

## “HUSH, HUSH, MISS CHARLOTTE”:

*A Quarter Century of Civil Rights Activism by the  
Black Community of San Francisco, 1850–1875*

JEANETTE DAVIS MANTILLA\*

These selections from Jeanette Mantilla’s Ph.D. dissertation (History, The Ohio State University, 2000) are presented here as part of a diverse group of previously unpublished dissertations chosen for inclusion in this volume of *California Legal History* (vol. 16, 2021) to give wider exposure to earlier research that remains valuable for the study of California’s legal history. The complete work is available at [http://rave.ohiolink.edu/etdc/view?acc\\_num=osu1488195633521235](http://rave.ohiolink.edu/etdc/view?acc_num=osu1488195633521235) and <https://dissexpress.proquest.com/search.html>.

---

\* Jeanette Davis Mantilla received her B.A., M.A., and Ph.D. from The Ohio State University. She retired after working as an elementary and college textbook editor, a Civil Service Education Employee Consultant for the City of Columbus, and a Charter School Regulator for the Ohio Department of Education.

## INTRODUCTION

The history of Civil War and Reconstruction-era California Blacks is often overlooked, overshadowed by a more familiar history that recounts an earthshaking national drama permeated with pro-slavery and abolitionist rhetoric and replete with romanticized recitals of the devastating but heroic battles of brother against brother. Yet closer investigation reveals that a small community of Blacks centered in the rapidly developing city of San Francisco, while vocally participating in the national crisis, persistently forged ahead in a more localized battle for Black rights that has been undervalued and largely ignored.

The struggle lasted a quarter century, approximately from 1850 to 1877, and encompassed a series of civil rights issues — from an original battle for the right to freely testify in court to a culminating fight for equal access to public education. While historians have studied, investigated, analyzed, and remarked on some of the individual events, the connections between the battles and the ties between the participants have received short shrift, when they have been considered at all.<sup>1</sup> This study undertakes

---

<sup>1</sup> The bibliography for this study provides examples of the specialized texts that focus on a single issue, a specific ethnic group, or a particular event or time. Overall, Philip Montesano's work, *Some Aspects of the Free Negro Question in San Francisco*,

to understand how the particular environment of San Francisco, with its polyglot population and rapid social and economic changes, influenced, fueled, and finally helped to circumscribe the Blacks' struggles.

Traditionally history has been written from the viewpoint of white males, the portion of the population that controlled the laws, politics, finances, and social mores for the other members of the greater community. Belatedly, historians have begun to give “voice” to women, Blacks, and other formerly silent segments of the population. This study joins that effort. This narrative begins and ends with the experience of Miss Charlotte L. Brown, a middle-class, single, young adult, Black female who dared to raise her voice in protest at a time when even most white women usually remained mute on matters of serious concern in the public sphere. Other historical characters and important episodes in the quarter-century civil rights effort are introduced and analyzed before the concluding epilogue looks back at Miss Charlotte's personal experience at civil rights protest in light of what came before and after.

The participants in this civil rights struggle were tied together in an intricate web where the subtle connections between them sometimes were not evident until years later, when seemingly insignificant actions or chance happenstance were revealed to have been of vital importance to subsequent events. Looking at the participants' specific motivations and goals is a way to understand the personal motivations that rationalized public deeds. Thus, this narrative investigates a number of power brokers welding great personal influence in the white community, as well as at

---

1849-1870 (M.A. thesis, University of San Francisco, 1967; reprint, San Francisco: R & E Research Associates, 1973), most closely investigates the early civil rights struggles of the San Francisco Black community. Additionally, Rudolph Lapp, *Afro-Americans in California* (San Francisco, Boyd & Fraser Publishing Company, 1979), addresses the larger number of relevant issues from the quarter-century of 1850 to 1875. Yet, Montesano and Lapp look at the Black community more or less in isolation, and Lapp provides only a quick overview of this period in two brief chapters before moving on to more recent times. No modern work was uncovered that attempts to incorporate evidence from across the spectrum of race, gender, and class for this time frame and location. While works that investigate a specific group or a particular issue are extremely valuable and informative, additional texts that refocus by incorporating the new information from these specialized studies into the larger picture will help to provide an equally valuable new perspective.

various members of the Black community fighting stubbornly against pervasive racial discrimination.

*Hush, Hush, Miss Charlotte* often goes forward and backward in time, covering a particular issue or event from various perspectives. In this manner, American Indians, Hispanics, Chinese, and Irish emigrants enter this story to reveal that racial prejudice is not just a Black and white issue.<sup>2</sup> Rather, the manner in which one minority was treated influenced the treatment of the others. Additionally, the gold rush attracted far more males than females. Not only did males outnumber females for at least a decade (even longer among the Chinese), but the crowded conditions and hectic pace of life in San Francisco seemed to foster “precisely those appetites that reformers damned as unchristian and immoral.” As a result of this demographic imbalance, many males were forced to take responsibility for various tasks that traditionally were considered “women’s work.” Even as these changes allowed Chinese and Blacks to enter the labor market to perform work deemed undesirable to most white males (laundry, cooking, domestic duties), the shortage of white women increased their economic value and fueled concerns for the protection of white female virtue. Hence, matters of race, class, and gender percolate to the surface of public

---

<sup>2</sup> *Hush, Hush, Miss Charlotte* does not undertake the task of fully investigating the development or evolution of the various ethnic communities in San Francisco. Rather, it seeks to incorporate Chinese, Irish, Indian, and Mexican perspectives in those areas where these groups interacted or shared concerns with the Black and white communities that are the focus of this narrative. Sucheng Chan, *Asian Americans: An Interpretive History* (New York: Twayne Publishers, 1991), or Jack Chen, *The Chinese of America* (San Francisco: Harper & Row Publishers, 1980), each provides a comprehensive analysis of the experience of the Chinese in early California. R. A. Burchell, *The San Francisco Irish, 1848–1880* (Manchester, England: Manchester University Press, 1979) is the definitive work on the Irish community of early San Francisco, while Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995), or John Duffy Ibson, *Will the World Break Your Heart?: Dimensions and Consequences of Irish-American Assimilation* (New York: Garland Publishing, 1990), both address the complicated subject of how the Irish were persecuted on their arrival in the United States, and then, in turn, persecuted Blacks and Chinese. Recent increasing interest in the study of ethnicity, cultural development, and the American West promises to produce equally valuable works on Mexicans and American Indians in California. For now, Charles Wollenberg’s oft-cited contribution, *Ethnic Conflict in California History* (Los Angeles: Tinnon-Brown, Inc., 1970) is a valuable and concise reference.

consciousness throughout the sequence of events that unfolds before Miss Charlotte is allowed to reenter the spotlight at the close of this narrative.<sup>3</sup>

One of the main duties imposed upon each professional historian is the responsibility to justify his or her research and results by locating his or her individual work in its proper place among the earlier texts produced from decade after decade of prior research conducted by generations of historical scholars over the years. The cumulative outcome of this task is called “historiography,” more or less, the history of professional history. In the process of declaring the importance of new findings, historians often revise older theories and reasoned assertions. The author of each new publication is aware that if his or her ideas and evidence are insightful, they will prompt additional research which, in turn, may lead to new ideas, new research, and additional revisions. This researcher did not escape the responsibility to add to the professional historians’ accumulation of historiographical arguments.

This study focuses on approximately twenty-five years of civil rights struggles conducted by a small community of San Francisco Blacks, aided by a handful of local whites, during a period in which the American nation underwent a civil war and a subsequent interval of troubled reconstruction (1850–1877). Perhaps understandably, most historical works that cover this time frame focus on the South — on conditions in the states that seceded from the Union, lost the war, and were forcefully reconstructed in an attempt to fit the victorious North’s evolving plan of reunification. For example, John Hope Franklin’s *Reconstruction: After the Civil War*, recognized as a significant contribution to Southern history, Black history, and Reconstruction history, covers the changing status of Reconstruction in the South — from the peacemaking efforts of President Lincoln, on to the radical policies imposed by Congress in reaction to President Andrew Johnson’s blundering attempts to continue Lincoln’s policies, and finally to the period

---

<sup>3</sup> Albert L. Hurtado, “Sex, Gender, Culture, and a Great Event: The California Gold Rush,” *Pacific Historical Review* 68 (February 1999): 1–19, laments the fact that many historians still do not understand the importance of including the long-silent voices of women, Blacks, and ethnic peoples. Hurtado emphasizes the value of including these often-ignored perspectives when investigating early California history, especially considering the rapid demographic changes that took place in that multicultural region at that time.

of “Redemption” when local interests reclaimed control from the hands of Congress and the military to the detriment of local Blacks.<sup>4</sup> *Hush, Hush, Miss Charlotte* moves the investigation of the Civil War and Reconstruction era geographically far to the west, to frontier California, a newly established state that joined the Northern effort to compel the Southern states to continue to participate in the Union.

Following the Civil War, contemporaries often analyzed the events of the war or Reconstruction by admittedly interjecting their personal passions and prejudices into the historical record, producing voluminous biographies of military and political figures and epic accounts of battles and major events that glorify the war years while adding little dispassionate insight into the causes or results of the national drama. Even Jefferson Davis and Alexander Stephens, the former president and vice-president of the Confederacy, each wrote historical treatises, *The Rise and Fall of the Confederate Government* and *War between the States*, respectively. Northerners were no less prolific in their written accounts, with presidential aspirant and newspaper editor Horace Greeley leading the way with *American Conflict*. By consensus, the historiographical record acknowledges these works as historical documents but passes over them as historiographical texts to begin the account of the era’s historiography approximately a half-century after the war, after the task of historian had become professionalized by a wave of “scientific” thinking that allegedly eliminated the biased emotionalism so prevalent in previously written history<sup>5</sup> While professionalizing the task of historian curbed the practice of blatant impassioned proselytizing, historians are human beings who continue to have personal interests and biases that find subtle, or not so subtle, ways to influence their work. Undoubtedly, *Hush, Hush, Miss Charlotte* was influenced by the author’s life experiences and political outlook, most consciously by the 1960s civil

---

<sup>4</sup> John Hope Franklin, *Reconstruction: After the Civil War*, The Chicago History of American Civilization Series, ed. Daniel J. Boorstin (Chicago: The University of Chicago Press, 1961).

<sup>5</sup> Edwin C. Rozwenc, ed., Introduction to *Reconstruction in the South*, Problems in American Civilization (Boston: D. C. Heath and Company, 1952), vi; George Catkin, *Reluctant Modernism: American Thought and Culture, 1880–1900* (New York: Twayne Press, 1992), xii, 28, 35, 54–55.

rights movement and by personal ties to Native American Indians and the Latino immigrant community.

In 1907, William A. Dunning, destined to become a long-acknowledged expert in Reconstruction history, presented an historical analysis that appeared to embody the new scientific methods of research and analysis. Dunning's *Reconstruction, Political and Economic, 1865–1877*, synthesized contemporary historical works into a coherent theory that contended that the former Confederate states accepted defeat valiantly, and readily acquiesced to the well-intentioned directives of presidents Abraham Lincoln and Andrew Johnson, but balked at the strident policies enforced by the corrupt and vindictive Radical Republicans who usurped political power and redirected Reconstruction for their own selfish ends.<sup>6</sup> Although the Dunning school's pro-South, anti-Radical Republican interpretation was eventually discredited as highly partisan and contemptuous of Blacks, the debate on the motivation and exact nature of the Reconstruction policies imposed upon the South continues.<sup>7</sup>

The intricacies of this extensive historiographical debate had little direct bearing on the research for *Hush, Hush, Miss Charlotte*, but the expanding arguments that continue to analyze the Dunning school and its successors encompass a variety of political, economic, and social issues that enter into any research covering the period, if only to provide comparisons over time between the regions and states. For example, important areas for additional research include a comparison of the legal, social, and political restrictions placed on Blacks; a comparison and analysis of the ways Blacks attempted to actively participate in the changing political, social, and economic spheres; or a comparison of the racial attitudes of

---

<sup>6</sup> William A. Dunning, *Reconstruction, Political and Economic, 1865–1877* (New York: Harper and Brothers, 1907); Roberta Sue Alexander, “Presidential Reconstruction: Ideology and Change,” *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, ed. Eric Anderson and Alfred A. Moss, Jr. (Baton Rouge: Louisiana State University Press, 1991), 29–30.

<sup>7</sup> Kenneth M. Stampp and Leon F. Litwack, eds., *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State University Press, 1969) offers a useful summary of Reconstruction historiography; Eric Anderson and Alfred A. Moss, Jr., eds., *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, (Baton Rouge: Louisiana State University Press, 1991), completes the summary by providing a glimpse at more recent scholarship.

Northern and Southern whites during the Civil War and Reconstruction years. Such comparisons, however, have not been readily forthcoming for a wide geographical base because most historical texts continue to focus attention primarily on the South or on the political proceedings emanating from Washington, D.C.<sup>8</sup> One notable exception is Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860*, a well documented analysis of prejudicial laws and practices throughout the northern states. Yet, as Litwack's title reflects, there remains a need for additional work focusing on the North. *North of Slavery* ends just as the painfully slow, occasionally retrogressive, process of removing restrictions placed upon Blacks in the North, that Litwack so skillfully describes, is moving toward the critical years of Civil War and Reconstruction. By adding the western component, *Hush, Hush, Miss Charlotte* provides additional information for comparisons of the treatment of Blacks in the South, North, and West.<sup>9</sup>

Because California entered the union in 1850 and rapidly grew in population and importance due to the gold rush, that state was forced to immediately construct its legal system from “whole cloth” without a substantial legacy of prejudicial restrictions in place. The influx of settlers included a great number of Southern pro-slavery advocates and a substantial number of New Englanders with anti-slavery leanings. Thus, California provides an excellent opportunity to study whites' evolving attitudes on racial issues, along with the corresponding social and political ramifications during the Civil War and Reconstruction era. Additionally, research and scholarship on the development of racial prejudice in the United States may help modern Americans understand and deal with the concomitant discrimination, violence, and social and political

---

<sup>8</sup> Vernon Lane Wharton, *The Negro in Mississippi, 1865–1890* University of North Carolina Studies in History and Political Science (Chapel Hill: University of North Carolina Press, 1947) is an early attempt to gauge Blacks' participation in the restructuring of postwar Southern life and politics; Howard N. Rabinowitz, “Segregation and Reconstruction,” *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, ed. Eric Anderson and Alfred A. Moss, Jr. (Baton Rouge: Louisiana State University Press, 1991) 79–97, provides a concise update on newer scholarship that follows this regional focus; and David Donald, *The Politics of Reconstruction, 1863–1867* (Cambridge, Massachusetts: Harvard University Press, 1984) is an example of the strictly political approach to Reconstruction.

<sup>9</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago: The University of Chicago Press, 1961).



conflict that lingers on to reappear zealously in modern American society periodically.

In 1955, historian C. Vann Woodward first published *The Strange Career of Jim Crow*, prompted in part by the U.S. Supreme Court's landmark decision in *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1954), that declared unconstitutional the common dual practice of establishing separate schools for “colored” children while concurrently prohibiting those same students from attending “white” schools. *The Strange Career of Jim Crow* inspired a flood of new historical scholarship intent upon investigating the development of segregation. Segregated schools had been sanctioned by the Court over a half-century earlier through the “equal but separate” policy successfully defended in *Plessy v. Ferguson*, 163 U.S. 537 (1896), a lawsuit justifying the practice of racially segregated seating in railroad cars. For over thirty years, C. Vann Woodward and his disciples polished and supplemented his original thesis, looking to pinpoint the beginning of segregation in the South. The Woodward Thesis, as it was succinctly articulated by Woodward in the late 1980s, asserted that racial segregation was not a basic Southern practice of long standing inherent in a slave society, but rather, was a gradual response to postwar societal changes. According to the Woodward school of thought, segregation in the South did not solidify into a rigid practice until several decades after Reconstruction ended. Woodward asserted that segregation laws were not immediately put in place following the restoration of Southern home rule, rather such Jim Crow laws were first instituted by Northern whites as a response to competitive and unsettling urban conditions. C. Vann Woodward, acting as his own harsh critic, explained that after thirty-odd years of reflection he realized that he “got off on the wrong foot” by putting “the question of *when* before the question of *how*.”<sup>10</sup> *Hush, Hush, Miss Charlotte* provides information useful in answering both questions.

After a false start that practically ignored the historical role of Blacks themselves, the historical profession finally recognized that any serious

---

<sup>10</sup> C. Vann Woodward, *The Strange Career of Jim Crow*, 3rd rev. ed. (New York: Oxford University Press, 1974), 12–17, 69–74; C. Vann Woodward, *Thinking Back: The Perils of Writing History* (Baton Rouge: Louisiana State University Press, 1986), pp. 81–99; C. Vann Woodward, *The Future of The Past* (New York: Oxford University Press, 1989), 295–311.

consideration of the question of how segregation developed, of how United States race relations evolved, or of any other subject that encompasses American society must allow all of the historical participants to take an active part in the story. The historian must consider the motivations and actions of all the historical actors throughout the process of discovery and explanation. Like a candle, the intensity of focus on this new inclusive history wavered with the ebb and flow of time, shining brightly during the 1950s–60s civil rights movement, but flickering with the fracturing of that movement by the trauma of Vietnam, the aftershock of Watergate, and the preoccupation with global politics and global finance that dominated the remaining years of the twentieth century. Early in the modern civil rights era the historical profession recognized that Blacks and Black history, along with that of women, Native Americans, and other minorities, had been uniformly, if often unconsciously, written out of most of popularly accepted United States history. The paucity of any meaningful mention of Blacks in contemporary textbooks, outside of a cursory description of slavery, provided the incontestable proof. The problem was to figure out the best way to address this insufficiency. Introducing a full range of Black experiences into the historical record, including the moral paradox of slavery and its aftermath from the perspective of the Black historical actors, presented the members of the modern historical profession with an abundance of intriguing research questions that historians are still attempting to answer.<sup>11</sup>

Understandably, partly in response to the modern civil rights era, modern African Americans were anxious to read history about Blacks, written by Blacks for Blacks. The 1960s and early 1970s witnessed a much-needed proliferation of Black history, much of it written by Blacks themselves despite the comparatively small number of Black professional historians. John Hope Franklin, one of the most highly respected Black professional historians, began his career during the transition to the modern civil

---

<sup>11</sup> Woodward, *The Future of the Past*, 29–52, contains useful insights about the evolution of Black history, including a quote from W. E. B. Du Bois (1877–1965), a renowned Black activist and historian. Du Bois criticized Charles A. Beard (1874–1948), an equally distinguished white historian famous for historical works that focus on the relationship between economics and politics, as lacking any consciousness that the historical treatment of Blacks involved moral questions.

rights era. Over several decades Franklin wrote extensively on the Civil War and Reconstruction era, incorporating the contributions and experiences of Black Americans without diminishing the importance of the fact that white Americans controlled the political, social, and economic spheres throughout that period. Franklin's *Reconstruction After the Civil War* emphasized the “counter-Reconstruction” that erased the postwar reforms and replaced them with racially biased laws that locked Blacks in the position of second-class citizens for almost a century.

In “What the Historian Owes the Negro,” an article published in the *Saturday Review* in 1966, historian Benjamin Quarles articulated his fellow Blacks' ongoing desire for additional works by Black historians. As Quarles explained, “Emergence of long obscured facts of Negro history brings with it the challenge to develop new perspectives on this nation's past.” Quarles also added an additional insight, “Manuscripts that challenged deeply held beliefs about the Negro have not been welcomed by publishers, who have not wished to antagonize potential white buyers.” Quarles explained that the process of reexamining the nation's past would be painful, forcing Americans to reevaluate the meaning of their most revered tenets of liberty and equality in light of years of government-sanctioned entrenched racial prejudice. Benjamin Quarles's carefully researched and well-written monographs covering the Black experience greatly contribute to the nation's enlightenment, earning numerous academic awards and a large and diversified readership. Quarles's *The Negro in the Civil War*, *Lincoln and the Negro*, *Black Abolitionists*, and *Black Mosaic: Essays in Afro-American History and Historiography* exemplify the outstanding scholarship written by Black historians in the last half-century.<sup>12</sup>

Although Black writers evidenced a very early interest in researching and writing the history of Blacks in California, most of these aspiring authors lacked the professional training necessary for the task. Reportedly

---

<sup>12</sup> John Hope Franklin, *Reconstruction: After the Civil War* (Chicago: The University of Chicago Press, 1961); Benjamin Quarles, “What the Historian Owes the Negro,” *Saturday Review*, no. 49 (September 3, 1966), 10–13 and also by Benjamin Quarles, *The Negro in the Civil War* (Boston: Little, Brown, 1953; New York: Da Capo Press, Inc., 1989); *Lincoln and the Negro* (New York: Oxford University Press, 1962; New York: Da Capo Press, Inc., 1990); *Black Abolitionists* (New York: Oxford University Press, 1969); and *Black Mosaic: Essays in Afro-American History and Historiography* (Amherst: The University of Massachusetts Press, 1988).

one of the most dedicated researchers of the history of Blacks in California was a Black woman and former newspaper reporter Delilah Beasley,<sup>13</sup> writing just after World War I, who unfortunately did not adequately document her extensive research. By the end of the 1960s, universities across the country were matriculating a proud generation of skilled Black historians, yet their numbers remained small compared with the opportunities for historical investigation. As the sub-discipline of Black history came into its own, Black and white historians acknowledged the importance of working together to include various perspectives in order to provide a balanced view of history. Yet, the task was made more difficult by the fact that the *very* tools of the trade — the personal letters, local and state documents, old newspapers, official statistics, federal census reports, and the like, either had never adequately documented the Black experience or had not been carefully archived and cataloged with preserving the Black experience in mind. Fortunately, for researchers of California history, guidebooks and indexes were forthcoming detailing the expanding inventory of the essential historical documents placed in the various archives and depositories.<sup>14</sup>

While much is being published on the history of California Blacks, rather than focusing on the early Black community of San Francisco, the bulk of the studies focus on later developments in the larger Black communities of Oakland and Los Angeles. The years surrounding World War I, World War II, and the modern civil rights movement attract more interest than the Civil War and Reconstruction era.<sup>15</sup> In the fall of 1996, *California History*, the official magazine of the California Historical Society, published a special edition to “examine the nature, scope, and significance of the African American presence in California.” Historian Shirley Ann

---

<sup>13</sup> Delilah L. Beasley, *The Negro Trail Blazers of California* (Los Angeles, 1919; reprint, New York: Negro University Press, 1969).

<sup>14</sup> James de T. Abajian, comp., *Blacks and Their Contributions to the American West: A Bibliography and Union List of Library Holdings Through 1970* (Boston: G. K. Hall & Co., 1974) and James de T. Abajian, comp., *Blacks in Selected Newspapers, Census, and Other Sources: An Index to Names and Subjects* (Boston: G. K. Hall & Co., 1977).

<sup>15</sup> For example, Albert S. Broussard, *Black San Francisco: The Struggle for Racial Equality in the West, 1900–1954* (Lawrence, Kansas: University Press of Kansas, 1993); Lawrence P. Crouchett, Lonnie G. Bunch, III, and Martha Kendall-Winnacker, *The History of the East Bay Afro-American Community, 1852–1977* (Oakland: Northern California Center for Afro-American History and Life, 1989).

Wilson Moore, editor of the special edition, acknowledged the work of the leading experts in the field such as Douglas Daniels, Rudolph Lapp, Albert S. Broussard, and Kenneth G. Goode, but nonetheless articulated the need for additional research on California Blacks — particularly work that focuses on “African American cultural expressions,” “economic, political, and social dynamics,” and “community-formation in the Golden State.”<sup>16</sup>

*Hush, Hush, Miss Charlotte* begins to address this insufficiency in the historical record by concentrating on multiple aspects of the civil rights struggles initiated by the Black community of San Francisco during a critical period of grave national political and social change. *Hush, Hush, Miss Charlotte* follows San Francisco’s Black community throughout its first twenty-five years, disclosing the way Blacks repeatedly turned to each other to gather sufficient strength to battle discrimination. It follows their legal battles seeking justice, and emphasizes their faith in the new Reconstruction-era Constitutional amendments. *Hush, Hush, Miss Charlotte* lays the groundwork for consideration of the significance of the struggles and accomplishments of this early generation of Blacks in light of the modern civil rights movement and the evolution in the U.S. Supreme Court’s interpretations of the Thirteenth, Fourteenth, and Fifteenth Amendments. It also follows the evolution of discrimination from the perspective of the white community, detailing their use of illegal force, economic power, social custom, and law. In essence, *Hush, Hush, Miss Charlotte* is an historical narrative, meant to be enjoyed for the story it tells, even as it presents an informative and analytical interpretation of important historical issues.

★ ★ ★

---

<sup>16</sup> Shirley Ann Wilson Moore, “African Americans in California: A Brief Historiography,” *California History* 75 (Fall 1996): 194–97. For works by Daniels, Lapp, Broussard, and Goode, see the Bibliography for *Hush, Hush, Miss Charlotte*.

## *Chapter 2*

# A PICTURE WORTH A THOUSAND WORDS:

## *A Cartoon for Miss Charlotte*

As a white male practicing law in mid-nineteenth-century San Francisco, Wellington Cleveland Burnett may have marveled at the tenacity of one of his clients, Miss Charlotte L. Brown, a young Black woman who brought suit against the Omnibus Railroad Company in an effort to obtain the right to ride in the horse-drawn railed streetcars of that burgeoning port city. Surely someone made attorney Burnett and his suddenly notorious client aware of the publication of a biting critique of her actions. A curious drawing clipped from a contemporary newspaper, although yellowed and worn, retains its ability to impart to even the casual peruser a most telling glimpse of the societal values and conditions of San Francisco during the Civil War and Reconstruction era. This yellowed clipping eloquently reveals the arduous task that Miss Brown undertook in her effort to assert her own personal dignity amid the local Black community's ongoing battle for civil rights, justice, and equality.

This unidentified newspaper clipping, a detailed cartoon of the inside of a streetcar, is a direct commentary on Miss Charlotte Brown's legal struggle. The car, identified as belonging to the Omnibus Railroad's local North Beach and South Park line, is depicted with a motley assemblage of passengers. The drawing bears the heading, "THE EFFECT OF JUDGE

PRATT'S DECISION." The artist skillfully aligned a row of passengers, seating them on a long bench that faces the center aisle and abuts the windowed exterior wall of the streetcar. The subjects were carefully posed in order to leave no doubt regarding the intended message. Glancing down the line of passengers from left to right, there is first revealed a *leering Black man* turned to face a *cowering young white lady*, who is seated next to a *large and apparently unconcerned Black man*, with *another alarmed and crowded white lady* pushed up against a *massive and observant Black woman*, who safeguards a basket and overshadows *the final passenger, a frail, older Black gentleman*, facing straight ahead and seemingly making himself as small as possible in order to avoid any confrontation over the situation.



The facial expressions and body language of these fictional characters perfectly symbolize the racist message of the accompanying text. The presence of Blacks on the streetcars will make the cars an unpleasant, unsafe, and intimidating environment for white women — those delicate repositories of virtue and all that is good in society. The editorial legend printed with the cartoon reads:

Our artist this week gives us a glimpse of that “good time coming,” when all the narrow distinctions of caste and color shall be abolished, and when our colored brethren shall come into the full inheritance of their rights, — shall sit in the cars and the dress circles of our theatres, with none to molest them or make them afraid. For the inauguration of this happy era, we are mainly indebted (under Providence) to Judge Pratt. Poor Charlotte Brown, in spite of the efforts made by the *Gaz* [Gazette] to influence the jury, only got one tithe of what she demanded as a salve to her injured feelings. She said that her sensitive feelings were hurt to the amount of \$5,000 by being led out of the car by a conductor and a jury only gave her \$500. Try again, Charlotte, you may do better next time; and above all don't pay the editor of the *Gaz* to write editorials in your favor, it will only injure your case. You owe a lasting debt of gratitude to Judge Pratt for putting you in the way of making an honest penny. He is very partial to niggers, is the Judge, the darker the complexion the better it suits Pratt and the family. You are a

*real nigger, are you not, Charlotte? You did not use burnt cork for the purpose of gaining your point, did you? Having received \$500 from the Omnibus Railroad Company, you will, of course, think it your duty to show your gratitude by patronizing them. Invest the money in car tickets, and you may possibly have the luck to be turned out again.*<sup>1</sup>

The cartoon's text sarcastically refers to a lawsuit filed by Miss Brown against the Omnibus Railroad Company of San Francisco for ejecting her from one of their horse-drawn street railway cars on April 17, 1863. Ironically, this was a time when many local Black men looked forward to proving their loyalty and worth as Yankee soldiers in the effort to preserve the Union.<sup>2</sup> Seeking both to undermine Confederate morale and to secure political alignment with Great Britain by mollifying British abolitionists, President Lincoln previously had given lip service to the idea of improving the condition of "the Negro" by issuing the preliminary Emancipation Proclamation (effective January 1, 1863). This token political pronouncement actually freed no slaves, but it increased the hopes of free and enslaved Blacks and added to the fears of prejudiced whites on both sides of the Mason Dixon line.<sup>3</sup> Although the Thirteenth Amendment declaring slavery unconstitutional did not become effective until December, 1865, earlier news of the possible abolition of slavery prompted San Francisco's Black community actively to formulate a way to attack the residue of prejudice that they believed would outlast the "peculiar institution" of slavery itself.<sup>4</sup>

---

<sup>1</sup> CHS Scrap Book No. 3, California Historical Society, San Francisco. The clipping carries no information as to the name of the originating newspaper or publication date. "S.F. — Negro. From: CHS Scrap Book No.3 page #76" has been typed in the margin. Considering the reference to the *Gaz*, the paper may have been the *California Police Gazette*, a paper published in San Francisco from 1859 through 1865 and usually embellished with elaborate woodcut illustrations.

<sup>2</sup> "Arming the Blacks," *Pacific Appeal*, August 16, 1862.

<sup>3</sup> For a discussion of Lincoln's political motivation and personal reluctance to issue the Emancipation Proclamation, see Benjamin Quarles, *Lincoln and the Negro*, 165–67 and Richard N. Current, "The Friend of Freedom," *Reconstruction: An Anthology of Revisionist Writings*, ed. Kenneth M. Stampp and Leon F. Litwack (Baton Rouge: Louisiana State University, 1969), 25–47.

<sup>4</sup> "The Visibility of Prejudice," *Pacific Appeal*, April 26, 1862.



This polemical newspaper cartoon is testimony to the state of race relations in San Francisco during the Civil War and Reconstruction era. The cartoon's caption endeavors publicly to humiliate Judge Pratt of California's 12th District Court for his alleged partiality to Blacks, even as it belittles Charlotte Brown's attempt to obtain justice in the courts. The writer prods Charlotte to reconsider any further efforts at legal redress in light of her own vulnerable position as a social inferior to the dominant white race. Yet, he dares her to purchase more tickets and then attempt to ride the streetcars again. The writer need not have bothered to challenge Miss Charlotte. Assured of family support and aware of related efforts within the Black community, Miss Charlotte L. Brown was not about to be silenced by a newspaper's cartoon or by its faceless subscribers.

★ ★ ★

*Epilogue:***MISS CHARLOTTE TAKES HER  
RIGHTFUL PLACE IN HISTORY**

In April 1893, a time when the cable car that had replaced the street railroad was in turn being replaced by the electric trolley, Edward F. Drum, reportedly the first conductor employed on San Francisco's first horse-drawn street railroad, gave an interview to a reporter from the *Morning Call*. Drum talked about his experiences as an employee of the Omnibus Railroad Company. He claimed to have a multitude of anecdotes, "both thrilling and ludicrous" that he could relate about those past times.<sup>1</sup>

Drum explained that he had been one of the early California pioneers, having come west across the plains from Lancaster, Ohio. He took a job driving a stage [old-fashioned omnibus] "on the only route there was then along Third street to North Beach and South Park." Then, he switched to the railed horse-drawn streetcars when the first one was instituted in the city. After serving as a conductor for the Omnibus Railroad, Drum accepted a position as assistant superintendent for that same street railroad, working under Mr. Gardner. He served in that capacity for thirteen years. Later, Drum sat in the California legislature as a state senator. Drum related that, in the early days, there was always something interesting happening, but

---

<sup>1</sup> "San Francisco's First Things," *Morning Call*, April 9, 1893.

that he specifically remembered two occasions that were rather out of the ordinary. He admitted that he had taken them very seriously at the time, but had since come to laugh about them.

Edward Drum explained that, early on, the company had established a rule that Blacks were not to ride inside the cars. Then, one night, rather late, when he was driving along with the car empty, he was hailed by a Mr. Brown who used to run a livery stable and who, Drum believed, was the father of the younger Mr. Brown, the editor of the *Vindicator*. The elder Mr. Brown entered the car in the company of “three colored women, his daughters, his son, James E. Brown, and his son-in-law named Dennis.” It was “a wet, drizzly, nasty night” and Drum decided to let the women ride inside the car. But, when Drum approached the elder Brown, probably feeling magnanimous for allowing the women to take a seat, Brown refused to exit to a place on the platform as ordered. Instead, Brown inquired, “Why isn’t there room here?” Then, when Drum acknowledged that, indeed, there was room but that the company forbade such liberties, Brown replied that Drum would have to throw him out. Hence, Drum, although a man of small stature, took Brown by the lapels and jerked him forcefully down upon the nearest seat. The Black man came down with such force that he broke a window!

In response to the commotion, the Black women began to scream. From the way in which Drum related the incident to the reporter it is evident that the conductor had been surprised and alarmed at the turn of events. It is best to allow Drum to speak for himself:

Then the women screamed out “You low white trash,” jumped off the seats and sailed into me, and they were fighters too. I can tell you. It became a regular free fight for awhile with the whole gang on me. Sometimes I was on top and sometimes I was underneath. The air for awhile was full of petticoats and legs and arms flying around like a windmill. All the windows in the car were smashed to atoms and my clothes were badly torn, but I was determined I would not give in. I was going to show them who was the boss of that car, and finally after a hard tussle I succeeded in getting them all out, but the car was so badly damaged that it had to be hauled

up for repairs and cost the company a tidy little sum to put it in shape again.<sup>2</sup>

As the promised second exciting incident, Drum explained to the reporter what happened subsequently. He continued:

A result of this incident was a suit against the company, in which it was contended for the first time in this city that under the fourteenth amendment to the constitution colored people were entitled to ride in cars that were common carriers. This contention was upheld by the courts.<sup>3</sup>

Apparently, the incident to which Drum referred was the catalyst prompting Miss Charlotte's father to instigate his own lawsuit against the Omnibus Railroad. If so, Drum seems to have combined Charlotte's original suit with her father's case and prematurely inserted the Fourteenth Amendment as a legal factor. Probably, the incident that Drum described is actually the one that drove the Omnibus Railroad Company to offer James Brown the lucrative monetary settlement about which so many people have gossiped. In her suit, Charlotte Brown originally sued the Omnibus Railroad for \$5,000, and, ironically, that is the exact amount that James Brown is credited with getting when he settled his own lawsuit.<sup>4</sup>

Drum may have gotten a few details confused, but on one thing he was right on target. The Brown family was in the forefront of litigation that resulted in the local courts acknowledging that Blacks had full rights to ride common carriers, and Drum, as a former state senator, was not the only political figure to acknowledge this fact.

Senator Charles Sumner, the renown abolitionist and faithful spokesman for Black rights, once used Miss Charlotte Brown's lawsuit to underscore an argument for passage of his latest attempt at civil rights reform. His comments became part of the official Congressional record. During the second session of the 38th Congress, in February 1865, Senator Sumner took the floor to introduce a bill to repeal the charter of the Washington and Georgetown Railroad. He explained that when Congress previously

---

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Thurman, 8.

granted that charter, it had reserved the right to alter, amend, or repeal it at will. Then, the senator explained the reason behind his request:

The present proprietors of that charter, acting under it, insist daily upon outraging the law of the land, as that law has been declared in this Chamber by eminent Senators again and again to the effect that no corporation is justified in any exclusion from a public conveyance on account of color. That, sir, is the law of the land; but in the face of that positive principle, this successful, rich, and pampered corporation insists upon outraging it daily.<sup>5</sup>

Next, Senator Sumner read an excerpt from an undisclosed newspaper that reported on a recent ejection of an eighteen-year-old Black woman because a fellow passenger, a white woman, complained to the conductor and identified the “whiter and fairer” passenger as a Black woman. Sumner also told of a recent incident in which the local street railroad had ejected a Black soldier, in uniform, from the cars when a female former-rebel complained of his presence. Then Senator Sumner turned to his fellow senators to declare:

There is evidence of this outrage. I have said that the law has been often declared in this Chamber, but it has been declared also from the courts. I have in my hand the opinion of a judge in California, . . . I should like to call particular attention to the able and emphatic statement of the law by this learned judge in San Francisco . . . who I name to honor, Judge O.C. Pratt.

Whereupon, Senator Sumner quoted Judge Pratt as follows:

“That the plaintiff is one in whose veins flows blood of the African race, or whose skin has a darker color than the majority of other human beings with whom we are daily surrounded in life in no respect impairs her rights, nor do such blood and color, in any manner, place her outside of the protection of courts and juries when invoked to redress her alleged injuries.”<sup>6</sup>

Senator Sumner continued to read Judge Pratt’s words, revealing that the judge had directed the jurors on their duties in Miss Charlotte’s case. Pratt

---

<sup>5</sup> *Congressional Globe*, Second Session of the 38th Congress, 915.

<sup>6</sup> *Ibid.*, 916.

told the jurors that, if they believed the evidence given by the defense, then they were bound to find the plaintiff guilty.

Furthermore, the judge instructed the jury that if they found that the railroad's employee had willfully inflicted pain and suffering on the plaintiff then they could grant both pecuniary and punitive damages. Finally, Senator Sumner asserted the following declaration addressed to Senator Conness of California:

Sir, that is the common law laid down by a learned judge in California. I thank that State on the Pacific for teaching us here in Washington the law of the land.<sup>7</sup>

Senator Sumner explained that the California jury found for the defendant and awarded a fine of \$500 damages. Sumner said that he would like to see the Washington street railroad pay \$500 for every racially-motivated ejection case. He also asserted that if the Washington Railroad failed to mend its ways, then Congress should simply revoke its charter. Congress decided not to vote on Senator Sumner's proposal that day, but not before another senator had voiced the following retort:

Considering the amount of the legislation of Congress which is devoted to this negro race, it is time it should stop and that the poor degraded white should have some consideration.<sup>8</sup>

That insensitive and prejudiced remark was uttered in Congress early in 1865. By early 1877 many a white American would agree with that mean-spirited remark; but, in 1865, and for a handful of years to follow, there was a sufficient number of political radicals still in the nation's capital who steered additional Reconstruction reforms through Congress despite such opposition.

During the years that the nation struggled to reconstruct its federal alliance, California's Black activists responded to national issues by turning their attention to matters of suffrage, citizenship, and education. For a while, it was just "business as usual" for the street railroads largely because the California Supreme Court overruled Judge Pratt in the Turner and Pleasants cases on the issue of punitive damages. The proliferation of

---

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

ejection suits in the 1860s produced such small damage awards that the issue easily could be ignored by the street railroad companies if they so chose. Almost a decade of litigation failed to produce sufficient motivation for the street railroad industry to change its prejudicial policies.

The “Rules and Regulations for Conductors of the Omnibus R. R. Company, San Francisco, Cal.,” published in 1873, contain a host of company mandates that bear the approving signature of Superintendent Gardner. Conductors were not allowed to sit while on duty. They were ordered to walk the horses around curves and to call out the names of the streets as they were passing each intersection. Conductors were admonished not to permit smoking inside the cars, but to be “civil and attentive to passengers, giving proper assistance to ladies and children getting in or out.” Conductors were reminded to “never start the car before passengers are fairly received or landed.” There were joint rules for Conductors and Drivers that concentrated on safety and maintenance of schedules, including two pages of “Laws and City Orders,” extracted from the Penal Code of the State of California. Yet, nowhere in this official handbook can be found the company regulation, verbally put in force when the company was founded in 1862, barring Blacks from riding in the streetcars of San Francisco. Neither did the company provide a positive rule directing company employees to accept Blacks as passengers.<sup>9</sup> It appears that despite public attempts to hush the protests of Miss Charlotte, it was the Omnibus Railroad that ultimately chose to be officially silent on the matter of Black access to its cars.

Charlotte Brown’s suit against the Omnibus Railroad did not end the discriminatory practices of San Francisco’s street railroads. Long after it became quite clear that common carriers were legally required to transport anyone willing and able to pay the fare if reasonably expected to obey the legal rules of the line, Blacks were occasionally removed by force when attempting to assert their right to ride. During the hiatus between Charlotte Brown’s suit and the U.S. Supreme Court’s approval of separate but equal standards in 1896, Jim Crow proved to be just as stubbornly supported by attachments to prejudicial custom as it had been before the Reconstruction reforms brought previously legitimizing laws and customs into question.

---

<sup>9</sup> “Rules and Regulations for Conductors of the Omnibus R. R. Company, San Francisco, Cal.” (San Francisco, 1873), Manuscript Collection, F869S38055BL, Bancroft Library, University of California, Berkeley.

Before and after the Fourteenth Amendment was ratified, Jim Crow was alive and well in California, and as the school test case proved, monetary considerations proved a stronger weapon against Jim Crow.

Traditionally, when historians analyzed the Reconstruction era, they focused on the South. It is only more recently that a few scholars have investigated circumstances in the North or the Mid-west. Thus, Miss Charlotte Brown's valor and determination, for the most part, have gone unnoticed and uncelebrated in all but the most specialized histories. With the new interest in western history, and with the continued investigation and exposure of Black history and women's history, the importance of such individual struggles for justice, across the nation, may finally be recognized and applauded. Yet, seldom will an investigation of one individual incident provide sufficient insights to understand the larger struggle. Taken alone, Miss Charlotte Brown's ejection experience would only hint at the local Black community's decades-long determined resistance to entrenched ignorance and prejudicial restrictions. Placed in context, preceded by the battle for testimony rights, accompanied by William Bowen's, Emma Jane Turner's, and Mary Ellen Pleasants's lawsuits, and followed by Mary Francis Ward's assault on the closed door of the schoolhouse, Miss Charlotte's fight for justice and the right to ride the San Francisco streetcars reveals its true significance.

Looking at the San Francisco Blacks' quarter-century of civil rights struggles in a vacuum of Blacks' only experiences is misleading. The other components of San Francisco's polyglot society demand attention as well. Even a swift consideration of the white community's treatment of other groups that historically have been targets of oppression helps to focus the Black community's experience. Comparing the prejudiced treatment of various ethnic or religious groups (such as the Indians, Mexicans, Chinese, Irish, Jews, or Catholics) reveals that San Francisco's white community usually considered its Black population of minor concern when compared to other "inferior" or "undesirable" people. More detailed investigations of the Irish and Chinese experiences reveal that political and economic circumstances greatly influenced, both the white community's prejudicial attitudes toward any particular group, and each group's ability to fight back. In San Francisco, first, the Irish, then the Chinese, were targets of physical violence and determined prejudiced treatment.



During the vigilante years the Irish were persecuted, hanged, and banished. As San Francisco's economic situation stabilized and even prospered, the once-hated Irish Catholic community was welcomed as a productive component of the white community. In turn, the Chinese suffered increasing oppression after they were no longer needed to build the trans-continental railroad. Despite continued litigation and demands for equitable treatment and promised civil rights, the local Black community never suffered the concentrated rage that the Irish and the Chinese endured at the hands of the local whites. Yet, the potential for just such treatment was always present — making the Blacks' continued demands for justice all the more remarkable.

Consideration of the dynamics between the oppressed groups produces troubling insights. Locally and nationally, the Irish community often instigated oppression against Blacks instead of recognizing their shared experiences as targets of the larger white community's resentment and prejudice.

Studying the motivations and tenacity of both the white power brokers who resisted change and the handful of whites who worked with the Black community to accomplish reform provides valuable insights as well. This study is unusual for the scope of its investigation into the backgrounds and motivations of the white judges, jury members, lawyers, and financial leaders that influenced community values in San Francisco. Looking at Peter Donahue's life discloses the driving ambition that motivated and consumed a considerable number of the era's white entrepreneurs. A look at the merchant-led Vigilance Committees and their subsequent political participation underscores the power of money and discloses the potential threat inherent in such concentrated power. The participation of such a large number of merchants as jury members for the ejection cases after years of merchant-class neglect of such duties documents the growth of that power.

An in-depth study of Peter Donahue's life reveals that the streetcar industry leader preferred a more subtle form of influence — such as employing only white workers for the various enterprises of his expanding empire, and contributing to the political career of his crony, Eugene Casserly. On the other hand, the Irish senator was unabashedly overt in his hatred of Blacks. Casserly purposefully attempted to block enforcement of the Reconstruction amendments in as determined a manner as he earlier

had tried to prevent Miss Charlotte from riding the Omnibus Railroads streetcars in peace.

Charlotte Brown's stubborn fight to ride the street railway cars of San Francisco was one of the earliest instances of Blacks' determined fight to attain redress in the courts of American justice. She was in the vanguard of a long procession of Black women and men who risked physical danger and public humiliation from the threats and taunts of prejudiced whites, many of whom, like Senator Eugene Casserly or entrepreneur Peter Donahue, greatly influenced or controlled the political, financial, and social institutions of the local and national communities. In their struggles for reform the members of the Black community were joined by a small number of determined whites as well, with outspoken advocates such as Judge Pratt and Attorney Dwinelle leading the assault. As the individual stories of each of these resolute men and women reveal, the struggle for justice and equality crossed gender lines, racial barriers, and class strata, with the ranks of the militant reformers open to Black and white, male and female, rich and poor.

In California, Charlotte Brown, Emma Jane Turner, Mary Ellen Pleasants, William Bowen, and Mary Francis Ward were joined by Peter Anderson, Philip Bell, James E. Brown, Thomas Starr King, Wellington Cleveland Burnett, Judge O.C. Pratt, Judge Samuel Cowles, and John W. Dwinelle. The Black recruits outnumbered the whites, but an assortment of Californians fell in step with Miss Charlotte Brown to take their place in front-line positions in their individual battles in the collective struggle for reform. They each earned the right to be accorded membership amid the pantheon of civil rights activists who engaged in the centuries-long fight to force the American nation to live up to its self-proclaimed declarations of freedom, justice, and equality for all.

This study is a comprehensive analysis of twenty-five years of civil rights struggle led by a determined group of Black and white activists in San Francisco during the Civil War and Reconstruction era. This narrative, when considered in conjunction with related historical studies, provides abundant data for comparative analysis of similar struggles in other localities, in other regions, in other years. Many of the circumstances and actions experienced by the San Francisco residents during this unusual time in American history were replicated by other Americans whether at the

same time, before, or after. This is certainly true of the Black community's efforts to ride the streetcars or to access the public school system. Other events and experiences, such as the interaction with the Chinese community or the Vigilance Committees were unique to this time and place. One broad generalization is readily evident — the apparently-endemic prejudicial attitudes of white Americans concerning Blacks and other “inferior” groups were shared by the majority of white Americans throughout this twenty-five-year period and beyond. A hundred years passed before Miss Charlotte Brown's dream became Rosa Park's reality. In the interim, that dream was not forgotten. By striving to understand these San Francisco activists' stories and experiences, hopefully we may be better prepared to do our part in the struggles against prejudice, ignorance, and hate. Some day, perhaps the American dream of justice and equality for all will actually be a reality.

★ ★ ★