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James Hamilton

State University of New York, Geneseo, jh37@geneseo.edu

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The Colfax Massacre a Forgotten Chapter of Violence¹

James Hamilton, State University of New York at Geneseo

Abstract: On April 13, 1873, hundreds of armed, white men laid siege to the county courthouse in Colfax, Louisiana. A smaller group of African American men defended the courthouse, asserting their claim that Republicans were the legitimate victors in highly contested 1872 state election. The white paramilitary forces attacked the courthouse on Easter Sunday, slaughtered many of the defendants, and executed dozens of prisoners. Known today as the Colfax Massacre, it is one of the largest mass murders to ever occur on American soil.

Although as many as a hundred and no fewer than sixty-two black men were killed at Colfax, it is disregarded in traditional narratives of Reconstruction. This is due to the fact that many people would prefer to think that the violence that shook the United States during the Civil War came to an end with the defeat of the Confederacy. Omitting Colfax from the narrative also omits the paramilitary patterns of reconstruction violence, allowing racial violence to be relegated to a few isolated incidents. This promotes the view that the failure of Reconstruction was due to shortcomings of the North and an inability of the freedmen to manage their freedom and citizenship.

My paper attempts to show why understanding the Colfax Massacre, and the violence it inspired, is central to explaining how white southerners were able to so effectively combat African Americans' political power during Reconstruction. It also forces us to confront the role that violence played in Reconstruction and the legacy of white supremacy.

Keywords: Colfax; Massacre; Louisiana; Reconstruction; Violence; Paramilitary; African-American; Kellogg; McEnery; Grant; New Orleans; Election; White-Supremacy

In 1951, the Louisiana Historical Society installed a plaque near the courthouse in Grant Parish. It read, "On this site occurred the Colfax Riot, in which three white men and 150 Negroes were slain. This event on April 13, 1873 marked the end of carpetbag misrule in the South."² This plaque is all that exists to commemorate, or even acknowledge, the victims of one of the largest mass murders that has occurred on American soil: "The Colfax Massacre." Calling it a riot does more than tarnish the memory of those who died there. The term "riot" serves to undermine the purposeful coordination and brutality of the violence that occurred in Grant Parish, while the victims of the massacre are simply referred to as "Negroes." The claim that the riot "marked the

¹ I would thank to Dr. Justin Behrend for his guidance and support throughout this project as well as the entire Geneseo History Department.

² LeeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008), xii.

end of carpetbag misrule in the South” overlooks the fact that this was an attempt to restore white supremacy in the South. This plaque is more than a disgrace to those who lost their lives. The fact that it is the only form of commemoration that exists for one of the largest mass murders on American soil is part of a greater effort to bury the chapters of political violence that took place after the Civil War.

In many ways this effort has succeeded. If you were to examine a typical high school history textbook for a mention of the Colfax Massacre, you would be lucky to find a mention of the violent politics of Louisiana as a whole, much less a reference to the atrocities that occurred at Colfax.³ Even W.E.B. Du Bois failed to include the Colfax Massacre in his history *Black Reconstruction in America*.⁴ In fact, the first in depth history of Colfax, published almost a hundred years later, was not done by a renowned historian. Rather the events were researched by death row inmates and published in *The Angolite*, a prison magazine published at Louisiana State Penitentiary at Angola.⁵ While modern historians LeeAnna Keith and Charles Lane have written more in-depth histories, the Colfax Massacre remains a widely unacknowledged piece of history and auspiciously absent from traditional narratives given the tremendous impact it would come to have on the history of Reconstruction.

There is danger in allowing events in history, particularly those from the bloodiest and darkest chapters, to be misrepresented or misremembered. One of these chapters is the era in which African Americans were violently and systematically stripped of the political power that they had initially been able to gain after the Civil War. According to Steven Hahn’s history of black political power, the immediate post Civil War era was an unprecedented one in American history, one in which “black men held political office in every state of the former confederacy.”⁶ This newfound political success ushered in a period where freedmen were able to embark on a mission of, “undoing the worlds that slaveholders had made and ex-slaveholders initially tried to remake.”⁷

Unfortunately, this era was short lived as white Southerners and Democrats were threatened by this opportunity used by freedmen to improve their standing. In order to achieve a return to White supremacy, the Democratic Party used various methods of political intimidation and violence to regain control over the South.

Yet the rise of Black political power and the role that violence played in its downfall is often disregarded in current narratives of Reconstruction. Many, particularly those against Reconstruction, use this to promote the view that the failure of Reconstruction was due to shortcomings of the North and the Republicans and an inability of the freedmen to participate in politics, as opposed to the intentional and systematic disenfranchisement that took place. Understanding how white Southerners were able to so effectively combat the unprecedented political power that African Americans gained after the Civil War is key to understanding how they were able to

³ Gerald A. Danzer, J. Jorge Klor de Alva, Larry S. Krieger, Louis E. Wilson and Nancy Woloch, *The Americans* (New York: McDougal Littell, 2008).

⁴ W. E. B. Du Bois, *Black Reconstruction in America*. (New York: Free Press, 1998).

⁵ LeeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008), xii.

⁶ Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in The Rural South From Slavery to the Great Migration* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2003), 219.

⁷ *Ibid.*, 259.

reinstate a system of institutionalized racism, a system embedded in White supremacy, that would severely hinder race relations and African American progress for years to come.

The events at Colfax are key to this understanding. The violence that occurred on that Easter Sunday in 1873, was in fact one of the more significant events of Reconstruction: the ramifications of the Colfax Massacre redefined the relationship between violence and politics during Reconstruction. The patterns of paramilitary style political violence established in Colfax, would become widely used in Louisiana and the rest of the South in order to intimidate Republicans, remove local leaders and combat the efforts of Reconstruction.

The Massacre

On February 25, 1873 President Ulysses S. Grant received a letter, forwarded to him by John McEnery from the “undersigned Citizens of the Valley of Red River in the vicinity of Colfax Grant Parish La,” which McEnery claims was comprised of “three hundred Citizens, alike white and colored.”⁸ This letter stated that the violence that occurred in Grant Parish was a result of “a disturbed and excited state of politics, throughout the state, and the foisting of improper officials into office in Grant Parish and the deposing of legally elected officers by act of W. P. Kellogg as governor and the Legislature of the State.”⁹ The excited state of politics this letter is referencing to was the disputed election of 1872; this pitted Kellogg, a liberal Republican, against John D McEnery who was attempting to lead a fusionist party (conservative Republicans, Democrats, and reformers).¹⁰ Although lacking the violence of previous elections, this was certainly an election filled with fraud.¹¹ The State Returning Board was an organization created by former governor Henry Clay Warmoth in 1870 with the power to throw out the results in a precinct in which violence and intimidation occurred.¹² In 1872 the board split into two panels, one that declared a victory for Kellogg and the other for McEnery. While both a circuit court judge and the United States Congress eventually concluded that Kellogg was the rightful governor, both men claimed the position of governor, taking two separate oaths of office as governor on the same day at the exact same time.¹³ This created two competing governments both claiming to have been rightfully elected.¹⁴

These two competing governments would spark an incident of political violence that would soon become the norm in Louisiana. *The New Orleans Republican* stated that the trouble in Grant Parish was “Traceable directly back to the system adopted by fusionists of taking possession of offices to which they claimed to have been elected and which claims were disputed by Republicans.”¹⁵ The two governments of McEnery

⁸ *The Papers of Ulysses S. Grant*, Volume 24: 1873 (Mississippi State University Digital Collections), 124-125.

http://digital.library.msstate.edu/cdm/landingpage/collection/USG_volume

⁹ *Ibid.*

¹⁰ Ted Tunnell, *Crucible of reconstruction: War, Radicalism and Race in Louisiana 1862-1877* (Baton Rouge: Louisiana State University Press, 1984), 170.

¹¹ *Ibid.*, 171.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ “Grant Parish Troubles,” *New Orleans Republican*, April 26, 1873.

and Kellogg had each commissioned members of their party to serve in Grant Parish as judge and sheriff.¹⁶ Both parties saw their appointees as the rightful holders of their office. According to reports from *The New Orleans Republican*, starting after the inauguration of McEnery those from the Fusionist party “made a general movement and succeeded in installing themselves in the coveted positions.”¹⁷ After being expelled by force, the Republicans in Grant Parish responded in what they viewed as the only way left to secure the positions they felt they were entitled to.¹⁸ On April 9th *The Bangor Whig and Courier* reported that “that a body of a hundred colored men of Grant Parish last Friday went to Alexandria, drove off the bogus McEnery officials and put in their places the appointees of Governor Kellogg.”¹⁹

These men were led by William Ward, a former captain in the Union army who had been commissioned by Daniel Shaw, Kellogg’s appointment for sheriff, to lead the posse.²⁰ In response to this show of Republican power “Messengers were sent to the white people living in the hills of Grant to rally in force to retake the offices” with the “fearful story that the negroes threatened to kill all the white men and reserve the women for the purpose of raising a better race of people.”²¹ This story was absurd, as the men had gathered with the purpose of securing positions of those they felt had been duly elected. Yet it succeeded in tapping into one of the major fears for whites in the area, the growth of black power. About 250 white men from the parishes of Grant, Calhoun and Rapides, Winn, Natchitoches and Caddo, arrived to be put under the command of Christopher Nash, an ex-Confederate soldier who also claimed to be the sheriff of Grant Parish.²² By this time, fearing the whites in the area, many of the remaining blacks took refuge in the courthouse.²³ What had started as a local political dispute now resembled a small scale military battle. The two mini armies, each led by former military officers stared off for about a week.²⁴ During this time the blacks began to fortify the courthouse, enclosing a space of about 200 yards with a slight earthwork.²⁵ These two parties, one led by Nash, the other by Leo Allen, came to a head on April 13th. Nash initially offered those fortified in the courthouse a chance to surrender. When this offer was refused he gave them half an hour to allow for the evacuation of women and children, then the fighting commenced.²⁶

On April 15, 1873, two days after the fight, Colonels William Wright and T.W De Kylne, who also served as U.S Marshals, arrived in Colfax. The *Boston Daily Advertiser* published the official reports they made regarding the aftermath of the violence.²⁷ They

¹⁶ Joe G Taylor, *Louisiana Reconstructed, 1863-1877* (Baton Rouge: Louisiana State University Press, 1974), 268.

¹⁷ “Grant Parish Troubles,” *New Orleans Republican*, April 26, 1873.

¹⁸ *Ibid.*

¹⁹ “A Louisiana Editor before the Congressional Committee.” *Bangor Daily Whig & Courier* (Bangor, Maine) February 10, 1875.

²⁰ “Grant Parish Troubles” *New Orleans Republican*, April 26, 1873.

²¹ *Ibid.*

²² “Grant Parish Troubles” *New Orleans Republican*, April 26, 1873

²³ *Ibid.*; “The Louisiana Massacre.” *Boston Daily Advertiser* (Boston, Massachusetts) 23 Apr. 1873.

²⁴ “The Louisiana Massacre.” *Boston Daily Advertiser* (Boston, Massachusetts) 23 Apr. 1873.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

found Grant Parish in “a most deplorable state.”²⁸ They gathered that “150 to 200 colored men had been killed; two white men...were wounded. And that Colfax or part of it had been burned.”²⁹ The violence had started on Easter Sunday around ten in the morning and continued until it was dark.³⁰ While they could not obtain an exact number of participants, it was clear that the “Parties holding the courthouse were less in number than their assailants.”³¹ As for the battle itself, the group led by Nash, who possessed a small cannon, clearly overpowered the defenders of the courthouse.³² By afternoon, “The besieged were drawn from the fight and from their breastworks into the courthouse.”³³ At this point Nash forced a black man named Pink to light the courthouse on fire. As the defenders of the courthouse were forced to flee from the fire, Wright and Kylene reported that they were “shot down without mercy.”³⁴ The position and condition of many of the bodies goes far to prove this: “Under the warehouse between the courthouse and the river, were dead bodies of six colored men who had evidently gone under for concealment and were shot like dogs. Many were shot in the back of the head and the neck.”³⁵ When the fighting concluded, thirty four people of color had been taken prisoners by the whites.³⁶ That night “It is asserted by the colored people that after [they]...were taken to the river bank, two by two, executed, and hurled into the river.”³⁷

In the end, Nash and his men achieved what they had set out to do. This demonstration of violence had done more than remove the Republicans from power; it stood as a warning as to what would happen in the future if African Americans took similar action to protect their political rights. An article published in the *Georgia Weekly* features a “New Orleans letter to the *Cincinnati Commercial*” detailing an interview between the author of the letter and a “young man” who had visited Grant Parish after the massacre.³⁸ The young man confirms that the primary goal of those who participated in the Massacre was to restore white supremacy and teach African Americans the “consequence of kicking up a row.”³⁹ He testifies that they had been successful in this effort to restore order to society as now the African Americans of Grant Parish are “First rate” and “Just the most respectful things you ever saw.”⁴⁰

What that young man did not know at the time was how profoundly this massacre would affect the future of the struggle over Reconstruction. The significance of this massacre took shape in a two-pronged manner. The events of Colfax emboldened those who sought to use political violence to challenge and hinder radical

²⁸ “The Louisiana Massacre.” *Boston Daily Advertiser* (Boston, Massachusetts) 23 Apr. 1873.

²⁹ *Ibid.*

³⁰ “Grant Parish Troubles,” *New Orleans Republican*, April 26, 1873.

³¹ “The Louisiana Massacre.” *Boston Daily Advertiser* (Boston, Massachusetts) 23 Apr. 1873..

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ “Grant Parish, after the Fight.” *Georgia Weekly Telegraph and Georgia Journal & Messenger*, 24 June 1873.

³⁹ “Grant Parish, after the Fight.” *Georgia Weekly Telegraph and Georgia Journal & Messenger*, 24 June 1873.

⁴⁰ *Ibid.*

reconstruction, creating a pattern of paramilitary violence directed against Republican power. At the same time the legal battle resulting from the prosecution of the participants would test the legitimacy of the Enforcement Acts and the federal government's role in protecting the Reconstruction Amendments, ultimately resulting in a Supreme Court decision with a tremendously influential legal impact.

Not the last battle

While the massacre at Colfax was not the first incident of politically motivated violence in Louisiana, they had been few and far between since the particularly violent election of 1868.⁴¹ The violence in this election however had been characterized by vigilantism and acts of intimidation, committed at night and in disguise. These were somewhat successfully combated by legislation such as the Enforcement Acts.⁴² The violence at Colfax was something different entirely; it was a bold paramilitary action, committed in broad daylight directed at a center of Republican political power. What at the time was considered an unprecedented incident would soon be echoed throughout Louisiana.

While the massacre was received with overwhelming public support among Democrats and white supremacists in the South, it was not clear at first what the legal consequences would be. When a Louisiana state prosecutor, J. Ernest Breda, attempted to try the men at a state level, he was met at the courthouse by a gang of almost seventy men, who threatened violence and even fired at the prosecutor.⁴³ The case was then taken to the federal level by U.S attorney James R Beckwith.⁴⁴ Beckwith secured indictments for ninety-eight of the participants, but only nine were arrested.⁴⁵ Four out of the nine tried were originally convicted of violating the Enforcement Acts in New Orleans Federal Court.⁴⁶ However, when the case was appealed to the Federal Circuit Court of Appeals, Justice Bradley of the Supreme Court disagreed with the original trial judge and the case was sent to the United States Supreme Court.⁴⁷ The remaining defendants were released while their appeals to higher courts were pending.⁴⁸ Democrats and White Leaguers took the news of their release as a foregone conclusion that there would be no punishment for the participants of the massacre.⁴⁹

This apparent lack of consequences for those who participated in Colfax helped greenlight paramilitary action as means of achieving political goals. In 1874 Governor Kellogg wrote a letter to President Grant in which he claimed the Democrats "have abandoned the policy of fraud upon which they relied in 1872, and have returned to the

⁴¹ Joe G Taylor, *Louisiana Reconstructed, 1863-1877* (Baton Rouge: Louisiana State University Press) 273.

⁴² Tunnel, 193.

⁴³ Charles Lane *The Day Freedom Died: The Colfax Massacre, The Supreme Court, and the Betrayal of Reconstruction* (New York: Holt Paperbacks, 2008), 142.

⁴⁴ Ibid.

⁴⁵ Tunnel, 193.

⁴⁶ Taylor, 273.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid., Tunnell, 193.

policy of murder, violence and intimidation which they pursued in 1868.”⁵⁰ Kellogg connected this rise in violence directly with the events surrounding the massacre: “The decision of Judge Bradley releasing the Grant Parish murderers, has had a very bad effect.”⁵¹ The Democrats were emboldened by the lackluster response to the Colfax Massacre, which created a belief that Grant and the U.S government were to “let the South alone and not [...] extend to any Republican government in the Southern States the protection of the General Government, no matter what domestic violence may be set afoot.”⁵² Louisiana was theirs to claim through whatever means they wanted.

This renewed faith in political violence, initiated by the Colfax Massacre, was highly utilized by White Leagues—a growing force in Louisiana—in the ongoing battle between the two opposing parties, both of which claimed the right to governorship.⁵³ President Grant’s address to the U.S Senate in January 1875, given in response to the growing issue of political violence in Louisiana, illustrates the profound political effect of the massacre. According to Grant, “Lawlessness, violence and bloodshed have characterized the political affairs of the state, since its reorganization under the Reconstruction Acts.”⁵⁴ But the Colfax Massacre, which he described as an act of butchery, of which the “Bloodthirstiness and barbarity is hardly surpassed by any facts of savage warfare,” had opened the floodgates of political violence.⁵⁵

The public support for the massacre, expressed in many conservative papers, made the struggle to prevent similar violence all the more difficult. According to Grant the “the so called Conservative Papers of the State not only justified the massacre but denounced as federal tyranny and despotism the attempt of the United States officers to bring them to justice;” this has helped to kindle a “spirit of hatred and violence that is stronger than law.”⁵⁶ Grant’s continued references to the conservative press show just how strongly the way these incidents of violence were presented to the public affected the perception of them.

In Grant’s opinion, Bradley’s decision set a dangerous precedent in the south. He tells Congress that if the “Colfax miscreants go unwhipped of justice and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime” then there is little to persuade people from committing similar acts.⁵⁷ Grant cites the Coushatta Massacre, another politically motivated instance of violence in Louisiana’s Red River valley in which White Leaguers forcibly removed the Republican office holders of an entire county and murdered six white Republicans.⁵⁸ Grant claims “Not until this [The Colfax Massacre] was the

⁵⁰ *The Papers of Ulysses S. Grant*, Volume 25: 1874 (Mississippi State University Digital Collections), 215-216.

⁵¹ *The Papers of Ulysses S. Grant*, Volume 25: 1874 (Mississippi State University Digital Collections), 215-216.

⁵² *The Papers of Ulysses S. Grant*, Volume 25: 1874 (Mississippi State University Digital Collections), 215-216.

⁵³ Taylor, 281.

⁵⁴ “U. S. Grant. President’s Message.” *Galveston Daily News* (Houston, Texas) 14 Jan. 1875.

⁵⁵ Ibid.

⁵⁶ “U. S. Grant. President’s Message.” *Galveston Daily News* (Houston, Texas) 14 Jan. 1875.

⁵⁷ Ibid.

⁵⁸ Taylor, 287-290.

massacre in August last.”⁵⁹ He contends that the events in Coushatta were inspired by Colfax; similarly, “No one has been punished and the conservative press of the state has opposed all efforts to that end and boldly justified the crime.”⁶⁰

According to Grant, the Colfax Massacre inspired many politically motivated “murders of like character” including the murders of notable white Republicans Judge T.S Crawford and District Attorney P.H Harris in what could only be considered a campaign to remove or kill Republican leaders.⁶¹ Grant goes on to say that while he is hesitant to say that “the murder of a negro or white Republican is not considered a crime in Louisiana” it is clear to him that Colfax had created a belief that these murders would go without punishment.⁶² Establishing violence and paramilitary action as a viable means of combating the efforts of Republicans was an effective strategy; by September of 1874 White Leagues had succeeded in forcing the removal of Republican governments in at least eight parishes in Louisiana.⁶³

The continued success of political violence set the stage for perhaps the boldest paramilitary action of Reconstruction, the Battle of Liberty Place, which took place in New Orleans on September 14, 1874.⁶⁴ This battle was an attempt by the White League of New Orleans to rid Louisiana of Governor Kellogg.⁶⁵ According to the *New Orleans Republic*, on Saturday, September 13th posters were put up throughout New Orleans “calling on citizens to assemble Monday morning on Canal Street.”⁶⁶ That Sunday a bulletin was put out in the paper calling on white citizens of New Orleans “to assemble at Clay statue on Canal Street and in tones loud enough to be heard throughout the length and breadth of the land declare that you are right, ought to be and meant to be free.”⁶⁷ The morning of the 14th around 5,000 white men gathered in Canal Street for what the *New Orleans Republican* termed a “mass meeting” and called for the removal of Kellogg from office.⁶⁸ When their demands fell on deaf ears the men resorted to violence, “various companies of the white leagues armed with every variety of weapons appeared in the streets.”⁶⁹ The appearance of these armed White Leaguers developed into a conflict that, as described by the *New Orleans Republic*, more resembled a small scale military battle than a political riot.⁷⁰ General Ogden, commander of the White Leagues, selected “The corner of Poydras and St Charles street” as the spot “from which the movement of the organization were directed.”⁷¹ The White Leaguers, which numbered about 8,400, faced off against 500 metropolitan police and 3,000 militia who established a line with their backs to the Mississippi River.⁷² When the fighting

⁵⁹ “U. S. Grant. President's Message.” *Galveston Daily News* (Houston, Texas) 14 Jan. 1875.

⁶⁰ *Ibid.*

⁶¹ “U. S. Grant. President's Message.” *Galveston Daily News* (Houston, Texas) 14 Jan. 1875.

⁶² *Ibid.*

⁶³ Tunnell, 203.

⁶⁴ Taylor, 291.

⁶⁵ *Ibid.*

⁶⁶ “A Day of Riot and Blood” *New Orleans Republican* September 15, 1874.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ “A Day of Riot and Blood” *New Orleans Republican* September 15, 1874.

⁷¹ *Ibid.*

⁷² *Ibid.*; Taylor, 291-296.

commenced “the contest lasted no more than 10 minutes and then the police were driven back from their charge.”⁷³ Many of the White Leaguers considered this a victory and the end of Kellogg's regime. That evening newspaper bulletins declared “General Frederick N. Ogden is hereby appointed to provisional governor.”⁷⁴ However Kellogg had wired Grant requesting federal aid to help suppress the insurgency started by the White Leaguers.⁷⁵ President Grant issued a proclamation ordering lawless elements in Louisiana to disperse, and on Sept 17. Grant ordered U.S troops and naval vessels to New Orleans.⁷⁶ These forces led by General Emory arrived in New Orleans on September 16th and by September 18th Kellogg had been restored as governor.⁷⁷

This incident illustrates the clear influence of the Colfax Massacre. Although the Battle of Liberty Place lacked the bloodshed of Colfax, the parallels between the two incidents are clear; both featured paramilitary groups with the explicit intent of removing Republicans from office and reinstating a system of white supremacy. While the White Leaguers were ultimately unsuccessful in their attempt to remove Governor Kellogg, they conducted a full out military coup of New Orleans with pride, enthusiasm, and little fear of retribution from state or federal governments. Those who participated clearly took the government's reaction to Colfax as a sign that they could get away with similar action in New Orleans.

Legal battle

While the battle for political control of Louisiana raged on, an equally important battle was being fought within the legal system. The *United States Vs. Cruikshank*, the Supreme Court case trying the last three participants of the Colfax Massacre, would have monumental effects on the federal government's ability to combat attempts in the South to restore white supremacy through violence. In his address to Congress, on January 13, 1875, Grant highlighted the important role of the federal government in protecting and ensuring the rights of African Americans in the South, “By the 15th amendment to the constitution of the United States, political equality of the colored citizens is secured, and that under the second section of that amendment, providing that congress shall have the power to enforce its provisions by appropriate legislation.”⁷⁸ Yet this case would put to the test the Enforcement Acts and the federal government's role in protecting the Reconstruction Amendments.

The nine men who originally went on trial in the federal court of New Orleans were charged with violating the Enforcement Acts, which had been created to punish those who committed crimes attempting to prevent citizens, specifically African Americans, from exercising their rights such as voting and free speech.⁷⁹ Five of the nine put on trial were eventually acquitted. The remaining four defendants were

⁷³ “A Day of Riot and Blood” *New Orleans Republican* September 15, 1874.

⁷⁴ Ibid.

⁷⁵ Taylor, 291-296.

⁷⁶ Taylor, 291-296.

⁷⁷ Ibid.

⁷⁸ “U. S. Grant. President's Message.” *Galveston Daily News* (Houston, Texas), January 14th, 1875.

⁷⁹ Taylor, 272-273.

convicted of violating Section 6 of the Enforcement Act of 1870.⁸⁰ When this conviction was appealed to the circuit court level, a split decision by Judge Bradley and the original trial judge would ensure the case would be appealed all the way to the United States Supreme Court.⁸¹

The crime of murder cannot be tried on a federal level, so the defendants were charged with violations of the Enforcement Acts.⁸² This charge would bring to the forefront issues the constitutionality of the Enforcement Acts and the Supreme Court's interpretation of the Federal government's role in protecting constitutional amendments.

In the Spring of 1876 the Supreme Court ruled in favor of the defendants.⁸³ The opinion of the Supreme Court issued by Chief Justice Morrison Waite stated that:

There is in our political system a government of each of the several States, and a Government of the United States. Each is distinct from the others, and has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of those governments will be different from those he has under the other.⁸⁴

He argues that the citizens of the United States are subject to two different governments, State and Federal. He defines the relationships between these two powers as such:

The Government of the United States, although it is, within the scope of its powers, supreme and beyond the States, can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that cannot be so granted or secured are left to the exclusive protection of the States.⁸⁵

This distinction between the role of the state and the role of the federal government would be key in the way the justices interpreted the amendments in question. In regards to the charges that the participants of Colfax Massacre had violated the first amendment rights of the victims, the court ruled that "The First Amendment to the Constitution...was not intended to limit the action of the State governments in respect to their own citizens, but to operate upon the National Government alone. It left the authority of the States unimpaired...guaranteed the continuance of the right only against Congressional interference."⁸⁶ A similar statement was issued for the Second amendment, "The right to bear arms is not granted by the Constitution."⁸⁷ The court ruled that the amendments to the Constitution only served to prevent the federal

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Taylor, 272-273.

⁸³ Tunnel, 193.

⁸⁴ *United States v Cruikshank*, 92 U.S. 542, (1875).

⁸⁵ Ibid.

⁸⁶ *United States v Cruikshank*, 92 U.S. 542, (1875).

⁸⁷ Ibid.

government from directly interfering with the right specified in the amendment, it does not necessarily guarantee you that right.

This narrow interpretation of the Constitution was carried over to the interpretation of the Reconstruction Amendments. The opinion of the court was that while the 14th Amendment prohibits a state from making or enforcing laws which deprive citizens of their rights or due protection under the law. It does “nothing to the rights of one citizen as against another.”⁸⁸ The court ruled “The only obligation resting upon the United States is to see that the states do not deny the right. This the Amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.”⁸⁹ The 14th amendment only protects individuals from actions by the state, not by individuals.

The court reached a similar conclusion regarding the right to vote declaring that the Fifteenth Amendment only prevented states from denying someone the right to vote based on race. It does not guarantee them that right: “The right to vote in the States comes from the States.”⁹⁰

The court's ruling meant that the federal government could only address situations in which constitutional rights were infringed upon by the state, not by individuals. This ruling would heavily influence the court's decision on the charges that the defendants had violated the Enforcement Acts. In addition to the fact that the prosecution never successfully proved the racial motivation behind Colfax. The opinion by Justice Mattie was that the court could not convict anyone based on the Enforcement Acts because they “are not constitutionally within the jurisdiction of the courts of the United States” and “because the said act, in so far as it creates offences and imposes penalties, is in violation of the Constitution of the United States, and an infringement of the rights of the several States and the people.”⁹¹ Essentially because they had ruled that Congress could not enforce of the 14th and 15th Amendment on a state level, the Enforcement Acts were unconstitutional.

The rulings of the Supreme Court would go on to have monumental effects on Reconstruction. Because acts like Colfax were committed by private citizens not by state actors, the federal government was powerless to intervene. Leonard W. Levy's *Encyclopedia of the American Constitution*, claims that “*Cruikshank* paralyzed the federal government's attempt to protect black citizens by punishing violators of their Civil Rights and, in effect, shaped the Constitution to the advantage of the Ku Klux Klan.”⁹² The court's ruling essentially nullified the Enforcement Acts and left the protection of rights to the states. By not allowing the federal government to use the Reconstruction Amendments and the Enforcement Acts, the suppression and prosecution of the actions of White Leagues was left to a state level. Which, as evident in the attempt to prosecute Colfax at a state level, was a difficult task for local officials who were either the subject to this violence or complicit in it.

⁸⁸ *United States v Cruikshank*, 92 U.S. 542, (1875).

⁸⁹ *Ibid*.

⁹⁰ *United States v Cruikshank*, 92 U.S. 542, (1875)..

⁹¹ *Ibid*.

⁹² Leonard W. Levy, *Encyclopedia of the American Constitution* (New York : Macmillan Reference 2000), 254.

The grave consequences of the court's decision would come to light in just a few months in Hamburg, South Carolina. On July 26th President Grant wrote a letter to the Governor of Carolina in which he discussed the “barbarous massacre of innocent men at the town of Hamburg.”⁹³ In an incident eerily similar to Colfax, a dispute between a black militia and a white rifle club turned deadly when the rifle club more commonly known as the Red Shirts chose to take the law into their own hands.⁹⁴ The resulting battle left at least five blacks dead and initiated a reign of white terror in an area that held a black majority.⁹⁵ Grant viewed this event as part of a larger pattern calling it “only a repetition of the course that has been pursued in other Southern States within the last few years — notably in Mississippi and Louisiana.”⁹⁶ Grant claims, that incidents like this were due to the fact that a general belief exists in many southern states that they have “the rights to kill negroes and Republicans without fear of punishment, and without loss of caste or reputation.”⁹⁷ The Cruikshank case, by relegating the federal government powerless to prosecute the participants, exacerbated this belief. The decision of the Supreme Court and the subsequent Hamburg Massacre had created, according to the governor of South Carolina D. H. Chamberlain, “wide spread terror and apprehension among the colored race and the Republicans of this state” and “a feeling of triumph and political elation...in the minds of a considerable part of the white people and Democrats.”⁹⁸ Creating a situation in which “The fears of the one side correspond with the hopes of the other.”⁹⁹

Election of 1876

The full effect of the Colfax Massacre, the rise of White Leagues, the increased use of political violence, and the general political chaos that it had inspired, would be most profoundly demonstrated in the election of 1876. The presidential election of 1876 is one of the most controversial elections in the history of the United States and the southern states, particularly Louisiana, would play a key role.¹⁰⁰ *The New Orleans Republican* reported on the “Truly extraordinary position now occupied by Louisiana before the people of the United States, and in view of the fact that her electoral vote may be the pivot upon which will turn the Presidential contest.”¹⁰¹ The controversy of the election however, also put a greater scrutiny of the legitimacy of the votes. President Grant said, “The Country cannot afford to have the results tainted by suspicion of illegal

⁹³ *The Papers of Ulysses S. Grant*, Volume 27: January 1-October 31, 1876 (Mississippi State University Digital Collection), 199-202.

⁹⁴ Charles W. Calhoun, *The presidency of Ulysses S. Grant* (Lawrence: University of Kansas Press), 550-551.

⁹⁵ *Ibid.*

⁹⁶ *The Papers of Ulysses S. Grant*, Volume 27: January 1-October 31, 1876 (Mississippi State University Digital Collection), 199-202.

⁹⁷ *Ibid.*

⁹⁸ *The Papers of Ulysses S. Grant*, Volume 27: January 1-October 31, 1876 (Mississippi State University Digital Collection), 199-202.

⁹⁹ *Ibid.*

¹⁰⁰ Taylor, 483-491.

¹⁰¹ “The Returns” *New Orleans Republican*, November 11, 1876.

or false returns.”¹⁰² The political climate in the South would make this very hard to achieve. The pattern of violence and paramilitary politics which had taken hold of Louisiana —inspired by Colfax, then emboldened by the Supreme Court’s decision— was mirrored in many other areas of the South. The governor of South Carolina, D. H. Chamberlain described the current state of the south aptly in his letter to President Grant regarding the Hamburg Massacre. According to Chamberlain many in the south saw the Hamburg Massacre and events like it as “a new evidence of a purpose to subject the majority of the voters of that vicinity to such a degree of fear as to keep them from the polls on election day and thus reverse or stifle the true political voice of the majority of the people.”¹⁰³ The inability of the federal government to intervene, “caused a firm belief on the part of most republicans, that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed to be the political subjugation and control of this State.”¹⁰⁴

The months before the election of 1876 were rampant with violence, voter intimidation, and fraud as the ruling in the Cruikshank Case had severely hampered the federal government’s ability to thwart white supremacy and protect the sanctity of elections.¹⁰⁵ No longer fearing being prosecuted under the Enforcement Acts, Democrats in many parishes used bulldozing to intimidate black voters. Bulldozing refers to a practice in which groups of armed Democrats rode around at night, occasionally committing acts of violence, to intimidate black voters.¹⁰⁶ Additionally white Republican leaders were subject to violent intimidation in many parishes. In East Baton Rouge the sheriff, judge, and tax collector were forced to resign by a mob of Democrats who threatened their lives, while in Ouachita Parish, the tax collector was shot as he rode to lunch.¹⁰⁷ On November 11th the New Orleans Republican published an article regarding the elections, stating that “No stretch of human reason can reconcile the events of the seventh of November in the parishes of Ouachita, East and West Feliciana, East Baton Rouge and Morehouse with a free and honest election. The proceedings in each parish were marked by ruffianism, intimidation and fraud such as no government on earth can countenance.”¹⁰⁸

Despite some arguments that the 1876 election was actually one of the most peaceful elections in Louisiana, the overwhelming evidence of violence and intimidation throughout the South put the legitimacy of the election at stake.¹⁰⁹ Ultimately, due to the conflicting reports of the State Returning Board, which was split along party lines, the electoral votes of Louisiana would be deemed too disputed to count. Similar events occurred in Florida and South Carolina. This left the outcome of elections in the hands of Congress, resulting in the “Great Compromise of 1877.”¹¹⁰ Democrats agreed to cede

¹⁰² Ibid.

¹⁰³ *The Papers of Ulysses S. Grant*, Volume 27: January 1-October 31, 1876, (Mississippi State University Digital Collections), 199-202.

¹⁰⁴ *The Papers of Ulysses S. Grant*, Volume 27: January 1-October 31, 1876, (Mississippi State University Digital Collections), 199-202.

¹⁰⁵ Taylor, 488; Calhoun, 550-551.

¹⁰⁶ Taylor, 488.

¹⁰⁷ Ibid.

¹⁰⁸ “The Returns” *New Orleans Republican*, November 11, 1876.

¹⁰⁹ Taylor, 483-491.

¹¹⁰ Taylor, 483-491.

the presidency to the Republicans in exchange for the removal of federal troops from the South.¹¹¹ This removed the last remaining line of defense facing the White Leagues and all but ended Reconstruction.¹¹²

Legacy

The legacy of Colfax is clear; the violence that occurred that day inspired a pattern of politically motivated paramilitary violence throughout the South, a pattern that would fundamentally change the struggle between radical reconstruction and white supremacy. At the same time the decision in *U.S v Cruikshank* put an end to the federal government's ability to suppress the very same violence, striking a major blow to Reconstruction and paving the way for disenfranchisement of African Americans and the Jim Crow era.

This makes the absence of Colfax in traditional narratives of Reconstruction all the more significant. Clearly the current attempt to commemorate the events that occurred in Grant Parish—if one even considers the plaque an attempt—fails to be a suitable tribute to the victims. This can be attributed to local political beliefs and a desire to bury a dark chapter of local history. The question we must ask, if we truly wish to commemorate Colfax, is why an event so widely covered by the papers of the time and clearly of great importance to President Grant has fallen into the bygones of history. The answer is that acknowledging the significance of Colfax forces us to confront the fact that, racially motivated paramilitary style violence was a tool readily used by Democrats in the South and played a major role in bringing about the end of Reconstruction.

There are many people who would prefer to leave this out of the narrative, preferring to think that the violence that shook the United States during the Civil War came to an end with its conclusion, and that the influence of the KKK and other groups was limited to isolated incidents of racial violence. It is essential that Colfax be recognized. Allowing Colfax to fade into the forgotten allows the violence it inspired to fade with it. Including Colfax and the events that followed in the narrative, shows the violent battle that took place for control of Louisiana. The violent incidents of Reconstruction were not isolated incidents but coordinated attempts to usurp the current government and institute a system of white supremacy, a movement that one could argue was ultimately successful. If we acknowledge the role of paramilitary violence in the narrative of Reconstruction, than we also must acknowledge the purpose for which this violence was used: the removal of African Americans and those who supported African Americans from political power. This helps to illustrate the continual and systematic efforts by white supremacists to oppress African American power and forces us to change the way we think about Reconstruction and the plight that African Americans faced in the post Civil War era.

¹¹¹ Ibid.

¹¹² Ibid.

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JAMES HAMILTON, a native of Oceanside, NY, is a senior at The State University of New York at Geneseo. He is a double major in History and Business Administration and is planning on attending law school after graduation. He is also member of Geneseo's Fed Challenge Team.