

# 4



## **The Black Counterpublic Emerges**

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As blacks were slowly pushed out of the public sphere in the 1880s and 1890s, a black counterpublic emerged. Initially the black counterpublic did not organize around politics or political parties but were concerned with questions surrounding the public safety of black suspects in the criminal justice system and the vigor with which the state protected them from lynching. As Nancy Fraser reminds us, a counterpublic serves a very important function not only to subaltern populations who organizes within it but also to the greater public sphere itself. Fraser concludes:

In stratified societies, subaltern counterpublics have a dual character. On the one hand, they function as spaces of withdrawal and regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics. . . . This dialectic enables subaltern counterpublics partially to offset, although not wholly to eradicate, the unjust participatory privileges enjoyed by members of dominant social groups in stratified societies.<sup>1</sup>

As black men were moved out of the public sphere and their voices in political culture were being silenced, a counterpublic evolved to broadly and narrowly question the legal rights of blacks within a racially stratified society.

Extralegal violence hung over Jacksonville like a specter at the close of the Civil War. In September 1865, Governor William Marvin set the tone when on a stop in Jacksonville he warned residents:

The spirit of malice and revenge must be banished from among us, and every one must embark in a mission of peace and good will. If you would see your fair land happy, inviting capital and good citizenship to come among you, you must see to it that Judge Lynch and his infernal cohorts are never allowed to scourge the country again. Let every one yield supreme obedience to the laws, and prosperity will follow.<sup>2</sup>

In the decades following the 1860s, Marvin's warning about mob violence and lynching proved prescient. Between 1876 and 1895 threats of mob violence periodically emerged as a direct result of the actions of law enforcement.

In April 1876, a black porter from the Windsor Hotel was admiring a campaign flag for the upcoming municipal elections at the railroad wharf. A black barber named Alex DeLyon, reportedly drunk, verbally accosted the man over his perceived support of the candidates. Officer Nolan noticed that his language became "boisterous, profane, and indecent." Nolan demanded he stop since "ladies" were disembarking the steamer *David Clark* nearby. When DeLyon refused, Nolan arrested him. DeLyon pulled out a straight razor and lunged at the officer who then pulled out his revolver and shot DeLyon in the chest. Nolan received a two-inch cut on his face from the razor. As DeLyon was sent to a doctor, a large crowd gathered around Nolan. The newspaper reported that black men on the wharf who witnessed the event surrounded Nolan, verbally abusing him and yelling "kill him!"

Sheriff's officers, including a black officer named Alonso Jones, arrived to help get Nolan off the wharf. The crowd grew and made Nolan's removal from the scene difficult. The mob then followed behind the omnibus that carried Nolan to the county jail where he was "technically arrested." The *Daily Florida Union* claimed that over two hundred black men and women surrounded the jail, calling out "kill him!" "break down

the fence!” “burn the old jail!” Sheriff’s officers guarded the space between the jail and the mob. Officer Robert Hearn, a black officer, was taken and beaten by the crowd. A white supporter of the sheriff was chased off by the mob. After an hour the *Daily Florida Union* reported that the crowd dispersed.

According to the paper there was some debate about the incident as to whether Nolan should have used a baton instead of a gun; however, prominent residents—black and white—spoke out against the mob and its actions. The newspaper took the position that the officer’s actions were justified because his first responsibility was to the “preservation of the peace.”<sup>3</sup> The “Wharf Mob” mobilized as a response to the actions of Officer Nolan and their perception that Nolan acted unjustly. Although the crowd engaged in limited action—just the bruising of Officer Hearn—their presence in the streets was theatre in the way a political rally or labor strike presents some grievance or call to action. To appease the crowd, the sheriff’s office arrested Nolan, albeit just to quell the crowd and protect Nolan and the sheriff’s office from the mob.

When police officer Carlton Lowe was shot on 26 February 1890, only the threat of a mob emerged. Lowe was called to a disturbance at a cigar store at the corner of Bay and Clay streets. According to witnesses, Lowe ordered Robert Armstrong, a black patron, out of the store for throwing a banana peel on the floor and verbally abusing the owner. Witnesses saw Armstrong ask Lowe his badge number—to which Lowe opened his coat to show his badge when suddenly Armstrong shot him in the chest killing Lowe. James Weldon Johnson recalled his mother telling him another version where Armstrong was walking along the street and dropped the banana peel on the ground and Officer Lowe ordered him to pick it up. When Armstrong refused, Lowe beat him savagely with his baton, and in the melee Armstrong grabbed Lowe’s gun and shot him in the chest and killed him. This indicated that there was a counternarrative to the Armstrong story within the black community during this time. In fact Johnson was away at college during these years and recalled his mother being cryptic about the events in letters, but she provided the full story to him when he returned.<sup>4</sup>

Unlike the DeLyon fray, Armstrong was referred to as a “black brute” by the local paper, which reported him running through the streets crying “I lost my hat, but I killed the white son of a b—h.” Armstrong was arrested the following day hiding in a swamp outside of town. When he

arrived at the county jail, a large crowd had gathered, presumably white since their race was not mentioned. An African American woman the *Florida Times-Union* described as a “yellow creature” ran through the alleyway screaming “he ought to have done it! he ought to have done it!” The newspaper reported that when incidents like this occurred, it was not uncommon for black women to take to the streets in an “attempt to incite riot.” Whites were reported to have considered the “wild and foolish talk of lynching,” while blacks planned to mobilize and surround the jail to protect the prisoner from a lynch mob. The paper concluded that “the better class of colored people . . . deplored the murder and agreed that it should be avenged by due process of law.” According to the paper no whites and blacks organized any mobs to address the murder of Lowe or the arrest of Armstrong.<sup>5</sup>

The “Wharf Mob” and the murder of Lowe would be dress rehearsals for what local whites referred to as the “Race Riot of 1892. On 4 July 1892, a fight between Frank Burrows and Benjamin Reed, co-workers at Anheuser-Busch Brewing Company resulted in Reed accidentally killing Burrows. Reed showed up late after a delivery and Burrows reprimanded him, which was the catalyst for the altercation. Reed later claimed that Burrows called him a “black son of a bitch,” to which he responded by punching Burrows. In the fight, Burrows fell on the concrete floor crushing his skull. He died hours later. The *Florida Times-Union* referred to Burrows as a “young white boy” who did not stand a chance against that “Giant” and “Goliath of a negro” Reed.<sup>6</sup>

News of the death traveled fast, and rumors of a lynch mob organizing soon emerged. Burrows’s family lived in Mayport, a town in the northern part of the county, and a number of fishermen from there were reported to have been planning to take revenge. By eleven in the evening, black men with guns started to patrol the streets in front of the jail. The *Florida Times-Union* claimed that only the “riff-raff of the colored population” were out in the streets, while the “respectable” class knew “that the law in Duval County recognizes neither black nor white, but deals out equal justice.” City officials wired the governor, who put the state militia on notice while the local militia camped at the armories throughout the night.<sup>7</sup> In the same way, the newspaper reported one narrative and blacks circulated a counternarrative. The newspaper referred to these actions as the forming of a “mob,” but in hindsight this functioned more as a “countermob” to keep a lynch mob from forming.

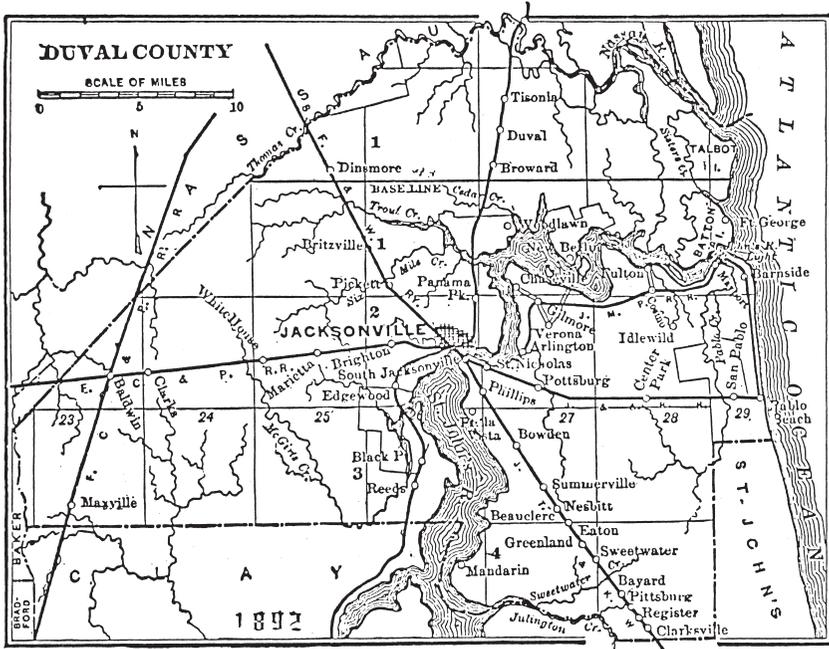


Figure 4.1. Map of Duval County, 1892, Jacksonville Public Library.

The execution of black mobilization throughout the three days of tensions was too organized and orderly to be spontaneous. Estimates of black men and women in the hundreds were said to be patrolling the streets armed on all of the blocks surrounding the jail and visible in the windows of the houses and apartments that surrounded it. The jail was in the predominantly black area of the city and therefore the surrounding dwellings were inhabited mostly by blacks. Newspaper reports said that blacks posted sentinels on the surrounding blocks who interrogated white pedestrians to determine their intentions for traveling within the vicinity of the jail. Black sentinels communicated through whistles, signals, and handshakes that white residents were proven to be no threat to the safety of Reed.

Numerous stories of members of the countermob harassing whites turned up in the newspaper coverage. Police Chief Paul G. Phillips stated he “circulated freely among the negroes who were there, finding everything quiet and no signs of any attempt at lynching.” Even the *Florida Times-Union* stated that “the negro mob that gathered at the county jail Monday was amenable individually and collectively to the law.” This was

remarkable considering there were white men who taunted the countermob openly with threats of lynching Reed. The strategy on the part of the countermob was to not gather more than three persons in one place and to circulate around the streets and city blocks so as to not assemble in a group or crowd. They believed this would not make cause for an arrest, which according to Phillips did not raise any serious alarms for him since he did not arrest anyone during that time. This was not at all like the “Wharf Mob;” it was too organized.

At the end of the week, Alonso Jones, a former black officer for the police force who had been on duty at the onset of the wharf mob incident, was arrested as a ring leader, which would indicate that his experience and training informed the countermob leaders. James Weldon Johnson stated that this was part of a plan years in the making—more than likely hatched after the death of Officer Lowe in 1890. Johnson said Jones bought enough rifles and ammunition for every black family in town. Johnson also stated that a black cook named Dan Tresvan was arrested as well who claimed that his participation in the mob was predicated on his membership in a black secret society.<sup>8</sup> It would seem that the entire black community planned for this emergency with Jones providing the weapons and training and local black fraternal organizations providing the covert network to organize the action. Paul Ortiz catalogued numerous cases of black political organizing through fraternal organizations similar to this during this same time in Florida.<sup>9</sup> Emanuel Fortune Jr. probably first germinated this idea in an editorial for the *New York Age*. In 1889 he suggested,

The law of self-preservation receive honor and use from the Caucasians, and when we note the fact that in nearly, if not all of the Southern States, colored men are murdered without cause, it behooves us to adhere and practice more than we do the first law of nature. Let us organize for mutual protection. Let us prepare in the present for the future. If we do this we will be helping to hasten the day when inhuman and cowardly murders of colored men in the South will be known no more.<sup>10</sup>

Fortune was responding to a *Florida Metropolis* editorial months earlier that advocated lynching in cases where the criminal justice system was too slow to act. While the *Florida Times-Union* publicly condemned lynching during this time, their reporters did not have a clear understanding of

how the countermob was trained or organized and more than likely could not have conceived of blacks working secretly to subvert a lynching in the months or years leading up to the arrest of Reed.<sup>11</sup>

As with the murder of Lowe, the paper reported black women spread throughout the city whipping up the crowd and actively participating in the effort. Black women were said to be leaning out of windows with shotguns as well as carrying kerosene threatening to burn down the city in the event of a lynching. Additionally blacks came in from St. Augustine and Fernandina to augment the men and women patrolling the streets. On the afternoon of 6 July, militia companies from Gainesville, St. Augustine, and Daytona arrived by train to support the local militia who had recently taken to the streets. By midnight, most of the countermob had dispersed and were replaced by the militia units. The *Florida Times-Union* commended Sheriff Napoleon Broward who, with the support of the militia, arrested blacks who remained on the streets armed and still patrolling the blocks surrounding the jail. The paper claimed victory in that officials were “determined to have neither lynchings nor mobs here.”<sup>12</sup>

Few incidents were reported. Thirteen black men who were armed and assembled at the corner of Bay and Liberty streets were arrested on the morning of 7 July. One police officer reported being fired upon that morning as well. The only victim was a member of the Metropolitan Light Infantry named Harry R. Stout who caught a bullet in his leg accidentally fired by a rifle dropped by someone in the jail. The orderly conduct of the mob did not allay fears in local whites. The local branch of the United Confederate Veterans met at the Knights of Honor lodge and passed a resolution affirming that they “will be always ready to respond to any call for the preservation of good order.” White men from Georgia also came by train who wanted to protect the city from “black desperadoes who threatened its very existence.”<sup>13</sup>

As a result of the panic by local officials, Mayor Henry Robinson petitioned the Board of Police Commissioners to suspend Chief Phillips for not taking “precautions . . . to prevent the gathering of crowds and excited persons from coming to the vicinity of the jail and gathering there for the purpose of disturbing the peace.” Robinson charged that Phillips allowed the city to be ruled by a mob. Phillips responded that he traveled through the crowds and felt there were no violations of laws to arrest anyone. He also claimed that he reported to Sheriff Broward as Reed was in