

The Courts Don't Protect Us

“The Supreme Court's Failure To Protect Blacks' Rights”

“After the Civil War, 4 million former slaves were looking for social equality and economic opportunity. It wasn't clear initially whether they would enjoy full-fledged citizenship or would be subjugated by the white population.

In the 1860s, it was the Republican Party in Washington — the home of former abolitionists — that sought to grant legal rights and social equality to African-Americans in the South. The Republicans — then dubbed radical Republicans — managed to enact a series of constitutional amendments and reconstruction acts granting legal equality to former slaves — and giving them access to federal courts if their rights were violated.

The 13th Amendment, which was ratified in 1865, abolished slavery. Three years later, the 14th Amendment provided blacks with citizenship and equal protection under the law. And in 1870, the 15th Amendment gave black American males the right to vote.

Five years later, Congress passed the Civil Rights Act of 1875, a groundbreaking federal law proposed by Republican Sen. Charles Sumner of Massachusetts, which guaranteed that everyone in the United States was "entitled to the full and equal enjoyment" of public accommodations and facilities regardless of race or skin color.

"What the radical Republicans wanted, led by Charles Sumner in the Senate and Thaddeus Stevens in the House, was probably the largest experiment in social engineering ever taken," says constitutional scholar Lawrence Goldstone. "They wanted the federal government to take these four million newly freed slaves and integrate them fully into society virtually immediately."

But that didn't happen — and wouldn't for decades — in part because of decisions handed down by the Supreme Court, which declared the Civil Rights Act of 1875 unconstitutional in 1883. The court also said Congress lacked the constitutional authority under the 14th Amendment to grant equal protections under the law to blacks, stating that only states and local governments could do that. It also passed a ruling stating that the Enforcement Act of 1871, which forbade meetings of Ku Klux Klan members, was unconstitutional. In his book *Inherently Unequal*, Goldstone examines how the Supreme Court's rulings in these cases suppressed the civil rights movement in the latter half of the 19th century and affected the treatment of blacks in Southern states for decades, ultimately resulting in their mass migration to cities in the North.

The court's rulings opened up "a period of de jure racial discrimination that would last almost a century and was virtually as odious as slavery itself," writes Goldstone. "[It] also threw open the door to a more codified approach to removing African-Americans first from the voting rolls and then from mainstream civil life." After the Supreme Court ruled against the Civil Rights Act of 1875, every single Southern state redrafted its constitution. In South

Carolina and Alabama, ballots were introduced to make it virtually impossible for people with poor reading skills to correctly cast their votes. In Mississippi, voting tests required applicants to interpret a section of the state constitution — whites were given a simple clause to read, while blacks were given some of the most difficult passages in the constitution, some of which had been written for that very purpose.

"In Louisiana, in 1897, there were 130,000 African-Americans registered to vote," Goldstone says. "A new constitution was passed in 1898. It was not sent to the people for ratification but just passed by the legislature. Two years after that — by 1900 — that 130,000 African-American voting bloc had been reduced to 5,000 [voters]." In 1890, the legislature in Louisiana also passed a law forbidding the mixing of races on public railways. The law said rail cars could be separate — but they had to be "equal." The Supreme Court case *Plessy v. Ferguson* then upheld that decision in 1896, legitimizing even more discriminatory actions against African-Americans. It was not until 1954, when the court overturned *Plessy v. Ferguson* in the *Brown v. Board of Education* decision, that "de jure racial segregation was ruled a violation of the Equal Protection Clause of the 14th Amendment."

But the damage of the court's decision had already been done, Goldstone says.

"All you have to do is look at the rise of Jim Crow and the ability of Southern state governments to segregate, to discriminate, to

imprison without trial, to beat to death, to lynch — without anyone ever being brought to justice," he says. "It was only possible because the court had very slowly chipped away at [the Civil Rights Act of 1875 and the 14th Amendment]."

A Death in Georgia

On April, 11, 1899, twenty miles southwest of Atlanta, Georgia, just outside Palmetto in Coweta County, a laborer named Sam Hose approached his employer, a wealthy farmer named Alfred Cranford. Hose asked for his accrued wages and permission to visit his mother, Mary Wilkes. Mrs. Wilkes, who lived in a cabin on a farm forty miles to the south, was a near- invalid, forced to care for another son who was retarded. Sam Hose had that day received a letter informing him that she had taken a turn for the worse. Hose, who was about twenty- five years old, had taught himself to read and write, the better to provide support for his family.

Cranford refused either to pay his employee or allow him time off. Sam Hose made the mistake of talking back. Cranford, known for a hot temper, stalked off. He seethed all night at the unimaginable slight.

Sam Hose, of course, was black. Alfred Cranford was white. The next day, Cranford walked out to where Sam Hose was chopping wood. Cranford drew a gun and announced that he intended to shoot his disrespectful field hand dead on the spot. As they both knew, such a crime would have drawn not the slightest recrimination

from the local authorities. In the unlikely event Cranford did go to trial, his acquittal by an all- white jury was a certainty. Sam Hose was a small man, only five feet eight inches tall, weighing not more than 140 pounds. In fear for his life, he flung his ax, striking the white man in the head and killing him instantly. He then fled in terror.

For the previous three months, a series of suspicious fires had plagued Palmetto. Two businesses and a home had gone up in flames. County officials insisted Palmetto Negroes were responsible and, further, that the fires were part of a grand conspiracy. White leaders would be murdered and the entire town burned to the ground. Local citizens were frantic.

In March, nine local black men had been arrested. All were later described by an outside investigator as "hard- working and intelligent." No evidence against any of them was ever produced, and each claimed to be able to easily prove his innocence. Palmetto had no jail, so the men were incarcerated in a local ware house, to be guarded, at least in theory, by sheriff's deputies. The night of their arrest, before any formal proceedings could be initiated, a group of concerned citizens, 150 white men, visited the prisoners. With the guards either ignoring the mob or joining it, eight of the nine were shot. Four died, and the others were seriously wounded.

Although the fires ceased-- actually, they had stopped weeks before the arrests — talk of insurrection by marauding Africans continued to spread panic throughout Palmetto. The day after the shootings, for example, an Atlanta newspaper reported, "All business has been

suspended, the town is under military patrol, and every male inhabitant is armed to the teeth, in anticipation of an outbreak which is expected to- night." Although no uprising ever took place, news, a month later, of Alfred Cranford lying dead outside his home with an ax in his head revived fears of an impending race war. Bloodhounds were set on Sam Hose's trail.

Sensational as the killing already was, rival newspapers in Atlanta, the Journal and the Constitution, decided that the story should be made even more lurid. Making no effort what ever to determine the actual facts of the case, they competed with each other for maximum embellishment and, one assumes, maximum sales. Sam Hose therefore became "a monster in human form." This "beast," the Journal reported to its readers, had burst in on the Cranford family during dinner, attacking the farmer from behind, cleaving his head in two. The Constitution took up the story from there. After brutally murdering the husband with the ax, Sam Hose then repeatedly raped Cranford's wife, Mattie, on the kitchen floor, "within arm's reach of where the brains were oozing out of her husband's head." What's more, this rampaging savage was afflicted with syphilis, which he intended to pass on to the pitiable widow. Not content with what he had done to the adults, Sam Hose then set upon either a Cranford infant, or two young Cranford children depending on which account one read. The infant was dashed to the ground. Or the young children were assaulted. The details of this final outrage were kept from the Journal's God- fearing readers, but the clear implication was that the assault was "unnatural.

For ten days, Sam Hose was tracked by a posse said to number as many as three hundred men. During the hunt, on April 18, the Constitution's headline read CIRCLE OF VENGEANCE SLOWLY CLOSING ON FLEEING SAM HOSE. HUNDRED OF ARMED MEN ARE BEARTING THE COUNTRY FOR THE MURDERER OF ALFRED CRANFORD. HE CANNOT ESCAPE, THEY SAY DETECTIVE BEDFORD HAS FOUND THE MURDER'S DISCARDED SHOES. ONE NEGRO CAPTURED SEVERAL TIMES. THE ENTIRE SECTION THROUGH WHICH HE IS SUPPOSED TO BE MAKING HIS ESCAPE IS UP IN ARMS, DETERMINED TO LYNCH HIM. The article went on to say, "When Hose is caught he will either be lynched and his body riddled with bullets or he will be burned at the stake." The newspaper added, "There have been whisperings of burning at the stake and of torturing the fellow low, and so great is the excitement, and so high the indignation, that this is among the possibilities." Two days later, the Constitution added, "Several modes of death have been suggested for him, but it seems to be the universal opinion that he will be burned at the stake and probably tortured before burned." Clark Howell, the editor of the newspaper, offered a \$500 reward, an amount matched by Georgia's new governor, Allen D. Candler. The town of Palmetto added \$250 more.

On April 22, Sam Hose was finally apprehended at his mother's cabin. He was taken by train to Newnan, the Coweta County seat, which, unlike Palmetto, had its own jail. He was repeatedly questioned, both at the time of his arrest and during the train ride. Described later by white deputies as "free from excitement or terror," he "told his story in a straightforward way, said he was sorry he had killed Cranford [in

self- defense], and always denied that he had attacked Mrs. Cranford."

On the night of April 22, Sam Hose was again questioned, this time in the Newnan jail. There are no witness accounts of this session, but, at its conclusion, the white jailers reported that "Hose made a partial confession, acknowledging that he killed Mr. Cranford, and said that the murder had been instigated by a colored preacher [Lige Strickland] who had paid him \$12 to commit it." A later investigation by the Chicago private detective found this to be hogwash. "I did not talk with one white man," the investigator reported, "who believed that Strickland had anything to do with [Hose]. I could not find any person who heard [Hose] mention Strickland's name. I talked with men who heard [Hose] tell his story, but all agreed that he said he killed Cranford because Cranford was about to kill him, and that he did not mention Strickland's name."

Word of Sam Hose's capture spread through Georgia with remarkable speed. By early the next morning, Sunday, April 23, plans for his execution were complete. Such was the demand to witness the spectacle that a special excursion train was arranged to carry eager Georgians from Atlanta to the promised execution. In the meantime, Lige Strickland had been snatched up in Palmetto.

As noon approached, a huge crowd had gathered in an open green, one mile from the Newnan town square. At least 2,000 were present, although a dispatch to the New York Times claimed "one special and two regular trains brought nearly 4,000 people to Newnan." At the station in Atlanta, conductors cried out, "Special train to Newnan! All

aboard for the burning!" The Constitution noted that "the spot selected was an ideal one for such an affair, and the stake was in full view of those who stood about with unfeigned satisfaction."

Into this festive atmosphere, men arrived in Newnan accompanied by their wives and even their children. "Ladies clothed in their Sunday finery watched from carriages, gazing excitedly over the heads of men carrying small children on their shoulders as the ritual began." Not every white citizen was in favor of what was to take place. Former Georgia governor William Y. Atkinson, a Newnan native who had recently completed his second term before being replaced by Allen Candler, was appalled. He rode to the site and stood in a buggy, pleading for the crowd to leave and let the law take its course. Atkinson was shouted down.

Finally, Sam Hose was brought in a wagon from the jail. He was dragged to the center of the mob of thousands of jeering whites. He was stripped of his clothing and tied to a small sapling. Wood was stacked around him and soaked with kerosene. Hose himself was smeared with oil. Before the match was struck, however, one of "the cool, determined men who went about arranging to burn him" walked up to Sam Hose and sliced off his left ear. Then his right. His fingers were cut off, then his genitals. Still before the fire was lit, one of these cool, determined men stood next to Sam Hose and skinned his face. (Reports filtered out that during this process Sam Hose made a full confession, admitting to both the rape of Mattie Cranford and the complicity of Lige Strickland, but a subsequent investigation

proved this to be a fabrication as well.) Finally, a match was thrown on the pyre.

"The stake bent under the strains of the Negro in his agony and his sufferings cannot be described, although he uttered not a sound," the Constitution faithfully reported. As the heat rose, Sam Hose's eyes popped from their sockets and his veins burst. "At one juncture, before the flames had begun to get in their work well, the fastenings that held him to the stake broke and he fell forward partially out of the fire." The men around him extinguished the flames, retied the victim, again doused him with oil, after which Sam Hose "was kicked back and the flames renewed. Then it was that the flames consumed his body and in a few minutes only a few bones and a small part of the body was all that was left of Sam Hose."

Source: NPR

Link:

<https://www.npr.org/2011/02/24/133960082/the-supreme-courts-failure-to-protect-civil-rights>