

**Albion**

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In March 1892, a prominent newspaper columnist received a letter from one of his readers. The letter was from a Mrs. H. Davis of Omaha, Nebraska, who asked a favor. Would he please review her text, fix her mistakes, and forward her letter to the president of the United States? The columnist corrected one word and sent the woman's letter to the president, Benjamin Harrison, with a cover letter assuring the president that with the exception of that one correction, the words were those of the Nebraska woman. In her letter, Mrs. Davis, an African-American woman, pleaded with the president to act—do something—against the wholesale murders then being inflicted by white mobs on African Americans throughout the country but especially in the South. Black people were being “shot down” mercilessly. Southern whites had burned men alive or pulled others from their homes and hanged them; others had been beaten or stoned to death. Mrs. Davis reminded the president of the important role that black soldiers had played in the American Civil War, rallying to the national flag when white enlistments faltered. After the war, African-American men had voted faithfully for Harrison's party, the Republican Party, as the party of freedom. “Where,” she asked, “is the party that we gave our life-blood to help gain their victory, when the rebels rebelled against them? Where are they, I say, Mr. President?” She concluded with a plea: “And now I call on you, Mr. President, in God's name to help us. It lays in the hands of this Government to protect all citizens of the United States.”<sup>1</sup>

President Harrison replied to the columnist—not to Mrs. Davis—that he was powerless against the widespread violence that she so justly complained of. Disgusted by Harrison's pusillanimous reply, the columnist, a fellow Republican who had long known him and campaigned for him, wrote a personal letter to Harrison, noting: “During your administration 14 colored citizens of the United States have been burned at the stake: more than 300 have been publicly lynched and more than 1000, murdered by

white men at the South...I have not heard any protest which you have made in regard to these things.”<sup>2</sup>

The columnist knew that Harrison’s claim of powerlessness was a lie; simply put, he knew the president was unwilling to hurt the Republican Party’s chances of securing southern white voters. That year, an election year, the columnist continued to hammer away at Harrison’s capitulation to the white supremacists in the South, criticizing the president’s words and deeds in stinging prose.

The columnist in question was Albion Winegar Tourgée (1838-1905), a white man from Ohio who strove for racial justice and freedom during his adult life. As soldier, lawyer, judge, novelist, and newspaper columnist, Tourgée was one of the leading white voices for civil rights and equality in the last quarter of the nineteenth century. He stood shoulder to shoulder with leading African-American actors for social justice in America like Frederick Douglass, W.E.B. Du Bois, and Ida B. Wells at a time when few white men had the courage or inclination to work for race equality. He was one of a handful of Republicans in the late-nineteenth century who continued to press for what the party fought for in the Civil War. He repeatedly shamed fellow Republicans for pandering to southern white supremacists for their votes. He was a prominent figure in his day but one who, because he spotlighted the mendacity of party leaders, was repeatedly overlooked when it came time to dish out party favors. Permit me to tell you about him.

Tourgée was born in 1838 in rural Ashtabula County in the extreme northeastern corner of Ohio. His parents had left Massachusetts to farm in the Western Reserve, the region granted by Congress to Connecticut but later added to Ohio at statehood in 1803. He grew up in Kingsville, within a stone’s throw of Lake Erie. He was his parents’ only child to survive to adulthood; his mother died when he was five years old. His father remarried and had a daughter. Tourgée had an extremely strained relationship with his father and stepmother; he found his father an unbearable authoritarian. Albion would not submit to paternal control. His mother’s brother back in Massachusetts recognized the bad relationship and when the boy was thirteen invited him to live with him. For two years Albion thrived in a congenial

family setting. He dreamed of studying literature at Harvard College and becoming a great writer. He returned to Ohio to attend the local academy where he was the star student, but the conflict between father and son resumed. When he was eighteen Albion briefly ran away to Massachusetts. His estrangement from his father was such that he described himself as an “orphan in spirit.” He never visited his father during the last twenty-five years of the elder man’s life, and did not attend his funeral.

When he was twenty-one Albion secretly became engaged to Emma Kilbourne, another student in the local academy. A woman of great intelligence, she would become Albion’s editor, business manager, and typist during their long marriage. But marriage was several years in the future. The young man continued to dream of literary fame, but found Harvard too expensive. He could afford to enroll in the University of Rochester in western New York.

The 1860 presidential campaign consumed the students of the university. Having defied his father for years, Tourgée was experienced in fighting authority figures. He promptly violated the university president’s edict forbidding the formation of political organizations. He organizing a Wide Awake club to support Abraham Lincoln’s campaign. The university president Martin Anderson called him on the carpet. However, student and school leader soon had a rapprochement, and they became close friends. The older man would serve as a father figure in later years.

The secession crisis following Lincoln’s election victory saw the young man become more politicized. Having grown up in the Western Reserve, a New England outpost in the West, Tourgée had been surrounded by many people who opposed slavery. But focused as he was on literature, he showed little interest in partisan politics and especially the abolitionism that many residents of the Reserve and western New York held. It was Emma, his fiancé, who was the committed abolitionist. Albion was not. But war changed him.

Tourgée dropped out of the university in December 1860 when his money ran out. He got a teaching job near Niagara Falls, but was back in Rochester in April 1861 to return to his studies. The

attack on Fort Sumter at that moment aroused Tourgée and other Rochester students. University President Anderson preached the need to preserve the Union against Confederate disunionists. Albion's estranged father even wrote to him to come home and enlist. While stirred by patriotism, Albion hesitated. He believed his first duty was to his fiancé Emma not to risk himself in battle. But the draw of patriotism and manly duty prevailed and he enlisted in a company of Rochester men who were folded into the 27<sup>th</sup> New York Volunteer Infantry regiment. Made a sergeant, for the next three months he drilled with his regiment in Elmira.

In early July, Tourgée's regiment quickly bundled onto trains for a slow ride to Washington, D.C. At the capital, they received arms for the first time and had one day of target practice before marching out into the Virginia countryside. Awakened in the early morning of July 21, the regiment marched for eight hours, arrived at Manassas junction at 10am, without food or water, and were thrown into the battle line. Tourgée saw comrades die next to him and was himself knocked down by a spent bullet. In the first battle of Bull Run the Union army was routed by rebel forces and sent into panicked flight on clogged country roads. On that retreat to Washington, Tourgée was run over by an artillery gun carriage. He was carried back to the city in a wagon unconscious.

When Albion awoke, he found his legs could not move and had no feeling. An army doctor declared that he was permanently disabled and discharged him from the service. He insisted on being taken home immediately. The bumpy train ride to Ohio lying on a mattress nearly killed him. In his father's home, he worked on rehabilitating his legs, which remained numb. After a while he reported some feeling and could move his legs but not stand on them. While home in Kingsville he made recruiting speeches seated in a chair and started to study law. In the summer of 1862 he received a recruiting commission and raised forty men for the 105<sup>th</sup> Ohio Volunteer Infantry regiment. He also took a prescription containing large doses of strychnine. Amazingly, the intermittent paralysis in his legs ended. In July he wrote to Emma that he could walk. Though his right leg still dragged, he managed to

pass a recruiting-office physical, and on the basis of having recruited forty men, was commissioned a lieutenant in the 105<sup>th</sup> Ohio.

The regiment, made up of men from the Western Reserve, shipped to Kentucky to counter the invasion of two Confederate armies. In October, the 105<sup>th</sup> fought in the battle of Perryville, Kentucky, and helped turn back rebel forces. There Tourgée was wounded. After he recovered he rejoined the regiment in Tennessee. Near Nashville, in February 1863, he and 200 comrades sent out to guard a forage wagon train were suddenly surrounded and captured by rebel cavalry. Tourgée was a prisoner of war. He ended up at the notorious Libby Prison in Richmond, Virginia, where Union officers were held. Fortunately for him, federal and rebel authorities arranged an exchange of prisoners, Tourgée among them. In May he arrived home, quickly married Emma, and then hopped a train to rejoin his regiment in Tennessee. That summer he participated in the victorious Tullahoma campaign and the defeat at Chickamauga in northern Georgia. The army retreated to Chattanooga. There, one dark night, Tourgée fell into a trench and reinjured his back. He could only watch from camp as his comrades assaulted rebel works on the surrounding heights of Missionary Ridge and Lookout Mountain, glorious victories that set the rebels to flight. Days later he resigned his commission and returned to Ohio.

Tourgée's military service had been honorable but undistinguished. Yet the experience had changed him. When the 105<sup>th</sup> crossed the Ohio River into Kentucky they immediately encountered slavery. The men of the regiment voiced disgust at orders from officers to preserve and protect slaveholder's property, including human property. They were quick to help escaped slaves who flocked by the thousands to wherever Union troops were. The soldiers resisted efforts to capture or return slaves to owners. They rejoiced at Lincoln's Emancipation Proclamation as a proper war measure to weaken the rebel war effort and end slavery for good. Personally, Tourgée began to solidify his political views, which informed his thinking for the rest of his life. Slavery must be abolished. The federal government should be strong to resist the pernicious doctrines of nullification and state sovereignty and

to preserve the Union. The central government should use its power to protect human rights and the dignity of all citizens, regardless of skin color. The war had demonstrated to him that African Americans were his equals. He worked to assist the black man to achieve full citizenship and equality under the law. This was his cause and calling.

After resigning his commission and returning to Ohio, Tourgée studied law and was admitted to the bar. But wartime business was slack. He worked as a reporter for an Erie, Pennsylvania newspaper and then became the principal teacher of a high school there, with Emma and her sister as teachers. When the war ended, he looked southward as the place to continue his new calling, his life's work. He chose Greensboro, North Carolina as the place to settle and recruited two University of Rochester friends to go in with him in a business venture. In the fall of 1865 they leased a fruit farm and nursery outside of town, employing recently freed African-American workers. He and Emma ran a school for local freed men and women. Tourgée also practiced law representing southern Unionists who had opposed the rebels.

He quickly became a state leader among the coalition of so-called "Carpetbaggers" and "Scalawags"—scurrilous names for, respectively, northerners who went south after the war and local, poor whites who, together with freed ex-slaves, challenged the control of the landed aristocracy. Tourgée formed an interracial political organization of blacks and poor whites which formed the core of the Republican Party in his county. Sent to a southern-loyalist convention held in Philadelphia in 1866, in speeches that received national attention he faulted ex-Confederates who fought tooth and nail to restore their political, social, and economic control and re-subjugate both poor whites and blacks. He started a short-lived weekly newspaper that represented the voices of this coalition. When, in 1867, black men in North Carolina obtained the vote, the combined votes of black men and poor whites secured 107 of 120 seats in the state's Constitutional Convention. Tourgée was elected a delegate, and, at twenty-nine, was the guiding spirit of the interracial group that drafted a new constitution for the

reconstructed state. Key elements in his plan were education for all children and economic protections for debtors and the poor. He also was the lead drafter of a new civil code for the state. Later in 1868 this coalition of poor whites and black voters elected him to a six-year term as a superior court judge.

The landed aristocracy and ex-Confederates of North Carolina read Tourgée's speeches and editorials. They saw his efforts in the constitutional convention on behalf of poor whites and blacks. As historian Mark Elliott has noted, the "planter [class's] paternalist ideology was built upon the conviction that their black and white 'inferiors' depended on their leadership for survival."<sup>3</sup> They saw Tourgée as a threat to reclaiming control of the state and the South generally. They acted to eliminate or cow into obeisance all challengers to their traditional hegemony. The terrorist organization they formed, the Ku Klux Klan, targeted Tourgée for assassination. He fully expected to be murdered, and spent many sleepless nights listening in the dark for the sounds of horses' hooves. Several of Tourgée's allies were lynched or shot down. The strain was too much for Emma, who took their daughter to Erie, Pennsylvania. Many blacks and whites died at the hands of the Klan. Somehow, Tourgée survived. But the terrorists won. Through voter intimidation the Klan ended interracial Republican Party rule in North Carolina in 1870. The former rebel aristocracy regained political power.

Tourgée served out his judicial term and resisted Emma's entreaties to leave. Though the economic depression of 1873 ruined his side business, he liked living in North Carolina. He remained defiant. He took a federal patronage job as a pension agent, a big step down from being a judge. But that job ended in 1877 with the election of President Rutherford B. Hayes. An Ohio Republican, Hayes had obtained office in an odious deal with Southern Democrats to roll back Reconstruction government in the South. Republican officeholders like Tourgée were kicked out of their patronage posts and replaced with Democrats.

It was then that Tourgée began a new career as a writer with a critical eye on the subject of race. He started out writing anonymous polemics on North Carolina politics. In 1874 he published under

a pseudonym a novel called *Toinette*, about a slave mistress, with modest success. Short stories published as serials followed. But in 1877, during a sleepless night, an idea for a novel came to him. The next morning, he told Emma, "I am going to write a book and call it 'A Fool's Errand.'" <sup>4</sup> He started in on it immediately, at the same time working on other book projects and running for Congress and losing badly. *A Fool's Errand*, published anonymously in late 1879, became a national bestseller, selling 150,000 copies in its first year. The story is largely autobiographical and follows the events of Tourgée's experience in North Carolina. His graphic depictions of the lynching and murder of black and white allies were based on real people and real events, and opened Northern readers' eyes to the Klan's reign of terror.

Tourgée soon followed it with *Bricks Without Straw*, published in 1880, which also is highly autobiographical but focuses more on African-American characters who struggle against white repression. It also sold well. Together, the two novels revived Republican calls to take up the issue of freedmen's rights in the South. The books influenced the campaign of Republican presidential candidate James A. Garfield, a childhood friend of Tourgée's from the Western Reserve of Ohio, who won the election with a commitment not to forsake black men and women in the South. Garfield also took up Tourgée's call for federal support for public education to combat social ills in the South and around the country. That Garfield was murdered shortly after taking office ended the best and perhaps last chance to beat back white supremacy and forestall Jim Crow in the South. <sup>5</sup>

Tourgée published several more novels in the 1880s and 90s, all of which dealt with racial justice and related topics. His novel *Pactolus Prime, or the White Christ*, was a critique of Christianity as practiced by white people in the United States. He wrote a novel focused on the topic of Christian socialism. He also wrote non-fiction. *An Appeal to Caesar* appeared in the presidential election year of 1884 as a reminder of Garfield's call for a nationally funded public-education system. It was ignored by Republican presidential candidate James G. Blaine, who signaled to Southern white voters that he would

not challenge white supremacy there. Still, the “Solid South” turned out for Democrat Grover Cleveland, who in gratitude rolled back the remaining federal-government hindrances to unfettered white rule across the region. None of Tourgée’s later books sold like *A Fool’s Errand* and *Bricks Without Straw*, perhaps because by then for most white people the cause of racial justice was forgotten.

After a costly attempt to publish a national literary magazine failed, Tourgée was deeply in debt. In the run up to the 1888 presidential election, the *Chicago Inter-Ocean*, a major daily newspaper with a national readership, offered him a weekly column at seventy-five dollars a column. The sheet sported the masthead motto: “Republican in everything, independent in nothing.”<sup>6</sup> Its editors asked him to support the Republican presidential candidate, whoever that would turn out to be. Benjamin Harrison of Indiana won the nomination. Tourgée called his column “A Bystander’s Notes,” and opined freely on many matters, always writing in the third person. But the issue of race became the column’s central theme.

Literary scholar Carolyn Karcher posits that during its ten years Tourgée’s “Bystander” column went through six phases: first, during the election season he appealed to Northern white voters not to forget the precarious situation of African-American voters in the South who were threatened with disfranchisement by the Democrats. Then, after Harrison’s election victory, he worked to inform Northerners of the plight of oppressed Southern blacks. Starting in the spring of 1889, after Harrison’s inauguration, Tourgée incorporated into the column the voices of many African-American readers who wrote him copious letters. His column became an important clearinghouse of black viewpoints. Starting in late 1891, Tourgée foregrounded the National Civil Rights Association, the nationwide organization he founded and championed to bring blacks and whites together in common cause. In 1892 and 1893 he returned to publishing many letters written to him by Southern blacks who suffered growing oppression and violence. Finally, starting in 1894, after being called on the carpet by the newspapers’ editors and after they had shut down the column for months and cut his stipend in half for criticizing Republicans,

he took the column's focus off race issues and instead examined economic themes. Nevertheless, he sneaked race-themed commentary into it when he could.<sup>7</sup>

The "Bystander's Notes" column attracted a large, national readership of both white and black Republicans; many white Civil War veterans had not forgotten that the South had raised rebellion to protect slavery; Union soldiers had fought to destroy slavery in order to crush insurrection. Many veterans hadn't given up on social justice for freedmen and women. The column's popularity made it difficult for the newspaper's editors to rein Tourgée in when, for example, he rebuked President Harrison for claiming to be powerless to stop lynching. The editors also did not like his use of the column to organize the National Civil Rights Association, which highlighted Republican backsliding on race issues, even though the effort won many subscribers. They finally shut down Tourgée's column in 1898.

Tourgée continued to be busy on many fronts, writing novels, non-fiction, and essays for the leading periodicals. He collaborated with people like Ida B. Wells and others to combat lynching, which plagued all parts of the country. In 1894 he successfully lobbied Ohio Governor William McKinley and state legislators to pass an anti-lynching state law which he drafted. But perhaps his greatest service was a crushing failure. Starting in 1890, Tourgée worked with leading African-American activists and journalists to lay out a plan to bring a case to the United States Supreme Court. They aimed to challenge the growing legal regime of race discrimination and segregation in the South that came to be called "Jim Crow." They saw the possibility of challenging a Louisiana law requiring whites and blacks to travel on separate train cars. Corresponding from his home in Maysville, Chautauqua County, in western New York, Tourgée worked closely with Louis A. Martinet, editor of an African-American newspaper in New Orleans. Tourgée planned the legal arguments while Martinet made the local arrangements. In 1892, they recruited an African-American man named Homer Plessy who could pass for white to ride in a "white" train car and be arrested for violating the law. The case, *Plessy v. Ferguson*, made its way slowly up to the United States Supreme Court. Tourgée drafted briefs to the court in 1895 and in the following

year argued Plessy's case himself before the court. He argued that the Louisiana law violated the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution. In taking the case to the Supreme Court, Tourgée and his collaborators knew they were taking a great risk. The court was populated by avowed racists, ex-Confederates and Klansmen appointed by Grover Cleveland. And the justices appointed by Republican presidents weren't much better. Their rulings had whittled away at legal protections for black people that had arisen since the war.

The court handed down its decision in the case in the spring of 1896. Seven justices rejected Tourgée's arguments, instead erecting a "separate but equal" fiction that upheld racial segregation for generations to come. Only one member, Justice John Marshall Harlan of Kentucky, dissented. Harlan paraphrased Tourgée's briefs to lambast the majority ruling and predict that future Americans would view it as "pernicious" as the infamous *Dred Scott* ruling of 1857. Harlan's farsighted dissent would influence the Supreme Court ruling, *Brown v. Board of Education*, of 1954, which struck down "separate but equal" accommodations. In researching the *Brown* case, Justice Robert Jackson, a member of the court, had uncovered Tourgée's briefs in the *Plessy* case and found them convincing. Thus, Tourgée's language influenced the unanimous *Brown* decision.

But Tourgée wasn't to know that. The *Plessy* ruling devastated him. Exhausted, he gave up and in 1897 accepted a consular posting to Bordeaux, France from now President McKinley. His orders were to shut up and not rock the boat. Stop publicly criticizing Republicans for backsliding. Stop challenging racial injustice. That didn't stop him from writing letters to McKinley and his successor, Theodore Roosevelt, with advice on public policy matters, including race. Still, he followed orders. In 1904 he survived surgery to remove shrapnel embedded in his hip since the battle of Perryville. He died in Bordeaux in 1905 of uremia thought at the time to have been a result of his original back injury.<sup>8</sup>

In my exposition of the important career of Albion Tourgée, I have highlighted the actions and inactions of President Benjamin Harrison of Indiana, a member of the Indianapolis Literary Club.

Historians conclude that Harrison did some good things during his tenure as president. He was a man of great intelligence and personal probity. To learn about his good qualities read the biographies by Harry Sievers's or Charles Calhoun. But on issues of race and racial justice, Harrison was a disaster. We have seen that he stood by as lawless crowds lynched and murdered blacks throughout the country. He appointed three of the justices who decided the *Plessy* case, including Henry Brown of Michigan, who wrote the "separate but equal" ruling.<sup>9</sup> But Tourgée had insider knowledge. In a letter of 1901 to President Theodore Roosevelt, he related that an unnamed president had told him privately that he wouldn't appoint a black man to a judgeship, saying, "I would never require my brethren of the bar to recognize a man as judge whom I would not practice before myself...no more than I would invite him to my table." Tourgée biographer Mark Elliott believes that the unnamed president was James A. Garfield, but Carolyn Karcher argues that the president in question was Benjamin Harrison.<sup>10</sup> Sadly, Garfield is on record as expressing repugnance for black equality and it's quite possible that the story was about him. But Tourgée especially targeted Harrison's record of inaction and backsliding during his term and it's very possible that the story relates to him. Harrison tolerated abuses in the form of lynchings, murders, and other crimes in order to court southern white voters to the Republican Party. He abandoned black Republicans to white brutality and "Jim Crow" laws enacted to reassert white supremacy and oppression of people of color. As University of Indianapolis historian Ted Frantz has termed it, Harrison joined other Republicans in developing the first Southern Strategy. That is, Republicans tried to win over southern white Democrats by turning the party's back on African Americans. In this, Harrison predated Richard Nixon's nefarious Southern Strategy in the 1968 presidential campaign by eighty years.

In this brief outline of Albion Tourgée's career I would not have you believe that he was faultless. He was a man full of foibles and weaknesses. He angled for patronage appointments. He could be paternalistic in dealings with his black collaborators. He was vain enough not to correct people when they assumed that he had lost his eye in combat during the war. In fact, he had lost it in a childhood

accident and wore a glass replacement. And in his autobiographical novels he built up his fictional alter-egos as colonels and generals, far more exalted ranks than his lowly lieutenancy. Still, Tourgée's contributions as soldier, jurist, writer, and activist were always for good. He worked for national union, justice, and equality to make sure that the United States and its people lived up to the laws and Constitution. Thank you for this opportunity to talk to you about him.

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<sup>1</sup>Carolyn L. Karcher, *A Refugee from His Race: Albion W. Tourgée and His Fight against White Supremacy* (Chapel Hill: University of North Carolina Press, 2016), 215; *Chicago Daily Inter-Ocean*, April 23, 1892.

<sup>2</sup>AWT to Benjamin Harrison, April 12, 1892, Benjamin Harrison Papers, Library of Congress, Washington, D.C.

<sup>3</sup>Mark Elliott, *Color-blind Justice: Albion Tourgée and the Quest for Racial Equality from the Civil War to Plessy v. Ferguson* (New York: Oxford University Press, 2006), 119.

<sup>4</sup>*Ibid.*, 168.

<sup>5</sup>Benjamin T. Arrington, *The Last Lincoln Republican: The Presidential Election of 1880* (Lawrence: University Press of Kansas, 2020).

<sup>6</sup>Karcher, *A Refugee from His Race*, 93.

<sup>7</sup>*Ibid.*, 95, 91-148.

<sup>8</sup>Elliott, *Color-blind Justice*, 313.

<sup>9</sup>Homer E. Socolofsky and Allan B. Spetter, *The Presidency of Benjamin Harrison* (Lawrence: University Press of Kansas, 1987), 189.

<sup>10</sup>Elliott, *Color-blind Justice*, 190-191; Karcher, *A Refugee from His Race*, 38. The original letter is in the Theodore Roosevelt Papers in the Library of Congress and is printed in full in *Undaunted Radical: The Selected Writings and Speeches of Albion W. Tourgée*. Mark Elliott and John David Smith, eds. (Baton Rouge: Louisiana State University Press, 2010), 351-355.