

TRAGEDY AT COLFAX

BY: Ron Wikberg, E.J. Carter* & Floyd Webb

The world is a comedy to those who think, a tragedy to those who feel.

----HORACE WALPOLE

Her trial was almost over. Mary Jane Jones looked beyond her two white lawyers, C.H. McCain and J.A. Williams, to see her mother standing at the rear of the courtroom. Only whites filled the benches. She didn't burn down any cabin and she didn't know why all these folks said she did.

Grant Parish prosecutor R.G. Pleasant was near his final argument to the white men sitting in the jury box of the Colfax, Louisiana courtroom. One of her appointed lawyers, Williams, had just completed his closing statement and Pleasant was visibly angry. "Williams says in this case I have lost control of myself; that in his speech he states to you that he has never seen me lose such control of myself in his life. Gentlemen," Pleasant continued, "I want now and here, in reply to this charge of Mr. Williams, to enter an emphatic plea of guilt. I did lose control of myself. Every drop of my white man's blood did boil in me, and the white man's blood of other white men in this courthouse in the parish of Grant, and in the town of Colfax, with its past history, used slanderous and _____ language against the officers of Grant Parish and against white men."

The jury found Mary Jane Jones guilty of Arson. Colfax Judge W.F. Blackman sentenced her to five years in the state penitentiary. Now she would have to ride

the steamer down river to Angola, the place she had always heard so much about. Even now in 1910, stories were rampant of labor, disease and death in the swamps at the penitentiary. She heard her mother's painful moan above the crowd. Mary Jane was frightened.

But, Mary Jane would win her case on appeal. In State v. Jones, 53 So. 959 [January 3, 1911], the Louisiana Supreme Court, acutely aware of the social and racial atmosphere of Grant Parish, past and present, vacated both Mary Jane's conviction and sentence. Associate Justice Olivier O. Provosty, speaking for the court, said: "The white men on the jury are called upon to bear in mind that this negro has dared to refer familiarly and contemptuously to white men; and these white jurymen are at the same time called upon to bear in mind that in 1873 [37 years previously] nothing but the quickness of action of the white men of the country around Colfax saved the white people of Colfax from massacre by the negroes.

"This last was what was meant by the words 'in this courtroom, in a place like this, with its past history.' In 1873, the negroes rose in arms, and for a time, the white men, women and children of Colfax stood in danger of massacre or worse at their hands. The whites of the neighboring country quickly got together. The negroes, to the number of over 500, took refuge in the courthouse, the whites fired the building, and those of the negroes that did not perish in the fire were shot down as they sought escape from the flames. A trench was dug on the spot, and the unconsumed negro corpses were thrown in it. Two white men

lost their lives - shot down by the negroes. Several others were dragged before the partisan federal tribunals of that time. The new courthouse, that in which the trial [of Mary Jane Jones] was being had, was built on the site of the old. It was this bloodiest, deadliest, and the darkest chapter of the history of the two races in this state - this appalling holocaust to racial antagonism and hatred - the white men on the jury were called up to bear in mind."

What was referred to as the bloodiest, deadliest and darkest chapter in Louisiana history is also one of the most interesting examples of the state's criminal justice system. The "Colfax Riot," the murder of hundreds of people, and the subsequent judicial proceedings, involved a variety of diverse personalities and colorful politics. They would combine to play significant roles in the foundation of the state's criminal justice system and the Courts as we know them today.

For nearly a dozen years following the Civil War, life in Louisiana was just as violent and tragic as it was during the war. Instead of a period of "Reconstruction," as it was named by the U.S. Congress in its plan to rebuild the South after the war, it was for Louisianians a time of political corruption, military occupancy, continued slavery, acts of discriminations against the poor and disenfranchised, thefts and other crimes. Even murders. Though Louisiana was the last state to secede from the Union on January 26, 1861 by a legislative vote of 112 to 17, it would also be the last state to re-organize and achieve a form of Home Rule (self-government).

A fledgling criminal justice system was already in disarray because of the war. A court system, such as it existed, was controlled by ever-changing political factions, many of which consisted of outsiders. Judicial fairness and justice

were only available, as a general rule during those troubled times, for the "in crowd." Many crimes and acts of violence went unpunished, though they were widely chronicled. Times were indeed difficult.

The state's penal system was also in chaos. Soon after the Louisiana legislature voted for secession, Union troops took control of New Orleans and Baton Rouge, including the state's only penitentiary. All the convicts were released from "The Walls" and the prison then used for storing ammunition and military supplies. Only whites had been incarcerated at the prison because the Louisiana criminal justice system was not designed for blacks. Justice for slaves was meted by their owners, instantaneously, on the plantations.

In Louisiana the Civil War ended officially on May 8, 1865, when Confederate General Dick Taylor surrendered the forces under his command. Southern soldiers in other parts of the country, with amnesty (pardons) in their hands, returned home to a war-ravaged state, poorly defined local and state governments, agricultural and industrial commerce all but non-existent and tens of thousands of black citizens to be factored into the social fabric of a new beginning.

The Thirteenth Amendment to the U.S. Constitution had been ratified, abolishing slavery. Though establishing an end to slavery looked good on paper in Washington, D.C., the reality evoked almost total confusion in the South. Abolishing it was one thing, enforcing it was another. Unaccustomed to life and commerce without virtually free labor, the profitable mainstay of southern business, the plantation owners still treated Blacks as slaves. Being free, mostly illiterate and penniless, some slaves were willing to keep working just for room and board. Others, with friends, relatives or sponsors, fled from the state to the north. Some wanted to turn their new freedom into a place within the Louisiana community.



UNION TROOPS OCCUPIED LOUISIANA IN THE NAME OF PEACE

The post-war atmosphere in Louisiana was aggravated by the continuation of Union troop military occupancy. According to the plan of Reconstruction, compelled by Congress in 1867, it established a military rule and a new organization of government through a convention (to be elected by Negro and White voters), and called for a new constitution which would have to be accepted by the Congress.

The politics of the times added to the confusion. A great many loyal Louisianians, both White and Black, made honorable efforts to re-establish a form of self-government and get the state on a sound social/economic footing. But the confusing times also provided ideal opportunities for corruption and for those who sought power and monetary gains. "Carpetbaggers" [called such because personal belongings were packed in a carpet bag] gravitated to Louisiana from the northern states. Many would seek and gain positions of political power. "Scal-awags" were Louisianians who joined forces with the Carpetbaggers for personal profit. Political parties were formed,

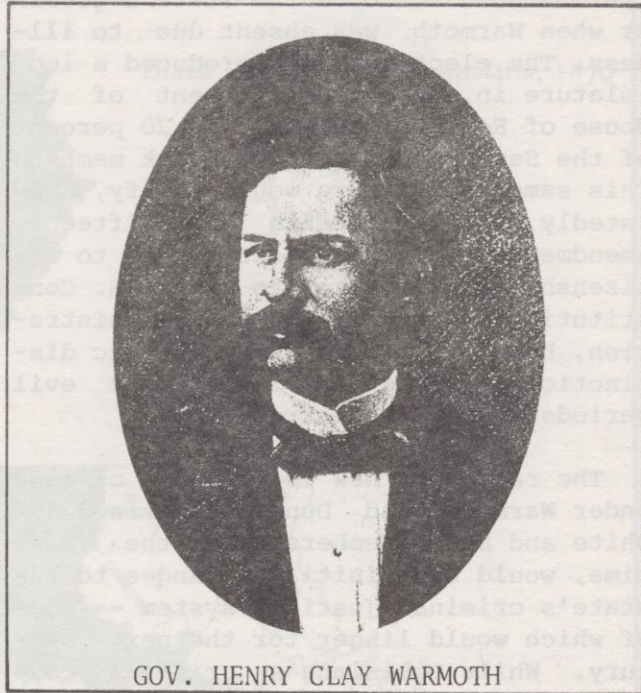
each calling the other "Radicals." The Republicans generally comprised of Liberal white southerners, northerners and blacks. The Democrats [also referred to as "Fusionists"] consisted of conservative white southerners, the Ku Klux Klan (KKK) and various league organizations, such as "The Knights of the White Camelia."

These organizations were initially formed for reasons, good and bad. When official steps to re-establish local and state governments were unsuccessful, people in different regions organized leagues to bring leadership and guidance to their community. Others, however, like the KKK (which began in 1866 in the State of Tennessee and spread throughout the South) and the Knights of the White Camelia, were secret organizations created to assure white supremacy over the newly enfranchised blacks. These organizations, combined with the political factions, the quasi-military authority and the non-Louisianians seeking political and economic gains, all hampered the coordinated and legitimate efforts to re-establish Home Rule in Louisiana.

The powers generally afforded to state leaders were greatly pre-empted by the military commander appointed to the region by the U.S. President to keep the peace. Following the war there were numerous racial confrontations throughout the state. Because of the civil disobedience and racial conflicts, the military presence was continued by Presidential orders because newly freed Blacks may not be safe under the then-white leadership. Later it would be historically noted that the military occupation for 12 years following the Civil War, contributed a substantial degree to the Reconstruction problems it was designed to prevent.

For a period of time following the war, Louisiana actually had two governments, two governors and other leaders at the same time. Regions of the state controlled by the military-elected officials which were recognized by Congress and The White House. Confederate Louisianians in rural areas also held elections, producing their choice of governmental leaders. If this didn't act to create chaos, the campaigning of the carpetbaggers did. The key to coalescing the many factions, including the newly freed slaves, into a single society of voters, required some tactful and innovative politicking.

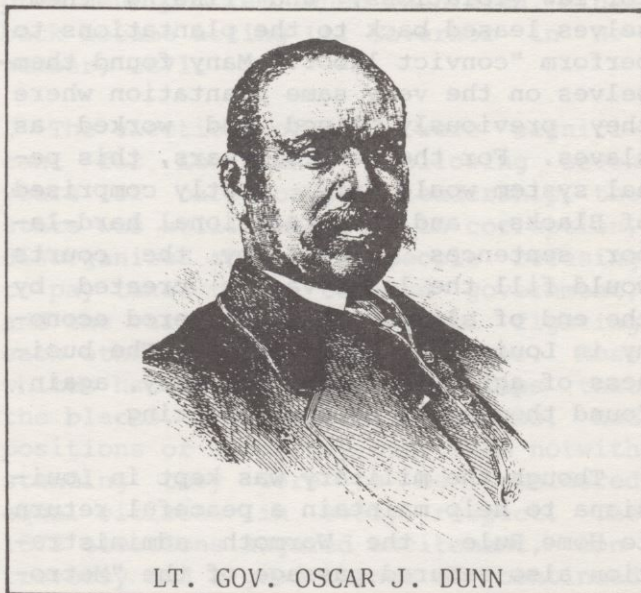
When the Louisiana Constitution of 1864 failed to give blacks political, civil and social rights, another attempt was made in 1868. Henry Clay Warmoth, a carpetbagger from the North, was a popular personality. He had first visited Louisiana in 1862 as a Lieut. Colonel in the Union army and made his home in New Orleans. He especially became popular with the blacks in speeches which, according to one newspaper, were "between the gravity of the owl and the levity of the monkey," telling his audiences that the Yankees were inventing machines every day and when he went to the north he would get them "to invent a machine which will pump out your black blood and



GOV. HENRY CLAY WARMOTH

pump in white blood. There will be no trouble then about your voting, for all you will have to do will be to wash your faces and go to the ballot box." Warmoth's campaign style won him the governorship at the age of 26.

Elected under Warmoth as the first black Lieutenant Governor in U.S. history, was Oscar J. Dunn. On several oc-



LT. GOV. OSCAR J. DUNN

casions Dunn acted as the state's governor when Warmoth was absent due to illness. The elections also produced a legislature in which 50 percent of the House of Representatives and 20 percent of the Senate consisted of black members. This same legislature would ratify, belatedly, the Fourteenth and Fifteenth Amendments (giving blacks rights to citizenship and to vote) to the U.S. Constitution. The Warmoth/Dunn administration, however, would earn historic distinction of being one of the most evil periods during Reconstruction.

The radically new legislature of 1868, under Warmoth and Dunn, comprised of white and black members for the first time, would also initiate changes to the state's criminal justice system -- some of which would linger for the next century. While Louisiana's criminal code and concept of penology had been, to that point designed only for Whites, it was now necessary to make room in that philosophy for Blacks.

The Warmoth/Dunn legislature leased the prison and the prisoners to Major Samuel L. James, who took control of the corrections system. This "lessee system" of corrections was conveniently began at a time when the free labor provided by slaves disappeared. Almost immediately the now-new Black citizens were arrested for law violations, and finding themselves leased back to the plantations to perform "convict labor." Many found themselves on the very same plantation where they previously lived and worked as slaves. For the next 31 years, this penal system would grow, mostly comprised of Blacks, and the traditional hard-labor sentences imposed by the courts would fill the labor vacuum created by the end of slavery. The shattered economy in Louisiana would improve. The business of agriculture and industry, again, found themselves on sound footing.

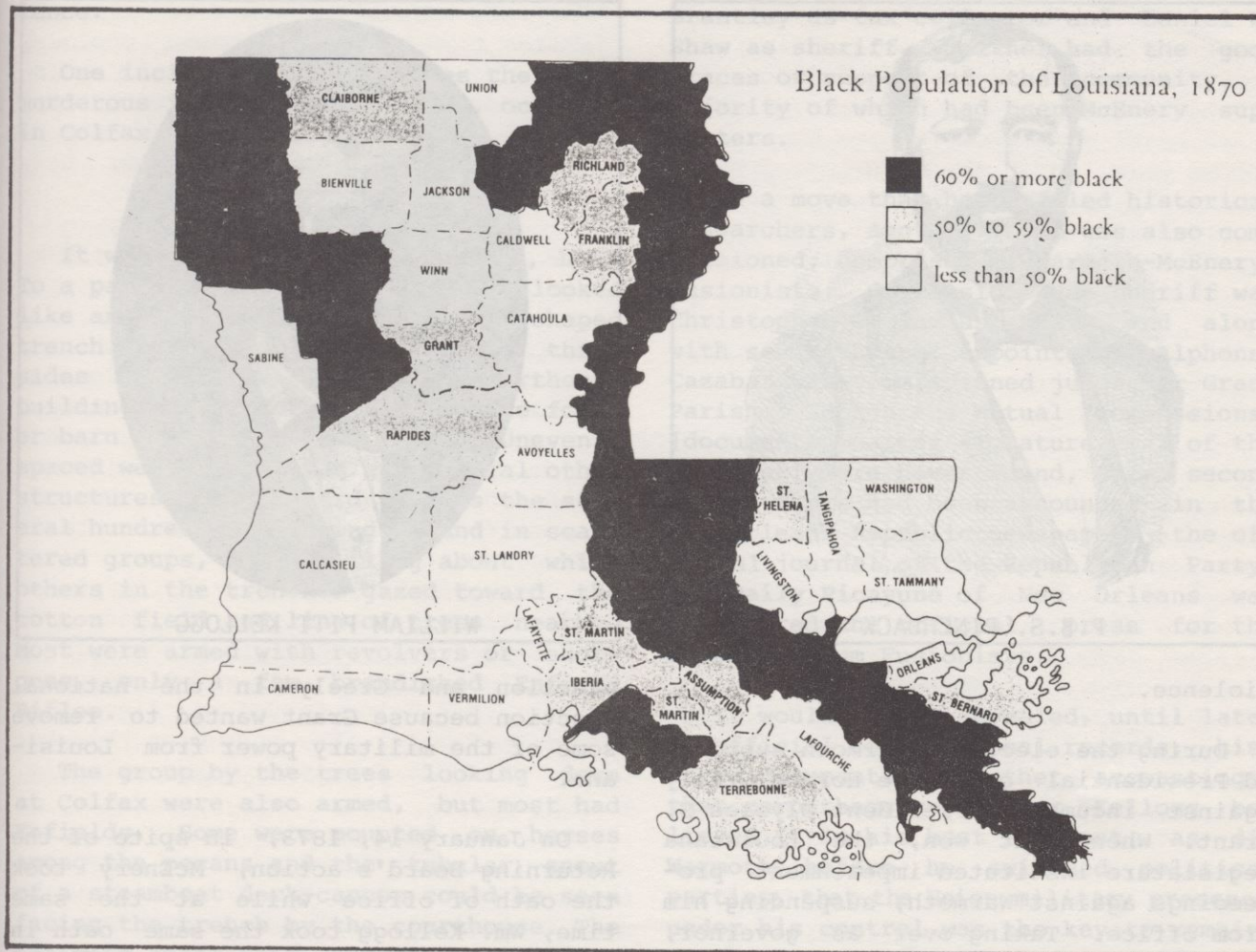
Though the military was kept in Louisiana to help maintain a peaceful return to Home Rule, the Warmoth administration also secured passage of the "Metro-

politan Police Bill" that, in addition to the occupying military forces, gave him considerable police powers. The Metro-police were empowered to act anywhere in the state.

Warmoth became as a dictator. Soon thefts, corruption and mis-use of power thrust Louisiana into further chaos. The fears of the blacks were exacerbated by terror tactics of the KKK, while Leagues such as the Knights of the White Camelia, formed in Franklin Parish in 1867, tried to undermine the power and authority of the carpetbaggers and scalawags. Others formed the Union League, and as each faction travelled in different directions for different reasons, the state itself was engulfed in near total civil war. Race riots and other civil disorders returned Louisiana to the same level of discontent and violence it had just experienced during the Civil War itself.

In order to maintain political authority, which required the powerful presence and use of the Union military troops, it was necessary for the carpetbagger politicians to keep the U.S. President convinced that social unrest, prevailing radicalism and the safety and welfare of the freed slaves were in jeopardy. It was, therefore, to political advantage that reports and news stories of social unrest reach Washington, D.C.. And they did. Between the official ending of the war and the time Home Rule was finally achieved, thousands of people were killed in many riots, acts of terrorism, and by individual cases of brutality. Most of those killed were black.

A year after the Warmoth/Dunn election in 1868, the legislature approved the creation of Grant Parish in central Louisiana, to be formed from a section of low swamp land along the Red River at the northern portion of Rapides Parish and the southern portion of Winn Parish. The actual naming of the parish and parish seat was made by wealthy Rapides Parish plantation owner, Meredith Calhoun. He named the parish after the U.S. Pres-

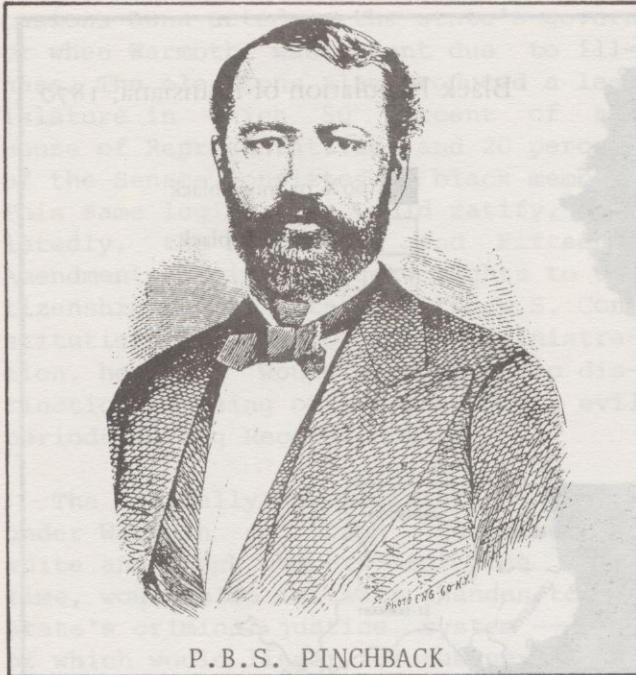


ident (Ulysses S. Grant). The parish seat was named after then-Vice President Schuyler Colfax. It would be here that one of Louisiana's worst tragedies would occur, a violent, senseless and bloody massacre for which no one would ever stand convicted or punished.

After three years, Lt. Governor Dunn died in office. He was succeeded under law by the state senate President Pro Tem, a black named Pinckney Benton Stewart Pinchback, the son of a Georgia slave owner and a slave. Pinchback had been freed and sent to Ohio to be educated and later finding his way to New Orleans as a steamboat employee. There he joined the Union army, forming a company of black volunteers known as the Corps d' Afrique. Later, Pinchback became actively involved in politics, organizing the 4th Ward Republican Club, was a mem-

ber of the state committee sent to the Constitutional Convention of 1868 and in 1871 was elected to the state senate as president pro tem. When Dunn died, Pinchback became acting Lt. Governor in November, 1871.

The elections of 1872 were significant for Louisiana. Following seven years of carpetbagger leadership, the state was still embroiled in corruption, disorganized socially, people refusing to pay taxes to a crooked government, and the various factions still fighting each other for position and power. Most whites had still not come to grips that the blacks, only recently slaves, had positions of authority over them notwithstanding they were to be considered equal citizens in every respect. The 1872 elections augured excitement, controversy and a good chance of continued

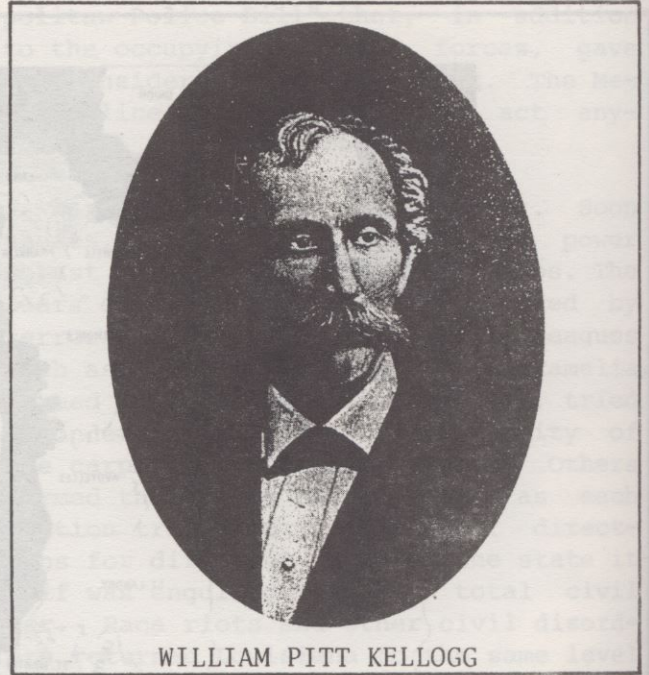


P.B.S. PINCHBACK

violence.

During the election, Warmoth supported Presidential candidate Horace Greely against incumbent President Ulysses S. Grant. When Grant won, the Louisiana Legislature instituted impeachment proceedings against Warmoth, suspending him from office. Taking over as governor, from December 9, 1872 until January 14, 1873 while elections were taking place, was P.B.S. Pinchback. He would be the nation's first and only black governor for the next 117 years.

Vying for the governorship were William Pitt Kellogg, another carpetbagger who had been born in Vermont, but raised in Illinois. He had helped form the Republican Party in Illinois and was considered to be a friend of the Grant administration in Washington. Pitted against Kellogg was John McEnergy, who was supported by the ousted Warmoth. McEnergy received a majority of the votes, but a "Returning Board," charged with assuring honest election returns, declared Republican Kellogg the winner. The Board had been comprised mostly of Republicans. Warmoth, who had been a Republican before, changed over to the Democratic-Fusion candidate McEnergy in the local



WILLIAM PITT KELLOGG

election and Greely in the national election because Grant wanted to remove some of the military power from Louisiana.

On January 14, 1873, in spite of the Returning Board's action, McEnergy took the oath of office while at the same time, Wm. Kellogg took the same oath in another part of New Orleans. Each formed their own legislatures and appointed other state officials, issuing commissions to various parish officials around the state. A reign of violence encompassed Louisiana as each faction tried to wrestle offices from the other. Kellogg, with the military and police under his control, arrested McEnergy's legislature and others. Throughout the state acts of rebellion and violence erupted. The average citizen did not know who was in charge, who was to be obeyed or who was to be believed. In the cities, whites and blacks of each party attacked the other. In the more rural areas, the scenario was aggravated by the official and unofficial mis-information of planned activities by the races against each other. The parish officials appointed by Kellogg and McEnergy clashed. Added to personal prejudices between the races, the entire state became a hotbed of vio-

lence.

One incident, to emerge as the most murderous in Louisiana history, occurred in Colfax shortly afterwards.

It was Easter morning, April 13, 1873. To a passerby, Colfax would have looked like an armed camp. A crescent-shaped trench had been dug around almost three sides of the single-story courthouse building. On the other side of the former barn was the Red River. Unevenly spaced were two stores and several other structures. It was hard to miss the several hundred men sitting around in scattered groups, some milling about while others in the trenches gazed toward the cotton field and line of trees nearby. Most were armed with revolvers or shotguns, only a few brandished Enfield Rifles.

The group by the trees looking down at Colfax were also armed, but most had Enfields. Some were mounted on horses among the pecans and the tubular snout of a steamboat deck-cannon could be seen facing the trench by the courthouse. The activity among this better-armed group appeared more urgent as those on horseback flitted from group to group. They came alive and began forming a line facing the town just a hundred yards away. The absence of women and children, on both sides was apparent. While both groups were armed, facing each other and poised for action, there was a singular difference between them.

All those peering from Colfax were black. Those facing the town were white.

Until several weeks before, the town sheriff, judges and tax collector had been Warmoth-McEnery-Fusionist appointees, representing a majority of Grant Parish residents. Blacks outnumbered whites in that agricultural community four-to-one. After Kellogg was declared governor by the Returning Board, he commissioned R.C. Register as judge, G.D.

Brantley as tax collector and Daniel W. Shaw as sheriff. Neither had the good graces or support of the community, a majority of which had been McEnery supporters.

In a move that has baffled historical researchers, another group was also commissioned, comprised of Warmoth-McEnery-Fusionists. Commissioned as sheriff was Christopher Columbus Nash, and along with several other appointees, Alphonse Cazabat was commissioned judge for Grant Parish. Though the actual "commissions" [documents bearing signature/seal of the governor] were never found, these second appointments had been announced in the New Orleans **Republic** newspaper, the official journal of the Republican Party. The **Daily Picayune** of New Orleans was considered the official press for the Democrats cum Fusionists.

It would not be revealed, until later in official congressional records, historic documents and other accountings, that carpetbagger-Governor Kellogg believed it in his best interest, as did Warmoth before he switched political parties, that the Union military presence under his control was the key to remaining in power. The war had ended seven years before and the Republican administration of Ulysses S. Grant in Washington was under great national pressure to remove the military presence in the South and allow each state to govern itself. Kellogg's solution was simple, and Machiavellian. He would convince Washington that the continued safety of newly-freed blacks, as well as the peace and stability of the state, required the military to be on hand. Though prejudices between the races had, to a degree, always existed, a campaign was undertaken and fueled by false official and unofficial information. The Kellogg administration needed an incident.

Accompanying Shaw, Register and Brantley to Colfax was William Ward, a black Kellogg representative of the legislature, and Levi Allen, a black Union army veteran. Ward was also a former captain

in the Grant Parish militia. Their instructions were to seize the public offices, hold them and protect those appointed to them. Word was sent to the parish black residents. Those who came to town were, under the experienced eyes of Ward and Allen, issued weapons and given paramilitary training. A congressional report based on testimony and evidence said:

"...assumed a semi-military character. Three captains were elected, and lieutenants, sergeants, and corporals were appointed; men were regularly enrolled. The negroes were armed with shotguns and Enfield Rifles, and seizing upon an old steam-pipe they cut it up, and by plugging one end of each piece and drilling vents, they improvised and mounted three cannon [sic]. They constructed a line of earthworks some 300 yards in length and from 2½ to 4 feet high. Drilling was regularly kept up ..."

Guards were posted in the roads and though they were protecting white office holders, very few whites were allowed to enter the town. Another U.S. Congressional Report included:



BLACKS WENT INTO HIDING

"Of this affair Captain William Ward writes to Rev. Jacob Johnson (colored), under date of April 6: 'I am in command; I had a battle with the whites yesterday and repulsed them; one man was seen to fall, but got off.'"

The prelude to violence took another step closer.

Rumors spread quickly among whites and blacks in Grant Parish and surrounding regions. Reports of white farms being ravaged and people killed circulated along with threats that others would be killed and their women ravished. One of the most famous-to-be examples was that of Judge Rutland, a prominent local citizen whose daughter had died in Lake Charles six years earlier. The body had been exhumed and brought to Grant Parish for family burial. It was widely reported that after being forced to flee his home with family, the marauding blacks dumped the body from the casket onto his yard.

Rumors were rife of similar acts by whites upon blacks. Mounted whites were said to have shot a black farmer as he worked on his fence. Black farm houses were said to have been set afire in surrounding communities. Other rumors of lynchings and misconduct against black women continued to reach the armed camp inside Colfax.

While impassioned and radical members existed on both sides, there were some who saw disaster coming and made efforts to avoid it. But, it was futile. As the rumors gained momentum and spread to adjoining parishes, fear replaced common-sense and guns took the place of shovels and plow mules. Blacks, for miles around, went into woods and swamps to hide. Whites who left their homes sought refuge in other parishes.

Whites from distant regions of the state converged on Grant Parish, answering the call of Nash and the other local white officials. Armed men from Rapides,

Winn, Natchitoches, Sabine, Catahoula, Tensas and Caddo Parishes. When they all reached the line of pecan trees at the edge of Colfax, they numbered from 200 to 250 strong. The blacks in Colfax numbered several hundred.

Standing alongside Nash, gazing toward the courthouse, were James West Hadnot, Sidney Harris and Stephen Decatur Parish. Hadnot, a McEnery legislator, felt uncomfortable with the growing bloodlust among the men, most of whom had been waiting for a week, in the woods surrounding the town. All had thoughts of being home this Easter Day. History has well recorded what happened next.

While the literature has not given credit for the first shot fired, it can be presumed it was not made by the defenders. An exchange of shots for several hours across the long distance did little damage to either side. The deck cannon was charged with powder and filled with metal bolts. When several bursts showered the earthworks and courthouse, the blacks sought refuge inside. An attempt to fire the hand-fashioned cannon made of stove pipe failed - it exploded among those who tried to fire it.

The Nash group came closer, increasing the effectiveness of rifle fire. What they did not know was that the leaders of the band below, as well as the Kellogg officials, were no longer there. They had left, at different times over the preceding several days. Only the local blacks, in quasi-paramilitary fashion, remained.

History again intervenes with conflicting clarity. While the blacks were inside the Colfax courthouse, the roof, made of wood and shingle, was set on fire. The accountings are divided, saying a black prisoner named "Pink" was told to sneak up to the corner and set the fire in return for his freedom. Another account has a black named John Miles threatened with his life unless he torched the building. And, other reports

say the whites sneaked close enough to set it.

As the fire grew, flags of truce began waiving from the windows. Again history is divided. As a small group of attackers approached, including Hadnot, Harris and Parish under truce, shots rang out from inside, killing or mortally wounding all three. Other accounts have established Harris having been shot twice, in the back; and, Hadnot suffered a thru-and-thru belly-wound, from left-to-right, indicating that both men had been shot by their impassioned cohorts. When they fell, the others attacked and after a fusillade of gunfire, added to the growing flames, black defenders poured from the building waving anything they believed would be recognized as a sign of truce. As they stumbled from the courthouse, they were shot down. When it was over, black bodies could be seen covering the area. Others were burned alive inside the still smoking building. Between 40 and 60 prisoners were taken, herded to a local field and put under guard.

With the deed done, most of the Nash forces from far away began their trek back to their homes. Those residing locally and from the surrounding areas, remained. The brutality and violence was not over yet. There were still a number of prisoners under guard nearby. Again, history clearly chronicles the events as the blacks were escorted two or more at a time, some to the river where they were shot and allowed to lay where they fell. It was one of these prisoners, though shot and left for dead, who would survive and later testify before a grand jury.

Benjamin Brimm had been shot in the left eye with the bullet passing through his nasal passage and exiting at his lower jaw. He collapsed but feigned death as others around him were still being shot. When bleeding caused difficulty in his breathing, he was unable to prevent making noise as he gasped for air. His movement observed, he was shot in the



back, barely missing his spinal cord. Refusing to die, Brimm crawled to the ditch where he remained until found and medical treatment provided.

The total number of blacks killed that day, whether burned alive, shot or otherwise mutilated, number from 125 to 400, depending on which historic accounting used. The day after the carnage various officials arrived by riverboat, giving eye-witness accounts of the number of dead they observed. Some of the dead had been removed by family and relatives. When the military finally arrived two days later, they pushed the remaining decomposing bodies into the trench by the courthouse, pushing dirt over them. Some have set the number of those buried in this common grave at two-hundred and fifty.

The Colfax Riot struck the nation as "abominable" and "fiendish," incurring the wrath of news editors in nearly every northern state. As national public opinion found its way to a Republican administration in Washington, D.C., it would also affect the fate of Republicans in

the South. The massacre at Colfax triggered other racial confrontations in Louisiana. For an entire year Grant Parish remained in a state of anarchy, requiring wider use of the military which also caused a national roar of objection. The united clamor caused President Grant to issue a proclamation on May 22, 1873:

"Whereas, it is required that whenever it may be necessary, in the judgement of the President, to use the military force for the purpose aforesaid, he shall forthwith by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time."

The public hiatus also caused the federal government to seek charges against those involved in the bloody tragedy, even though the administration in Louisiana was of and supported by the same party. Ninety-eight indictments were issued, but only nine of the defendants were arrested. Taken into custody were William Cruikshank, John Pierce Hadnot, William Edwin, Clement C. Penn, Prudhomme Lemoine, Donas Lemoine, Oscar Gibbons, A.C. Lewis and Thomas Hickman. Each indictment consisted of 32 counts, charging: "With banding and conspiring together to deprive certain colored citizens of their right to vote, bear arms, of peaceably assembling, and other rights guaranteed to them by the Constitution..."

Ten months after the Grant Parish brutalities, the case against the nine defendants went to trial in New Orleans [February, 1874]. Circuit Court Judge W. B. Woods presided. Between prosecutor J.R. Beckwith and attorney Mr. Whittaker, over 200 witnesses were called. The case headlined most of the nation's newspapers. When the jury verdicts came, A.C. Lewis was acquitted and a mistrial declared for the remaining defendants when the jury could not reach agreement. Another trial date was set.

A substantial amount of pressure,

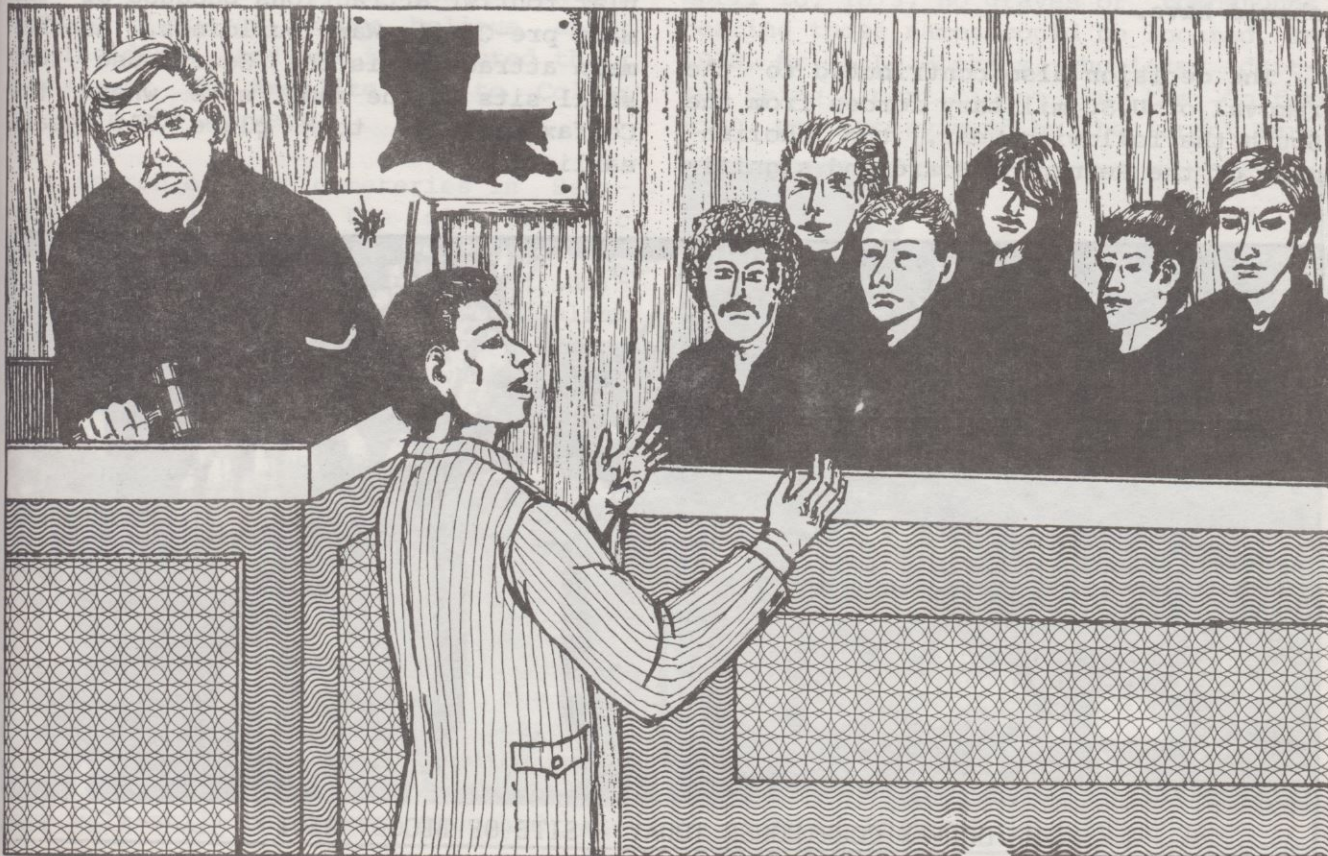
from the media, politicians and a growing public concern was applied.

May was a hot month and the trial lasted 25 days. The jury was made up of three blacks and nine whites. When the long-awaited verdict came, five of the defendants (Penn, both Lemoines, Gibbons and Hickman) were acquitted and three (Cruikshank, Hadnot and Edwin) were found guilty.

The three defendants appealed the case to the United States Circuit Court of Appeal which, at that time was not staffed, but instead comprised of the trial judge and an associate justice of the United States Supreme Court. In deciding the case, they were equally divided -- trial judge W.B. Woods for upholding the verdict, and Associate Justice Bradley for reversal. The inability to jointly agree automatically sent the case to the full U.S. Supreme Court.

The unanimous decision of the high

court in United States v. Cruikshank, 23 Law Ed. 588, 92 U.S. 542, on March 27, 1876, would have far-reaching effect across a nation still nursing its wounds following a war, racial strife and the effort to make laws which placed all people on equal footing. In finding that there are two distinct types of citizenship when it comes to the Fourteenth Amendment, federal and state, the court held that the constitution protects the rights of citizens from being denied state rights. Since the charges were levied in federal court, instead of state court, the justices looked to the Fourteenth Amendment and observed that, "There is no allegation that this was done because of race or color of the persons conspired against. When stripped of its verbiage, the case as presented amounts to nothing more than that defendants conspired to prevent certain citizens of the United States, from enjoying the equal protection of the laws of the state ... and of the United States.."



"But it is needless to pursue the argument further. The conclusion is irresistible, that these counts are too vague and general. They lack the certainty and persuasion required by the established rules of criminal pleading. It follows that they are not good and sufficient in law. They are so defective that no judgement of conviction should be pronounced upon them....The order of the Circuit Court arresting the judgement upon the verdict is, therefore, affirmed and the cause remanded, with instructions to discharge the defendants."

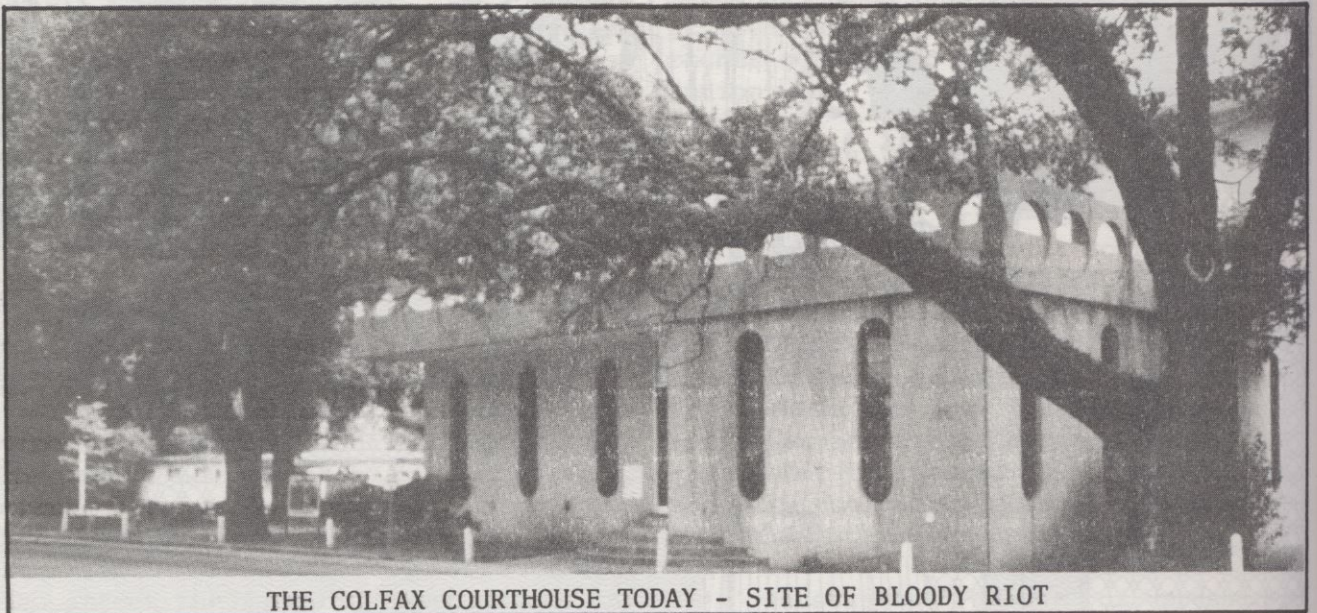
Essentially the court said that because it was a private army of citizens and not the State of Louisiana that committed the massacre, the federal government was powerless to act; the case should have been filed into state court to be addressed. By releasing the Colfax defendants, the high court limited how far the federal government could intervene into state affairs, and at the same time re-affirmed Home Rule with the recognition of the powers each state should have.

The decision also contributed to the removal of U.S. military forces from the South the following year, the abolishment of the Returning Board and signifi-

cant numbers shown at the voting polls. In 1865 only 27,809 people voted in Louisiana elections. Three years after the war ended, over 102,000 people cast votes and following the return to Home Rule and the official end of Reconstruction in 1876, a total of 160,964 persons appeared at ballot boxes.

What the Louisiana State Supreme Court would later refer to as the state's bloodiest, deadliest and darkest chapter --The Colfax Riot-- would eventually be the same event used to end carpetbagger rule throughout the South.

Colfax today is almost dead center of the state, located on La. Highway 8, just off U.S. Highway 71. With a growing reputation of being a hunters' and fisherman's paradise, Grant Parish boasts two lakes and the fourth-largest division of the Kisatchie National Forest. Site of the annual Pecan Festival, Colfax is also one of the state's more popular tourist attractions because of the many pre-Civil War buildings. Another main attraction is the Courthouse that still sits on the same site where the Colfax massacre took place 116 years earlier.



THE COLFAX COURTHOUSE TODAY - SITE OF BLOODY RIOT

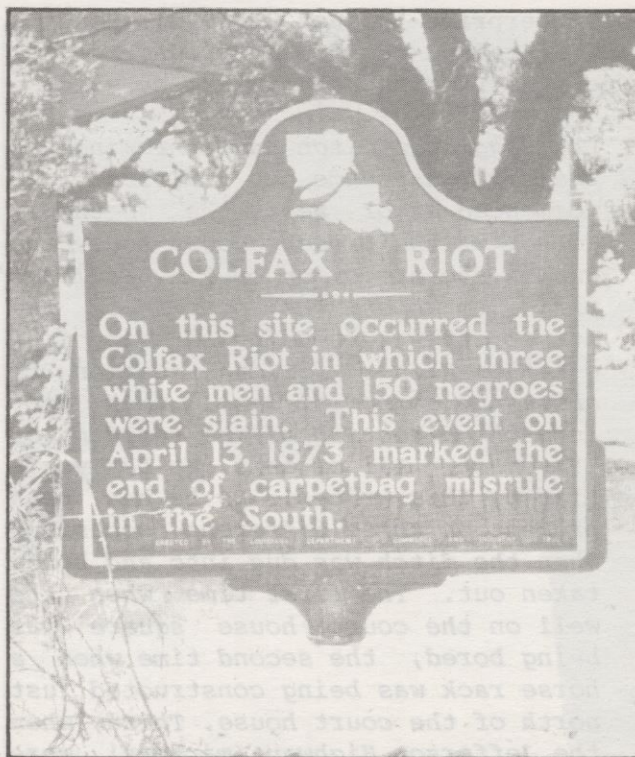
On June 14, 1951, the state Department of Commerce and Industry (DCI) erected a sign in the courthouse yard commemorating the end of carpetbag misrule in the South. Then-DCI Director Mary Evelyn Dickerson, said: "... tourist business has become a giant among businesses and was responsible for the spending of over \$215 million by visitors in our state last year." The tragedy of a century before turned into a booming industry for the Colfax community.

After reviewing a great portion of the historic literature, media reports and available documentation in an attempt to reconstruct those events of the 1873 riot, **The Angolite** concluded that numerous unanswered questions remained. Why did the officials commissioned by Kellogg gather a paramilitary force, dig a trench and prepare for a battle that history teaches was not yet precipitated? What eventually became of the bodies of the blacks buried in that common grave? Who were they? Were more than three whites killed in the violence, and where were they buried? What does the black population of Colfax today believe about the incident, and has it affected their lives any? **The Angolite** went to Colfax to learn the answers.

A search of some cemeteries in September 1989, including the old forensic graveyard, yielded very little toward identifying blacks who were killed during the riot. However, in the Colfax Cemetery, there was a monument erected naming the three white men whom history said were killed in the affray:

"ERECTED TO THE MEMORY OF THE HEROES STEPHEN DECATUR PARISH, JAMES WEST HADNOT, AND SIDNEY HARRIS WHO FELL IN THE COLFAX RIOT FIGHTING FOR WHITE SUPREMACY APRIL 13, 1873."

Evidence based on some of the research material and historic literature strongly indicates that the bodies pushed into the trench at the courthouse may very well still be there. Though a par-



tial listing of blacks killed was published in the New Orleans **Republic** on April 18, 1873, no graves or tombstones bearing those names could be located. In 1928, Mr. A.L. Hopkins, who later admitted being a participant in the Colfax Riot, was interviewed by the Grant Par-



ish **Enterprise** [August 9, 1928]. Hopkins had maintained residence around Colfax after the riot and at age 82, he said:

"by digging a ditch and throwing up the dirt that came out of it ... It commenced at or near the Northwest corner of the present court house and ran in the direction of J.A. Williams' office to about the center of the street, then turned in the direction of the Kaiser filling station to about the corner of same, then went into the direction of the resident of C.C. Nash. All of this can be verified by this writer, as he has been present on three different occasions when the ditch was dug into and bones taken out. The first time when the well on the court house square was being bored, the second time when a horse rack was being constructed just north of the court house. Third, when the Jefferson Highway (markers) were being located near the corner of the Kaiser Brothers' filling station. The interesting part of the third time is that as bones were being taken from



BONES FOUND IN GENERAL AREA OF STATION

the ditch, several Colfax veterans stood by and saw them taken out."

Other than the Dept. of Commerce tourism sign erected at the court house in 1951, **The Angolite** was unable to locate any memorial or monument erected in memory of the hundreds of blacks killed and thrown into the trench. Though the court house has been rebuilt and renovated several times since the riot, it still sits at the same location. Now located at the corner of the court house, across the street, is "Joe's Service Station," where the old Kaiser filling-station, described in 1928 by Hopkins, used to stand. The station sits over the general area where the trench had been dug.

The trek made to Colfax reaped some unexpected surprises, the most significant of which was that very few black people reside there, and those that do, still live in that fertile low land referred to as "The Bottom." Very few blacks actually live in the town proper. Those employed in the town must commute. In fact, the population of Colfax has been steadily dropping the last two decades, from 1,934 in 1960, to 1,680 in 1980. In that same period, according to the census, the population of Grant Parish has risen over three thousand.

Also unexpected was the obvious reluctance on the part of people to even discuss what they knew, or had heard about the riot, in spite of a century of time since its occurrence. This hesitation, after an entire day there, was not so much ignorance, as it was fear. Some declined to be interviewed at all until assurances were given that names and photographs would not be used.

One such elderly person, demanding anonymity, described the human skulls and bones found when the foundation was excavated for the restaurant built along the highway just beneath an area referred to as "The Rock." Locals also referred to this area as "Devil's Backbone," an outcrop of rock where, after heavy rains, bones often surface. Several

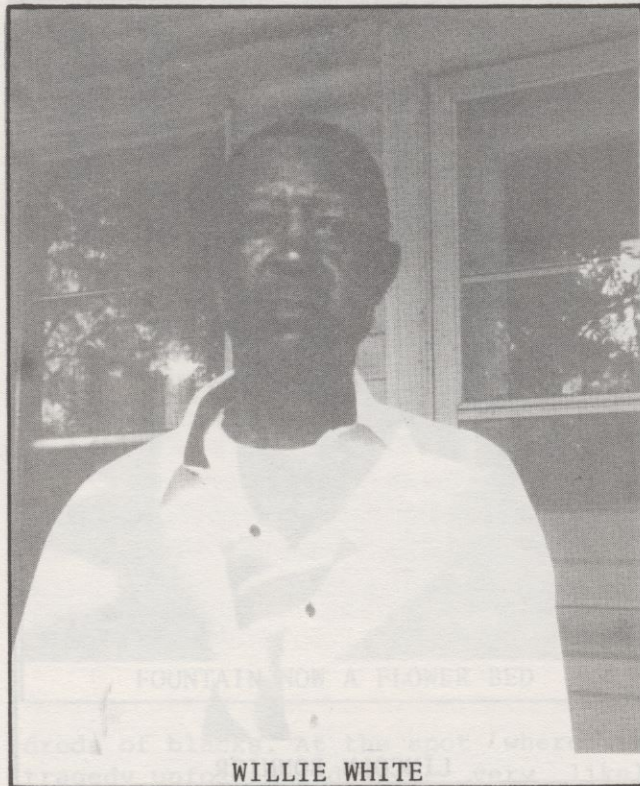
homes are located atop Devil's Backbone. Another local told **The Angolite** that when bones in this area become unearthed, another hole is dug and the bones placed back into the ground, a method he and others have employed throughout his life. Another Colfaxian said that those buried at Devil's Backbone were whites who had come from out-of-town, those outside the state and from up North.

Not all of the Colfax citizens interviewed were afraid to speak, or object to the use of their name and photograph. Willie White, a friendly soul, is a life-long resident of Colfax. Information of the riot, passed from generation to generation in his family, was very similar to the data imparted by others interviewed. White believed that many of the blacks killed had been buried at the Old Forensic Graveyard and at Red Levee, but when Highway 71 was constructed, the graveyard was moved higher up the hill [The Angolite tried to locate these gravesites and were unable to penetrate the wooded hillside off of Highway 71].

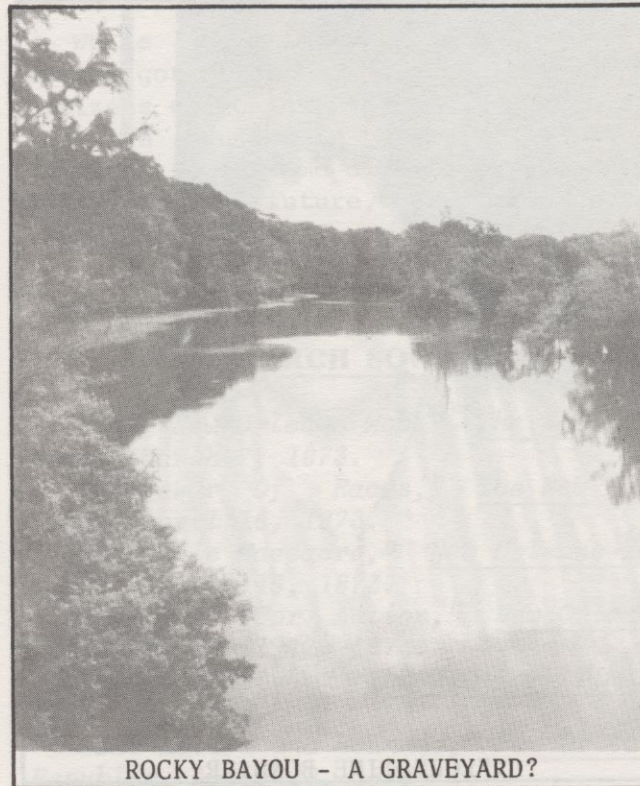
White also agreed with several others that more than three whites died during the famous riot with the bodies being secretly moved and buried at "Rocky Bayou." Ellison Od'Neal, the attorney accompanying **The Angolite** research team, agreed. Od'Neal, who practices law in and around Colfax, said: "Rocky Bayou is stuffed up with white bodies." And, another local resident said, "The Court House sign is wrong because the whites hired a black man to bury the other white bodies on Devil's Backbone in a common pit."

Lincoln and Florestine Bonnier are also longtime Colfax residents with direct roots to the riot. "My mother told me her grandmother had to get into the ditches at night while the riot was going on, because the whites were rounding up all the blacks they could find," said Florestine.

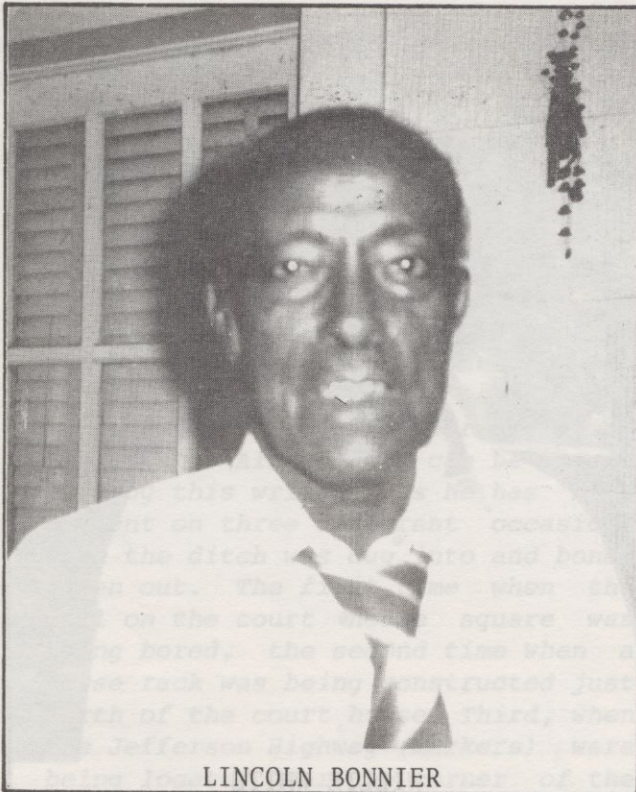
Another who disagreed with the number killed as shown on the courthouse sign,



WILLIE WHITE



ROCKY BAYOU - A GRAVEYARD?



LINCOLN BONNIER



FLORESTINE BONNIER

Lincoln described one of the oddities of the sign in relationship with a "Burning Fountain" that once sat in the court-house square. "When they put that sign up, the light never burned no more and the water stopped running," Lincoln explained.

Called the Curious Fountain of Colfax by **Progress** [June 17, 1938] and the "Flaming Fountain" by the Alexandria **Town Talk** [February 17, 1949], the oddity originated as an oil well drilled to a depth of 1,103 feet on the court house square in 1899. It began to produce water and natural gas at the same time, so a picturesque fountain was designed with the new court house built in 1902 which allowed both water and gas to flow at the same time. The fountain flame burned for many years.

Willie White also remembered the fountain, "It was a mineral well and would cure people. The whites didn't want blacks using it or bathing in it," he recalled. "The well stopped working the same day they put that sign up in front of the court house. I believe God put a curse on it [Colfax] when they set that sign up," White added. Several of those interviewed similarly claimed the fountain stopped flowing water and flame in 1951.

There were also other legends passed on to each generation since the tragedy in 1873 which are still believed today. Some of it is contradicted by evidence and testimony now reduced to official records and historical research. And, some is tainted by prejudice, ignorance, fear and colorful exaggerations. However, much of what may be today considered legend in Colfax, is supported by historical records and other documentation. During **The Angolite's** research into the Colfax incident, it became increasingly evident that the further back in time one looked, the higher the number of those killed and the greater detail found on those events now shadowed by



WHAT STOPPED THE BURNING FOUNTAIN?



FOUNTAIN NOW A FLOWER BED

time.

And, as one Angolite researcher pointed out, "As time passed, the writers of history lessened the import and impact of the entire affair. There is the appearance once all the documents and evidence are juxtaposed, that there has been a deliberate attempt to alter the realities of the event - to deliberately change history."

After all is said and done about what may be learned or not learned about that Easter Day in 1873, two definite conclusions are reached. Human bones have in the past and are continuing to surface from the ground in the Colfax community. The skeletal remains of the nameless, without respect, recognition or dignity, haunts those who feel, who have compassion and who have the ability to cry. To be able to look to our past, to correct the present and create hope for the future, man erects symbols and monuments to remind him of deeds, good and bad.

Today, in Colfax, Louisiana, a monument stands in memory of three white men whom, according to history were part of a well-armed band that massacred hun-

dreds of blacks. At the spot where the tragedy unfolded and where very likely those same hundreds of nameless people are still buried in a common grave, there is no monument, no symbol, no attempt at ceremony.

While Louisiana's criminal justice system got off to a shaky beginning, the citizens of Colfax, the State of Louisiana and mankind-in-general owe those nameless souls some dignity by honoring today, for our future, the recognition of our shames past.

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(ED. See "Getting It Together," beginning on Page 2, this issue.)