say whether the Constitution guaranteed to Black Americans, as citizens of the various states, equal rights under the Privileges and Immunities Clause. It was clear that Missouri could not, for example, bar citizens from Ohio from entering. The proposed prohibition against Black migration to Missouri might violate this principle, but only if Black Americans were *citizens*. If Congress found Missouri's proposal to be in violation of the Privileges and Immunities Clause, it would be a roundabout way of affirming Black citizenship.

Members became mired in disagreement and deliberated for many weeks. In 1821, Representative Josiah Butler of New Hampshire and Representative

John Floyd of Virginia faced off on the House floor. Butler argued that in Northern states such as Massachusetts, the "rights of the colored citizens . . . are as sacred as those of the white citizens." In Butler's view, Black Americans were unequivocally citizens of the state and, by implication, entitled to constitutional protection. Floyd deemed such a proposition unthinkable and mocked Butler: "Who is there that believes [Black Americans] ever had any rights but such as the indulgence of the States permitted?" He went so far as to assert that Black Americans' privileges could at any time be rescinded. Free Black people could even be enslaved, without cause or process: "Could not the States now seize their persons, and make them slaves?"¹²

Eventually Congress allowed the ban on Black migration to Missouri to remain but still admonished the new state that it must not pass any law "by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States." Congress self-consciously drew no color line when drafting this provision. Still, life for prospective Black migrants to Missouri was, in the end, no less harrowing than it had been before congressional review.¹³

Lawmakers again and again fumbled when called upon to settle the question of Black citizenship, leaving the country's elite politicians, merchants, lawyers, and philanthropists to devise their own approach. Their most popular "solution" was known as "colonization," a plan to remove Black Americans from the United States. The American Colonization Society (ACS), founded in 1816, committed to preserving the United States as a white man's country by ensuring that Black Americans would not become citizens. The ACS recruited supporters, raised funds, won public appropriations in some places, and built a network that made colonization one of the largest political movements of the time. Some colonizationists encouraged the abolition of slavery, while others agreed with the organization's open espousal of anti-Black racism. Some Southerners opposed colonization, fearing that it might succeed in manumitting enslaved people but then not live up to removing them from the country. Still, the ACS managed to attract supporters across lines of region and party.¹⁴

In 1822, just one year after Congress allowed a ban on Black migration to Missouri, the ACS established the West African colony of Liberia. Promising migrants economic independence, political autonomy, and citizenship, the society outfitted ships, organized expeditions, and did all it could to encourage Black people to leave the United States. The society worked hand in hand with state lawmakers friendly to its cause; these legislators pressured free

Black Americans into self-exile by enacting local statutes, termed Black laws, that restricted their work, movement, and public gatherings. With life in the United States too onerous, the thinking went, Black Americans might give in to the enticements of Liberia. In some states, lawmakers proposed new laws that would require free people of color to leave by threat of force, or which predicated manumission by owners on an enslaved person's agreement to leave the country once free. Over the next two decades, more than four thousand Black people would go to Liberia.

It fell to Black activists to fight for citizenship and resist colonization, and with that the Colored Convention movement was started. At the inaugural gathering in 1830, Black men came together from New England, the mid-Atlantic, and as far south as Virginia to discuss the rise of Black laws and the prospect of leaving the United States. Among them were delegates from Ohio who were being driven out of their state by discriminatory Black laws. The way forward was not yet clear. Without a way to ensure their equality, some delegates urged resettling in Canada, where Black Americans might be guaranteed that "no invidious distinction of colour is recognised . . . there we shall be entitled to all the rights, privileges, and immunities of other citizens."¹⁵

Baltimore delegate Hezekiah Grice returned home from the Philadelphia convention determined to fend off exile. He organized the Legal Rights Association, which aimed to prove that Black Americans were citizens. His associate William Watkins, an educator and commentator in the anti-slavery press, summarized the association's argument, one rooted in the Declaration of Independence:

This imperishable document, whose attributes are truth, justice, and benevolence, has declared to the world that liberty, in the full sense of the word, is the birth-right of "all men"; (consequently, of every colored man in the Union;) that we are not only "born free," but have, by virtue of our existence, "certain rights," which are emphatically termed "inalienable."¹⁶

Watkins asked whether the Constitution had incorporated the Declaration's ideals: "The Declaration of Independence is our advocate, and we hope it will yet be ascertained, whether or not the Constitution of the U[nited] States secures to us those rights which the Declaration so freely accords." This thinking led Watkins to probe the depths of the nation's morals:

Why, I emphatically ask, should we not enjoy those rights which all must confess have been wrested from us without the shadow of a crime? What evil could possibly accrue from the adoption, by the white people of this nation, of a liberal, just, and humane policy towards three hundred thousand of the home-born citizens of the United States?¹⁷

While Watkins made his case in newspapers, the same argument animated the deliberations during the second national colored convention, held in 1831.¹⁸ There, a resolution recommended that "the Declaration of Independence and Constitution of the United States, be read in our Conventions; believing, that the truths contained in the former are incontrovertible, and that the latter guarantees in letter and spirit to every freeman born in this country, all the rights and immunities of citizenship."¹⁹ The claim to birthright citizenship had gained traction, and Black activists would grow only more resolute.

But without political clout, even the text of much-revered documents could not carry the debate. Black Americans watched as the ground beneath them shifted again and again, even in Northern free-soil states. Slavery was well on its way to being abolished there, yet lawmakers were still excluding Black men from political rights. In New York, for example, a new 1821 state constitution imposed a hefty \$250 property qualification on Black voters while it eliminated property requirements for white voters.²⁰ Pennsylvania disenfranchised Black men altogether in 1838 by a change to its constitution.²¹ While being a citizen did not guarantee the vote—white women were citizens without the franchise in this period—the loss of voting rights was a step backward for men who were building a claim to full belonging.

These shifts were preceded by bitter debates among lawmakers, and the lesson was clear: for Black Americans, full citizenship would not come by the ballot. Nor would it come by way of white lawmakers' benevolence. Instead, the only route to national belonging was through organizing and advocacy. Black activists returned to their own conventions, where the ideal of birthright citizenship galvanized them.²² They asserted that the Constitution recognized "natural born" and naturalized citizens and that U.S. law recognized citizens and aliens but no in-between rank. Birthright had always been the rule, as the Constitution's requirement that the president be a "natural born" citizen suggested.

The idea was a centerpiece of the 1843 colored convention, held in Buffalo. At that year's meeting, Samuel H. Davis, an Oberlin College graduate, minister, and educator, advocated for the recognition of Black Americans as citizens in his keynote address. The U.S. Constitution guaranteed their "happiness

in any part of the country," he said, along with "the elective franchise." Davis insisted that "this is our own native land. . . . We love our country, we love our fellow citizens, but *we love liberty more.*" He acknowledged that efforts to secure Black citizenship had not yet succeeded. Still, Davis believed that it was up to Black activists alone to win that recognition: "For ourselves and in ourselves there is a mighty work to be accomplished . . . which can come from no other source."²³

Ten years later, when Frederick Douglass spoke to the Colored National Convention in Rochester, everyone knew that his claim to be a citizen was tenuous. The seeds of doubt sprouted everywhere. In 1850, the newly adopted Fugitive Slave Act had put at risk the liberty of men like Douglass by authorizing federal officials, in collusion with enslavers, to capture fugitives who had escaped slavery. Free Black Americans, without well-defined rights, risked being branded as fugitives, kidnapped, and enslaved. Moreover, the threat still remained of laws that denied Black children public schooling, barred Black men from the polls and skilled vocations, and encouraged the idea that free Black Americans should be removed or colonized.²⁴ Douglass and the delegates at the 1853 convention knew that anti-Black racism was on the rise.

Citizenship was seen as a remedy to these ills. But in Douglass's audience that year were Black dissidents who had given up on making a future in the United States. Terming themselves emigrationists, they promoted a movement through which Black Americans could choose alternative lives *and* citizenship in Canada or the Caribbean. Among this movement's most forceful advocates was Douglass's former collaborator at *The North Star*, Martin Delany. The two sharply disagreed: Douglass insisted that Black Americans should remain in the United States to win full citizenship, while Delany urged that it was time to pull up stakes and start anew, in Africa or elsewhere.

Douglass and Delany did agree on one principle: they *were* U.S. citizens by birth. Delany's 1852 book, *The Condition, Elevation, Emigration and Destiny of the Colored People of the United States, Politically Considered*, was likely Douglass's primer as he prepared his convention remarks. In that work, Delany urged that it was time to emigrate from the United States. But he never abandoned his claim to citizenship: "We are Americans, having a birthright citizenship—natural claims upon the country—claims common to all others of our fellow citizens—natural rights, which may, by virtue of unjust laws, be obstructed, but never can be annulled." Even as they disagreed about the way forward, Douglass and Delany pieced together a theory of birthright citizenship.²⁵

The colored conventions met on the margins of American politics, but the thinking promoted there was echoed in the deliberations of some of the nation's most elevated institutions—including the U.S. Supreme Court. The chief justice of the United States from 1836 to 1864, Roger Brooke Taney, knew well how the aspirations of free Black Americans had been putting pressure on the question of citizenship for years. Back in 1832, as U.S. attorney general, Taney had penned an opinion that denied that Black people were citizens for the purpose of piloting ships along the nation's coastal waters. In the 1840s, in Supreme Court opinions, Taney asserted that Black Americans had no rights as citizens under the U.S. Constitution.

In an 1849 dispute over whether states had the authority to bar the entry of undesirables into their territory—during what were known as "the Passenger Cases"—Taney scoffed at the notion that any state could be *required* to allow free Black people to enter. He went out of his way to point out in his opinion that white citizens had a right to travel between the states—guaranteed by the part of the Constitution that ensured a right to petition the government. For Black Americans, Taney suggested, the Constitution guaranteed nothing.²⁶

For Taney, the debate over Black citizenship came to a head in 1857 in *Dred Scott v. Sandford*, brought by an enslaved man in Missouri who claimed to be free. Dred Scott did not plan on claiming citizenship. His foremost concern was winning freedom for himself and his family. In 1846, Scott and his family had faced a crossroads. As enslaved people, they risked being separated and sold to line an owner's pockets. But Scott argued that he was free because he had, with his owner, resided on free soil in Illinois and the Wisconsin territory, today's Minnesota. The family filed a lawsuit in the Missouri state courts and, after losing there, appealed in federal court. This is where the problem of citizenship reared its head. Only if he was a citizen of Missouri could Scott sue in a federal court. When the case arrived at the U.S. Supreme Court, Taney directed his attention to the question that had long plagued Black Americans: Could Scott—and, by implication, any Black American—sue as a citizen of the United States?²⁷

The court's decision dealt a blow to the Black American claim to citizenship: Taney ruled that Scott had no right to sue because as an enslaved person, he was not a citizen. Taney then went a step further. No Black American was intended to be a citizen of the United States by the framers. It was a powerful repudiation of the interpretation of the Constitution long promoted by Black activists. The nation's highest court declared that Blackness rendered them unequivocally noncitizens.²⁸

But the decision was not unanimous. Associate Justices Benjamin Curtis

and John McLean issued written dissents arguing that free Black Americans could be citizens of the United States. Their reasoning echoed that which had been promoted for decades by Black Americans and endorsed by some white abolitionists and even by Republican lawmakers who did not oppose enslavement but did aim to curb its expansion westward.²⁹ Justice McLean affirmed that all those born in the United States were citizens by birth: "Being born under our Constitution and laws, no naturalization is required, as one of foreign birth, to make him a citizen."³⁰ When it came to the Constitution and anti-Blackness, McLean quipped, "This is more a matter of taste than of law."³¹

Justice Curtis offered a more thorough analysis, one that aligned directly with the arguments that had been made in the colored conventions: "The free native-born citizens of each State are citizens of the United States [and] as free colored persons born within some of the States are citizens of those States, such persons are also citizens of the United States."³² Theoretically then, absent any showing that he was not a citizen of Missouri, Scott should be assumed to be a citizen of the United States with a right to bring suit in its courts. As for men like Frederick Douglass, those deemed citizens of the states in which they resided, as Douglass was in New York, were citizens of the United States by virtue of birth.³³

Justices Curtis and McLean never acknowledged having been influenced by the deliberations of the colored conventions. Still, the force of Black self-defense—which stretched back to the Cuffe brothers in Massachusetts—had pressed the justices, and many other lawmakers, to confront a question they might otherwise have avoided. Whether they were lonely ship pilots, westward migrants, or enslaved people seeking access to a federal forum in which to claim freedom, Black Americans had been insisting for decades that they were citizens of the United States. Were they surprised when the justices echoed their arguments? It is not likely. The official deliberations over Black citizenship let them know that their ideas were being felt, even when they did not win the day.³⁴

In subsequent months, when lower federal courts and state courts alike were asked to enforce Taney's conclusions, they balked and then sided with the views expressed by Justices McLean and Curtis. They set aside Taney's brutal conclusion by parsing the language of his opinion, crafting exceptions to the general rule, and drawing a bright line between the authority of federal versus state judges to say who was a citizen. Despite its intent, Taney's conclusion—that Black Americans were not citizens of the United States—went largely unenforced.³⁵

Rather than settling the question, *Scott v. Sandford* further fueled debate;

Black activists skipped no opportunity to condemn the decision and never abandoned their claim to be U.S. citizens. Douglass deemed the ruling "an open, glaring, and scandalous tissue of lies." Taney, Douglass urged, "can do many things, but he cannot perform impossibilities. . . . He cannot change the essential nature of things. . . . Man's right to liberty is self-evident." Douglass urged that a new future was still on the horizon: "The glorious birthright of our common humanity, will become the inheritance of all the inhabitants of this highly favored country."³⁶ As for Taney, he despaired upon realizing that he had failed to settle the debate over Black citizenship.³⁷ This confrontation of ideas between Douglass and Taney underscored how the battle over the Constitution's meaning extended beyond the issue of slavery: it was also a battle over citizenship itself.

Even before the Civil War's end in 1865, the tide had begun to shift on Black citizenship. The first sign came in November 1862 when Edward Bates, Abraham Lincoln's attorney general, was asked to render an opinion about a Black seaman who'd been discovered commanding a schooner off the coast of New Jersey. Federal law limited that role to citizens of the United States, and attorneys general as far back as William Wirt in the 1820s and Roger Taney in the 1830s, had tried to settle the question. Bates plainly restated the matter: "Who is a citizen? What constitutes a citizen of the United States?" He scoured court decisions and the "action of the different branches of our political government" and discovered no clear answer: "The subject is now as little understood in its details and elements, and the question as open to argument and to speculative criticism, as it was at the beginning of the government."³⁸

Bates then broke with the official past and instead echoed the thinking that had emanated from the deliberations of Black activists in the colored conventions. "Every person born in the country is, at the moment of birth, *prima facie* a citizen; and he who would deny it must take upon himself the burden of proving some great disfranchisement strong enough to override the 'natural born' right as recognized by the Constitution in terms the most simple and comprehensive, and without any reference to race or color, or any other accidental circumstance."³⁹ Bates did not go so far as to deem enslaved Black people to be citizens, though he did not close the door on that possibility. But in the case of a free Black gentleman from New Jersey, Bates was unequivocal: he could rightly command the vessel in question as a citizen of the United States.⁴⁰

Two years later, the next National Convention of Colored Men met in Syracuse, New York. It was October 1864, fourteen months *before* the Thirteenth

Amendment would abolish slavery, and yet delegates were already at work on questions of freedom and citizenship. The minutes report how Ohio delegate John Mercer Langston argued that with freedom came citizenship, and he reviewed Attorney General Bates's opinion, lauding it as "a complete answer to the arguments and cavils against us."⁴¹ Freedom—the closing of the door on the long, bloody chapter that had been enslavement—was but a first step for men and women who would now remake their worlds and the nation.

In the years that followed, lawmakers transformed the postwar Congress from an ineffectual and muddled body into a staunch promoter of Black citizenship. It was a struggle. In the wake of the Thirteenth Amendment's formal abolition of slavery in 1865, white Southerners got to work on imposing a slavery-like regime on the newly freed people. Congress responded by promulgating the Civil Rights Act of 1866, which opened with a declaration of citizenship as birthright: "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States." This phrasing acknowledged that most Native peoples were citizens of their own sovereign nations. For Black Americans, now neither race nor color nor "previous condition of slavery or involuntary servitude" disqualified them from claiming new, affirmative rights: "To make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens."⁴²

For the act to become law, Congress had to organize the two-thirds majority needed to override a veto from President Andrew Johnson, who had decried the act's challenge to white supremacy: "The distinction of race and color is by the bill made to operate in favor of the colored and against the white race." He did not mask what troubled him: the affirmation as citizens of "the Chinese of the Pacific States, Indians subject to taxation, the people called gypsies, as well as the entire race designated as blacks, people of color, Negroes, mulattoes, and persons of African blood." But for the first time, Congress overrode a president in a dispute over major legislation, and birthright citizenship became federal law.⁴³

While Congress and the president battled over the Civil Rights Act, Black activists called for Radical Republican legislators to produce what would become the Fourteenth Amendment to the Constitution. Over many months in the winter and spring of 1866, the Joint Committee on Reconstruction wrangled over how to ensure equal protection, due process, and voting rights for Black men. The final amendment consolidated varied measures. It guaranteed

CITIZENSHIP

to citizens privileges and immunities and to all persons due process and equal protection of the laws; penalized states that denied any male inhabitants the vote; limited the holding of federal offices to those who could take an ironclad oath to having supported the Constitution in the face of the recent rebellion; and repudiated the Confederate debt and barred compensation to former enslavers for the loss of their property in human beings. Finally, it empowered Congress to enforce the amendment.⁴⁴

Only late in its deliberations did the Senate add birthright citizenship to a new first section of the joint committee's amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The principle was by now familiar, mimicking the terms of the Civil Rights Act of 1866. Still, opponents spun out what they deemed to be the clause's regrettable effects: it would transform people of color into the constitutional equals of white Americans. They could not stop approval of the amendment's new birthright provision, but their objections underscored how consequential a transformation it would bring.⁴⁵

The new Fourteenth Amendment put birthright on secure footing—insulating it from the changing winds of politics and the shifting minds of subsequent sessions of Congress. In June 1866, the proposed amendment was sent on to the states for ratification. Most of the former Confederate states refused to ratify. Congress then passed the Reconstruction Act of 1867, which mandated the establishment of new governments in the South, with Black men now eligible to vote and hold office, and required ratification of the Fourteenth Amendment as a condition of readmission into the Union. In just over two years, in July 1868, the requisite twenty-eight states had approved the amendment, and it was ratified. Notably, however, three of the four slaveholding border states that had remained in the Union—Delaware, Maryland, and Kentucky—did not ratify the amendment until years later, in 1901, 1959, and 1976, respectively. Ambivalence about Black citizenship persisted.⁴⁶

When the 1869 National Convention of the Colored Men of America met in Washington, D.C., it did so under new terms. Over four days, men from twenty-one states and the District of Columbia moved between meetings at the Union League Hall and Israel Bethel Church. Among them were luminaries including Frederick Douglass, who was fifty-one years old but had been recognized as a citizen for only five months by the new Fourteenth Amendment. Or perhaps he'd been a citizen for two years, by the terms of the 1866

Civil Rights Act. Douglass was among the more than five million Black Americans who were finally assured their place in the body politic by way of Congress's grand democratizing act.⁴⁷

The new amendment had finally affirmed the principles for which the colored conventions—dozens of them over nearly four decades—had stood: Black Americans were citizens of the United States by virtue of birthright. That and nothing more made them equals to all other Americans. Those who had instigated the 1869 meeting rooted their urgings in an expansive view of the Fourteenth Amendment: “Surely, citizenship . . . carries with it the rights of citizens.” That, they insisted, included the right to vote.⁴⁸

Delegates knew that while a guarantee of citizenship was a milestone, they would need to breathe meaning into their new status. What, they asked, did sweeping phrases such as “equal protection” and “due process” mean? While the Civil War and Reconstruction seemed to establish the unassailable belonging of Black Americans, persistent discrimination and organized violence required that they exercise renewed vigilance. In a short time, convention-goers had already become veterans of struggles over landownership, labor conditions, family autonomy, mobility, public education, and armed self-defense.

The roll call of delegates reflected the new, far-ranging reach of Black politics, with activists from Northern states—Frederick Douglass of New York, John Mercer Langston of Ohio, George Downing of Rhode Island, and George Hackett of Maryland—joined by those from the South: George Mabson of North Carolina, James Simms of Georgia, Hales Ellsworth of Alabama, and P.B.S. Pinchback of Louisiana. But not all delegates were seated easily. Helen Johnson of Allegheny City, Pennsylvania, met with objections from Fields Cook of Virginia, who “understood the call for this Convention to be expressly for colored men.” Henry Jerome Brown of Maryland favored seating Johnson, and reportedly argued that “this was a progressive age, and that women would yet have a vote.” Johnson was seated and John Willis Menard of Louisiana cautioned the men about what it meant to wield new power as citizens: The “greatest lever in their way was in themselves. . . . They had but one voice in the South, and that was to know no distinctions of color or sex.” With citizenship came the grand challenge of showing the way forward on how women fit into the ideals of universal rights.⁴⁹

The deliberations eventually turned to voting rights—this was, delegates agreed, an essential instrument in the ongoing struggle for equal protection and due process. They resolved to demand an additional constitutional amendment, one that would go beyond the Fourteenth Amendment's penalty

for states that denied voting rights. Black activists aimed to win a guarantee of access to the ballot box. As the convention discussions wrapped up, members organized into delegations and headed out from the meeting hall, crossing the nation's capital to lobby federal officials about what freedom and citizenship should entail—which, they believed, included access to the polls.⁵⁰

Isaiah Weir from Philadelphia spoke for his committee of men from Rhode Island, Maryland, Georgia, the District of Columbia, Illinois, Mississippi, and Pennsylvania when they appeared before the House Judiciary Committee to “claim, from this nation, protection in the exercise of all political rights belonging to us as American citizens.” Weir invoked the Declaration of Independence to suggest that they were men prepared “to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and Nature's God entitle them.” He drew upon the Constitution: “We, the people” had delegated to the federal government the obligation to “secure the blessings of liberty” for all Americans. Voting rights, which had long been controlled by the states, must now be a matter of federal concern. Individual states might try to reject Black men as voters, and Congress was obliged to override those race-based barriers. This was, in Weir's view, required by the Thirteenth Amendment's promise of freedom and the Fourteenth Amendment's guarantee of citizenship: “Suffrage cannot be extended as a gratuity.” The vote belonged to Black men, and it was Congress's job to ensure that no one kept them from it.⁵¹

In a matter of weeks, at the end of February 1869, Congress sent the Fifteenth Amendment to the states for ratification: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” President Ulysses Grant endorsed the change. States in New England and the Midwest came on board easily. Congress held the key to readmission to the Union for those Confederate states that had not yet been readmitted and, as with the Fourteenth Amendment, made ratification a condition of statehood. Black men were citizens and the Constitution now protected their votes.⁵²

Frederick Douglass knew, of course, that no constitutional amendment alone would settle the long struggles over national belonging. He understood that the pernicious tentacles of racism extended beyond his immediate constituency of Black Americans. In an 1867 lecture, composed the year before the Fourteenth Amendment was ratified, he had directed attention to related questions about the belonging of Chinese immigrants and their children. His position was unequivocal: they too must be made citizens. “Would you,” he asked, “have them naturalized, and have them invested with all the rights of

The 1619 Project

American Citizenship? *I would.*" Douglass then plunged into a broader debate: "I want a home here not only for the negro, the mulatto and the Latin races, but I want the Asiatic to find a home here in the United States, and feel at home here, both for his sake and for ours."⁵³

Douglass was prophetic. In 1870, Congress for the first time opened the possibility of citizenship by naturalization to immigrants of African descent, but it declined to do the same for immigrants from China. In the 1880s, Chinese immigrants and their children found their standing in the United States sharply undercut by a series of exclusion acts that limited their entry and mobility in ways that echoed the Black laws that had decades before restricted free Black Americans. And in 1895 a man of Chinese descent born in the city of San Francisco, Wong Kim Ark, found himself detained in his home city's port, refused entry by federal officials who deemed him a noncitizen. Officials there regarded men like Wong indelibly foreign by virtue of their parents' status as noncitizen Chinese immigrants. It was a devastating deviation from the birthright principle. Only after the 1898 Supreme Court ruling in Wong Kim Ark's case was it clear that Chinese Americans also enjoyed the same birthright protections that Black people had fought for decades to enshrine.⁵⁴

The colored conventions continued their work into the last decade of the nineteenth century. Even with questions about freedom and citizenship settled, giving meaning to these principles required vigilance. And in the years following the defeat of Reconstruction's period of interracial governance, a push for white rule in the South—in politics, business, and everyday life—surged. Onetime federal allies of Black equality—the Supreme Court and Congress included—backed away from their commitments to a democracy led by Black and white men alike.

The last national colored convention on record was held in 1893. There, gathered in Cincinnati, Ohio, some five hundred Black activists upheld a tradition that had begun more than six decades earlier. Delegates stood firm in their belief that they were full and equal citizens before the Constitution. They decried the outrages of the day, including the rise of lynching. They were again among the despised. But now, as citizens, they were more fully equipped to demand that the nation live up to its ideals.⁵⁵

In Josephine Bolling McCall's living room in Montgomery, Alabama, a black-and-white photograph of her parents, Elmore Bolling and Bertha Mae Nowden Bolling, rests on an easel. Her father is seated with his back straight, wearing a black driver's hat cocked perfectly on his head like a crown. Her mother stands dutifully by his side with a hand on his shoulder. The mounted photograph is large, about two feet wide by three feet tall, but feels even larger. Somehow it seems to fill the whole room. It was taken in the mid-1940s, when things were good for the Bolling family.

Elmore Bolling was a one-man economy in Lowndesboro, where the family lived. He had a large house, a general store, a delivery service, a catering company, and a gas station, all of which were located on a property he leased off Highway 80, one of the most traveled routes between Selma and Montgomery; he grew cotton, corn, and sugarcane and owned a small fleet of trucks.¹ At his peak, Bolling employed as many as forty people, all of them Black like him. And his family estimates that he had as much as \$40,000 in the bank and more than \$5,000 in physical assets, together worth more than \$500,000 in today's dollars.

Bolling came from a long line of Black entrepreneurs that stretched back to the early post-slavery days. From them, he learned how to be successful in the Jim Crow South. In the late 1800s and early 1900s, his father and grandfather had managed to acquire a large plot of land, on which they ran cattle. But just as they were getting ahead, a white man who'd been renting a parcel of land from them claimed that the land was his. Black people had no legal standing when it came to business matters with white folks, so he was able to simply take it from the Bollings. After that, the Bolling men vowed never to buy prop-

erty again. Instead, they would lease it. On rented land, which could never be stolen from them, they could still set up numerous moneymaking ventures.

That's how Elmore Bolling grew up, thinking a few steps ahead of white people, always weighing the risks of being Black and ambitious against new business opportunities. He leased his farmland and raised his animals and then got into transportation and deliveries, too. He started with a mule and a wagon and eventually upgraded to a Model T, which he converted into a truck. Bolling transported cattle and feed and anything that anyone wanted to move between Lowndes County and Montgomery. Soon, his Model T grew into three tractor-trailer trucks.²

But it was the expansion of his little general store that changed his fortunes. Elmore and Bertha Mae started doing Friday night fish fries, serving Sunday dinners, and selling ice cream to the after-church crowd. Ice cream was a delicacy in their little patch of the county, where most folks still didn't have electricity. They used a portable hand-cranked ice cream maker to churn out scoops of the cold stuff for eager customers.³ The shop became the center of the family's operation, and they grew their business by adding a one-pump gas station out front. Elmore got the idea to sell gas after a white-owned station nearby refused to serve him. At the Bollings' pump, Black drivers would have a safe, reliable place to fill up.

In addition to their successful businesses, Elmore and Bertha Mae had seven children. He sent his two oldest sons to live with their aunt in Montgomery during the week so they could attend school in the city instead of going to the local high school, where the focus was on working the land rather than book learning. "Our father decided that those schools offered a better education," McCall says of her dad, who never learned to read or write. He always preached to his children that getting a good education and achieving financial independence were the only ways Black folks would ever experience any kind of freedom. He had very little of the former but was dead set on grabbing up as much of the latter as he could.

In the portrait in McCall's living room, he almost pops from the frame. His rich brown skin glows against his white shirt and light tie. Bertha Mae leans into him as if he were a boulder. There's a mix of pride and defiance on his face. It took a lot of both to survive and thrive as a Black man. But too much of either could just as easily be one's undoing. And he knew it. They all did.

Not long after that portrait was taken, the Bollings and every Black man, woman, and child in the county would learn the cost of daring to be too successful, too free. On a mild December day in 1947, a deputy sheriff came to Elmore's store while his twelve-year-old son, Willie D, was working and asked

where his father was. Willie D told him that his father was away on a trip. A short time later, another white man entered and asked the same question. Willie D knew this meant trouble, but he didn't know what to do. Sensing danger, he told the man that his father wasn't in town. Soon after, Willie D saw the first man's car following his father's truck on the highway about two hundred yards from the store as Elmore, back from Montgomery, attempted to make some deliveries.

As Elmore got out of his truck, two white men confronted him, including one of the men who'd come into the store. It seemed that in buying a pump and selling gas, Elmore had stepped over some invisible line. Suddenly, gunfire rang out. The white men shot Elmore seven times—six times with a pistol and once with a shotgun blast to his back.⁴ His wife and three of his children—all under the age of thirteen—heard the terrifying sounds and rushed from the store to find him lying dead in a ditch.

McCall says the shooters didn't bother to cover their faces; they didn't need to. Everyone would know who had killed Elmore and why. "Enraged whites, jealous over the business success of a Negro, are believed to be the lynchers of Elmore Bolling," reported *The Chicago Defender* on December 20, 1947; the story noted that "Bolling has long been a marked man." One local who knew Elmore put it succinctly: he was "too successful to be a Negro."⁵

His murder created a gaping wound in the family, which quickly lost everything he'd built. "Growing up, we never talked much about what happened," McCall says all these years later, sitting on an orange velvet love seat in her meticulously kept living room, not far from the portrait of her parents. "We were all traumatized by it in our own way," she said. The trauma reverberated over the years after her father's lynching, and in addition to the emotional pain, there was the ongoing financial toll. "There was no inheritance," says McCall, "nothing for my father to pass down, because it was all taken away."

The fate suffered by Elmore Bolling and his family was not unique to them, or to Jim Crow Alabama. It was part of a broader social and political campaign to violently safeguard the racial hierarchy that had begun as a reaction to Reconstruction and would stretch over the next century. When legal slavery ended in 1865, the formerly enslaved had great hopes. During the next five years, the Reconstruction amendments established birthright citizenship—making all Black people citizens and granting them equal protection under the law—and gave Black men the right to vote. For the first time in the country's history, Black people had a path to achieving some kind of political power.⁶

But it was a tenuous path that could be pursued only with protection. In the South, where millions of formerly enslaved people were attempting to claim their freedom and begin building their lives, the federal government maintained a military presence; this, alongside Black local and regional self-protection efforts, helped to keep order. These troops were able to briefly hold back some of the most violent and oppressive elements in the South, enabling Black men to exercise their new rights, casting ballots and mounting political campaigns. For the first time, Black men were elected to local and state office.⁷

Reconstruction was an enormous undertaking. To oversee the transition from slavery to freedom, Congress established the Freedmen's Bureau, which provided food, housing, legal assistance, and medical aid to newly emancipated citizens. The agency helped fund the building of thousands of schools for Black children and young people, as biracial Reconstruction governments built the first systems of free public elementary education in the South.⁸ These years also saw the founding of a number of historically Black colleges and universities, including Morehouse College and Fisk and Howard Universities.

The Freedmen's Bureau also established a savings bank, chartered by Congress to help four million formerly enslaved people gain financial freedom. The bank's exclusive mission was to offer Black people generally, and Black Civil War veterans specifically, a safe place to deposit and grow their money. Black veterans were among the bank's first depositors, climbing out of the war with back pay and enlistment bonuses.⁹

There was also the promise that after generations of working land they could never own, the formerly enslaved would be compensated. During the war, the Union army had torn through the South and seized a bountiful amount of farmland and property owned by Confederate families. A contingent of so-called Radical Republicans in Congress, led by Thaddeus Stevens, argued that the seized land should be handed over to the formerly enslaved. It would be a form of poetic justice, but also retribution. They figured the redistribution of land would effectively break the back of the traitorous Southern aristocracy.¹⁰

In January 1865, after meeting with a group of Black ministers, General William Sherman issued an order reallocating hundreds of thousands of acres of white-owned land along the coasts of Florida, Georgia, and South Carolina for settlement by Black families in forty-acre plots. He also said the army would give these families a mule—hence the phrase "forty acres and a mule," which reverberated across the South.¹¹ But after Lincoln was assassinated, in April 1865, his vice president, Andrew Johnson, a Democrat and a former

senator from Tennessee, assumed the presidency, and these policies began to change. The following year, Johnson declared, "This is a country for white men, and by God, as long as I am President, it shall be a government for white men."¹² Over the next decade, the nascent gains of the Reconstruction era would gradually be undone.

From the beginning of his presidency, Johnson insisted that land seized from Confederates must be returned to its former owners, effectively undoing Sherman's order and returning to former enslavers the land that had been seized from them as punishment for taking up arms against the nation. Some forty thousand Black families had settled on confiscated "Sherman land." In some cases, federal troops evicted them by force; in others, Black people fought off returning white people with guns. According to some accounts, about two thousand Black landowners held on to the land they'd been given after the war. But the majority stayed on land they no longer owned and worked as sharecroppers.

Reneging on the land was just one way the federal government betrayed these upstart Americans. The Freedmen's Bureau, always meant to be temporary, was dismantled in 1872. More than sixty thousand Black people had deposited more than \$3 million into the savings bank, but its all-white trustees used that money to begin issuing speculative loans to white investors and corporations. When the bank failed in 1874, Black depositors lost much of their savings.¹³

By that time, Reconstruction was nearing its end. White Southerners had staunchly refused to accept the fullness of Black freedom, let alone Black equality, and fought hard to maintain the prewar tenets of white supremacy. They despised the federal troops in their midst and argued for "home rule" to be restored. Following the presidential election of 1876, which came down to disputed returns in Florida, Louisiana, and South Carolina, Southern Democrats agreed to what became known as the Compromise of 1877: Republican Rutherford B. Hayes was installed in the White House, and the federal government pulled out the last Union troops from the South.¹⁴ The results were devastating. Over the course of the next generation, white violence prevented Black people from casting ballots, and Southern state legislatures began to revert to all-white rule. The Black activism of the previous decade would continue only within increasingly violent and narrow strictures.

Starting in the 1870s, in the period of so-called Redemption, lawmakers throughout the South enacted Jim Crow laws that stripped Black people of

much of their newfound freedom. Other white people, often aided by law enforcement, waged a campaign of terror against Black people that would go on for decades. In fact, white political violence stretched well into the twentieth and early twenty-first centuries, taking on new and more insidious forms that continue to unsettle Black life in America today.

Some of this historic violence was spurred by what was seen as violations to social codes, including consensual sex between Black and white adults, a lack of proper deference to white people, and Black workers' demanding fair wages or fair treatment. Black political progress was also seen as an affront. But Black people's financial success often seemed to provoke the harshest response, especially from white people who felt threatened by a real or perceived rise in African American prosperity. With limited opportunities to accumulate wealth or even financial stability, Black folks had to work extraordinarily hard and strike just enough luck to cobble together a living. Gathering the means to educate their children and keep their families safe was a full-time mission—a tough one, given that nearly all of them started with nothing. Again and again, when Black people did manage to build any kind of success, they were met with violence.

In 1898, armed white people stormed Wilmington, North Carolina, an affluent majority-Black city. The biracial Fusion Party had managed to win election to a number of city offices, enraging white supremacists in the area, who plotted a violent overthrow of the local government. The mob murdered dozens of Black residents and forced thousands of others to flee their homes in what remains, to this day, the only successful coup in U.S. history.¹⁵ Two decades later, in 1921, in one of the bloodiest racial attacks ever in the United States, a white mob burned and looted another prosperous Black community, the Greenwood neighborhood in Tulsa, Oklahoma. As many as three hundred Black people were killed and some ten thousand were rendered homeless. Thirty-five blocks were destroyed. No one was ever convicted in any of these acts of racist violence.¹⁶

In the same year as what came to be known as the Tulsa Race Massacre, a case in Georgia captured national attention. Federal officials were investigating a farmer in Jasper County for using peonage, a form of involuntary servitude based on indebtedness that was outlawed in 1867. Through this practice, the farmer had effectively enslaved a number of Black men. To conceal his actions from investigators, the farmer murdered the men working for him.¹⁷

Governor Hugh M. Dorsey responded to the national outrage over this episode by decrying the vast extent of peonage, lynching, and cruelty in his state. "In some counties the negro is being driven out as though he were a

wild beast," Dorsey said in an address in Atlanta that summarized a series of allegations about mistreatment of Black people in Georgia. "In others he is being held as a slave. In others, no Negroes remain. . . . To me it seems that we stand indicted as a people before the world. If the conditions indicated by these charges should continue, both God and man would justly condemn Georgia."¹⁸

Dorsey told the story of a well-respected Black farmer who managed to save enough money to buy a 140-acre farm, where he lived with his wife and twelve children, three of whom were teachers. The farmer even earned praise in the local paper for raising \$12,000 in Liberty bonds to support U.S. war efforts. But after the article was published, his neighbor, an illiterate white man, said, "He's getting too damned prosperous and biggity for a nigger."¹⁹ Not long after, the white neighbor had a property line drawn twenty-five feet into the Black farmer's land and dared him to cross it.

Days later, when the Black man and four of his children went into town, a marshal served him a warrant for trespassing. When the man asked what he'd done, the marshal replied that "he would rather kill the negro than read the warrant."²⁰ The marshal then attacked the man, pistol-whipping him to the ground. A group of white men jumped in and began to choke and beat him. As his daughters rushed to help their father, a man kicked one of them in the gut. The family was overpowered by the mob and dragged to jail. The man and one of his daughters were badly injured. Three of the man's daughters were charged with resisting arrest, and his son was charged with carrying a pistol, despite the fact that he did not have one. The next day in jail the family learned that their neighbor had told the police that the Black man had been trespassing on his property.²¹

With the man in jail, a mob led by the town marshal went to his house in the middle of the night, while his wife and younger children were sleeping. The mob kicked down the door and then shot up the house. The family fled the next morning. A friend went back the next night and removed the family's livestock and sold it for much less than it was worth. Their crop was a total loss. They never returned—they'd been warned that if they did, they'd be lynched. The father was sentenced to twelve months on a chain gang and fined \$250. The daughters were fined \$50 each. The son was fined \$100.²²

"The education of his children and the success of his thrift seem to be the sole offense of the negro," Governor Dorsey said.²³ He outlined a series of remedies for these injustices, but strenuous objections from many Georgians prevented any significant reform.

With violence largely sanctioned by state and local governments, Black families, especially in the South, faced poverty coupled with a life in limbo, where safety, stability, access to education, and mental health were always precarious. This was true for many generations. Today, Black Americans far removed from slavery and Jim Crow continue to be handed the economic misfortune of their forebearers. This is why, as of 2017, white households were twice as likely as Black households to receive an inheritance. And when white people inherit money, it's typically three times the amount Black beneficiaries get. Those inheritances help drive the racial wealth gap.²⁴ Receiving an inheritance boosts the median wealth of white families by \$104,000, but for Black families it's just \$4,000.²⁵

For most Black citizens, passing down a more substantial financial inheritance or a business such as the one Elmore Bolling was building when he was killed has been—and remains—a dream out of reach. Instead of wealth, millions of Black families have passed down something else from one generation to the next: the mental and emotional stress that results from the constant threat of white violence and financial insecurity.

Within a year of Elmore Bolling's murder, nearly all of the family's wealth was gone. White creditors and people posing as creditors took the money the family made from the sale of their trucks and cattle after the killing. Some others, without a shred of proof, claimed that Bolling owed them money. Bertha Mae feared what would happen if she didn't pay them. They even staked claims on what was left of the family's savings. With Bolling gone, there was no one else to run the many arms of the family business. Seemingly overnight the Bollings went from prosperity to poverty.²⁶

"My father's murder actually killed aspirations for Black people," says McCall, referring to not just her family but all of the people who worked in their various enterprises. "Everyone had to go back to working for plantation owners. No one wanted to take over the business. My father had brothers, and when someone came in to ask my uncle, 'Are you going to take over Elmore's business?,' he said, 'No, that's what got him killed.'"

Less than two years later, the family fled Lowndes County in the dark of night, fearing for their lives. They found refuge in Montgomery, where Bertha Mae was employed in domestic work. Over the next few decades the family would remain financially and emotionally adrift. Eventually, some of the Bollings were drawn north by the Great Migration, while others joined the mili-

tary and went overseas. There were marriages and divorces, births and deaths. Yet there was one consistent force connecting their fates: the rippling effects of Elmore's murder. No generation would fully escape.

Of the seven siblings—Louis, Elmore Jr., Willie D, Robert, Mary Magdalene, Morris, and Josephine—only Josephine, the youngest of the Bolling children, managed to earn a college degree. A college education isn't the sole marker of financial or social stability, but for the Bollings, as for most families, those with more education fared better; the men struggled the most, primarily working as low-paid laborers.

"I am the only college graduate," McCall says. "Which is a shame, because my father really emphasized education." She described to me why she thought her path was different from those of her siblings. One day when she was in high school, she told her English teacher that she was interested in a new trade program at the school that allowed students to spend part of the day in class and part on a job site. Her teacher balked: "No, Bolling. You don't want that. You're college material." In that moment, McCall made up her mind to set her sights higher. She eventually enrolled at Alabama State College, one of the state's fifteen historically Black colleges. McCall's mother, who'd left school in the sixth grade, helped pay her tuition with money she earned working at a local dry cleaner. McCall went to class during the week and then spent Friday evening through Sunday evening working for a white family, taking care of the children. After graduating with a degree in physical education and science, she got married and had two children. She worked as a teacher and a school psychologist and later became the first Black president of the Alabama Association of School Psychologists. Both of her children graduated from college.

Unlike some of her older siblings, McCall has very little memory of the day her father was killed. But she has watched its long, slow fallout her entire life. Her oldest brothers, Louis and Elmore Jr., were fifteen and fourteen years old when the men came for their father. Before then, they were being groomed to be the brains of their father's expanding business operation.

Instead, the eldest two Bolling boys dropped out of school not long after their father's murder. Louis married young and worked menial jobs before he was drafted into the army and served a tour in Korea. He eventually divorced, remarried, and started a taxi business. "My father always told them to work for themselves, and they took that literally," McCall said. But Louis's taxi business faltered after a few years, and he took a job at a local bowling alley; he spent the next forty-one years there, before retiring. His second marriage also ended in divorce. He managed to save enough money to buy a plot of land in

Montgomery and have a solid brick house built on it; he still lives there to this day. But he'll never be his own boss again.

Elmore Jr. spent much of his adult life employed in fairly menial jobs, including stints at a chemical plant and a food distributor, sometimes as a manager. He became a minister, in a bit of a spiritual nod to Elmore Sr., who had been a deacon at their childhood church. But he was unable to find the freedom that his father had told him would come with smarts and hustle. He learned that lesson the hard way. Elmore still feels the sting of being passed over for a higher-paying position; instead, it was given to a less-experienced white man he'd trained.

Of all the boys, Willie D, who was twelve when their father died, struggled the most. Elmore had called Willie D his "head man" and had trusted him to get his four younger siblings to school each morning while his older brothers were away in the city. He also ran the family's store part-time, and he was the one who witnessed the most on the day his father was murdered.

Willie D could never shake the sight of his father's brutalized body lying in that ditch. He, too, quit school. As a young man he worked odd jobs, handing over all of his pay to his mother. He eventually got married and found jobs at a Coca-Cola plant, a lumber company, and a wine company. As a young husband he took his pregnant wife to Chicago, looking for better prospects. But he found little in the so-called Promised Land of the North. Before he could lay down roots, he headed back home to Alabama. For a while he worked with his brother Louis, driving taxis. But his life was filled with struggle. He had eight kids and worked multiple jobs to put food on the table.

Then he had a seizure. Around that time, his wife left him, taking their youngest kids to Georgia. Mental illness tightened its grip, and Willie D was diagnosed with bipolar disorder. McCall remembers one especially troubling episode not long after his wife and children moved out, when he barricaded himself in his house with a loaded gun. The family arrived ahead of the police and talked the gun out of his hand. After that, the Bollings made the painful decision to have Willie D committed to a psychiatric facility. He spent the rest of his life in and out of mental institutions, struggling to stay on his meds.

Over a number of days in the early 2000s, he sat with McCall, who at the time was writing a book about their father's lynching, to tell her what he remembered about that day.²⁷ Details he'd kept locked inside for more than sixty years poured out of him. The white men who came to the store looking for his father. The terror he felt. Helplessly watching the men's car tail his father's truck on the highway near their store. The sounds of gunfire. His father's dead body. He'd even tried to peel the boots off his father's feet because

of a saying he'd heard about not being able to get into heaven with them on. McCall says that Willie D's unrealized potential still pains her. He could fix anything mechanical, and he had a sharp mathematical mind and his father's business acumen. She thinks he could have been successful. He died of leukemia in 2007 in Montgomery.

Robert, Mary Magdalene, and Morris all took different paths. McCall says that Robert, who was ten years old when his father died, dropped out of school in the eighth grade and later struggled with alcohol abuse. He got married and headed north to Chicago, hoping to break the curse that had befallen his family. But trouble followed. His marriage failed, he couldn't find work, and one of his three children, a teenage son, was shot and killed in Chicago. Robert returned to Alabama to bury his son and later found work cleaning cars at a local Chevrolet dealership. He remarried, became a Jehovah's Witness, and lived the rest of his life isolated from the rest of the Bollings. He died in 2020.

Mary Magdalene, a year younger than Robert, was the first of the Bollings to graduate from high school. She spent two years at college before getting married and joining the migration north, moving first to Chicago and then to New York City. In New York she worked as live-in help for white families and eventually became a bookkeeper. After twenty-three years in New York, she returned home to Alabama to work at the Montgomery Housing Authority, where she stayed until she retired.

After a rocky academic road that included repeating a grade, Morris, the youngest boy, graduated from high school. For a while he worked for his brother's taxi service, then enlisted in the army. Morris launched a charter bus service in Atlanta, but the business foundered after one of his buses caught fire and his insurance company jacked up his premiums. Today, Morris manages a loading dock for AT&T.

Of Elmore and Bertha Mae's twenty-seven grandchildren, only eight, including McCall's two children, graduated from college. McCall says the rest are unemployed or underemployed. They have never known anything like the prosperity of their grandparents.

How might the family's trajectory have been different if Elmore Bolling had never been murdered? It's impossible to know, of course, but there's no doubt that Elmore's descendants would have enjoyed greater stability if his businesses had been allowed to grow and to be passed down to his children, who might have built on his successes and passed their own on to their own children. "He had established himself as a wealthy man," McCall says. "But I grew up poor."

"Sometimes I've wondered what my life could have been had he lived. Looking back on her family's winding path, she can't help but dwell on her father's strenuous efforts to create prosperity for the family, and how those efforts were undermined. "Every time we take a step up," she said, "there's someone else trying to crush it."

15

The Good News They Won't Tell You About Race in America

commentary.org/articles/wilfred-reilly/race-in-america-good-news/

By Wilfred Reilly

The world is imperfect, human beings are imperfect, and racial prejudice is still a feature of American life in 2021. These are hard truths. But so are these: Our country legally banned de jure segregation in 1954, made virtually all discrimination formally illegal in 1964, and has practiced pro-minority affirmative action since 1967. Simply put, these efforts to address the results of racial animus have worked, to a degree that is, for complex reasons, rarely discussed. But facts are facts. In 2021 America, it is not, objectively speaking, extraordinarily hard for a person of any skin tone to “make it.”

Seven of the wealthiest eight ethnic groups in the U.S. today are populations of color, even as affirmative action broadly defined serves as a counterbalance to much of the residual bigotry within society (though it is the cause of other kinds of social conflicts). In the real world, simply adjusting mathematically for mundane characteristics such as median age and study time closes almost all of the large racial—and gender—performance gaps glibly attributed to bigotry or genetics. Even where there's some remaining effect of prejudice relating to a belief that racial minorities perform less well than whites, it is very often smaller than the impact of class, sex, region, or a half-dozen other characteristics. In the real world, the biggest threat to racial comity today may well be not actual bigotry or conflict but rather the false promotion of narratives about racial conflict that verge on conspiracy theory.

Obviously, racism does exist in the 21st-century United States, and no-nonsense folks on the right and in the center need to state this openly. This is not a matter of speculation: Multiple skilled researchers have documented the extent of contemporary bias, and a cynic might note that academic fields such as qualitative sociology often seem to do little else. In 2003, for example, the respected sociologist Devah Pager found interview and hiring bias in the Midwestern U.S. job market, uncovering the fact that Wisconsin employers would offer qualified white applicants without a criminal record a final callback for a job roughly 30 percent of the time but only 14 percent of the time for similar black applicants. White applicants with a single criminal count on their record were more likely to be offered callbacks than black applicants without one. A well-received study out of Memphis published a few years before Pager's found that black rental applicants were not offered an apartment in 8 to 9 percent of situations whereas essentially identical white counterparts were. Polls and audit studies of this kind not infrequently find prejudice in the political arena: Per 2015 Gallup data, 8 percent of Americans would not vote for a qualified black candidate for president running on their party's ticket.

I have experienced racism at this level myself. As a college man, I worked as a lower-level boss (a “field manager”) for a street-canvassing organization, and I noticed that substantial donors to causes such as Environment America and the Human Rights Campaign were visibly more reluctant to give cash or checks to “urban”-looking, especially black, canvassers. Several years later, in the nightlife business, I and others working for a small night-club promotions brand were quite frankly told by several venue owners—white, black, and Hispanic—that they simply would not pay us to bring in males of a race other than their primary demographic. As most Chicago clubs target an upper-middle-class white clientele, this clearly disadvantaged people of color. When this happened, I was moderately offended, generally opted not to work with the venue in question, and went on with my life.

YES, RACISM EXISTS. However, there are significant caveats that merit discussion. First, many of the studies used to demonstrate the prevalence of contemporary bias are limited in scope. Devah Pager and her team looked only at hiring for non-affirmative-action entry-level jobs in the private sector, primarily with white-owned employers, in Milwaukee near the turn of the past century. While Pager, who died in 2018, was a skilled and ethical scholar, it would be hard for a critic from the right not to notice that this is probably the *only* sector of the modern job market in which a qualified upper-middle-class minority job applicant might find himself at a hiring disadvantage. It would be fascinating to see this study replicated in the context of public-sector jobs, or desirable experience-based union jobs, or diversity-forward positions. For that matter, fully 36 percent of U.S. businesses today are minority- or woman-owned. What does “racial hiring bias” look like for applicants to *that* sector?

Entering trickier ground, we may (discreetly) note that discrimination does not always reflect blind irrational bias. While I would still opt not to work with a business that had such a rule in place, common sense compels us to admit that there might be reasons other than “hatred” for a bar owner’s reluctance to usher a group of 100 male Hispanic soldiers into an entirely black or white night club packed full of drunks. At a more serious level, several scholars have speculated that reaction to stereotypically black names on resumés is as likely to reflect perceived affirmative-action effects or class bias as it is racism—and, indeed, one significant study finds no negative effect for *middle*-class black names. It is only a bit glib to say that, while “Sharkeshia Freeman” may well face discrimination in the professional job market, “Marcus Freeman” probably will not.

Finally, bias against a whole range of groups seems to be as prevalent as bias against “blacks” or “persons of color,” on those occasions when this is actually measured. The same Gallup polling project that turned up the 8 percent anti-black statistic also found that 7 percent of Americans would never vote for a Catholic candidate, 8 percent would never vote for a woman of any

race, 9 percent would never vote for a Hispanic or a Jew, and fully 19 percent would never vote for a practicing Mormon.

These caveats aside, probably the best and broadest response to the fact that some racism exists in present-day America is this simple statement: "To be sure, but we've spent an incredible amount of blood and treasure to counteract it." Although this is almost never said openly these days, the Civil War and the civil-rights movement are over, and the good guys won both. Back in 1954, the *Brown v. Board* decision brought an end to at least legal de jure segregation, with the government's writ being enforced, often by armed might. In 1964, the Civil Rights Act made most forms of discrimination civilly if not criminally illegal. Pro-minority affirmative action has been the law of the land since the Philadelphia Plan in 1967. Such diversity-forward programs recently turned 53 years old—and it is rather remarkable how rarely this empirical fact is used as a rebuttal to claims of widespread "white privilege."

Blacks and other minorities in the U.S. may indeed face the sort of 5-to-10-percent disadvantages detailed above, but it is also true that an ambitious young man or woman of color applying to virtually any selective college or university—to say nothing of government or Fortune 500 jobs—enjoys a substantial advantage over an equally qualified white peer. In *Mismatch*, their 2012 critique of institutional diversity programs, Richard Sander and Stuart Taylor peg this affirmative-action edge as being equivalent to 200–300 SAT points in the academic context, and as a university professor, I concur.

Largely as a result of these historical changes to the structure of our society, people of color are successful in modern America to an almost surprising degree, which is rarely discussed—for different reasons—by either the "social-justice" left or the contemporary hard right. As of 2019, seven of the top 10 American ethnic groups in income terms—Indian, Taiwanese, Filipino, Indonesian, Persian, and Arab Lebanese Americans—were "people of color" as this term is generally conceptualized, while an eighth group (South Africans) is composed of both black and white individuals. First-place Indian Americans have almost double the median white household income, earning roughly \$127,000 vs. \$65,902 on average for legacy whites. Chinese and Japanese Americans are not far behind, while Nigerians brought in a tidy salary as well (\$68,658) and also ranked as the most educated group in the United States.

Many black immigrant groups besides Nigerians have also done well, with Ghanaians and the Guyanese coming in well above the white median income. All West Indians combined (\$65,258) are just a few dollars behind whites. This fact may say more than any other about the effect of specifically anti-black racism in modern America. West Indian English-speakers and second-generation Ghanaian Americans look and sound almost exactly like black Americans: Bigots are unlikely to put their prejudices

aside when they meet one. But that simply no longer matters as it once would have. The relevant question for scholars and public intellectuals today is not whether racism remains real (yes), but how large its effect actually is in a 39 percent minority society where 92 percent of white people appear not to be serious bigots. The honest answer appears to be: “not huge.”

These unchallenged data about the success of Nigerian and East Indian and West Indian businesspeople pose an existential challenge to the idea of systemic racism, at least in the formulation proposed by thinkers such as Ibram X. Kendi. The thesis of the “systemic racism” school is that what seem to be facially neutral systems within society (corrections, academic testing) must be laced through with real if sometimes hard-to-find prejudice (implicit bias, microaggressions, white privilege) because there is no other way to explain the large gaps between groups in performance that these processes often produce. However, the core claim of this theory—that minorities are treated worse by “systems” than are *similar or equivalent* whites—often simply collapses when we look at the impact on group performance of important variables other than race.

For example, the widely cited income gap between American blacks and whites (the average African-American income is \$43,862) largely vanishes given simple adjustments for variables such as aptitude, test scores, median age (the most common age for an African American is 27, vs. 58 for whites), region of residence, and years of education. Similarly, gaps in rates of police shooting and even police encounter by race close almost completely given a single adjustment for the black rate of victim-reported violent crime, which is unfortunately 2.4 higher than the white rate. This same phenomenon occurs almost universally when serious people look at serious questions: Variables such as prior record (and presumably quality of counsel in the courtroom) play a far greater role even during criminal sentencing than does race alone. While some small race and gender gaps in performance or treatment might certainly still exist with everything else adjusted for, claims that blacks or women “earn 59 cents on the dollar” versus whites or men doing the *same* work almost inevitably collapse.

Not only is the percentage of racial performance differences due to racism almost never what it is presented as being, but the actual impact of racism on individual lives seems very similar to that of other forms of bias and of several variables unrelated to bias. I already noted that, in the political arena, measured levels of open prejudice against Catholics, Jews, Hispanics, and women are very similar to those of prejudice against blacks.

On another front, I have administered a popular scale purporting to measure “privilege” to several hundred students and volunteers.¹ Race did have an effect on “privilege”—about two points with all else held constant—but this paled in comparison to the effects of sex, sexual orientation, religious-minority status, and particularly family income. The results of this one test suggest that roughly 70 percent of “privilege” appears to be pure social class.

I suspect that even the advantages of being born rich pale in comparison to the (quite empirically measurable) effects of making good logical choices in life. As the conservative pundit Dennis Prager has pointed out, in a widely cited *National Review* piece, simply waiting until marriage to have children is a positive predictor of multiple “success variables,” including income. When Prager wrote in 2016, the poverty rate was nearly 25 percent for white children born into single-mother families, but only 7 percent for black children born into two-parent families. This is a 314 percent advantage in favor of blacks—and there is evidence to suggest that other individual behaviors, such as studying hard and remaining physically fit and attractive, similarly predict success. There turns out to be a great deal of truth to the old and boring adage, beloved of high-school men’s coaches, priests, and rabbis, that one need only do four things in life to avoid poverty: graduate high school, take any job and work, never be convicted of a felony, and avoid having children until married.

In the real world where such dull facts can be empirically verified, the biggest threat to white–minority relations in 2021 is probably not actual ethnic conflict. As I once noted for Commentary, actual interracial crime involving blacks and whites is only about 5 percent of serious crime—and more than 80 percent black-on-white, at that.²

Instead, today’s biggest threat may well be the ceaseless promotion, by activists and media figures, of a false *narrative* of constant conflict. As I pointed out in my book *Taboo*, members and allies of movements like Black Lives Matter frequently make dramatic, exaggerated claims about racial violence—with BLM’s Cherno Biko famously saying on Fox News primetime that an innocent black man is “murdered” every day or so, while the attorney Benjamin Crump published a recent bestseller titled *Open Season: the Legalized Genocide of Colored People*. The mainstream media as a whole tend to report on stories like these in a deadpan, narrative-confirming fashion. I note in *Taboo*, that the 70-plus percent majority of police-shooting cases involving whites and Hispanics seems to receive less than 20 percent of the national mass-media coverage of this topic, and a more recent quick search for “well-known police shooting” on my personal computer turned up two Hispanic cases, three white cases, and 36 black cases among those articles at all relevant.

Almost certainly as a result of coverage like this, many Americans believe very unusual and dangerous things about the current state of race relations. A recent report by the heterodox but respected Skeptic Research Center found that 31 percent of individuals who identify politically as very liberal believe that “about 1,000” unarmed black men were killed by police just during 2019, and another 14 percent believe that “about 10,000” such men were killed. Conservatives did a bit better, but, among ordinary mainstream liberals, the equivalent figures were 27 percent and almost 7 percent.

To put these astonishing (if hypothetical) figures in context, the total number of specifically unarmed, specifically black citizens killed by American police during the year in question was 13, as per the *Washington Post*. Similar extreme confusion surrounded perceptions of the percentage of police-shooting victims who happen to *be* black: This number was estimated at 60 percent by leftists and extreme liberals, 56 percent by liberals, 46 percent by moderates, and 38 percent even by conservatives. In fact, the actual figure, taking into account the full data set of racially identified and non-identified cases compiled by the *Post*, seems to be about 25 percent. When our fellow citizens riot and burn whole cities, or left and right fight viciously in the streets, the passions driving this regrettable violence are literally more likely to stem from fiction and fantasy than fact.

That perfectly sums up the dualistic nature of race relations in America today. The real picture itself is quite favorable, if we can just manage to clean all the thrown muck off the canvas long enough to get a good look at it and appreciate it.

1 I used standard linear regression to measure the effect of different factor variables on the 100-point dependent variable. I have not yet fully written up this experiment.

2 "No, There Is No Coming Race War," February 2020

A special report by Smithsonian and the Investigative Fund at the Nation Institute

With centuries-old trees, manicured lawns, a tidy cemetery and a babbling brook, the Jefferson Davis Home and Presidential Library is a marvelously peaceful, green oasis amid the garish casinos, T-shirt shops and other tourist traps on Highway 90 in Biloxi, Mississippi.

One gray October morning, about 650 local schoolchildren on a field trip to Beauvoir, as the home is called, poured out of buses in the parking lot. A few ran to the yard in front of the main building to explore the sprawling live oak whose lower limbs reach across the lawn like massive arms. In the gift shop they perused Confederate memorabilia—mugs, shirts, caps and sundry items, many emblazoned with the battle flag of the Army of Northern Virginia.

It was a big annual event called Fall Muster, so the field behind the library was teeming with re-enactors cast as Confederate soldiers, sutlers and camp followers. A group of fourth graders from D'Iberville, a quarter of them black, crowded around a table heaped with 19th-century military gear. Binoculars. Satchels. Bayonets. Rifles. A portly white man, sweating profusely in his Confederate uniform, loaded a musket and fired, to oohs and aahs.

A woman in a white floor-length dress decorated with purple flowers gathered a group of older tourists on the porch of the "library cottage," where Davis, by then a living symbol of defiance, retreated in 1877 to write his memoir, *The Rise and Fall of the Confederate Government*. After a discussion of the window treatments and oil paintings, the other visitors left, and we asked the guide what she could tell us about slavery.

Sometimes children ask about it, she said. "I want to tell them the honest truth, that slavery was good and bad." While there were some "hateful slave owners," she said, "it was good for the people that didn't know how to take care of themselves, and they needed a job, and you had good slave owners like Jefferson Davis, who took care of his slaves and treated them like family. He loved them."

The subject resurfaced the next day, before a mock battle, when Jefferson Davis—a re-enactor named J.W. Binion—addressed the crowd. "We were all Americans and we fought a war that could have been prevented," Binion declared. "And it wasn't fought over slavery, by the way!"

Then cannons boomed, muskets cracked, men fell. The Confederates beat back the Federals. An honor guard in gray fired a deafening volley. It may have been a scripted victory for the Rebels, but it was a genuine triumph for the racist ideology known as the Lost Cause—a triumph made possible by taxpayer money.

We went to Beauvoir, the nation's grandest Confederate shrine, and to similar sites across the Old South, in the midst of the great debate raging in America over public monuments to the Confederate past. That controversy has erupted angrily, sometimes violently, in Virginia, North Carolina, Louisiana and Texas. The acrimony is unlikely to end soon. While authorities in a number of cities—Baltimore, Memphis, New Orleans, among others—have responded by removing Confederate monuments, roughly 700 remain across the South.

To address this explosive issue in a new way, we spent months investigating the history and financing of Confederate monuments and sites. Our findings directly contradict the most common justifications for continuing to preserve and sustain these memorials.

First, far from simply being markers of historic events and people, as proponents argue, these memorials were created and funded by Jim Crow governments to pay homage to a slave-owning society and to serve as blunt assertions of dominance over African-Americans.

Second, contrary to the claim that today's objections to the monuments are merely the product of contemporary political correctness, they were actively opposed at the time, often by African-Americans, as instruments of white power.

Finally, Confederate monuments aren't just heirlooms, the artifacts of a bygone era. Instead, American taxpayers are still heavily investing in these tributes today. We have found that, over the past ten years, taxpayers have directed at least \$40 million to Confederate monuments—statues, homes, parks, museums, libraries and cemeteries—and to Confederate heritage organizations.

For our investigation, the most extensive effort to capture the scope of public spending on Confederate memorials and organizations, we submitted 175 open records requests to the states of the former Confederacy, plus Missouri and Kentucky, and to federal, county and municipal authorities. We also combed through scores of nonprofit tax filings and public reports. Though we undoubtedly missed some expenditures, we have identified significant public funding for Confederate sites and groups in Mississippi, Virginia, Alabama, Georgia, Florida, Kentucky, South Carolina and Tennessee.

In addition, we visited dozens of sites, to document how they represent history and, in particular, slavery: After all, the Confederacy's founding documents make clear that the Confederacy was established to defend and perpetuate that crime against humanity.

(Listen to an episode of *Reveal*, from The Center for Investigative Reporting, about this special reporting project.)

A century and a half after the Civil War, American taxpayers are still helping to sustain the defeated Rebels' racist doctrine, the Lost Cause. First advanced in 1866 by a Confederate partisan named Edward Pollard, it maintains that the Confederacy was based on a noble ideal, the Civil War was not about slavery, and slavery was benign. "The state is giving the stamp of approval to these Lost Cause ideas, and the money is a symbol of that approval," Karen Cox, a historian of the American South at the University of North Carolina at Charlotte, said of our findings. "What does that say to black citizens of the state, or other citizens, or to younger generations?"

The public funding of Confederate iconography is also troubling because of its deployment by white nationalists, who have rallied to support monuments in New Orleans, Richmond and Memphis. The deadly protest in Charlottesville, Virginia, in 2017, where a neo-Nazi rammed his car into counter-protesters, killing Heather Heyer, was staged to oppose the removal of a Robert E. Lee statue. In 2015, before Dylann Roof opened fire on a Bible study group at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, killing nine African-Americans, he spent a day touring places associated with the subjugation of black people, including former plantations and a Confederate museum.

"Confederate sites play to the white supremacist imagination," said Heidi Beirich, who leads the Southern Poverty Law Center's work tracking hate groups. "They are treated as sacred by white supremacists and represent what this country should be and what it would have been" if the Civil War had not been lost.

* * *

Like many of the sites we toured across the South, Beauvoir is privately owned and operated. Its board of directors is made up of members of the Mississippi division of the Sons of Confederate Veterans, a national organization founded in 1896 and limited to male descendants of "any veteran who served honorably in the Confederate armed forces." The board handles the money that flows into the institution from visitors, private supporters and taxpayers.

The Mississippi legislature earmarks \$100,000 a year for preservation of Beauvoir. In 2014, the organization received a \$48,475 grant from the Federal Emergency Management Agency for "protective measures." As of May 2010, Beauvoir had received \$17.2 million in federal and state aid related to damages caused by Hurricane Katrina in 2005. While nearly half of that money went to renovating historic structures and replacing content, more than \$8.3 million funded construction of a new building that contains a museum and library.

When we visited, three times since the fall of 2017, the lavishly appointed library displayed the only acknowledgment of slavery that we could find at the entire 52-acre site, though Davis had owned dozens of black men, women and children before the war: four posters, which portrayed the former slaves Robert Brown, who continued to work for the Davis family after the war, and Benjamin and Isaiah Montgomery, a father and son who were owned by Jefferson's elder brother, Joseph. Benjamin eventually purchased two of Joseph's plantations.

The state Department of Archives and History says the money the legislature provides to Beauvoir is allocated for preservation of the building, a National Historic Landmark, not for interpretation. Beauvoir staff members told us that the facility doesn't deal with slavery because the site's state-mandated focus is the period Davis lived there, 1877 to 1889, after slavery was abolished.

But this focus is honored only in the breach. The museum celebrates the Confederate soldier in a cavernous hall filled with battle flags, uniforms and weapons. Tour guides and re-enactors routinely denied the realities of slavery in their presentations to visitors. Fall Muster, a highlight of the Beauvoir calendar, is nothing if not a raucous salute to Confederate might.

Thomas Payne, the site's executive director until this past April, said in an interview that his goal was to make Beauvoir a "neutral educational institution." For him, that involved countering what he referred to as "political correctness from the national media," which holds that Southern whites are "an evil repugnant group of ignorant people who fought only to enslave other human beings." Slavery, he said, "should be condemned. But what people need to know is that most of the people in the South were not slave owners," and that Northerners also kept slaves. What's more, Payne went on, "there's actually evidence where the individual who was enslaved was better off physically and mentally and otherwise."

The notion that slavery was beneficial to slaves was notably expressed by Jefferson Davis himself, in the posthumously published memoir he wrote at Beauvoir. Enslaved Africans sent to America were "enlightened by the rays of Christianity," he wrote, and "increased from a few unprofitable savages to millions of efficient Christian laborers. Their servile instincts rendered them contented with their lot....Never was there a happier dependence of labor and capital upon each other."

That myth, a pillar of the Lost Cause, remains a core belief of neo-Confederates, despite undeniable historic proof of slavery's brutality. In 1850, the great abolitionist Frederick Douglass, who had escaped slavery, said, "To talk of kindness entering into a relation in which one party is robbed of wife, of children, of his hard earnings, of home, of friends, of society, of knowledge, and of all that makes this life desirable is most absurd, wicked, and preposterous."

* * *

A few miles off the highway between Montgomery and Birmingham, past trailer homes and cotton fields, are the manicured grounds and arched metal gateways of Confederate Memorial Park. The state of Alabama acquired the property in 1903 as an old-age home for Confederate veterans, their wives and their widows. After the last residents died, the park closed. But in 1964, as civil rights legislation gained steam in Washington, Alabama's all-white legislature revived the site as a "shrine to the honor of Alabama's citizens of the Confederacy."

The day we visited, 16 men in Confederate uniforms drilled in the quiet courtyards. Two women in hoop skirts stood to the side, looking at their cellphones. Though Alabama state parks often face budget cuts—one park had to close all its campsites in 2016—Confederate Memorial Park received some \$600,000 that year. In the past decade, the state has allocated more than \$5.6 million to the site. The park, which in 2016 served fewer than 40,000 visitors, recently expanded, with replica Civil War barracks completed in 2017.

The museum in the Alabama park attempts a history of the Civil War through the story of the common Confederate soldier, an approach that originated soon after the war and remains popular today. It is tragic that hundreds of thousands of young men died on the battlefield. But the common soldier narrative was forged as a sentimental ploy to divert attention from the scalding realities of secession and slavery—to avoid acknowledging that "there was a right side and a wrong side in the late war," as Douglass put it in 1878.

The memorial barely mentions black people. On a small piece of card stock, a short entry says "Alabama slaves became an important part of the war's story in several different ways," adding that some ran away or joined the Union Army, while others were conscripted to fight for the Confederacy or maintain fortifications. There is a photograph of a Confederate officer, reclining, next to an enslaved black man, also clad in a uniform, who bears an expression that can only be described as dread. Near the end of the exhibit, a lone panel states that slavery was a factor in spurring secession.

These faint nods to historical fact were overpowered by a banner that spanned the front of a log cabin on state property next to the museum: "Many have been taught the war between the states was fought by the Union to eliminate Slavery. THIS VIEW IS NOT SUPPORTED BY THE HISTORICAL EVIDENCE...The Southern States Seceded Because They Resented the Northern States Using Their Numerical Advantage in Congress to Confiscate the Wealth of the South to the Advantage of the Northern States."

The state has a formal agreement with the Sons of Confederate Veterans to use the cabin as a library. Inside, books about Confederate generals and Confederate history lined the shelves. The *South Was Right!*, which has been called the neo-Confederate "bible," lay on a table. The 1991 book's co-author, Walter Kennedy, helped found the League of the South, a self-identified "Southern nationalist" organization that the Southern Poverty Law Center has classified as a hate group. "When we Southerners begin to realize the moral veracity of our cause," the book says, "we will see it not as a 'lost cause,' but as the right cause, a cause worthy of

the great struggle yet to come!"

A spokeswoman for the Alabama Historical Commission said she could not explain how the banner on the cabin had been permitted and declined our request to interview the site's director.

Alabama laws, like those in other former Confederate states, make numerous permanent allocations to advance the memory of the Confederacy. The First White House of the Confederacy, where Jefferson Davis and his family lived at the outbreak of the Civil War, is an Italianate mansion in Montgomery adjacent to the State Capitol. The state chartered the White House Association of Alabama to run the facility, and spent \$152,821 in 2017 alone on salaries and maintenance for this monument to Davis—more than \$1 million over the last decade—to remind the public "for all time of how pure and great were southern statesmen and southern valor." That language from 1923 remains on the books.

* * *

An hour and a half east of Atlanta by car lies Crawfordville (pop. 600), the seat of Taliaferro County, a majority black county with one of the lowest median household incomes in Georgia. A quarter of the town's land is occupied by the handsomely groomed, 1,177-acre A.H. Stephens State Park. Since 2011 state taxpayers have given the site \$1.1 million. Most of that money is spent on campsites and trails, but as with other Confederate sites that boast recreational facilities—most famously, Stone Mountain, also in Georgia—the A.H. Stephens park was established to venerate Confederate leadership. And it still does.

Alexander Hamilton Stephens is well known for a profoundly racist speech he gave in Savannah in 1861 a month after becoming vice president of the provisional Confederacy. The Confederacy's "foundations are laid, its cornerstone rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth."

That speech was nowhere in evidence during our visit to the park. It wasn't in the Confederate museum, which was erected by the United Daughters of the Confederacy with the support of the state of Georgia in 1952 and displays Confederate firearms and uniforms. It wasn't among the printed texts authored by Stephens that are placed on tabletops in the former slave quarters for visitors to peruse. And it wasn't in the **plantation** house, called Liberty Hall.

Our guide, a state employee, opened the door of a small two-room cabin once occupied by Harry and Eliza—two of the 34 people Stephens held in bondage. The guide pointed to a photograph of the couple on a wall and said Stephens "kept them good, and took care of the people who worked for him." We went on many **tours** of the homes of the Confederacy's staunchest ideologues, and without exception we were told that the owners were good and the slaves were happy.

After the war, Stephens spent a great deal of energy pretending he wasn't entirely pro-slavery, and he returned to public life as a member of Congress and then as governor. Robert Bonner, a historian at Dartmouth who is at work on a biography of Stephens, said the Stephens memorial maintains the fraud: "The story at Liberty Hall is a direct version of the story Stephens fabricated about himself after the war."

Half an hour away is the home of Robert Toombs, the Confederacy's secretary of state and Stephens' close friend. His house has been recently restored, with state

as well as private funds, and Wilkes County has taken over daily operations. In a ground-floor gallery, posters in gilt frames hang below banners that announce the four acts of Toombs' life: "The Formative Years," "The Baron of Wilkes County," "The Premier of the Confederacy" and "Without a Country." About slavery, nothing.

When asked about that, the docent, a young volunteer, retrieved a binder containing a Works Progress Administration oral history given by Alonza Fantroy Toombs. It begins, "I'se the proudest nigger in de worl', caze I was a slave belonging to Marse Robert Toombs of Georgia; de grandest man dat ever lived, next to Jesus Christ."

A more revealing, well-documented story is that of Garland H. White, an enslaved man who escaped Toombs' ownership just before the Civil War and fled to Ontario. After the war erupted he heroically risked his freedom to join the United States Colored Troops. He served as an Army chaplain and traveled to recruit African-American soldiers. We found no mention at the Toombs memorial of White's experience. In fact, we know of no monument to White in all of Georgia.

An average of \$18,000 in county monies each year since 2011, plus \$80,000 in state renovation funds in 2017 alone, have been devoted to this memorial to Toombs, who refused to take the oath of allegiance to the United States after the war and fled to Cuba and France to avoid arrest. Upon his return to Georgia, Toombs labored to circumscribe the freedom of African-Americans. "Give us a convention," Toombs said in 1876, "and I will fix it so that the people shall rule and the Negro shall never be heard from." The following year he got that convention, which passed a poll tax and other measures to disenfranchise black men.

* * *

It's difficult to imagine that all the Confederate monuments and historic sites dotting the landscape today would have been established if African-Americans had had a say in the matter.

Historically, the installation of Confederate monuments went hand in hand with the disenfranchisement of black people. The historical record suggests that monument-building peaked during three pivotal periods: from the late 1880s into the 1890s, as Reconstruction was being crushed; from the 1900s through the 1920s, with the rise of the second Ku Klux Klan, the increase in lynching and the codification of Jim Crow; and in the 1950s and 1960s, around the centennial of the war but also in reaction to advances in civil rights. An observation by the Yale historian David Blight, describing a "Jim Crow reunion" at Gettysburg, captures the spirit of Confederate monument-building, when "white supremacy might be said to have been the silent, invisible, master of ceremonies."

Yet courageous black leaders did speak out, right from the start. In 1870, Douglass wrote, "Monuments to the 'lost cause' will prove monuments of folly ... in the memories of a wicked rebellion which they must necessarily perpetuate...It is a needless record of stupidity and wrong."

In 1931, W.E.B. Du Bois criticized even simple statues erected to honor Confederate leaders. "The plain truth of the matter," Du Bois wrote, "would be an inscription something like this: 'sacred to the memory of those who fought to Perpetuate Human Slavery.'"

In 1966, Martin Luther King Jr. joined a voting rights rally in Grenada, Mississippi, at the Jefferson Davis monument, where, earlier that day, an organizer named Robert Green declared, "We want brother Jefferson Davis to know the Mississippi he represented, the South he represented, will never stand again."

In today's debates about the public display of Confederate symbols, the strong objections of early African-American critics are seldom remembered, perhaps

because they had no impact on (white) officeholders at the time. But the urgent black protests of the past now have the ring of prophecy.

John Mitchell Jr., an African-American, was a journalist and a member of Richmond's city council during Reconstruction. Like his friend and colleague Ida B. Wells, Mitchell was born into slavery, and spent much of his career documenting lynchings and campaigning against them; also like Wells, he was personally threatened with lynching.

Arguing fiercely against spending public money to memorialize the Confederacy, Mitchell took aim at the movement to erect a grand Robert E. Lee statue, and tried to block funding for the proposed statue's dedication ceremony. But a white conservative majority steamrolled Mitchell and the two other black council members, and the Lee statue was unveiled on May 29, 1890. Gov. Fitzhugh Lee, a nephew of Lee and a former Confederate general himself, was president of the Lee Monument Association, which executed the project. Virginia issued bonds to support its construction. The city of Richmond funded Dedication Day events, attended by some 150,000 people.

Mitchell covered the celebration for the Richmond Planet, the paper he edited. "This glorification of States Rights Doctrine—the right of secession, and the honoring of men who represented that cause," he wrote, "fosters in the Republic, the spirit of Rebellion and will ultimately result in the handing down to generations unborn a legacy of treason and blood."

In the past decade, Virginia has spent \$174,000 to maintain the Lee statue, which has become a lightning rod for the larger controversy. In 2017, Richmond police spent some \$500,000 to guard the monument and keep the peace during a neo-Confederate protest there.

* * *

In 1902, several years after nearly every African-American elected official was driven from office in Virginia, and as blacks were being systematically purged from voter rolls, the state's all-white legislature established an annual allocation for the care of Confederate graves. Over time, we found, that spending has totaled roughly \$9 million in today's dollars.

Treating the graves of Confederate soldiers with dignity might not seem like a controversial endeavor. But the state has refused to extend the same dignity to the African-American men and women whom the Confederacy fought to keep enslaved. Black lawmakers have long pointed out this blatant inequity. In 2017, the legislature finally passed the Historical African American Cemeteries and Graves Act, which is meant to address the injustice. Still, less than \$1,000 has been spent so far, and while a century of investment has kept Confederate cemeteries in rather pristine condition, many grave sites of the formerly enslaved and their descendants are overgrown and in ruins.

Significantly, Virginia disburses public funding for Confederate graves directly to the United Daughters of the Confederacy, which distributes it to, among others, local chapters of the UDC and the Sons of Confederate Veterans. Since 2009, Virginia taxpayers have sent more than \$800,000 to the UDC.

The UDC, a women's Confederate heritage group with thousands of members in 18 states and the District of Columbia, is arguably the leading advocate for Confederate memorials, and it has a history of racist propagandizing. One of the organization's most influential figures was Mildred Lewis Rutherford, of Athens,

Georgia, a well-known speaker and writer at the turn of the 20th century and the UDC's historian general from 1911 to 1916.

Rutherford was so devoted to restoring the racial hierarchies of the past that she traveled the country in full **plantation** regalia spreading the "true history," she called it, which cast slave owners and Klansmen as heroes. She pressured public schools and libraries across the South to accept materials that advanced Lost Cause mythology, including pro-Klan literature that referred to black people as "ignorant and brutal." At the center of her crusade was the belief that slaves had been "the happiest set of people on the face of the globe," "well-fed, well-clothed, and well-housed." She excoriated the Freedmen's Bureau, a federal agency charged with protecting the rights of African-Americans, and argued that emancipation had unleashed such violence by African-Americans that "the Ku Klux Klan was necessary to protect the white woman."

UDC officials did not respond to our interview requests. Previously, though, the organization has disavowed any links to hate groups, and in 2017 the president-general, Patricia Bryson, released a statement saying the UDC "totally denounces any individual or group that promotes racial divisiveness or white supremacy."

Confederate cemeteries in Virginia that receive taxpayer funds handled by the UDC are nonetheless used as gathering places for groups with extreme views. One afternoon last May, we attended the Confederate Memorial Day ceremony in the Confederate section of the vast Oakwood Cemetery in Richmond. We were greeted by members of the Sons of Confederate Veterans and the Virginia Flaggers, a group that says its mission is to "stand AGAINST those who would desecrate our Confederate Monuments and memorials, and FOR our Confederate Veterans."

An honor guard of re-enactors presented an array of Confederate standards. Participants stood at attention for an invocation read by a chaplain in period dress. They put their hands on their hearts, in salute to the Confederate flag. Susan Hathaway, a member of the Virginia Flaggers, led the crowd of several dozen in a song that was once the official paean to the Commonwealth:

Carry me back to old Virginny,

There's where the cotton and the corn and taters grow,

There's where the birds warble sweet in the springtime,

There's where this old darkey's heart am long'd to go.

* * *

"Very little has been done to address the legacy of slavery and its meaning in contemporary life."

That scathing assessment of the nation's unwillingness to face the truth was issued recently by the Equal Justice Initiative, the Montgomery-based legal advocacy group that in April 2018 opened the first national memorial to victims of lynching.

A few Confederate historical sites, though, are showing signs of change. In Richmond, the American Civil War Center and the Museum of the Confederacy have joined forces to become the American Civil War Museum, now led by an African-American CEO, Christy Coleman. The new entity, she said, seeks to tell the story of the Civil War from multiple perspectives—the Union and the Confederacy, free and enslaved African-Americans—and to take on the distortions and omissions of Confederate ideology.

"For a very, very long time" the Lost Cause has dominated public histories of the Civil War, Coleman told us in an interview. "Once it was framed, it became the course for everything. It was the accepted narrative." In a stark comparison, she noted that statues of Hitler and Goebbels aren't scattered throughout Germany, and that while Nazi concentration camps have been made into museums, "they don't pretend that they were less horrible than they actually were. And yet we do that to America's concentration camps. We call them plantations, and we talk about how grand everything was, and we talk about the pretty dresses that women wore, and we talk about the wealth, and we refer to the enslaved population as servants as if this is some benign institution."

Stratford Hall, the Virginia **plantation** where Robert E. Lee was born, also has new leadership. Kelley Deetz, a historian and archaeologist who co-edited a paper titled "Historic Black Lives Matter: Archaeology as Activism in the 21st Century," was hired in June as the site's first director of programming and education. Stratford Hall, where 31 people were enslaved as of 1860, is revising how it presents slavery. The recent shocking violence in Charlottesville, Deetz said, was speeding up "the slow pace of dealing with these kinds of sensitive subjects." She said, "I guarantee you that in a year or less, you go on a tour here and you're going to hear about enslavement."

In 1999, Congress took the extraordinary step of advising the National Park Service to re-evaluate its Civil War sites and do a better job of explaining "the unique role that slavery played in the cause of the conflict." But vestiges of the Lost Cause still haunt park property. In rural Northern Virginia, in the middle of a vast lawn, stands a small white clapboard house with a long white chimney—the Stonewall Jackson Shrine, part of the Fredericksburg & Spotsylvania National Military Park. The Confederate general died in the house in May 1863. "The tendency for the park historically has been to invite people to mourn Jackson's death," John Hennessey, the park's chief historian, told us. He believes that the site should be more than a shrine, however. Visitors, Hennessey said, should learn that Jackson "led an army in a rebellion in the service of a nation that intended to keep people in bondage forever." He went on, "The greatest enemy to good public history is omission. We are experiencing as a society now the collateral damage that forgetting can inflict."

A park ranger sitting in the gift shop rose to offer us a practiced talk that focused reverently on Jackson's final days—the bed he slept on, the clock that still keeps time. The ranger said a "servant," Jim Lewis, had stayed with Jackson in the small house as he lay dying. A plaque noted the room where Jackson's white staff slept. But there was no sign in the room across the hall where Lewis stayed. Hennessey had recently removed it because it failed to acknowledge that Lewis was enslaved. Hennessey is working on a replacement. Slavery, for the moment, was present only in the silences.

* * *

During the Fall Muster at Beauvoir, the Jefferson Davis home, we met Stephanie Brazzle, a 39-year-old African-American Mississippian who had accompanied her daughter, a fourth grader, on a field trip. It was Brazzle's first visit. "I always thought it was a place that wasn't for us," she said. Brazzle had considered keeping her daughter home, but decided against it. "I really do try to keep an open mind. I wanted to be able to talk to her about it."

Brazzle walked the Beauvoir grounds all morning. She stood behind her daughter's school group as they listened to re-enactors describe life in the Confederacy. She waited for some mention of the enslaved, or of African-Americans after emancipation. "It was like we were not even there," she said, as if slavery "never happened."

"I was shocked at what they were saying, and what wasn't there," she said. It's not that Brazzle, who teaches psychology, can't handle historic sites related to slavery. She can, and she wants her daughter, now 10, to face that history, too. She has taken her daughter to former plantations where the experience of enslaved people is a part of the interpretation. "She has to know what these places are," Brazzle said. "My grandmother, whose grandparents were slaves, she told stories. We black people acknowledge that this is our history. We acknowledge that this still affects us."

The overarching question is whether American taxpayers should support Lost Cause mythology. For now, that invented history, told by Confederates and retold by sympathizers for generations, is etched into the experience at sites like Beauvoir. In the well-kept Confederate cemetery behind the library, beyond a winding brook, beneath the flagpole, a large gray headstone faces the road. It is engraved with lines that the English poet Philip Stanhope Worsley dedicated to Robert E. Lee:

"No nation rose so white and fair, none fell so pure of crime."

Subscribe to Smithsonian magazine now for just \$12

Buy

Copyright (c) 2018 Smithsonian Institution

