By 1883 politics had come to play an increasingly important role in John Waller's long-range plans. The young lawyer-journalist hoped ultimately to succeed McCabe as the chief black officeholder in Kansas, a position that automatically made its occupant the recognized leader of the Negro community. He realized, however, that a direct challenge to his friend would be counterproductive in every way. Consequently, with an eye to the future, Waller contented himself with extending his contacts among black and white Republicans in Kansas and establishing lines of communication with the national Negro leadership. During these years he developed and articulated a comprehensive philosophy of race relations that was, if irrelevant, typical of the black middle class in Kansas during the last quarter of the nineteenth century. Influenced by the Protestant ethic and the self-help philosophy espoused by the Quakers, the Kansas Freedmen's Relief Association, Mary Griffith, and other white philanthropists, by the rags-to-riches myth so prevalent in America during the Gilded Age, and by his conviction that Kansas was a frontier area where the Negro could control his own destiny, Waller fashioned a stratagem calling for civil rights militancy, political activism, and black capitalism.

In July, 1883, Waller attended the Colored Men's Press Convention in St. Louis where for the first time he met such black dignitaries as John Mercer Langston of Virginia, ex-Senator B. K. Bruce of Mississippi, and Frederick Douglass.1 Apparently, the young Kansan was not over-
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awed. According to the *St. Louis Advance*, Waller, “though not as well known as others, proved himself to be among the most brilliant debators in the convention. . . . Clear, incisive, active, he cut a clean swath through all the questions he handled.”

2. Despite the savoir faire he exhibited in St. Louis, Waller returned to Lawrence deeply impressed by the new acquaintances he had made and determined to play a larger role in national affairs. Another opportunity was not long in coming.

The State Convention of Colored Men that met in Lawrence on August 30, 1883, directed most of its efforts toward electing and instructing delegates to a national Negro convention to be held in Louisville on September 24. Waller, as secretary of the meeting and chairman of the committee on resolutions, was in a strategic position to influence both the composition of the Kansas delegation and the priorities that were to guide it. Waller, Captain William D. Matthews of Leavenworth, Charles Langston, J. H. Stuart of Topeka, and a majority of those in attendance supported resolutions urging the national body to dedicate itself to agitation and protest. “So long as colored men are discriminated against all over this country in their accommodations, at public schools, hotels, theaters, and other public places common to other citizens because of race,” Waller and his committee declared in their report, “it is the sacred duty of intelligent men of the race to meet together in convention and devise whatever laws they deem best to awaken a public and national sentiment that will make it impossible to continue such unjust discrimination.”

3. A number of dissenters attacked the proposals as being implicitly critical of the Republican party. After a vigorous defense by Waller of the tradition of agitation and protest among both black Americans and Republicans, the resolution recommending vigorous civil rights agitation passed by a wide margin. As he had hoped, Waller was chosen one of the four delegates to Louisville.

4. The meeting in Kentucky constituted, according to Waller, an assemblage of the most “representative men of the race in the United States . . . fine looking . . . men of intelligence, learning, industry, and familiarity with parliamentary laws.”

5. Distinguished though the delegates were, the meeting proved to be a rowdy affair. Many were disgruntled with the Republican party because President Arthur, in an attempt to build a durable following in the South, had appealed to anti-Negro, white independents. Not only did the meeting refuse to adopt a resolution endorsing the party, but a faction led by the Tennessee delegation even launched an attack on the venerable Douglass. The charges leveled at the “leader of the race” were contradictory. Some accused him of having promised to support Democrat Benjamin Butler for the presidency
in 1884; others maintained that he was indifferent to the implications of the Compromise of 1877 and had become too faithful a Republican for the good of the race. Waller supported Douglass and the Republicans throughout the deliberations. The Kansan was named to the committee on resolutions and played a central role in hammering out a set of recommendations that urged the federal government to enforce the various civil rights laws then on the books, demanded abolition of the "plantation credit mortgage system," and endorsed the religious and moral training of black youth.6

Most of the race leaders whom Waller met during his travels in 1883 and 1884 were past or present residents of Washington, D.C., the cultural and political mecca of late nineteenth-century Afro-America. Like many ambitious young Negroes of the Gilded Age, Waller was ambivalent toward the national elite and the black colony in Washington. On the one hand he was immensely proud of the Douglasses and Bruces. Their political positions, their social pretensions, and their conspicuous consumption were all vicariously satisfying. He continually applauded the intelligence and refinement of the national Negro elite, and he viewed any slippage in their perquisites as a threat to the status of the entire race. On the other hand Waller was jealous of the aristocracy, impatient for it to step aside and make way for a younger generation, or at least to take cognizance of the achievements and opinions of black leaders in the West and Midwest.7 Despite occasional grumblings, Waller, politician that he was, managed to stay on good terms with the graybeards of the race.

In July, 1884, for reasons that are unknown, Waller moved his family to Atchison, a rough-and-tumble railroad center and riverfront town on the Missouri. Immediately after his arrival, he began campaigning for a place on the Kansas delegation to the Republican national convention. In spite of his strenuous efforts in his own behalf and the active support of a number of influential white newspapers, including the Lawrence Journal, the party chose an all-white contingent. Waller's pain of defeat was somewhat assuaged, however, when Blanche K. Bruce, then recorder of deeds, named him Kansas' black representative to the New Orleans World's Fair. Waller's selection by Bruce, who as recorder was ex officio chief dispenser of black patronage for the Arthur administration, underscored Waller's position as a recognized, if second echelon, member of the Negro national leadership. On November 7, 1884, Waller sold the Western Recorder to H. H. Johnson of Kansas City and set about preparing the state's exhibit for the forthcoming exposition, which was scheduled to open in December.8

Participation in racial affairs at the national level was heady stuff,
particularly for a man like Waller who had risen from the humblest of origins. But Waller was a realist; he quickly recognized that the benefits accruing from Negro conventions and expositions, especially at the national level, were more apparent than real. After the meeting halls had emptied and the exhibits were dismantled, the black man's political and economic position—and perhaps, more importantly, his image in the white man's mind—had changed not a whit. What Waller wanted was the substance of power, not the illusion. And although he liked to think of himself as a rugged individualist, Waller was forced to realize that because Kansas was a white-dominated society his fate was irretrievably bound up with that of his black brethren. Responding to this perception, the black lawyer-politician articulated in his speeches and editorials a philosophy of racial advancement that he believed was suited to the Kansas milieu, one that would preserve the black man's self-respect and at the same time meet the white man's expectations. That philosophy—civil rights militancy and black capitalism—was surely a product of Waller's background and his unique personality, but it was at the same time both a response to and a reflection of the racial climate and pattern of race relations that prevailed in Kansas from 1880 to 1900.

In April, 1889, the *New West Monthly* promised that blacks intent upon immigrating to the Sunflower State could expect to find "a school for every child; a field to labor; /Respect that sees in every man a neighbor; the richest soil a farmer ever saw/and equal rights to all before the law." The *New West*'s portrait was overdrawn. Black Kansans encountered discrimination in public services, the administration of justice, and hiring; segregation in hotels, restaurants, and theaters; and exclusion from white hospitals, churches, and neighborhoods. And yet during the same period there were integrated schools at one level or another in all regions of Kansas, public facilities were open to Negroes on both an integrated and segregated basis, and blacks were protected in their effort to vote. With one exception, legally mandated segregation was nonexistent after 1887.

Blacks who sought access to public facilities in Kansas might encounter exclusion, segregation, or integration. Hotels applied the color line perhaps more frequently than any other type of facility. When the Shawnee County delegation to the Republican congressional convention in 1886 applied for lodging at the Coolidge Hotel in Emporia, they were turned away because three of their number were black. In 1888 a white innkeeper in Leavenworth denied lodgings to none other than Frederick Douglass. A majority of Kansas restaurants also either excluded or segregated blacks. One of the famous 1833 civil rights cases involved a
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Negro, Bird Gee, who was physically ejected from the City Hotel restaurant in Hiawatha. Restaurants in Coffeyville, Lawrence, Topeka, and Leavenworth also refused to admit Negroes. Segregation was apparently less frequent in eating houses than exclusion, but there were Jim Crow sections in some establishments. A letter to the editor of the *Leavenworth Advocate* in 1890 complained of a restaurant "between 4th and 5th streets" that forced a Negro patron to retire to a dark room in the rear of the establishment "with a curtain drawn over him as though he was going to have his picture taken." And yet segregation and exclusion were by no means universal. Refused accommodations in Leavenworth, Douglass moved on to Topeka where he was received and feted at the largest hotel in the city. Rebuffed by the Coolidge Hotel in Emporia, the Shawnee County delegation sought lodgings at the Merchants Hotel and was welcomed. In 1878 Eagleson in the *Colored Citizen* praised the Tefft House Hotel in Topeka and its restaurant as establishments that "never discriminate as to color." Even in Leavenworth there were hotels and lunch counters open to blacks on an integrated basis. In transportation, the first separate coach for blacks did not appear in Kansas until 1892, and segregation did not become the rule on railroads and streetcars until after the turn of the century.

Black urban dwellers in Kansas, no less than their brethren in Chicago and Detroit, experienced residential segregation and discrimination in public services. Blacks who came to Kansas in the 1860s and 1870s purchased homes in Topeka, Wyandotte, Leavenworth, Atchison, Lawrence, or some other town and tended to cluster together, but they were not excluded from every white neighborhood. The thousands of blacks who poured into the state during the exodus heightened the white community's desire to see blacks restricted to a certain section of a particular city, however, and led to the creation of what could be accurately called ghettos. Just what the tipping point—that is, the percentage of blacks in a given community necessary to trigger segregation—was for each Kansas town is unclear. What is clear is that in each town whose black population totaled 7 percent or more, residential segregation existed. Apparently, in Kansas as in other areas, residential segregation was the product primarily of white hostility rather than black clannishness. Not only did blacks in Leavenworth, Lawrence, Topeka, and Kansas City have to live in designated areas, but they had to endure discrimination in public services as well. Streets in Tennesseetown and Mudville were constantly filled with potholes or went unpaved completely, sidewalks were often nonexistent, and fire departments staffed by whites frequently took two
to three times as long to answer a call in black sections as they did to respond to an alarm in white areas. 17

Black Kansans seeking jobs in the public sector—firemen, policemen, janitors, sanitary workers—and those seeking admittance to state institutions encountered some discrimination, but in these areas it was the exception rather than the rule. In 1879 the black men of Lawrence held a meeting to protest the city administration's neglect of Negroes in hiring. Yet, the police force in every Kansas town of the first class, and some of the second, was integrated. The city marshal of Lawrence in 1895 was a Negro. Some of the urban fire departments were integrated, and Kansas City boasted an all-black fire company. Apparently, all of the "charitable institutions" of Kansas, such as the State Insane Asylum, the School for the Blind, and the Asylum for Idiotic and Imbecilic Youth, were open to blacks. These institutions were extremely crowded, however—waiting lists for each ranged from 50 to 200 in 1890—and not only blacks but whites without political influence found it difficult to gain admission. Once admitted, however, Negroes were usually segregated. 18

Equality under the law and due process were realities only for black Kansans of property and influence. The poor and the ignorant encountered discrimination at virtually every stage of the legal process. Negroes were more likely to be lynched than whites, although the lynching of whites was by no means uncommon in frontier Kansas. In 1879 the residents of Fort Scott hanged and burned the body of one Bill Howard, a black man and an alleged outlaw. In 1887 Richard Woods, a black youth accused of assaulting and raping a fifteen-year-old white girl in Leavenworth, was taken from the county jail by a mob of white men. His tormentors subsequently attached one end of a rope to his neck and the other to the pommel of a saddle, and dragged him for more than a mile. Blacks accused of raping white women were lynched near Hiawatha in 1889 and Larned in 1892. And yet lynchings in Kansas were rare in comparison to the southern states, and the number each year declined steadily from 1870 to 1900. 19

Another kind of violence—police brutality—plagued black Kansans throughout the late nineteenth century. In 1889, for example, a white policeman in Leavenworth shot and killed a black youth simply because he would not tell the officer where he obtained a cigarette he was smoking. Five years later in the same city several police, seeing a white man chasing a Negro, joined in pursuit. Without a single inquiry, one of the officers shot the black man, Charles Reed. As it turned out, Reed had been waylaid by a gang of white toughs and was simply running for his life. Similar incidents were reported in Topeka and Lawrence. Because the
black community comprised up to one-quarter of the voting population in the state's eastern cities, and because there were nearly always a few black policemen on municipal forces, oppression and brutality by the police were intermittent and, apparently, never systematic. 20

Lynchings and police brutality were not the only problems confronting Kansas Negroes accused of committing crimes. The state prison at Lansing operated a modified convict-lease system. As of 1890 there were 882 convicts in the state facility; of these all but 125 worked at the prison or in nearby state-owned and -operated coal shafts. The warden leased those who were not employed in the mines to a furniture factory, shoe shop, wagon factory, or brick works in Leavenworth. The $3,000 a month realized from convict leases and the proceeds from the sale of state-produced coal were incentives for state officials to keep the prison full. A disproportionate number of inmates at the state prison—approximately 25 percent of the total throughout the last quarter of the nineteenth century—were black. This imbalance was due to the fact that the crime rate among urban-dwelling blacks, if not rural residents, was higher than among whites. The higher rate, however, was the result not only of a greater tendency toward crime among blacks but also of discrimination in the administration of justice. Blacks were more likely to be arrested as suspects than whites, they were more likely to be convicted, and they were sure to receive longer sentences. In May, 1890, for example, two men, one white and one black, were convicted of the identical crime of selling liquor. The white was pardoned, but the black received a fine and jail term. In 1896 the *Leavenworth Herald* insisted that a Negro man had been sentenced to twenty-six years in prison for breaking into a man's home and stealing a bottle of wine. Others were incarcerated for taking food; often the value of the stolen item was increased in order that the black offender might be convicted of grand larceny rather than a misdemeanor. Whites accused of crimes against Negroes were less likely to be convicted and, if found guilty, more likely to receive a lighter sentence than if the offense had been committed against a white. There was some discrimination in jury selection, but blacks served on state district court juries throughout the late nineteenth century, even in cases involving two whites. In jury selection the determining factor seems to have been economic and social standing rather than color. 21

Although segregation and exclusion were not universal in any phase of life in late nineteenth-century Kansas, blacks faced the possibility of discrimination in virtually every situation that involved contact with whites. Nearly all the white churches in the state drew the color line, and several Y.M.C.A. chapters discriminated against blacks. The Mutual
Life Insurance Association of Hiawatha refused to sell policies to Negroes. Theater and opera house owners generally insisted on segregating their audiences, except when their facility was being used for a political gathering or a public lecture. Although it was unusual, black individuals and organizations were sometimes excluded from public functions and celebrations. In 1890 a detachment of black veterans was prevented from attending the unveiling of a monument to Ulysses S. Grant in Leavenworth. By contrast most professional organizations, such as the State Teachers Association and the State Bar Association, were integrated. Blacks participated conspicuously in the innumerable political functions that took place during the last quarter of the century.22

The word "white" appeared three places in the state constitution adopted at Wyandotte in 1859. As has been noted, the school provision authorized the establishment of an educational system for the state's white children. In addition, Article V limited the franchise to "every white male person of twenty-one years and upward."23 In 1867 Kansans defeated a constitutional amendment striking the word "white" from section V by nearly a two-to-one vote, and it was not actually removed from the constitution by an amendment until 1918. Nonetheless, blacks were effectively enfranchised in 1870 when Kansans ratified the Fifteenth Amendment to the United States Constitution. Although there were innumerable attempts made by both Democrats and Republicans to buy black votes, no political organization made a concerted effort during the late nineteenth century to disfranchise Negroes. Finally, the constitutional convention at Wyandotte not only barred blacks from voting but also excluded them from serving in the state militia. Although there were "independent" black military units in all the larger cities of the state, the word "white" was not actually stricken from section VIII—the constitutional provision establishing a state militia—until 1887.24

The pattern of race relations that emerged in late nineteenth-century Kansas was a product largely of white attitudes toward "social equality," that is, racial mixing in neighborhoods, churches, places of amusement, and other areas not considered essential to the individual's health and safety. Whites did not want it, blacks did not want it, and it was contrary to the laws of God and nature. Equal rights before the law, even equal access to essential public facilities, were the Negro's birthright, but he should for all time occupy a separate niche in society. He should and would develop, but independently.25 Typically, then, the white Kansan was willing to tolerate the Negro, to recognize his right to equality before the law and to equal access to public facilities such as schools and rail-
roads, but he was adamantly opposed to amalgamation and residential integration.

Blacks responded to discrimination, segregation, and exclusion in two ways. Just as their brethren did in Chicago, New York, Charleston, and New Orleans, Negroes in Topeka, Leavenworth, and Wichita established a system of institutions that would make available to blacks those social services and cultural activities that were open to whites. The black churches and literary societies have already been dealt with. There were in Kansas numerous fraternal and benevolent societies: the Knights of Labor, the Prince Hall Colored Masons, the Knights of Pythias, and the United Order of Immaculates, to name a few. These associations provided members and their families with fellowship and a certain amount of social security. Membership usually carried with it a life insurance policy, which paid, upon the death of the insured, burial expenses and a monthly stipend to survivors. Some of the societies attempted to force their members to live by a well-defined moral code. Adultery was a consensus sin, and offenders were summarily expelled. The fraternal and benevolent societies were more or less exclusive. At one extreme was the Grand Order of Wise Men, open to all classes and to both men and women. The Colored Masons, in contrast, restricted membership on the basis of wealth, education, and/or participation in public life. In addition to the various fraternal and benevolent orders, the black community in Kansas founded a Colored Widows and Orphans’ Home in Leavenworth and, in 1898, the Douglass Hospital and Training School in Kansas City. In 1896 W. I. Jamison, James H. Guy, and several other black Topekans established the Industrial and Educational Institute, but because of financial difficulties they were forced to close the school within a matter of months. Much more substantial was Western University, which was established at Quindaro by the A.M.E. Church in 1881. The school struggled along until William T. Vernon, a graduate of Lincoln Institute and Wilberforce University, became president in 1896. Vernon converted Western into an industrial institute and secured state support. By 1902 Quindaro school could boast 9 instructors and 102 pupils. Finally, Kansas Negroes, excluded for the most part from white unions, formed their own trade organizations. Black stonemasons in Topeka, Negro bakers in Kansas City, and black miners in Weir City banded together to discuss common grievances and in some instances to join with white unions in strikes and boycotts.

At the same time the black community was erecting this complex of separate institutions, several prominent Negroes, most notably Waller and W. B. Townsend, stepped forward to insist that the black community
must react to segregation and exclusion, not with withdrawal but with increasing agitation and protest in behalf of equal access on an integrated basis to all public facilities. After 1884 Waller's speeches and writings reflected a growing conviction that "separate" could never be "equal." Segregated facilities and institutions were the products of racial prejudice and thus were bound to be inferior. Waller was particularly concerned about the blighting effect the color bar would have on the self-image and self-confidence of Negro youths in Kansas. Pride and achievement were inextricably intertwined; acquiescence in proscription and segregation would inevitably stunt the race's growth. Moreover, Waller recognized that the white community wanted rather desperately to maintain Kansas' reputation as a land of freedom and equality. Widespread violence and proscription directed against blacks might reinforce an image of the state as a lawless frontier wilderness, thus retarding the influx of immigrants and capital from the East. A militant campaign in the newspapers, courts, and state legislature, Waller reasoned, would simultaneously build the black community's confidence and compel whites, sensitive to the state's image in other regions of the country, to eradicate discrimination and segregation throughout the state.

Waller's first public challenge to institutionalized racism in Kansas came in 1883 during a controversy with the Lawrence Police Department over an alleged case of police brutality. On July 21, Green Johnson, a young black man, was arrested on a misdemeanor charge and then released on bail. A white police officer subsequently followed Green to the livery stable where the Negro was employed and beat him unconscious. In a series of editorials Waller denounced the city administration and called for the immediate resignation of the officer. If Johnson failed to take the matter to court, he would be neglecting his duty "as a parent and a citizen." Actually, he did go to court twice, each time losing because of a hung jury. Throughout 1883 and 1884 Waller denounced the Kansas constitutional prohibition against the induction of blacks into regular militia units and demanded, "in the name of equality, equity, and fair play," that the distinction be eliminated. In 1887 he headed the successful drive to persuade the legislature to eliminate the word "white" from section VIII of the constitution.

Increasingly, though, the arena in which Waller and other black activists chose to fight their battles and publicize their cause was the state courts. Litigation received widespread attention in the press, white as well as black; even the lowliest of Negroes could seek redress of his grievances through the courts; and most of the leaders of the civil rights movement were lawyers. Unfortunately, the decisions that resulted from
the cases initiated and/or argued by Waller eroded rather than promoted the civil rights of Negroes. Unwilling to admit even that individual citizens operating their own businesses had the right to refuse service on the basis of color, Waller in 1888 represented a Topeka black, who, having been denied service at a local lunch counter, was seeking redress through the Kansas Civil Rights Act. The case was dismissed when one Will Pickett, chief witness for the plaintiff, was bought off and left town just as the trial was about to open. In 1889 a mulatto named Simpson Younger bought two tickets to a performance at the Ninth Street Theater in Kansas City. When he arrived with a woman much darker than he, the management gave him the option of moving to the section reserved for blacks or accepting a refund. Younger rejected both alternatives and subsequently brought suit in circuit court in Kansas City. The plaintiff’s brief, which was prepared by a group of Negro lawyers including Waller, Price, and Townsend, failed to sway the presiding judge. In his decision the judge insisted that theaters, like race tracks, were not necessary to the health and safety of the citizenry. Because the denial of access to such facilities resulted only in inconvenience, the proprietors or lessees could exclude any manner of clientele they considered detrimental to their business. Black Kansans’ right of access was further restricted when, in a case involving the St. Nicholas Hotel of Topeka, the state district court held the Kansas Civil Rights Act of 1874 unconstitutional. It seems that on August 4, 1892, one J. L. Leonard, colored, showed up at the St. Nicholas dining room and demanded his breakfast. Told that he would be served at the lunch counter but not in the dining room, he left and subsequently brought suit (Waller once again helped prepare the plaintiff’s case) under the 1874 law, officially entitled “An act to provide for the protection of citizens in their civil and public rights.” This statute stipulated among other things that if the owners or agents in charge of any inn, hotel, or boarding house, or any place of entertainment or amusement should make any distinction on account of race, color, or previous condition, he would be guilty of a misdemeanor. In *State v. De Moss and Armstrong* the state court ruled that the 1874 act was unconstitutional on the grounds that the title of the measure (referring to all citizens) and the body of the law (pertaining to a special class of citizens) were incompatible.31

Waller’s advocacy of protest, agitation, and litigation was based in part on the assumption that the black community could significantly alter its status within the larger, white-dominated milieu. In reality the black man’s ability to affect his treatment at the hands of whites was quite limited. True, in several instances blacks successfully resorted to
direct action to forestall racial violence. In March, 1892, for example, Will Lowe, a black resident of Coffeyville, was arrested for assaulting a white woman. Despite the fact that Lowe was one of the most respected members of the black community, a mob of whites gathered and decided to "lynch the nigger." When several dozen blacks armed with Winchesters and shotguns subsequently intervened, the crowd quickly dispersed and Lowe was accorded due process. In May, 1897, whites were dissuaded from stringing up William Jeltz, accused of stabbing a white man, when local blacks swore to lynch the lynchers. Moreover, through agitation and protest, black leaders did manage to compel the legislature to strike the word "white" from the state constitution. But the black citizens' right to enter a given restaurant, to attend a certain school, to live in a particular neighborhood, or to attend the church of his choice was governed by the extent of the white community's commitment to the doctrine of parallel development and its determination to avoid social equality. As the court decisions in the Ninth Street Theater and St. Nicholas Hotel cases and the inactivity of the Kansas legislature throughout this period indicate, white lawmakers and jurists were determined that white individuals and businesses did not have to associate with blacks so long as public health and safety were not involved.

In reality the protest editorials, court briefs, and militant speeches that emanated from John Waller's pen affected his status within the black community far more than it did black society's position within the larger milieu. In Kansas, blacks experienced a relatively high amount of physical and psychological freedom, which in turn spawned a sharply rising level of expectations. For people like Waller and Townsend, militancy was a political necessity. Even those Negroes who supported the establishment of a separate institutional life demanded that their leaders challenge segregation and exclusion. In articulating the feelings and venting the frustrations of his less literate brethren, Waller may not have tangibly improved the black subculture's lot within the larger society, but he certainly extended his following beyond the black parlors, churches, and meeting halls of Leavenworth and Lawrence and into the fields, construction sites, and stockyards of central and eastern Kansas.

Waller would never admit in the 1880s that his campaign for protest and agitation was largely irrelevant to the black community's drive to improve its position within the white-controlled milieu, but he was aware that a program consisting purely of civil rights militancy had its limitations. Civil equality was necessary if blacks were to enjoy "life, liberty, and property," but even if Negroes were accorded due process, equal protection, and full access to public facilities, they could still remain
underprivileged and disadvantaged. A successful civil rights campaign would not produce the capital and purchasing power necessary for blacks to achieve socioeconomic parity with the white majority. What was needed, Waller recognized, was a comprehensive approach that would go beyond protest and agitation and secure for the Negro not only civil equality but collective wealth and the power that inevitably accompanies it. Predictably, the solution that he came up with called first for economic self-sufficiency and then capital accumulation. "We are free men," he declared in a speech at Tonganoxie in August, 1880. "Let us turn our attention to the great agricultural and mechanical pursuits of life and make for ourselves free homes and free firesides on every hilltop." In an 1888 editorial he urged "our monied men to centralize their capital and use it to the advantage of the race. . . . such men by assimilating their means, could place themselves in possession of valuable real estate, and sell it to the deserving poor. . . . in ten years there will be ten million dollars more property owned by the colored people of the state than they now possess." Anticipating Booker T. Washington and other future proponents of racial uplift through economic self-help, Waller held up the merchant class as a model for the rest of the community. Those who did not have the capital to start a business of their own should invest what spare money they had in corporate enterprises, black or white. Infiltration of the economic power structure would inevitably enhance the power and prestige of the entire race.

In line with his belief that economic development would drive the status of the black man ever upward, Waller assumed, like so many Republicans, past and present, that what was good for business was good for the country, including Kansas Negroes. Accordingly, he supported the high tariff and internal improvement policies espoused by Blaine, Garfield, and McKinley. Waller realized that the bulk of the black population was engaged in farming and manual labor, but he subscribed to the theory that protection would raise wages and create a prosperous home market for agriculturists. "I shall hold out for the protective policy," he editorialized in 1888. "High prices and plenty of work is a million times better for us . . . than no work and low prices." While stumping Kansas for Benjamin Harrison in 1888, he proclaimed: "Free trade means to throw open the markets of the country to European manufacturers, to cheapen the price of labor, to place the laborer of this country on the same level with the pauper labor of Germany, England, France, and Italy."

Waller was a staunch opponent of strikes, boycotts, and other direct-action techniques employed by American workers. Between 1885 and 1886
the Knights of Labor, utilizing the momentum gained from its successful 1884 strike against Jay Gould's Missouri Pacific Railroad, increased its membership from about 100,000 to over 700,000. Ignoring distinctions of color as well as trade, K. of L. organizers made a strong pitch to Negroes, especially in Kansas and Missouri. By 1886 Waller was being inundated with requests for advice from black workers who had been approached by the Knights. Waller was repelled by the violence and destruction of property that so often accompanied late nineteenth-century strikes, yet he was sympathetic to the desire of Negro laborers for job security. During a second, unsuccessful round of strikes against the Gould line in 1886, Waller sought advice from his friend and political mentor Governor John A. Martin. "It is urged," he wrote, "that should colored men take hold of the order [K. of L.] there will be a chance for the young men of the race to become skilled laborers and that the avenues of business and trade now closed against them will be instantly thrown open." Yet, he declared, "the present strike had caused me to form a very unfavorable opinion about the said organization. . . . I shall hesitate to countenance the Knights of Labor or any other organization that cannot control its members and prevent them from destroying property and destroying the commerce and traffic of the country." Martin responded that, although the K. of L. had some admirable objectives and Terrence Powderly (National Grand Workman) was a worthy, respectable man, the organization in Kansas was led by a group of "vicious" and "irresponsible" demagogues. (Martin was caught in a political squeeze between capital and labor during the 1886 strike, which in Kansas was fairly violent.) Given the race's desperate need for "intelligent leadership," the governor concluded that Negroes should shy away from the organization. In the end, like all good politicians, Waller straddled the issue. He lauded the Knights as the best of all labor unions because of its egalitarian policies, while he denounced organized labor in general for its tendency toward illegal and antisocial activities. In calling for a state convention of black men in 1888, Waller proposed that one of the meeting's first actions be to denounce "the annual strikes which appear to strike at the interests of the people of the whole country, rich as well as poor, black as well as white." No doubt his opposition to strikes stemmed from the knowledge that use of blacks as strikebreakers by unscrupulous managers had the ultimate result of provoking cries from white laborers for total exclusion of blacks from the industrial force as well as from a belief that they disrupted the economy and promoted unemployment.

At times Waller's orthodox economic views placed him to the right
of the white rank and file of Kansas Republicans. Although he had at one point endorsed state railroad regulation in principle, he came out in open opposition to a bill pending before the state legislature in the 1890s that would establish maximum freight rates. No state owed its prosperity to the railroads more than Kansas, he insisted. Few Kansans had funds invested in the roads, but many earned their living because of them. The rate-control measure would surely frighten capital away and rob the Sunflower State of much-needed jobs.43

In part, Waller's economic views were a natural by-product of his membership in Kansas' black middle class. All of the larger towns of eastern and central Kansas contained a handful of black professionals and successful businessmen. Each of the six largest cities in the state could boast at least one Negro doctor and several black lawyers. Each community had its black barbershops, grocery stores, hotels, and restaurants. Occasionally, an ambitious Negro entrepreneur would open a blacksmith shop or a shoe store. In addition, the state could boast two or three black concerns that could legitimately be called corporations. Serving as a model for the rest of the Negro business community was the largest black-owned business in Kansas during the last quarter of the nineteenth century—the A.C.L. Coal Company of Kansas City. This enterprise, incorporated in 1891, sold coal, feed, and flour, both wholesale and retail, and eventually employed an all-black labor force of several dozen men. Second and third to the A.C.L. in size were the Twin City Brick and Building Association of Kansas City, which employed fifteen colored masons, and the Eureka Building, Loan, and Investment Association, an all-black Leavenworth real-estate business, which sold $10,000 in stock during its first year of operation. By the spring of 1890 this enterprise was actively making loans, selling real estate, and building houses. Probably the most successful of all black entrepreneurs in late nineteenth-century Kansas, however, were the saloon owners of Kansas City, Leavenworth, Topeka, and Lawrence. Nick Chiles, a Topeka hotel and tavern keeper, was well-to-do even by white standards. Joining these businessmen in the economic elite were a number of successful farmers who had managed to purchase acreage in the eastern part of the state where the soil was more fertile and the rainfall more frequent than in the west. A number owned 160-acre potato farms in the fertile Kaw River valley. One, H. P. Ewing, known as the "Potato King of Kansas," farmed over 500 acres and produced a crop in 1893 of 75,000 bushels. North and east of Topeka, independent Negro farmers such as Alexander Steele, William Hines, and Clark McPheters raised wheat, corn, hogs, and cattle on spreads that ranged from 80 to 160 acres.44 Responding to their own
success, to the materialistic concepts that pervaded American life in the late nineteenth century, and, no doubt, to the expectations of the white community in Kansas, members of this black middle class advocated, as early as 1880, capitalism and property ownership as techniques of racial uplift. Reflecting the views of the black bourgeoisie, Bill Eagleson in 1878 declared: "The colored people must generally own well-cultivated farms. . . . We must own railroad and steamboat and bank stock. . . . We must be able to give checks for labor as well as receive checks for labor. . . . In short we must acquire wealth and rise above respectable indigence and bread and butter slavery." 45

In addition, Waller's nostrums reflected the attitudes of the white leadership within the Kansas Republican party. Through his barber shops and his various political activities, Waller came to know such luminaries as Harrison Kelley, state senator and well-to-do landowner; E. N. Morrill, banker, real-estate dealer, congressman, and, later, governor; T. Dwight Thacher, brother of Solon and editor of the Lawrence Journal; and John Martin, editor of the Atchison Champion and governor from 1884 to 1888. 46 These bankers, merchants, and agri-businessmen were no less committed to the tenets of American capitalism than their fellow Republicans in other parts of the country.

Finally, and perhaps most importantly, Waller's paeans to free enterprise and black capitalism were the result of his association and identification with those white philanthropists who viewed material success as an indication of moral worth. White Kansans continued to recognize and approve—in the press, in the courts, and in the job market—those blacks who were well dressed, well fed, and well mannered. Waller was hardly immune to such reinforcement.

The problem with Waller's plan to augment the black community's prestige and power within the larger white-dominated milieu was that the vast majority of blacks living in Kansas were members of the proletariat or subproletariat, not the middle class. Most Negroes who lived in the cities and towns of eastern Kansas earned their bread as unskilled or semiskilled laborers. The depots at Topeka, Kansas City, Leavenworth, Lawrence, and Atchison all employed blacks as porters and, in a few cases, as clerical personnel. A much larger number of Negroes who lived in the east found temporary work on the railroad construction crews that crisscrossed the state with thousands of miles of railroad track during the 1880s and 1890s. 47 Still others were employed in the repair shops and train yards in Kansas City, Topeka, and Atchison. Another important source of income for urban blacks was the meat packing industry in Kansas City and Topeka. The huge Armour plant in Kansas City at one
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time employed several hundred Negroes. Blacks could also find work as hod carriers, carpenters' helpers, and waiters. With a few exceptions the only work open to women in the larger towns was as a seamstress, washerwoman, or maid.48

Outside the major population centers of Kansas the two most important occupations available to blacks were coal mining and farming. Coal mining was a major industry in Kansas during the Gilded Age, with the largest deposits situated near Leavenworth, Pittsburg, and Oswego. There sprang up around these cities small mining towns such as Weir City, Litchfield, and Cherokee. Nearly all of the mining companies—the Kansas and Texas Coal Company, the Keith and Perry Coal Company, and the Riverside Coal Company—employed black miners. One Riverside shaft near Leavenworth was worked by 126 black and 4 white miners. The whites, of course, all occupied supervisory positions. Most Kansas miners, both black and white, lived very near the subsistence level. Each worker had to buy his own set of tools, which cost up to thirty dollars; top pay for digging was around five cents a bushel; and compensation was usually in the form of scrip redeemable only at the company store. By the late 1880s only a small percentage of Kansas blacks were engaged in tilling the soil. Many of the exodusters who had taken advantage of the Homestead Act and filed claim on 40, 80, or 160 acres in western or southern Kansas were driven back to the cities of the east or completely out of the state by the severe droughts of the late eighties and early nineties. A few, principally in Chautauqua, Labette, Morris, Graham, Pratt, and Wabaunsee counties, did manage to survive until the rains came, but even then their economic situation continued to be precarious.49

There was that segment of the community, of course, that could only be classified as unemployed. In 1887 in Topeka 566 people were receiving county welfare.50 Of these, three-fifths were black. In each black enclave in Topeka, Wichita, Leavenworth, Atchison, Lawrence, and Kansas City dozens of Negro orphans roamed the streets begging and stealing enough food to stay alive. During a walk on the south side of Kansas City in 1897, Dennis Thompson, a reporter for the American Citizen, came across what he claimed was not an atypical scene. In a dilapidated shack were "two little girls, orphans so they informed us, aged 18 and 8 years. . . . There was not a sign of anything to eat in the house, no coal, no bed, save a small piece of carpet in a corner behind the stove and no other visible means of subsistence."51

Thus, for black Kansans, the outlook for economic opportunity just as for civil equality was mixed. Skilled and unskilled jobs, except during the depression years of 1888–1894, were relatively plentiful. On the other
hand blacks were excluded from most white-collar jobs and certainly from the state's counting houses and corporate boards. Waller's plan for racial advancement through free enterprise and capital accumulation was in part predicated on the assumption that blacks in general had the wherewithal to accumulate investment capital. For the most part, in Kansas, as in other areas, they did not. Whites were not willing to provide the massive economic aid necessary to raise the Negroes' living standard to a point where he would be able to participate in life on anywhere near equal footing with whites. Objections to "charity" by white philanthropists and relief officials during the exodus had prevented formulation and implementation of a land reform program that would have put property in the hands of a significant number of Negroes. Subsequently, racism among white employers and white workers kept blacks from filling positions that would enable them to accumulate wealth. True, management did occasionally hire black workers to fill lower level white-collar jobs, but usually at a lesser wage, and with the intention of curbing the wage demands of white workers of similar rank. In short, following a period of intense philanthropic activity (designed to make the Negro "earn" his way to independence), which lasted from 1878 through 1884, white Kansans virtually abandoned the black man to his fate. The few who succeeded in white middle-class terms were singled out for recognition and approbation, but the poor, the semi- or uneducated were shunned as a hopeless cause.

If Waller's plan for racial advancement through black capitalism did not materially advance the political and economic interests of the black community in Kansas, it, like his militant stand in behalf of civil equality, enhanced his political standing with the black subculture. This was true primarily because the doctrine of racial uplift through material accumulation and property ownership was espoused not only by the middle class but by much of the black proletariat as well. A mood of expectation, if not optimism, pervaded the black community in Kansas prior to the turn of the century. Negroes who came to the state from the South, no less than the millions of immigrants who came to America from Europe during the last quarter of the nineteenth century, perceived their new home to be a land of rugged individualism where a man was judged by his accomplishments and not by his family's heritage or the color of his skin. This perception, which endured in spite of the crop failures, wage cuts, and racism that constantly threatened the existence of black Kansans, together with the relative economic opportunity to be found in Kansas, the expectations of the white community, and the presence of a handful of conspicuously successful Negroes, led many Negroes to believe, indeed to expect, that they too could become property owners and men...
of means, when in reality there was virtually no chance for them to do so. Thus, while Waller’s advocacy of black capitalism was largely irrelevant to the social and economic needs of his brethren, it was highly pertinent insofar as their expectations and self-image were concerned.

When he arrived in Kansas in 1878, John Waller was a young, inexperienced black lawyer; half of his life had been spent in slavery, and his horizons were understandably narrow. He was largely ignorant of the issues agitating the black community and unfamiliar with the political and economic condition of Negroes both in the West and the nation as a whole. Although ambitious, both for himself and his people, Waller was unsure as to the best method for achieving his goals. During the decade that followed, Waller developed a distinct, if typical, philosophy of racial uplift. Convinced that blacks could achieve power and prestige in America only by working within the existing societal and economic framework, he accepted the individualistic, materialistic concepts of the Gilded Age and combined them with civil rights militancy. He urged his brethren to stand up for their rights, to accumulate wealth, and to render faithful support to the guardian of liberty and property—the Republican party—while at the same time he conducted a personal campaign against discrimination, exclusion, and segregation in all walks of life. Waller was committed to this blend of materialism and militancy, not only because it would lead to power and protection for the race, but because it would enable him to appeal to and reconcile his two principal constituencies, white Republicans and black Kansans.
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