

*Elisha J. Scott, Topeka civil rights attorney, played a crucial role in the Coffeeville case in 1927.*

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# Forgetting Strength: Coffeyville, the Black Freedom Struggle, and Vanished Memory

by Geoffrey Newman

When two crying and hysterical high school girls knocked on a neighbor's door at 1:30 am on March 17, 1927, they plunged a small city in southern Kansas into a week of race riots, attempted lynching, and occupation by the national guard. The girls, both white, said they had been raped "by three negroes" in the dark, empty house next door. Police arrested three suspects. That evening, a mob of 3,000 white townspeople looted a sporting goods store, seized rifles and ammunition, and stormed the jail and City Hall, breaking every window.<sup>1</sup>

Stories like this often ended with a lynching in the post-World War I era, and sometimes with the black part of town set ablaze. But this time, the course of events would be different.

This story is important because the African American activists involved in it won a victory against racism almost twenty-five years before the Montgomery bus boycott. Furthermore, the victory had its roots in a little-known court case that desegregated junior high schools statewide in Kansas thirty years before *Brown v. Board of Education*.<sup>2</sup> Yet these victories did not create a national wave of change. With the notable exception of the "Bleeding Kansas" era

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1. Estimates of the mob ranged from 1500 to 3000, depending on the report. "Street Battle Leads to Martial Law Here: Curtis Smith, Accused Negro, Was Spirited Out of Town to Unknown Destination for Safe Keeping," *Coffeyville (KS) Daily Journal*, March 18, 1927; "City under Martial Law: Windows Broken Out of City Hall by Mob," *Morning News* (Coffeyville, KS), March 19, 1927; "Whites Clash with Negroes at Coffeyville: Youths of High School Age Lead March on Negro Section of City, Which Is Quickly Halted When Negroes Open Fire. One Shot, Another Trampled. Neither Seriously Injured—Fight Follows Attempts to Storm City Jail Where Negro Was Held for Criminal Attack," *Topeka Daily Capital*, March 19, 1927; "City Hall Windows Targets of Coffeyville Mob," *Independence (KS) Daily Reporter*, March 21, 1927; "Quiet Prevails in Coffeyville after Warfare: Guardsmen March on Streets, Holding Whites in Check," *Topeka (KS) Journal*, March 19, 1927; "Coffeyville Is under Military Rule: Quiet Follows Night of Terror in Which Mob of 1,500 Stormed City Jail after Accused Negro," *Independence Daily Reporter*, March 19, 1927; "Troop Patrol Brings Order in Coffeyville," *Kansas City Post*, March 19, 1927; "Martial Law in Riot," *Kansas City Times*, March 19, 1927; "Race Rioting in Coffeyville; 2 Hurt," *Kansas City Journal*, March 19, 1927; "Bullets Quell Kansas Riot; 10 Shot: Coffeyville Mob Routed by Rifle Fire; Whites Slink away to Bury Their Dead," *Chicago Defender*, March 26, 1927; and "Two Negroes under Arrest and Charged with Shooting Men," *Independence Daily Reporter*, March 21, 1927.

2. *Celia Thurman-Watts v. Board of Education of City of Coffeyville*, 15 Kan. 328 (1924), was argued by Elisha Scott, who happened to be the father of Charles Scott Sr. and John Scott, attorneys of record in the original *Brown v. Board of Education of Topeka* case.

preceding the Civil War, Kansas remained remote from the centers of national discourse on race. Furthermore, the active armed resistance by Coffeyville's black community has been forgotten. Neither the local library, the historical museum, nor the newspaper possesses any formal record of the 1927 event.<sup>3</sup>

The violation of a white female was perhaps the greatest race-based taboo in post-Civil War America. White women were viewed as symbols of the purity of Anglo-Saxon civilization throughout America, but especially in the Jim Crow South. The purported rape of a white woman by a black man was perhaps the number-one trigger for lynching. Race, and the myth of the "black beast rapist," exacerbated the emotions of white mobs.

What the residents of Coffeyville actually knew about the rapes that morning was only a fraction of what they would learn later. Race and rumor influenced the details, and what the white residents knew differed dramatically from what Coffeyville's black residents suspected.

Kansas was a border state. Like most of America in the 1920s, after the great migration of blacks from the South, it practiced racial segregation. Because it was between North and South, it had characteristics of both regions. As in the South, segregation was occasionally encoded into local laws. As in the North, segregation was incomplete, often enforced only by custom. In contrast to most southern states, blacks in Kansas could vote.

Kansas was also the beginning of the American West, at least in the post-Civil War era. Indians were "removed" or driven out again, opening new lands in Kansas that beckoned both white and black settlers. The first wave of black settlers arrived from the newly emancipated South shortly after the collapse of the post-Civil War Reconstruction state governments. These were the "exodusters" of the 1870s and 1880s.<sup>4</sup> A second wave of African Americans arrived from the South in the era of World War I, attracted by railroad jobs in Topeka and by factories in Coffeyville and other cities.

Historian Thomas C. Cox studied the black community in Topeka from the post-Civil War period to World War I. In his book *Blacks in Topeka, Kansas, 1865–1915: A Social History*, Cox analyzed the social structure, church

membership, and prosperity of that community and how those factors informed a tradition of political activism that was magnified by the ability to vote.<sup>5</sup> Kansas Republicans were committed to voting rights for blacks, but as historian Randall Woods argued in "Integration, Exclusion, or Segregation? The 'Color Line' in Kansas, 1878–1900," Republicans believed in the "parallel development" of the races.<sup>6</sup> While they opposed racial mixing and supported the ever-tightening segregation of the 1910s and 1920s, Republicans regarded African Americans as an important constituency on which they relied for votes. A vivid example of this relationship is a handwritten letter, dated January 19, 1925, from a black Republican ward committeeman, Dr. A. R. Ferebee, who was an officer in the Coffeyville local branch of the National Association for the Advancement of Colored People (NAACP). The letter was written to the NAACP national office on the official letterhead of Coffeyville's Montgomery County Republican Central Committee. In it, Dr. Ferebee expressed concern that the Ku Klux Klan was "canvassing" the Kansas legislature in an "effort to Jim Crow and segregate the colored people throughout the state." The Klan was spreading nationwide in the 1910s and 1920s and was making its presence felt in Kansas. In Coffeyville, when the new junior high was opened in 1923, for example, the all-white school board barred black students from it. In his reply to the letter, Kansas Republican senator and NAACP national board member Arthur Capper (who was the NAACP chair for Kansas) advised Ferebee that the Klan was not a serious political threat despite the rallies it held in the state.<sup>7</sup>

Coffeyville in 1927 was a prosperous boomtown. It was known for its bricks, which paved the roads of Kansas, and for its many glass factories. It was also a segregated city. Whites lived west of downtown, which was centered at Seventh and Union streets. Blacks lived not only east of Union Street but, in an old racial cliché that applies in this case, across the tracks. Two parallel railroad lines were the real residential dividing lines. The Missouri-Kansas-

5. Thomas C. Cox, *Blacks in Topeka, Kansas, 1865–1915: A Social History* (Baton Rouge: Louisiana State University Press, 1982).

6. Randall B. Woods, "Integration, Exclusion, or Segregation? The 'Color Line' in Kansas, 1878–1900," *Western Historical Quarterly* 14 (April 1983): 196, 198.

7. Arthur Capper to Walter F. White in response to an inquiry from A. R. Ferebee, Arthur Capper Papers, box 16, file "Negroes 1918–49," State Archives Division, Kansas Historical Society, Topeka (hereafter KSHS); similar correspondence from Senator Capper can be found in the NAACP Papers, box 41, file "Legislative Correspondence," "Negroes, 1924–1947—NAACP," U.S. Library of Congress, Washington, DC (hereafter NAACP Papers).

3. The author visited a major African American church congregation in Coffeyville in the summer of 2011. While members of the congregation confirmed the names of family members, such as grandparents and great-uncles, who had been key players in 1927, no one knew about the riot itself.

4. Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: W. W. Norton, 1976).



*A view of downtown Coffeyville around the time of the race riot of 1927. Its economic prosperity was rooted in brick-making and glass factories. Coffeyville was also a segregated city, where African Americans comprised 11 percent of the population, although it was not uncommon for businesses owned by whites and blacks to be located next to each other.*

Texas Railroad Line, called “the Katy,” and the Atchison Topeka and Santa Fe tracks separated the races in this city of 16,198 (1930). The 1,824 African Americans comprised about 11 percent of the population, the second-highest percentage among the state’s cities.<sup>8</sup>

White and black-owned retail businesses were often located next to each other on the same block of Union Street, with a significant number of black-owned businesses on the east side. Everyone knew which businesses, such as the Commercial Hotel on the west side of Union, were for whites and which, such as Napoleon Anderson’s pool hall (the Almeda Club) and Curtis Smith’s barber shop, both at 609 Union Street, were for blacks. The business frontiers of this racial barrier were permeable: African Americans frequently crossed them to reach necessary services, such as the trolley stop for the forty-eight-person electric interurban streetcar, operated by the Union Traction Company, which ran between Coffeyville, Independence, and Cherryvale. Whites were less likely to travel into the black part of town, with its “negro cottages” and unpaved streets. They might go only as far as the passenger terminal

waiting room for the Katy, which was on the west side of the tracks.<sup>9</sup>

Curtis Smith was a thirty-three-year-old African American who had been a corporal in World War I. After the war, he had been a porter and had then become a barber.<sup>10</sup> His barbershop was directly across Union Street from the rear of the old City Hall, facing the one-story firehouse on the corner. It was owned by a man named Napoleon Anderson, who also owned the pool hall, both of which were community gathering spots for African American men. Both storefronts had a clear view of the back of City Hall and the jail, which was only about 350 feet away. That unobstructed view would prove critical in the coming racial skirmish, when blacks watched the white lynch mob form and attack City Hall.

The Mooney house at 812 West 9th Street, in the white section of town, had been empty of all furniture except a bed for months, with only eighteen-year-old Julia Mooney living there. The Mooney family had moved to Lenapah,

8. Kansas City, Kansas, had the highest percentage of African Americans among cities in Kansas, at 16 percent, and in raw numbers, it eclipsed the African American populations of every other city in Kansas by 1930. 1930 U.S. Census, “Kansas,” table of cities by population, vol. 3, part I, p. 839; digital image.

9. The phrase “negro cottages” was often employed by the *Coffeyville Daily Journal* to refer to residences east of Union Street.

10. Smith had been a corporal in the Second Company, 164th Depot Brigade. “Curtis S. Smith, Kansas. June 9, 1893–Feb. 8, 1964,” according to his headstone in Hickory Creek Cemetery, Nowata County, Oklahoma. See <https://www.findagrave.com/memorial/20358959>. Smith’s birth date is confirmed by the 1925 Kansas Census, KSHS; 1925 Kansas Territory Census, roll KS1925\_97, line 9.

Oklahoma, and had rented the house to a thirty-year-old Studebaker salesman named Ira Kennedy. But Kennedy had recently moved to Wichita with his wife and three children, and Julia Mooney had moved back in to finish the last semester of her senior year at Coffeyville High School. The idea of a young single woman living alone in an empty house would prove crucial in smearing her character in the rape trial that would come later.<sup>11</sup>

Julia regularly invited different girls, high school classmates, to stay overnight with her. On the night of March 17, 1927, she asked her friend Margaret Akers, who was seventeen, to spend the night in the otherwise empty Mooney house. Margaret's mother tried to convince the girls to stay at Akers's home instead, under the watchful eyes of Margaret's parents. However, Mrs. Akers finally relented, even though she feared for the safety of two high school girls "in a house alone at night."<sup>12</sup> It later emerged that Julia had also asked a third high school girl to come to the Mooney house that night, but she had refused.

After leaving the Akers house, Margaret and Julia went to a movie and remained there until 11:20 pm. As they left the theater, Julia stopped to make a mysterious phone call, but she did not tell Margaret why or to whom. They went to a drug store "for an Eskimo pie," but, upon seeing that it was closed, went instead to the American Confectionary shop nearby. On the way home, Margaret noticed that Julia insisted on walking slowly, complaining that she was tired. Then she said something that shocked Margaret: "I would willingly ride with anyone who might ask me." In the 1920s, such a comment from a middle-class girl was shocking. Many people would interpret it as an indicator of loose morals, not simply a modern attitude. This remark led Margaret to believe "that perhaps Julia was not the kind of girl she should associate with." Nevertheless, she continued with Julia to the front door of the empty Mooney house. Oddly, after unlocking the door, Julia pushed Margaret ahead through the door. Inside, Margaret immediately noticed "a peculiar odor," like tar and sweat. Julia dismissed her concerns: "It was probably the cat."

As Julia opened the closet to pull out the bedsheets and blankets, Margaret noticed a curtain move. She was frightened, she said. Julia again responded that it was

probably the cat. The house was hot, and Julia opened the window of the single-story house. After changing into nightclothes, the girls went to sleep.<sup>13</sup>

Margaret said she awoke with her assailant's fingers gripping her throat and his knees pressing down on her chest. She tried to scream, but the man threatened to kill her if she did. She said she heard Julia scream from the bedroom and then saw Julia being dragged back to the living room by two assailants. "What shall I do, give in?" Margaret asked. "You can't do anything else," Julia replied in a disgusted tone. Afterward, the three men fled the house by climbing through the kitchen window.

This initial version of the official story, as it first unfolded, was sensational. The *Coffeyville Daily Journal* printed an extra edition. All three local newspapers (the *Coffeyville Daily Journal*, the *Coffeyville Morning News*, and the *Independence Daily Reporter*) reported that the girls had run to the Hodshire house next door, screaming that they had been "raped by negroes." They awakened the middle-aged white couple who called the police. This story, headlined by the three newspapers, electrified and angered the white citizens of Coffeyville, who sought vengeance.<sup>14</sup>

But this story was immediately disputed. Another explanation, offered by the black community to the *Kansas City Call*, was that the rapes had resulted from a liquor-infused teen party that had got out of hand. According to this version, Julia had planned to have a sex party with three men and three girls, all white. This was the era of Prohibition, and someone (probably black) had delivered liquor to the house, most likely from Napoleon Anderson's pool hall.<sup>15</sup> The records for Montgomery County District Court in the first half of 1927 show that Prohibition violations and bootlegging were perhaps the most common criminal offenses before the court.<sup>16</sup> In any case, how could three black men have walked, unnoticed, ten blocks into the white neighborhood in the middle of the night? One man with a case of liquor might have crept silently through a back alley, but three seemed unlikely.

13. Ibid.

14. Details of the empty house and why the girls were there were provided two months later when the prosecution announced—contrary to the general opinion until then—that not "Negroes" but a white man and one of the girls had been arrested for the rape. "Arrest Two in Mooney-Akers Assault! Other Arrests Expected Momentarily," *Coffeyville Daily Journal*, May 30, 1927; "Coffeyville Citizens, Incensed, Group for Action," *Kansas City Post*, March 19, 1927.

15. "Soot-Smeared Bathtub and Gowns Cast Doubt on Negro Guilt in Coffeyville Crime," *Kansas City Call*, March 25, 1927.

16. This is an impression and is not based on a rigorous tally. While searching for criminal indictments that emerged from the riot and that

11. "Jury Trial Next Phase of Assault," *Coffeyville Daily Journal*, June 20, 1927.

12. Ibid., 3.

The *Kansas City Call* noted that three soot-stained nightshirts had been found discarded in the bathroom of the Mooney house.<sup>17</sup> If white attackers had wanted to hide their identities from the girls, soot-covered blackface was a possible method. This suggestion was backed up by Montgomery County Sheriff W. D. McCrabb, who said he believed “that the attackers were white men with blacking on their faces. He said much of it had rubbed off on the girls’ clothing but that he did not believe the material was soot.”<sup>18</sup>

The girls restated their original story under questioning by patrolman O. W. Childers and Captain Grover Jackson, who was in charge that night, and told the police that “three negroes” had assaulted them. However, in later questioning over the next few months, Margaret said that both Julia and Mrs. Mooney, Julia’s mother, had counseled her “to stick with the negro story.” Margaret did not. While she had said earlier that her rapist had curly hair, she eventually decided that he had straight hair and seemed familiar in some way. But she feared that she would be killed if she changed her story.<sup>19</sup>

Little by little over the next two months before the preliminary hearing and trial, Margaret concluded that Julia was in league with her assailants. Was the susceptible girl unduly influenced by a detective from out of town and Elisha J. Scott, a Topeka lawyer working for the NAACP? Regardless, it is significant that two contending versions of the assault story existed from the very beginning of the trouble.

Coffeyville’s police reacted to the news of the rapes within hours. By dawn, they had set up roadblocks and detained black motorists. On the afternoon of March 18, the police brought in bloodhounds from Kansas City. The two dogs traced a route from the back door of Julia Mooney’s house on West 5th Street down the alley between 8th and 9th streets and into the downtown. A crowd of whites gathered and became frenzied as the dogs darted through the door of Curtis Smith’s barbershop on Union Street. Then the bloodhounds crossed the Katy tracks and headed deep into the segregated African

American section of town east of the railroad. A long caravan of about two hundred whites in cars followed the police and bloodhounds. At 500 East 5th Street, they passed Hunigan’s Grocery, where the owner, Dennis M. Hunigan, must have watched the threatening procession from his front window. Hunigan was active in the local branch of the NAACP, which had been chartered in 1922, shortly after the Greenwood section of Tulsa (which was only a two-hour drive away) had been burned down by whites.<sup>20</sup> Hunigan’s Grocery had the only phone in the neighborhood, and the number was 2066. Both news and dues frequently flowed from Hunigan, as treasurer of Coffeyville’s local branch of the NAACP, to the NAACP national office in New York.<sup>21</sup>

The police bloodhounds traced the scent to the rear door of “a negro cottage,” as one white newspaper put it. In Garvin Hardin’s home at 604 East 5th Street, the police found barber Curtis Smith and two men who lived there. The police took into custody Smith, Harden, forty-five, and his son, Vanges Harden, twenty. Like others in this story of racial strife and defense, Vanges had a history of activism. As a teenager, he had been vice president of the youth chapter of the NAACP local branch five years before.<sup>22</sup>

The police took the three men to the jail for questioning. The line of threatening white men in cars followed the police and their suspects back to City Hall, where the jail was located, and joined the excited crowd that had been growing in front of the building. The part of the second floor of the old redbrick building that contained the jail

would identify those arrested, white and black, I repeatedly came across prosecutions of Prohibition violators, which seemed to be a majority of the criminal cases between March and September 1927. There was widespread flouting of the liquor laws, which is striking because while Prohibition began nationwide in 1920, it began in Kansas in 1881. It was not a new law in the state.

17. “Soot-Smeared Bathtub and Gowns Cast Doubt on Negro Guilt in Coffeyville Crime.”

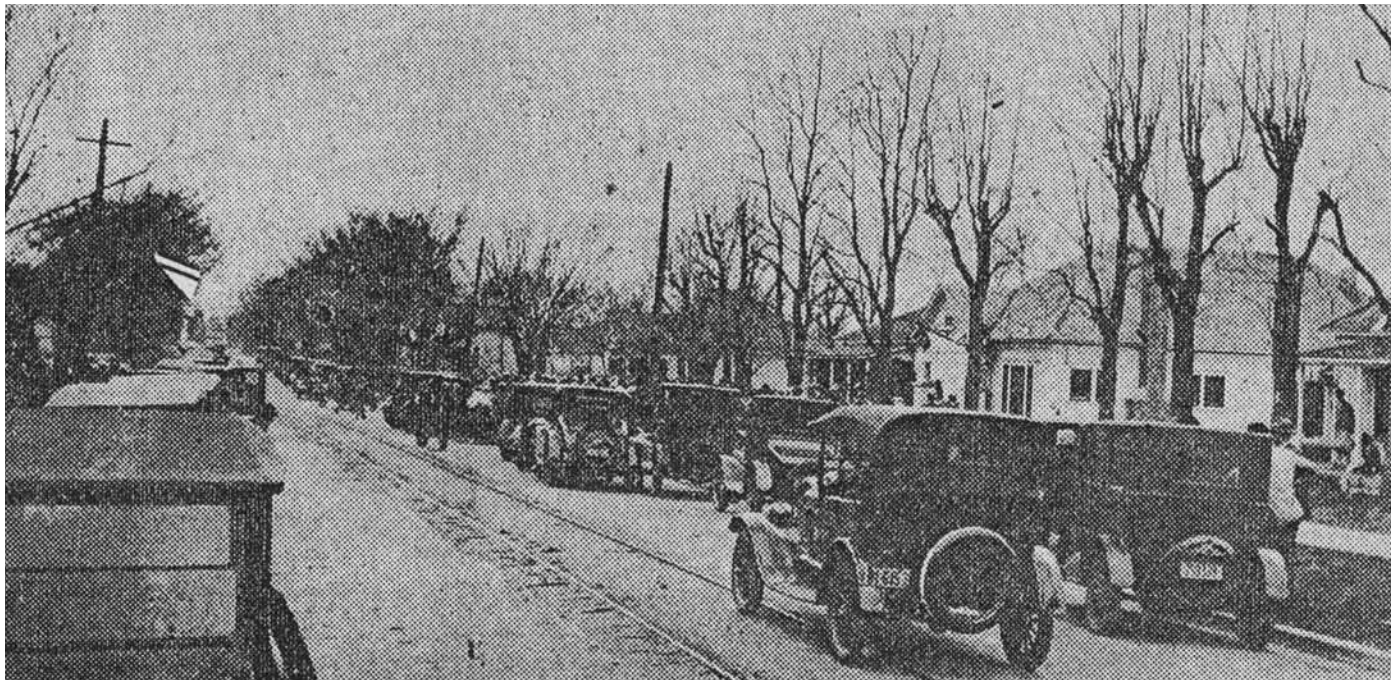
18. “Coffeyville Is under Military Rule.”

19. “Jury Trial Next Phase of Assault.”

20. Preprinted bifold four-page form titled “Application for Charter of the Coffeyville Branch of the National Association for the Advancement of Colored People,” organized February 20, 1922; charter approved May 5, 1922, NAACP Branch Files, box G-70, NAACP Papers.

21. Coffeyville’s NAACP chapter was organized about the same time as its chapter of Marcus Garvey’s United Negro Improvement Association. There are numerous handwritten letters from Hunigan addressed to James Weldon Johnson, Walter W. Bagnall, Walter F. White, and others at the NAACP national office, NAACP Administrative File, NAACP Papers. “Two Girls Assaulted: Julia Mooney and Margaret Akers Victims of Three Negro Men, Last Night; Hounds Take Trail,” *Coffeyville Daily Journal*, March 18, 1927; Elisha J. Scott to NAACP national office, March 19, 1927, NAACP Administrative File, SUG File—Lynching, Coffeyville, Kansas, Mar.–May, 1927, NAACP Papers; Dennis Hunigan to James Weldon Johnson, c/o NAACP national office, June 20, 1927, NAACP Papers.

22. See handwritten list of junior members of the NAACP local branch in 1922, initialed with the “P” that William Pickens, the NAACP field secretary and dean of Morgan State College, used in his letters and editorials. NAACP Branch Files, Coffeyville, 1922, box G-70, NAACP Papers. The “P” personal trademark that William Pickens used is pervasive in the William Pickens Papers, 1906–1954, “Photos and Clippings,” SC microfilm R 993, box 87, Schomburg Center for Research in Black Culture, New York Public Library, New York, NY.



*Photo that appeared in the Topeka Journal on March 19, 1927, showing part of the long caravan of vehicles that followed the police and bloodhounds into the segregated African American section of Coffeyville in search of rape suspects.*

could be identified by the bars over the windows.<sup>23</sup>

As night fell, the two Hardens were released after they convinced police that they had no connection with the crime. Police escorted them out of the building through the hostile crowd of whites. That left only Curtis Smith, the barber who had served in World War I, in police custody. By now the crowd was becoming an angry lynch mob that was growing by the hour. The mayor and police chief phoned Topeka for help.<sup>24</sup>

About 8 pm a rumor caught fire in the crowd that "one of the assaulted girls had just died." Armed with guns and other weapons, the white mob, now 1,500 to 3,000 strong (accounts differ), "commenced to stone any colored person on the streets." Gus Hughes, a porter, was attacked and severely beaten along with another black man, George Follette, who escaped and ran toward the safety of Anderson's pool hall, two hundred feet away, on the east side of Union Street. Gus Hughes dragged himself

toward the black section of town east of the railroad tracks before losing consciousness in the passenger terminal of the Missouri Pacific Station.

Meanwhile, on the front side of City Hall, "a hundred men left the throng and surged toward the west door, with cries of 'Give us the nigger,' 'Don't pay any attention to the law,' and started up the winding stairway to the jail." Eight officers with drawn revolvers, nightsticks and tear-gas bombs met them at the second landing. The mob attempted to storm the stairway two or three times (newspaper accounts differ) but was driven back by tear gas.<sup>25</sup>

The mob attacked City Hall with stones, breaking every window. Several members of the mob dropped a ladder across the gap between the building next door and City Hall, got onto the roof, and tried to force an entrance through the upper-level windows. The windows were defended by deputies, firemen, and even a jury foreman who was now trapped in the building. White teenagers attempted to climb the water spout to the top of the building, where they were beaten back "by a policeman's billy." The tear gas was so intense at the front of City Hall that "the 20-odd persons (inside) looked like a group of

23. One explanation for the scent trail, later offered at the trial, was that Curtis Smith had delivered a case of liquor to the Mooney house either before or after the girls came back from the movie theater. That suggestion coincided with the detail of Julia's mysterious phone call on the way home.

24. "Whites Clash with Negroes at Coffeyville"; "City under Martial Law"; "Street Battle Leads to Martial Rule Here."

25. "Quiet Prevails in Coffeyville after Warfare."



chief mourners at a funeral,” wrote the reporter for the *Morning News*.<sup>26</sup>

At some point early in the riot, a fire truck was brought from the corner firehouse to City Hall. Firefighters stretched hoses from hydrants on the curb in front of the building, but members of the mob cut into the hoses to prevent them from being turned on them. An alarm sounded, and the fire truck sped away. Three delegations from the mob were eventually allowed to search the jail for Curtis Smith, but police had hidden him on the roof, in the cupola over the building, while they spread the rumor “that the Negro had been secreted under the hose of the fire truck and spirited out of town,” according to a report in the *Topeka Journal*.<sup>27</sup> (Later, after things had quieted down, police brought Smith to the Hodshire house for the girls to identify him. They could not, and he was released.)

Unable to force their way up the narrow stairway leading to the jail, some members of the mob broke away and charged across the street. “With all the windows broken, the mob started for the Negro section shouting threats to burn homes and the shooting started.” However, they “were met with a ready response when two Negro sentries were encountered,” and a fistfight followed. “The two Negroes were beaten severely,” said the *Topeka Journal*.<sup>28</sup>

Not surprisingly, the African American newspapers had a different account of the events. The *Kansas City Call* carried a heroic story about how one man—African American policeman Robert W. Liggins, who according to the *Call* “pulled his gun and stopped 60”—had held back the white mob. Liggins worked for the city as a “merchant policeman,” meaning he was not part of the official police force but an outsider hired to patrol the black neighborhood. The standoff was corroborated by an account in the white-owned *Morning News*, which interviewed Liggins afterward. Had his white assailant taken another step, “he would have shot him dead,” said the *Morning News* in a report that echoed the main points of the more detailed article in the *Kansas City Call*.<sup>29</sup> For a black man, even a uniformed policeman, to threaten a white man was a gross violation of white supremacy. It

was unheard-of in the American South in this era and was not acceptable even in the Kansas of the 1920s. Liggins, after all, had been hired to deal with African Americans—but he was motivated to stop this mob. Like Hunigan, he had been a charter member of Coffeyville’s NAACP local branch when it had been organized in 1922. While that branch had occasionally been inactive, the tradition of community activism remained, said historian Brent Campney in *This Is Not Dixie: Racist Violence in Kansas, 1861–1927*.<sup>30</sup>

Behind Liggins, twenty to twenty-five African American men had been watching the mob charge toward the windows of Napoleon Anderson’s pool hall, restaurant, and barber shop. Anderson had been another charter member of the local branch of the NAACP five years earlier, having joined when he was a laborer. The sixty-year-old Anderson, a veteran of the Spanish-American War, grabbed his rifle and a handgun and emptied the 32-caliber revolver’s chamber toward the white crowd. Other African Americans poured out of the pool hall and took up defensive positions on the ground and in doorways. Gunfire and smoke filled the air as the white mob turned around and fled back across the street for cover, “with bullets whizzing thru the air.”<sup>31</sup> Several whites later reported that they had pressed themselves into doorways to shield themselves from gunfire. Other whites began firing from the second floor of the Commercial Hotel across the street from the pool hall. As the shooting increased, the crowd dispersed. In the crossfire, Napoleon Anderson was shot several times in both legs. The *Kansas City Call*’s report said that several white teens from Oklahoma were injured, but this account was not corroborated by any of the three local dailies. (All agreed that Billy Waddle, a white printer’s apprentice, was badly injured, and the *Independence Daily Reporter* said that a Coffeyville machinist was injured.) The *Morning News* also reported that four white youths, aged eighteen to twenty-three, had broken the front windows of the white-owned Long Bell Hardware and looted the store of rifles and ammunition. A combined force of local and state police intercepted and arrested them.<sup>32</sup>

26. “City under Martial Law.”

27. “Whites Clash with Negroes at Coffeyville.”

28. Ibid. The competing daily, *Topeka Capital*, conflated details of black merchant policeman Robert Liggins with those of Gus Hughes and George Follette, black civilians beaten by the white mob. Liggins was actually unharmed.

29. “City under Martial Law”; “Soot-Smeared Bathtub and Gowns Cast Doubt on Negro Guilt in Coffeyville Crime.”

30. Brent M.S. Campney, *This Is Not Dixie: Racist Violence in Kansas, 1861–1927* (Urbana: University of Illinois Press, 2015), 198; membership roster and charter, Coffeyville branch, NAACP, granted in 1922, NAACP Papers.

31. “Street Battle Leads to Martial Rule Here.”

32. “City under Martial Law”; “Whites Clash with Negroes at Coffeyville.”



By midnight, thirty-two local guardsmen surrounded City Hall. The first troop to arrive was the local American Legion, mustered from Coffeyville and adjoining towns in Montgomery County. These were men who had had combat experience in the trenches of France nine years before. By 10:50 pm the city was officially placed under martial law.

The riot stopped after the arrival on the scene of Troop B of the 114th Cavalry (the local national guard unit), said the *Topeka Journal*.<sup>33</sup> A chilly March rain began to fall shortly afterward, which helped disperse the remainder of the mob. By 3 a.m. Kansas national guardsmen from Troops A and G of the 117th Cavalry had arrived by motorcar from Iola and Yates Center to reinforce Troop B.<sup>34</sup>

"The city hall presents the appearance of having gone through a siege of gunfire, as a result of the damage to the windows and the interior cluttered with debris thrown by the rioters," wrote the reporter for the *Coffeyville Daily News*. "Rocks, bricks and other missiles were hurled and the city hall looked like a ruined chateau in the French World War area. All the window lights were broken and bullet holes were plainly seen in the frame hotel across the street."<sup>35</sup>

The national guard would occupy Coffeyville for four days.<sup>36</sup> The guard closed downtown shops, restaurants, and theaters by 10 pm and imposed a curfew. Troops also closed Napoleon Anderson's pool hall for the duration of the occupation.

In the week after the riot, the authorities and the black community offered bounties to track down and convict the rapists. The total reward swelled to \$2,400 from official sources. The state offered its maximum of \$500, Montgomery County offered \$300, and the American Legion offered \$1,600. The black community unofficially offered \$321 as well. That total was a huge sum in 1927, when the average annual wage was just above \$1,300.<sup>37</sup> The Coffeyville City Council voted to create the new office of investigator and hired R. W. Davis, a private detective who had formerly worked with the Burns Detective Agency and the Anti-Saloon League, to lead the investigation of

the rapes. Davis suspected that African Americans were not the assailants. According to the *Coffeyville Daily Journal*, the reason was that the three assailants had worked together in committing the assault—"an unheard-of thing [for Negroes]" according to the white reporter. Furthermore, "they remained in the house so long," he wrote, which arguably undercut the common trope of the black beast rapist, who, in the racialized popular imagery, would have fled immediately.<sup>38</sup> They also seemed to have some familiarity with the layout of the premises.

There was probably another reason for Detective Davis's skepticism. Working behind the scenes—certainly not in a public role visible to the white community—was Elisha J. Scott, the black attorney from Topeka. The day after the Coffeyville riot, Dennis Hunigan had wired the NAACP national office. The next day, NAACP national secretary James Weldon Johnson had sent telegrams to Kansas governor Ben Paulen and Senator Capper requesting that the rioters "be sternly repressed" and "to secure protection for the innocent and unoffending colored people in Coffeyville threatened by riotous mobs."<sup>39</sup> Morgan State College (currently Morgan State University) dean William Pickens, the NAACP field secretary, emphasized the importance of Coffeyville in a memo to the entire NAACP national board after a speaking and fund-raising tour that took him through the Midwest and to Coffeyville. "This Coffeyville case is one that we should push to the FINISH. . . . It is an effort to deny colored people the right of self-defense against a mob," he wrote.<sup>40</sup>

By the year of the Coffeyville riot, Elisha Scott had already established a reputation, not only as a criminal lawyer but also as a key participant in the black freedom struggle. In 1917 only three years out of the Washburn University School of Law, Scott was involved in defending

*Morning News*, March 25, 1927; "Colored Citizens of Coffeyville Pledge Loyalty: Meet Last Night, Declare Stand and Offer Reward for Criminals' Arrest," *Morning News*, March 23, 1927; Torin, "Statistics: The American Economy during the 1920s," *History Now*, accessed August 12, 2018, <https://www.gilderlehrman.org/content/statistics-american-economy-during-1920s>.

38. Minutes of the Coffeyville City Council, March 23, 1927; microfilm 34859: Coffeyville, City of, Council Minutes, 1916–1928, vol. L–M, roll 5, microfilm box AC 7235, KSHS; "Arrest Two in Mooney-Akers Assault!"

39. File transcript of telegram from James Weldon Johnson to Ben Paulen, and telegram from James Weldon Johnson to Arthur Capper, dated March 19, 1927, Special Correspondence, James Weldon Johnson, 1927, NAACP Administrative File, NAACP Papers.

40. Typed letter on official NAACP stationery from William Pickens, with the dateline "Coffeyville, Kan.," "to the National Officers and Board of Directors," June 5, 1927, NAACP Administrative File, NAACP Papers.

33. "Quiet Prevails in Coffeyville after Warfare."

34. "City under Martial Law"; "Two Girls Assaulted."

35. "Quiet Prevails in Coffeyville after Warfare."

36. This is the official story, based on police reports used in the subsequent trial. Other reports, such as those in the black newspaper *Chicago Defender*, said that ten were shot. "Bullets Quell Kansas Riot." Local reports are generally more reliable and less exaggerated in this case.

37. "Reward Offer Is Growing; \$2,400 to Be Available: State, County, Citizens Swell Reward to Make It Profitable for Solver of Crimes,"

the soldiers of the Third Battalion of the all-black Twenty-Fourth Infantry who had been charged with mutiny in the deaths of four soldiers and sixteen civilians in the Houston Camp Logan riot. Nineteen black servicemen were executed, and fifty-three sentenced to life imprisonment, in what was probably the second-largest mass execution in American history.<sup>41</sup> In 1921 Scott defended black workers from a traveling carnival who had been accused of rape in Duluth, Minnesota—an episode in which some of the black suspects were lynched by a white mob. In that same year, Scott petitioned for pardon for black heavyweight boxer Jack Jones, who had been imprisoned for violation of the Mann Act on what were clearly racial grounds. Also in 1921 Scott provided legal assistance to the victims of the Tulsa race riot. In 1924 Scott represented a black homesteader's descendants in Oklahoma when the state attempted to seize control of their land, on which rich oil deposits had been found.<sup>42</sup>

Elisha Scott was well known to the black community in Coffeyville. He had already represented it in *Thurman-Watts v. Coffeyville*, the case that desegregated the new junior high school in 1924 and had ramifications for smaller cities throughout the state—designated by Kansas law as “Cities of the Second Class” or less.<sup>43</sup> Kansas state law provided the “right” to segregate a high school only to a single “City of the First Class,” Kansas City, Kansas. Other “Cities of the First Class” were allowed greater home-rule privileges, such as racially segregating elementary schools. Representing the black community in

Coffeyville, which had paid taxes for the new school, Scott succeeded in persuading the Kansas Supreme Court to rule that the new Roosevelt Junior High, which included a ninth grade, was actually a high school. Coffeyville, which had fewer than 15,000 inhabitants in the mid-1920s, was considered a city of the second class. In any case, the school board did not have the right under Kansas law to bar black students from attending the new junior high.<sup>44</sup>

In Scott's cross-examination of the members of the Coffeyville school board for that case, four of them admitted that they were members of the Ku Klux Klan. Coincidentally, in 1924 the Klan newspaper office in Coffeyville was destroyed by an explosion “caused by vandals” or “an accumulation of natural gas,” about which local Republican law enforcement did not seem to be disturbed enough to investigate, said the *New York Times*.<sup>45</sup>

Coffeyville's NAACP members requested attorney Scott, and after some negotiation, payment of his legal fees was divided between the local branch and the NAACP national office in New York.<sup>46</sup> Scott served as an invisible liaison between the prosecutor's office, the black community, and the NAACP national office. In his reports to the national office, he asserted that he had been given, secretly and informally, the temporary authority of an assistant attorney general to enable his questioning of suspects.<sup>47</sup> Unlikely as that was (and perhaps it was merely a boast), Scott made regular detailed reports titled “The Coffeyville Riot Cases.” The NAACP national office

41. Mike Tolson, “The Ugly History of Camp Logan: Century-Old Mutiny at Houston Military Site Was Rooted in Racism, Buried for Years,” *Houston Chronicle*, August 19, 2017 (updated December 22, 2017), <https://www.houstonchronicle.com/news/houston-texas/houston/article/The-ugly-history-of-Camp-Logan-11944840.php>. Tolson erroneously said that the nineteen Houston hangings following the courts-martial for the Camp Logan riot in 1917 were the largest in American history. However, they were outnumbered by the 38 Sioux who were hanged by the U.S. Army in Mankato, Minnesota, under a sentence for rebellion and murder, concluding the U.S.-Dakota War of 1862. Daniele Fiorentino, review of *The Dakota War: The United States Army versus the Sioux, 1862–1865*, by Michael Clodfelter, and *Six Weeks in the Sioux Tepees: A Narrative of Indian Captivity*, by Sarah F. Wakefield, edited by June Namais, *Journal of American History* 86 (March 2000): 1787. Certainly the Camp Logan courts-martial comprised the largest single trial in U.S. history, with 118 defendants. Robert V. Haynes, “The Houston Mutiny and Riot of 1917,” *Southwestern Historical Quarterly* 76 (April 1973): 418–39. See footnote 51, page 430, on the inaccuracy of the number of soldiers who left camp for the mutiny as opposed to the number tried. What is notable is that both incidents involved uprisings by minorities that were suppressed by military justice.

42. “Hon. Elisha Scott Handles Big Oil Case,” *Topeka Plaindealer*, August 8, 1924.

43. *Celia Thurman-Watts v. The Board of Education of the City of Coffeyville*, 115 Kan. 328 (1924). A full transcript of the ruling by the Kansas Supreme Court can be found online at the Brown Foundation

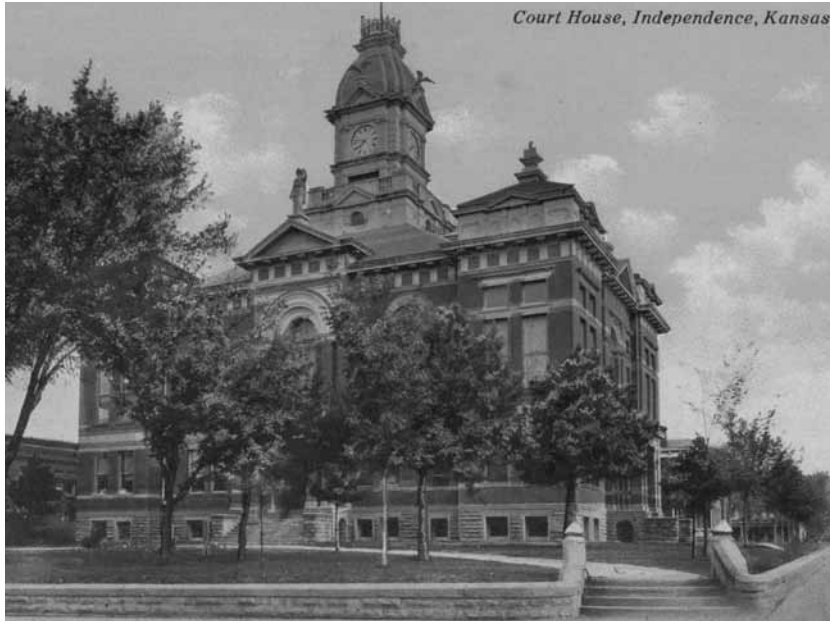
website, which lists the legal antecedents to *Brown v. Board of Education of Topeka, Kansas*, 347 US 483 (1954). See <https://brownvboard.org/content/opinion-thurman-watts>.

44. Arthur B. Spingarn to Walter F. White, February 7, 1924, Arthur Spingarn Papers, Legal File, “Cases Supported—Coffeyville Case, 1923–25,” box D-51, NAACP Papers.

45. “Blame Klan in School Ouster at Coffeyville: Board of Education Refuses Our Children Admittance to Junior High School,” *Chicago Defender*, November 10, 1923; “Kansas Paper Blown Up: Klansmen Owners at Coffeyville Suffer \$75,000 Loss,” *New York Times*, December 9, 1924.

46. Telegram from D. G. Whitaker and Dennis Hunigan to Robert W. Bagnall, NAACP director of branches, SUG file—Lynching, Coffeyville, Kansas, Mar.–May 1927, NAACP Administrative File, NAACP Papers; telegram from Walter White, NAACP national office, to Elisha Scott in Topeka, May 11, 1927, Walter F. White Papers, NAACP Papers.

47. In his correspondence with the NAACP national office, Scott said he had been granted this authority. However, this statement is not corroborated in the newspaper accounts by either the local (white) papers or the *Kansas City Call*. He might have been attempting to justify his fee, which was split between the local branch and the national office. We have only Scott's official reports from his law firm, Scott & Van Dyne, to James Weldon Johnson and Walter F. White to cite as evidence because most of Scott's own files were destroyed by a fire at his home decades later. NAACP Administrative File, SUG file—Lynching, Coffeyville, Kan. Mar.–May 1927, NAACP Papers.



Court House, Independence, Kansas.

*The courthouse in Independence, Kansas, the county seat of Montgomery County.*

watched the events closely as part of its antilynching campaign.<sup>48</sup>

Scott was representative of a generation of African American activists in Kansas who, while subject to segregation and an occasional lynching in the state, never experienced the depth of terror that was practiced in the racial caste system of the Jim Crow South of the 1920s. In Kansas, African Americans could vote without life-threatening repercussions. However, it would be a mis-take to assume that white Republicans in 1920s Kansas believed in post-1960s notions of racial equality. Many Republicans fought the Klan, which was allied with their rival, the Democratic Party of the era. The *Emporia Gazette's* influential Republican editor, William Allen White, was a vocal opponent of the Klan who wrote numerous editorials urging its ouster from Kansas.<sup>49</sup> White ran for governor in 1924 as an independent because he felt that neither party took a strong enough position against the Klan. A Republican attorney general filed a lawsuit in 1925 to expel the Klan from the state because, as a Georgia

48. Elisha Scott to Walter White with report titled "The Coffeyville Kansas Riot Cases," May 18, 1927. There is a similar letter from Elisha Scott to James Weldon Johnson titled "Coffeyville Riot Cases," NAACP Administrative File, SUG File—Lynching, Coffeyville, Kansas, July–December 1927, NAACP Papers.

49. Jan Huston, "Lyon County History: William Allen White's Klan Fight," *Emporia Gazette*, July 27, 2013.

corporation, the Invisible Empire of the Knights of the Ku Klux Klan lacked a Kansas state charter. That effort finally succeeded in 1927.

Meanwhile, two major events occurred in the seven-plus weeks before the investigation closed. A new mayor and city council were elected. Several people, black and white, filed lawsuits against the city for damages. The city attorney filed criminal charges against some blacks, in particular Napoleon Anderson and Hershel Ford, for rioting. Another African American, George Follette, was charged for threatening to bring his revolver during the night of the riot. Fourteen whites were also charged, including the teens who had broken into the hardware store.

Somewhere between March 17 and May 8, Margaret Akers changed her story from blaming "Negroes" to blaming Ira Kennedy, the former renter of the Mooney house.

Margaret was suggestible during repeated questioning, and she changed her story over the months of examination by the detective, the police, attorneys, and other law enforcement officials. At one point, she insisted that her assailant was white; in another moment, she said he was black. Finally, she insisted that her assailant had been Ira Kennedy, heavy-set and middle-aged, who worked as a salesman in the local Studebaker dealership.

Margaret remembered that on their way to the Mooney house, Julia had stopped at a phone booth to make a suspicious call. Was it to have liquor delivered? Now worried that she had been set up, she grew to distrust Julia. Margaret borrowed a revolver from her father and slept with it under her pillow. She arranged to spend nights with relatives out of town, hidden from Julia. When she returned a week later, Margaret told Julia that she had come to think that Kennedy had been her assailant. Julia turned pale, Margaret told the court later, became angry, and screamed, "MR. KENNEDY HAD NOTHING TO DO WITH IT. THEY WERE NEGROES!"<sup>50</sup>

Based on Elisha Scott's correspondence with James Weldon Johnson in the NAACP national office, we know that the prosecution team for this sensational case was severely divided. The two contending parties were the Coffeyville city attorney, Walter C. Keith, and the official

50. "Jury Trial Next Phase of Assault," 1, 3.

prosecutor, Montgomery County attorney C. W. Mitchell. To repair the damage, Scott wrote to the NAACP national secretary that Kansas attorney general Charles B. Griffiths "is going to appear in person and prosecute the Kennedy and Mooney case." The state would show, he said, that the real perpetrators were white.<sup>51</sup>

In late May, Keith swore out warrants for Julia Mooney and Ira Kennedy. Normal protocol called for Mitchell to issue the arrest warrants, but Keith and Mitchell were bitter rivals. Worse, Mitchell had a reputation for being a loose cannon, according to the two Coffeyville-based newspapers. (The daily in Mitchell's hometown of Independence, however, usually sided with him.) The attorney general of Kansas, having heard numerous complaints about Mitchell, both from the newspapers and even from the head of the local American Legion, named Keith to lead the prosecution team, and Mitchell reacted vengefully. All noticed that he badgered Margaret, his own witness, on the stand and attempted to impeach her.<sup>52</sup>

"Some of the statements by County Attorney Mitchell, as published in the *Independence Reporter* on the assault case prosecution, sound more like the statements were coming from defense attorneys than the prosecutor," charged the editors of the *Coffeyville Morning News*. "Statements made by him on the case eclipse anything ever heard in a criminal case. No defense attorney could give out a better interview than the one published in the *Independence* newspaper, as coming from the county attorney."<sup>53</sup> Elisha Scott thought later that Mitchell had been bribed, not only to lose the case but to cover up the identities of the real perpetrators and not to pursue them later. "I am in possession of some very confidential information," he wrote later in a letter to James Weldon Johnson. "If you want to know the real inside of it, I will write you a confidential letter under your promise not to publish it, or disclose it until certain things develop."<sup>54</sup>

51. Scott to White, "The Coffeyville Kansas Riot Cases"; Scott to Johnson, "Coffeyville Riot Cases."

52. "And That Reminds Us—When County Attorney Mitchell Undertook to Impeach" (unsigned editorial), *Morning News*, July 10, 1927; "Mitchell's Tactics Hard to Understand: Tries Hard to Breakdown Case for the State," *Morning News*, July 10, 1927. This view is confirmed by Scott's July 28 letter to Johnson. The active role of the Kansas attorney general is highlighted and perhaps overstated in an NAACP press release, "Kansas Attorney General to Prosecute Rape Cases Personally, Action Due to Influence of N.A.A.C.P., Attorney Scott Writes," July 15, 1927, NAACP Administrative File, SUG File—Lynching, Coffeyville, Kansas, July–December 1927, NAACP Papers.

53. "And That Reminds Us—Some of the Statements from County Attorney Mitchell" (unsigned editorial), *Morning News*, June 3, 1927.

54. Elisha Scott letter and report to James Weldon Johnson, July 28, 1927, "James Weldon Johnson Correspondence File," NAACP Papers.

But Mitchell's sabotage did not stop there. Collaborating with a jail matron, Mitchell seized Margaret at her home on a Saturday morning—not a common workday in municipal government then or now. Margaret begged them to let her change clothes before they took her. She slipped into the bathroom, yelled out the window to the teenaged boy next door, and pleaded for him to call the city attorney or the mayor for help. The boy's father called Mayor Lang, who called Keith.<sup>55</sup> The two officials tracked down the "safe house" (at 915 West 5th Street) where the prosecutor and matron were holding Margaret, and they freed her.

Mitchell denied that he had tampered with the state's key witness. "Miss Akers came to the interview voluntarily, and with her mother's special permission," he said in a statement to the press. "Any talk of 'kidnapping' is bosh." Those remarks led the *Coffeyville Morning News* to send a reporter to question Margaret's mother. "That's absolutely false," she said. "I protested with all my might. I begged that they question my daughter in her home, or let me go with her." She added that Margaret said they had threatened her to persuade her to change her story back to blaming "Negroes"—or she would be jailed.<sup>56</sup>

Later, the *Morning News*, in an editorial, demanded that Mitchell be dismissed from the case. "Unless County Attorney Mitchell is removed from the case speedily, he will do the State's case irreparable harm," read the editorial. The writer added, "The young victim of the attack . . . should be given every protection and assistance in her attempt to reveal who the guilty person or persons are, and not treated as if she is worse than the brute that committed the crime against her."<sup>57</sup>

In contrast to the prosecution, the defense team for Julia Mooney and Ira Kennedy was well organized. Julia's family was comparatively well-to-do. Her father had worked for the federal government for several decades and was currently the postmaster for Lenapah, Oklahoma. He was able to hire a defense team with an experienced local trial lawyer, Charles Ise. Ise was a former Montgomery County prosecutor, so he understood the

55. Harry Lang succeeded Elmer Joyce as mayor in an election that took place one month after the March 1927 riot. Elected with Lang was a new majority on the city council. Lang appointed a new police chief and took a personal interest in obtaining justice for Margaret Akers.

56. "Mrs. Akers in a Flat Denial of Mitchell Story: Declares Daughter Was Taken from Her Home over Both Their Protests; Publish Falsehood; Brands Published Story of County Attorney Untrue in Talk to News," *Morning News*, July 13, 1927.

57. "And That Reminds Us—When County Attorney Mitchell Undertook to Impeach."

details of criminal trials and was well prepared for this high-profile case. An experienced litigator, he exploited weaknesses in the divided prosecution team.

In his defense of Julia, Ise deployed a powerful gendered trope that recast her as a misunderstood good girl rather than a devious bad one. He painted a picture of poor Julia, pulled from her graduation exercises only to be tossed, "weeping, in the county jail, in the company of a prostitute." Then Ise, in a surprise move, put Julia on the stand. Under his questioning, she testified that she had always been telling the truth. She had protected Margaret, her younger friend, and counseled her. The assailants were "Negroes," Julia testified. Ise argued that Julia had been a "victim of a conspiracy" devised by blacks and a private detective with questionable morals. Detective R. W. Davis, Ise charged, had lied so that he could collect the reward money posted by the black community. Ise claimed that the detective had pressured the girls to change their story to say that white men had been the assailants. In his cross-examination of the detective, Ise denounced him as a moral degenerate for bragging to the sheriff and attorneys that "he would get the truth out of the girls" by "taking them to a picture show, 'pet them a little, if necessary,'" and then "take them to a jazz party."<sup>58</sup> The sexual and racial tropes horrified the jury.

Julia's other defense attorney then questioned a series of witnesses who impeached Margaret as an utterly unreliable witness because she had changed her story several times in the past two months. Sensing that there was an opening now that the prosecution's prime witness had been discredited, the defense team asked the judge for a demurrer to drop all charges against Julia. (A demurrer plea requests that a court dismiss an entire action due to insufficient evidence.) The judge granted it, and Julia walked free from the courtroom, leaving Ira Kennedy as the sole defendant.<sup>59</sup>

The case against Kennedy was sent to the all-white, all-male jury, which deliberated only fifty minutes before acquitting him. The humiliated city administration fired the detective, who was also denounced by the attorney general. Returning from the trial, Margaret Akers and her

mother were severely injured when the mayor's car, in which they were riding, overturned in a ditch.<sup>60</sup>

Charles Ise ran for and won election as chairman of the Coffeyville school board later that summer.<sup>61</sup> In the fall, he teamed up with Elisha Scott, and together they represented Napoleon Anderson and Hershel Ford. Both Pickens of the NAACP and Scott believed the charges were trumped up because Ford and Anderson had sued the city for injuries. The two lawyers persuaded county attorney Mitchell to dismiss all criminal charges against the two African Americans for unlawful assembly and incitement of rioting, just as he had earlier dismissed the immediate charges of rioting against fourteen white men and women. That dismissal was an NAACP victory, but two months later, Anderson and Ford suffered a personal defeat when they lost their civil lawsuit in an attempt to collect damages from the city for the injuries sustained by Anderson and Ford during the riot.

**B**rent Campney challenged "the myth of Kansas" that the state's abolitionist history meant that the population favored equality between the races. He documented eighteen pages of racial violence in an appendix to his book *This Is Not Dixie* and also documented six pages of "Jailhouse Defenses and Police Resistance against Racist Violence in Kansas, 1890–1916."<sup>62</sup>

Coffeyville's black activism had deep roots. Campney mentioned several episodes of activism in the late nineteenth century in defending black suspects in jailhouses. There were strident editorials in Coffeyville's occasional black newspapers, the *Afro-American Advocate* and the *American*, that warned of lynching and urged blacks "to fight it out in the streets." Campney argued that the 1927 participants were part of "a new generation of civil rights activists" who had been emboldened by the American fight for democracy in World War I. Indeed, W. E. B. Du Bois famously coined the statement "We return fighting" for democracy at home after World War I.<sup>63</sup>

58. "Julia Mooney Is Free on Demurrer," *Coffeyville Daily Journal*, July 12, 1927; "Defendants Not Guilty," *Morning News*, July 20, 1927; "Kennedy Is Free by Jury Verdict: Judge Ayres by His Motion Frees Mooney," *Independence Daily Reporter*, July 20, 1927; "Jury Acquits Kennedy in 50 Minutes: Accused Man Freed of Assault Charge . . . Detective Davis Bore Brunt of Defense Counsel's Attack," *Coffeyville Daily Journal*, July 20, 1927.

59. Ibid.

60. "Miss Akers Injured: State's Main Witness in Kennedy-Mooney Case in Motor Car Accident Late Last Night," *Coffeyville Daily Journal*, July 20, 1927; "Defendants Not Guilty: Ira Kennedy and Julia Mooney Acquitted; Margaret Akers Hurt in Accident; Kennedy Is Freed by Jury after 55 Minutes Deliberation Last Night; Julia Mooney Is Freed by the Court," *Morning News*, July 20, 1927.

61. "Charles D. Ise Is Elected Head of the School Board: New School Board Convenes as Old Board Hands over School Reins," *Morning News*, August 5, 1927.

62. Campney, *This Is Not Dixie*, appendixes I and II, 220–38, 239–43.

63. Ibid., 190–91.

This concept was echoed less forcefully by Mark Robert Schneider, who was surprised by the Coffeyville outcome and attributed it to “contingent circumstances” and to the “gradually changing tenor of race relations in the 1920s.”<sup>64</sup>

National race-related events in the early twentieth century may well have acted as an accelerant of that activism, though Campney was skeptical. He also discounted the military experience of black soldiers returning from service in World War I. But how could there not have been reactions to earlier race riots in Atlanta, Springfield, and East St. Louis; the World War I-era riots in Houston and Chicago; and the nationwide outbreaks known as “the Red Summer of 1919”? Perhaps the Coffeyville activism resulted from purely local events, such as the race riot in 1920 in nearby Independence, Kansas; the burning of the Greenwood section of Tulsa, “the Black Wall Street,” in 1921; or perhaps the previous bitter battle over desegregating the newly built Roosevelt Junior High in Coffeyville in 1924. Perhaps the activism came from a cadre of local African Americans in Coffeyville and Topeka who could make a difference in marshaling community support. Coffeyville’s NAACP local branch was chartered in 1922. A charter required fifty dues-paying members, and Coffeyville had sixty-four dues-paying members at the start. In addition, Coffeyville had one of the seven Kansas chapters of Marcus Garvey’s United Negro Improvement Association, which required only seven members to establish a chapter.<sup>65</sup>

Historian James N. Leiker, in his journal article “Race Relations in the Sunflower State,” argued that Kansas’s bloody antislavery history often obscured the state’s more complicated racial history.<sup>66</sup> Earlier accounts emphasized the abolitionist heritage of the state and often contrasted the situation in Kansas with the segregated caste system of another region, the Deep South. More recent scholarship finds racial attitudes in Kansas to be more similar to those of westerners (the “new western history”). These histories more closely examine the state’s troubled racial history,

64. Mark Robert Schneider, *We Return Fighting: The Civil Rights Movement in the Jazz Age* (Boston: Northeastern University Press, 2002), 361.

65. “Appendix X: Location of UNIA Divisions and Chapters,” *The Marcus Garvey and Universal Negro Improvement Association Papers*, ed. Robert A. Hill (Berkeley: University of California Press, 1990), 7:989. See also Robin Dearmon Muhammad, “Garveyism Looks toward the Pacific: The UNIA and Black Workers in the American West,” accessed February 13, 2018, <http://www.blackpast.org/perspectives/garveyism-looks-toward-pacific-unia-and-black-workers-american-west>.

66. James N. Leiker, “Race Relations in the Sunflower State,” *Kansas History: A Journal of the Central Plains* 25 (Autumn 2002): 223.



An example of how this story was initially portrayed in the news media. The Kansas City Post captioned pictures of high school classmates Julia Mooney and Margaret Akers with the words, “Held Prisoners,” and recounted the rape allegations which sparked the Coffeyville riot. Courtesy of the Kansas City, Missouri, Public Library.

with its numerous episodes of lynching, as well as frontier atrocities against Native Americans. Racially segregated public accommodations seem to have begun in the 1880s, said Leiker, and attained their peak in the 1920s. He noted that Kansas was a paradox, falling between the North and the South. Some cities had either integrated or segregated schools as well as public accommodations. Smaller cities were not permitted to segregate schools by race. Cities of more than 15,000 were permitted to segregate the elementary grades, and only Kansas City, Kansas, was permitted to have segregated “high school” grades as well. In public safety organizations, such as police forces, there were integrated ranks. In the realm of voluntary activities, such as parks, pools, and restaurants, there was extensive segregation. Historian Randall B. Woods noted the separate black neighborhoods in major cities, such as “Tennessee Town” in Topeka, where Elisha Scott grew up. Woods argued that when the black population of a town totaled 7 percent or more, there was residential segregation, as was the case in Coffeyville.

According to Woods, scholars of the black-white dialogue have paid much more attention to the American

South than to the American West. Kansans of the 1920s did not condone the “social equality” of the races but practiced segregation. Woods used the term “parallel development” to describe the system of race relations in Kansas. While the state had several episodes of race-based lynching in the post-Civil War era and the early twentieth century, there was a key difference between segregated Kansas and Dixie.<sup>67</sup> Unlike the South, Kansas experienced no concentrated effort in the late nineteenth and early twentieth centuries to “reform” politics by disenfranchising African Americans. They retained the power of the ballot box and were a significant part of the Republican Party coalition. It was this connection that allowed a black Coffeyville Republican ward captain, J. W. Ferebee—also a director of the NAACP local branch—to actually write his letter to the national office of the NAACP on Republican Party letterhead.

Thomas C. Cox argued that the relative prosperity of African Americans in Topeka, as shown in their higher rates of homeownership and literacy, led to the creation of church, political, and civic organizations that challenged Jim Crow practices.<sup>68</sup> Such challenges were a foundation for activism. Like Topeka, Coffeyville had a local tradition of activism. The black community in both cities contested school segregation several times between 1900 and 1924.

Activism can be created through education, and Kansas was perhaps unusual in the education opportunities available to African Americans. The Wyandotte Constitution, under which Kansas achieved statehood in 1861, contained a commitment to providing education for all citizens. Kansas therefore established several schools: a university, an agricultural college, a teachers’ college, a manual trades school, and schools for the deaf and blind.

The Reverend Charles M. Sheldon, a white Congregationalist minister who believed in the social gospel of uplift and who wrote the turn-of-the-century bestseller *In His Steps*, established a rigorous high school called the Topeka Industrial Institute for Negro Youth that taught math and science as well as manual trades. The institute, known as “the Tuskegee of the West,” offered diplomas in barbering, cosmetology, commerce, masonry, tailoring, carpentry, and eventually auto mechanics. Marketed

as “a School for Opportunities,” it had a predominantly black faculty with advanced degrees from the University of Kansas, the University of Chicago, Howard University, Fisk University, and other academic institutions. In the Jim Crow era, African American teachers with advanced degrees were likely to be steered to historically black colleges and institutes because a system of racial discrimination prevented them from acquiring positions in mainstream white colleges. Looking back in 1950, Elisha Scott argued that his teachers were among the best and were far superior to white teachers at comparable schools.<sup>69</sup> The state acquired the school in 1917, renaming it the Kansas Industrial and Educational Institute (and later Topeka Tech).

Sheldon also founded two parallel kindergartens, one for white children at his Central Congregational Church and another for black children in Tennessee Town, the first “Negro kindergarten” west of the Mississippi. The city of Topeka assumed control over it in 1910 and moved it to the all-black Buchanan Elementary School.<sup>70</sup>

Scott was a pupil in that kindergarten when Sheldon noticed him and took a special interest in his development. Under his guidance, Scott eventually attended the rigorous Industrial and Educational Institute. After that, he attended Washburn University and then its law school. When he graduated in 1916, he was the third black student to do so.<sup>71</sup>

Today Scott, the crusading Topeka attorney, is almost a forgotten figure, which is ironic given his fame from World War I to the early 1960s. He defended two heavyweight champions, Jack Johnson and Joe Louis. His successful 1924 Coffeyville lawsuit, *Thurman-Watts v. Coffeyville*, desegregated junior high schools across Kansas long before *Brown v. Board of Education* declared all segregation in public schools unconstitutional.<sup>72</sup>

69. Interview with Thom Rosenblum, National Park Service historian, at the Brown v. Board National Historic Site, Topeka, Kansas, December 15, 2011, regarding two of his then unpublished manuscripts, “Elisha Scott, ‘Colored Lawyer,’ Topeka (First Draft),” and “Unlocking the School House Doors, Elisha Scott, ‘Colored Lawyer, Topeka.’” Thom offered details about the strength of instruction at the Institute, which he did not include in his written materials. See Thom Rosenblum, “Unlocking the Schoolhouse Doors: Elisha Scott, ‘Colored Lawyer, Topeka,’” *Kansas History: A Journal of the Central Plains* 36 (Spring 2013): 40-55.

70. Timothy Miller, *Following in His Steps: A Biography of Charles M. Sheldon* (Knoxville: University of Tennessee Press, 1987), 28–29.

71. Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880–1935* (Chapel Hill: University of North Carolina Press, 2010).

72. There were several small local victories against segregation in Kansas in the early twentieth century, of which the 1924 Coffeyville case

67. This is Campney’s key argument in *This Is Not Dixie*.

68. Cox, *Blacks in Topeka, Kansas*. Cox traced the roots of black activism in Kansas from its informal beginnings in church congregations and local community newspapers to formal political organizing. He argued that the social stability of African Americans in Kansas was greater than that of African Americans in the Deep South and that this stability was the foundation of political activism.



Later in his career, Scott received letters addressed simply to "Elisha Scott, Colored Attorney, Topeka, Kansas." If he is remembered at all, it is because his two sons, Charles Scott and John Scott, were the initial attorneys of record for the black parents in the original *Brown v. Board of Education* filing in 1950.

Unlike the victory for African Americans, Coffeyville's outcome was anything but a victory for young women. As a cultural marker, the events surrounding the rape, riot, and trial are a canvas on which we can see the limits of liberation for young women during the height of the flapper era. The newspaper stories spanned the spectrum of tropes about females in the 1920s. At first, they depicted both girls as victims, white women wronged by black rapists. For the first few days, the *Coffeyville Daily Journal* had daily "bulletins" at the top of the front page about the girls' physical condition. One report on March 18 even noted that "they were taking sustenance."

Over the next month and a half, that narrative was transformed. By late May, just before the criminal trial, the newspapers were portraying nineteen-year-old Julia Mooney as a demon who had betrayed her trusting, innocent seventeen-year-old friend and set her up to be a victim of rape by an older man. This trope of Julia Mooney's female cunning and treachery was eagerly embellished by reporters based on leaks from the local prosecutor and the detective in charge of the city's criminal investigation. One story described Margaret's situation that night as "a virgin moth lured into a fine-spun web by a painted dragon fly, and stung into submission more awful than death, the state will seek to prove." In a later article, Julia Mooney was described as "the female Judas, the vampire woman who upset the records."<sup>73</sup>

Such sexual treachery and female scheming were frequent newspaper storylines in the 1920s. Liberated young women—"flappers"—flaunted their sexuality with revealing clothing styles; they entrapped men and destroyed families. They even committed murder, as in the case of the beautiful Ruth Brown Snyder, a Queens, New York, housewife, who was tried, convicted, and executed for murdering her art-dealer husband so that she could run off with her lover, a corset salesman from New Jersey. This case was a front-page story in the *Coffeyville Daily Journal*, and the editors seemed to relish

is probably the most far-reaching. *Thurman-Watts* (1924) and *Webb v. School District 90 of Merriam, KS* (1949) are generally viewed as historical preludes to *Brown*. Both were argued by Elisha J. Scott.

73. "Arrest Two in Mooney-Akers Assault!"; "Investigating New Assault Clue Here," *Coffeyville Daily Journal*, June 23, 1927.

## Notice to the Public

The city of Coffeyville is under military rule, with troops of the Kansas national guard cooperating with civil authorities in the maintenance of order and the prevention of disturbance.

As commander of the Kansas national guard forces on duty in Coffeyville I hereby order every place of business in the city to close its doors tonight, and Sunday night at 9 o'clock; that at 9 o'clock tonight and Sunday night all streets in the downtown district be cleared of pedestrians and motor cars and that there shall be no congregating of persons any place within the city limits.

I further notify the public of Coffeyville that any remarks of inflammatory nature by persons on the streets at any time during the existing period of military rule shall result in the arrest of parties concerned.

Signed: E. T. PATTERSON,  
Major, 114th Cavalry  
Kansas National Guard

*To quell the rioting and violence in Coffeyville, the Kansas National Guard occupied the city, limiting the "congregating of persons" and "any remarks of inflammatory nature." The local newspapers published this notice prominently each day for four days.*

placing a sensational story about a scheming female on the front page, above the fold, every week. Compounding this atmosphere were numerous gender-based comics, such as *Flapper Fanny*, which appeared twice a week in the *Coffeyville Daily Journal* and depicted young women as alluring but morally bankrupt. In one cartoon, a man was shown ignoring two young women in swimsuits. The caption read, "A man is known by the company he keeps out of."<sup>74</sup> In another cartoon, *Flapper Fanny* was shown

74. "Flapper Fanny Says," *Coffeyville Daily Journal*, September 4, 1927; "Mrs. Snyder to Die with Gray on Jan. 9; Condemned Woman and Her Paramour Are Held in the Death Cell to Await Execution," *Coffeyville Daily Journal*, November 11, 1927.

sitting on a park bench with a bird above her in a tree. The caption read, “A swallow does not make a party”—a clear reference to flouting Prohibition. The message was clear: Watch out for immoral young women because they cause disorder. Indeed, Mary E. Odem, an Emory University history professor who studied women, gender, and sexuality, found that the juvenile court system in Los Angeles in the 1920s “identified sex immorality as the primary form of delinquency for girls” but almost never for boys.<sup>75</sup> While Coffeyville was far from Los Angeles, its youth were in touch with national popular culture. In a pattern common in the 1920s, teens went to movies several times a week and imitated the flapper fashions that they saw advertised in all the daily newspapers, but especially the *Coffeyville Daily Journal*. High school yearbooks from Coffeyville showed teenaged girls in contemporary fashions, including clothing, hats, and finger-waved bobbed hairstyles.

**S**tereotypes of age compounded those of gender. A teen-girl culture based on clothing and cosmetics began to flourish in the broader consumer culture of the 1920s. “Publishers and writers began to notice the market value of stories on ‘wild youth’ as well as a new reading audience of high school girls,” argued Kelly Schrum, a historian at George Mason University, in *Some Wore Bobby Sox: The Emergence of Teenage Girls’ Culture, 1920–1945*. Schrum demonstrated that teen girls were criticized for both “sexuality and sexual behavior” at the same time that they were the targets of marketing as consumers. “In the consumer world, girls were the first teenagers.” They would push the boundaries of behavior, particularly in the 1920s, when even many “good” middle-class people violated Prohibition with impunity.<sup>76</sup> Flouting liquor laws was widespread, and out-of-control youth were considered part of the problem. In fact, white college youth captured “the lion’s share” of the attention of those who “charted society’s changing values” in the 1920s, according to John D’Emilio and Estelle B. Freedman in *Intimate Matters: A History of Sexuality in America*. “Sexual innovation”—such as petting—played “a key role in this new world of youth,” said D’Emilio and Freedman. These changes occurred at the high school level as well, they

said, and were the basis of beliefs about the immorality of “flappers.”<sup>77</sup> Julia Mooney wore a flapper’s cloche hat in her photo in the *Purple C*, the 1927 yearbook for Coffeyville High School. On a page of photos of students in informal poses, Julia Mooney was shown sitting and leaning provocatively on a waist-high wall. The caption in the yearbook reads, “LONESOME? NO!”<sup>78</sup>

In light of what we currently know about sexual harassment, two events during Julia Mooney and Ira Kennedy’s trial seem oddly out of place. First, Chet Benefiel, the senior class president and an acclaimed football hero of Coffeyville High, was called to the stand to state his whereabouts on the night of the rapes. He said he was at the St. Patrick’s Day Dance at Memorial Hall. Under questioning, he denied that he had been at the Mooney house *since the attack*. He stepped down from the witness stand, smiling. Second, the judge asked everyone who had not reached eighteen years of age to leave the courtroom, for there was salacious testimony coming up. Benefiel was found in the hallway outside with his ear pressed against the courtroom door. The judge called him before the court and scolded him.

One wonders why calling Chet Benefiel as a witness was even necessary. He had never been publicly named as a suspect, yet Kennedy’s defense attorney felt that it was necessary to dissociate his client from Benefiel. Note the unusual wording—why would the attorney phrase it “*since the attack*”? Could it have been to prevent Benefiel from perjuring himself because the attorney knew he had been in the Mooney house on the night of the attack? Most importantly, the questioning created an official alibi for him. Why create an alibi for someone who was not involved? Perhaps it was to quash rumors.

Benefiel, a member of a prominent family, would go on to become an all-star player at the University of Tulsa, where he scored the first touchdown in the new stadium in 1928.<sup>79</sup> After graduation, he would become head coach at the University of Tulsa. He was featured in news stories and commercial advertisements in the university newspaper, the *Tulsa Collegian*, for several years. However, he would resign in 1940, along with his assistant coach,

77. John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America*. (Chicago: University of Chicago Press, 1997), 256–57.

78. *Purple C*, yearbook published by the senior class of Coffeyville High School, 1927.

79. Benefiel’s uncle was the principal of the junior high school in Coffeyville for four decades. There is also a file on the Benefiel family in the Coffeyville Public Library’s genealogical cabinet that is suggestive of the family’s notable place in the city’s history.

75. Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885 to 1920* (Chapel Hill: University of North Carolina Press, 1995), 76.

76. Kelly Schrum, *Some Wore Bobby Sox: The Emergence of Teenage Girls’ Culture, 1920–1945* (New York: Palgrave Macmillan, 2004), 15.

after a winning season. No reason was ever offered, but the university refused to accept the resignation of the assistant coach, Botchey Koch.<sup>80</sup> Likewise, there is no explanation of his role in the Coffeyville case because there seems to be no local memory of the rapes, riot, occupation, or trial.

What Coffeyville chooses to remember is different. It advertises itself as the little town that stopped the Dalton Gang in 1892 when it attempted to rob two downtown banks. Murals on buildings downtown show a map of the events in the ambush of the Dalton Gang. There is a motel named the Defenders Inn. The Coffeyville Historical Society and the Chamber of Commerce have restored the Condon and Company Bank, one of the two local banks that the Dalton Gang robbed. Young guides from the Chamber of Commerce give tours of the bank and blow-by-blow descriptions of the events and hand out brochures that lead visitors to the graves of both the gang members and the Coffeyville defenders. (The graves of the famous Old West gang have much bigger signs to direct visitors to them.)

The Coffeyville Historical Society runs an impressive museum with exhibits about the city's original settlement, growth, and various important characters. There is an exhibit on the Dalton Gang and a replica of an Old West street from the era. There are exhibits on 1940 Republican presidential candidate Wendell Willkie, who taught history at the junior high school for two years. There are many square feet of exhibits on baseball legend Walter Johnson, the pitcher for the Washington Senators and one of the original inductees to the Baseball Hall of Fame, who grew up near Coffeyville.

Is this historical amnesia about the events of 1927 intentional? After Ira Kennedy's acquittal, a thousand citizens, both white and black, signed a petition urging the prosecutor, county attorney Mitchell, to convene a grand jury and reopen the case. He did not do so. All

remaining criminal charges relating to the riot were dropped. The courts dismissed several damage suits against the city save for a single decision in January 1928 awarding damages to the white fifteen-year-old printer's apprentice at the *Coffeyville Daily Journal* who, following the mob, was hit by buckshot at close range and lost three fingers.<sup>81</sup>

In December 1927 when each of the three daily newspapers ran their year-end recaps of the news of 1927, the stories mentioned Sacco and Vanzetti and Charles Lindbergh. But there was no mention of the rape, the trial, the riot, or four days of occupation by the national guard. A search of the three local newspapers on the one-year and ten-year anniversaries of the riot found no mention of it. Currently, there is no clipping file for the riot at the Coffeyville Public Library. There are some commemorative bound volumes that celebrate the city's history, but none of them mention the events of 1927. The events have vanished from local memory.<sup>82</sup>

"Memory is one of the most powerful elements in our human constitution," wrote historian David Blight.<sup>83</sup> In its collective form, as public memory, certain events are endorsed and memorialized; others are forgotten. Sometimes an event simply does not fit with our understanding of the past.

The Coffeyville riot stands out as a forgotten but successful episode of armed resistance. African Americans exercised agency decisively and were able to repel false charges, malicious prosecutions, and even the violence of a white lynch mob. Yet this analysis neglects the fact that two young women, high school girls, were assaulted, and never found justice. The lack of justice in the rape trial of 1927 resonates with sexual assaults even today. [KH]

81. In all, twenty-two people had been charged with "unlawful assembly" for rioting. All charges were dropped. "Detailed History of Assault Case: Nation Wide Interest Centered on Largest Local Event since Dalton Raid; First Narrative of School Girls at Variance with Details Uncovered in Investigation by Detective Davis; History of Assault Case," *Coffeyville Daily Journal*, May 30, 1927.

82. "Many Tragedies in News Review of 1927," *Coffeyville Daily Journal*, December 31, 1927; "News Events of 1927 Outlined Briefly," *Independence Daily Reporter*, January 2, 1928. The *Chicago Defender*, the leading black newspaper in the country, did, however, recall at least one aspect of the events in its year-end wrap-up with the subheading "Coffeyville Riot Quelled" in "Significant Changes Mark the Year 1927," *Chicago Defender* (national edition), January 7, 1928. The *Defender* never published another item about the Coffeyville riot or trial, nor was there any mention of the events in the *Kansas City Call*. The memory disappeared.

83. David Blight, "If You Don't Tell It Like It Was, It Can Never Be as It Ought to Be," in *Slavery and Public History: The Tough Stuff of American History*, ed. James Oliver Horton and Lois E. Horton (New York: New Press, 2006), 20–33.

80. Baskett Mosse, "Benefiel Resigns Grid Job, Sterrett Named Cage Coach," *Tulsa Collegian*, December 6, 1940.