

# ***DISARM THE NEGROES.***

## The Racist Roots of Georgia's Gun Laws



A Special Report For

**GEORGIACARRY.ORG**

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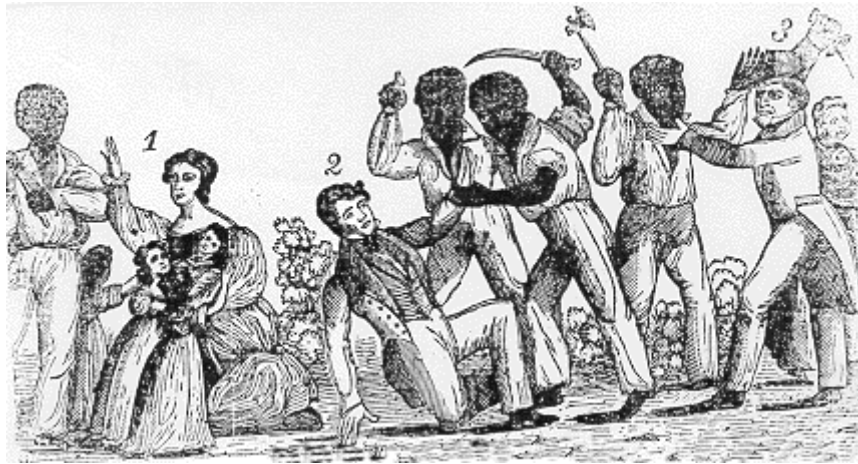
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## Georgia's Gun Laws -- Racism, Oppression and White Supremacy

Georgia's gun laws were designed to disarm slaves, freedmen, and black Georgians. Whenever blacks used arms to fight against racism and discrimination, the General Assembly responded with laws criminalizing their actions. Georgia's gun laws were not a crime prevention measure; they were Georgia's way to perpetuate racism, oppression and white supremacy. These racist laws still apply in Georgia.

### The Early Days – The First Gun Bans

From the founding days of Georgia, whites had a great fear of armed blacks rebelling against white power and privilege.<sup>1</sup> In 1739, eighty slaves from Stono, South Carolina rebelled and killed twenty-five whites before they were defeated in a pitched battle by a better armed white militia.<sup>2</sup> In August 1831, Nat Turner and seventy slaves and freedmen traveled from house to house through Southampton County, Virginia axing and beating to death all of the whites that they could find, including women and children. 57 white men, women and children were murdered during Turner's two day killing spree.<sup>3</sup>



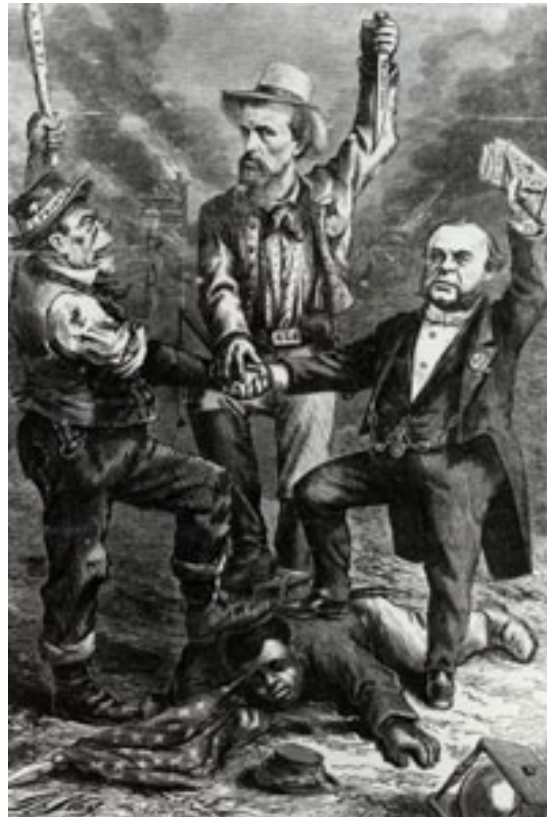
1831 woodcut depiction of Nat Turner's Slave Rebellion<sup>4</sup>

The General Assembly responded to Nat Turner's Slave Rebellion by enacting harsh laws limiting the rights of free blacks in Georgia and prohibiting the entry of free blacks from other states.<sup>5</sup> Prior to this time, slaves and free blacks were allowed to have firearms during the weekdays when they had the permission of their owner or guardian.<sup>6</sup> Slave children were often provided a gun and were tasked to shoot birds and other vermin on the plantation.<sup>7</sup> Those practices ended when the General Assembly passed Georgia's first gun ban. The 1833 law provided that **"it shall not be lawful for any free person of colour in this state, to own, use, or carry fire arms of any description whatever."** The penalty was thirty-nine lashes and the firearm was to be sold and the proceeds given to the Justice of the Peace, akin to today's Magistrate.<sup>8</sup>

In 1846, the Georgia Supreme Court held in *Nunn v State* that there was a constitutional right to carry a pistol openly in Georgia.<sup>9</sup> Then two years later, the Georgia Supreme Court clarified in *Cooper and Worsham v. Savannah* that this right did not extend to free blacks. The court proclaimed that **“Free persons of color have never been recognized here as citizens; they are not entitled to bear arms, vote for members of the legislature, or to hold any civil office.”**<sup>10</sup> This ruling would form the basis for the expulsion of black legislators in 1868.

### **Camilla Massacre – Birthplace of the Public Gathering Prohibition**

On September 19, 1868, several hundred blacks and Republicans, nearly all armed with muskets and shotguns<sup>11</sup>, marched 25 miles from Albany to Camilla Georgia to protest the General Assembly’s expulsion of 32 newly elected black legislators. The elected black legislators were expelled on the grounds that the right to vote granted in the state constitution did not include the right to hold civil office.<sup>12 13</sup> As the marchers arrived at Camilla’s courthouse, they were ambushed by a posse of white townsmen organized by Mitchell County Sheriff, Mumford Poore. The Sheriff’s posse continued its assault on the marchers as they fled into the surrounding woods, killing and wounding them as they tried to escape. One of the fleeing blacks, Daniel Howard, was struck in the head with the butt of a gun while fleeing. He was forced to return to Camilla where he overheard the whites lamenting that if only the freedmen had come without arms, the whites would have surrounded the blacks and killed them all.<sup>14</sup> Over a dozen blacks were killed and more than 30 were wounded in the massacre.<sup>15 16</sup>



(This political Thomas Nast cartoon from *Harper's Weekly* depicts Mitchell County whites holding freed blacks down after the Camilla Massacre in 1868.)<sup>17</sup>

At the time of the Camilla Massacre, voting age black men outnumbered white men in 65 of Georgia’s 137 counties.<sup>18 19</sup> Blacks represented 44% of the population of Georgia.<sup>20</sup> The vision of armed blacks marching into Camilla sent fear into the outnumbered white elite who remembered Stono and Nat Turner.

With the ratification of the 14<sup>th</sup> Amendment by Georgia in 1868, the legal construct that blacks were not entitled to the rights of citizenship was destroyed. In response, the General Assembly enacted, in October, 1870, a seemingly race-neutral law that they had intended to apply only to blacks. The law said, “no person in said State of Georgia be permitted or allowed to carry about his or her person any dirk, bowieknife, pistol or revolver, or any kind of deadly weapon, to any court of justice, or any election ground or precinct, or any place of public worship, or **any other public gathering** in this State, except militia muster-grounds.” The penalty was either “a fine of not less than twenty nor more than fifty dollars for each and every such offense, or imprisonment in the common jail of the county, not less than ten nor more than twenty days, or both, at the discretion of the court.”<sup>21</sup>

As written, this public gathering law would have prevented the black marchers from carrying arms during their march to Camilla but not the townsmen waiting for them. The selective application of the law started immediately as the law was ignored by white supremacists that had armed themselves and gathered at the polls to prevent blacks and Republicans from voting on Election Day in November 1870.<sup>22</sup>



Freedmen register to vote during Congressional Reconstruction in drives conducted by the U.S. military, Harpers Weekly<sup>23</sup>

The law and subsequent court decisions worked well enough that the General Assembly did not seek more laws aimed at disarming blacks until the twentieth century, when the circumstance of armed blacks defending their lives, neighborhoods and property during the Atlanta Race Riot forced the white elite to act once again.

## Atlanta Race Riot – “Disarm The Negroes.”

On Saturday, September 22, 1906, Atlanta exploded in racial violence that would last 4 days. During the months prior, the *Atlanta Journal*, *Atlanta Constitution*, and other newspapers published a continuous stream of sensational articles about a "Negro Crime Wave" involving black men sexually assaulting southern white women. The newspapers exaggerated facts and printed fabrications to inflame tensions in the city and increase their sales.<sup>24 25 26</sup>

On Saturday night, 5,000 white men and boys gathered at Five Points in downtown Atlanta. The newspapers enflamed the crowd's anger with their "extra editions" that were sold to the crowd with headlines of "Bold Negro Kisses White Girl's Hand", "Negro Attempts to Assault Mrs. Mary Cafin Near Sugar Creek Bridge", "Two Assaults", and "Third Assault". The "extra editions" and the newsboys who sold them challenged the white men to defend the honor of white women. After 9PM, the mob frenzy couldn't be contained and the mob surged in bloodlust in all directions away from Five Points.<sup>27 28</sup>

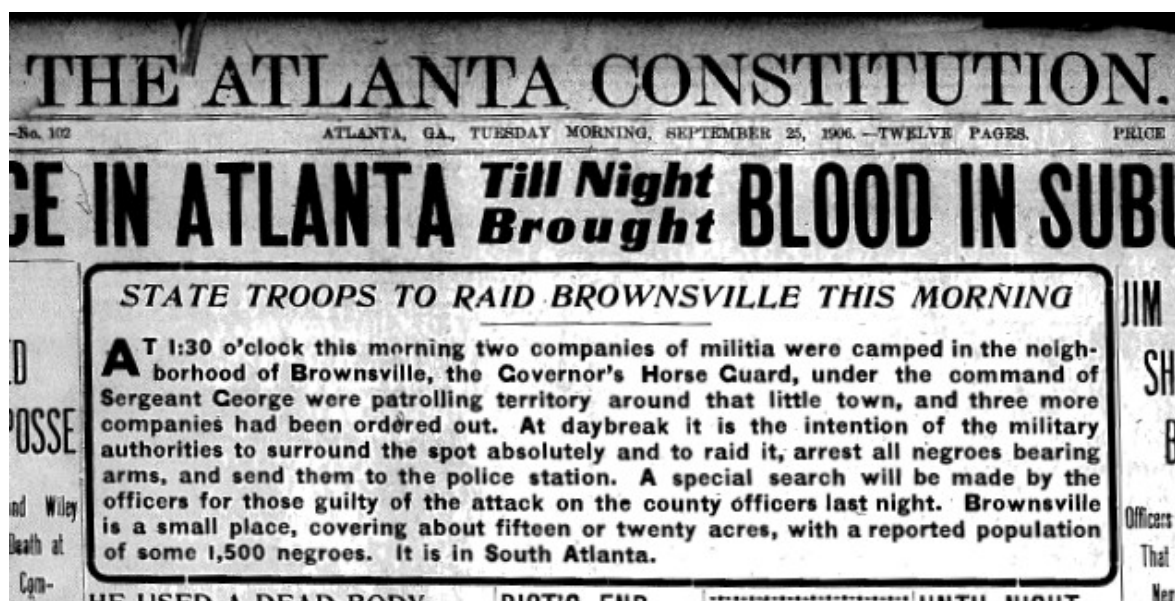


The mob attacked and murdered with clubs, bottles, knives, bricks, and fists any blacks unfortunate enough to be seen by the mob. As the night went on, the whites escalated their attacks with guns and mutilated the bodies of their black victims.<sup>29 30</sup> As fewer blacks were found on the streets, the mobs moved into the black neighborhoods to attack blacks in their homes.<sup>31</sup> The next morning, the newspapers blamed the blacks for the violence. The headline in the *Atlanta Constitution* was "Atlanta Is Swept By Raging Mob Due To Assaults On White Women; 16 Negroes Reported To Be Dead". The headline from another newspaper was "Race Riots On The Streets Last Night The Inevitable Result Of A Carnival Of Crime Against Our White Women."<sup>32 33</sup>

(From Kenan Research Center at the Atlanta History Center, Le Petit Journal, Oct. 7, 1906)<sup>34</sup>

During the calm of daylight hours of Sunday, the black community armed themselves with smuggled guns hidden in rags, caskets, and lumber wagons. Although there was no law against blacks purchasing arms, the pawnshops and hardware stores refused to sell to them. Blacks who could pass for white bought weapons for themselves and their neighbors.<sup>35 36</sup> Blacks bravely began to patrol their neighborhoods with weapons ready to stop attackers.<sup>37 38</sup> One such neighborhood was Brownsville, a middle class black neighborhood south of Five Points and home to Clark University and Gammon Theological Institute.<sup>39 40</sup>

Many blacks from smaller communities sought refuge in the college buildings.<sup>41</sup> In response to rumors of an impending attack by whites, armed blacks began to patrol the streets and gathered together for the purpose of defending their homes and families.<sup>42 43 44</sup> On the night of Monday Sept 24<sup>th</sup>, seven Fulton County policemen and three armed white citizens arrived in Brownsville. Upon seeing a group of 25 armed black men congregated on the street, the Policemen divided up into squads and attacked the blacks from different directions.<sup>45</sup> By the end of the night, one police officer was killed and several whites were wounded. Six blacks were arrested for carrying concealed weapons. Two of the arrested blacks, still in their shackles, were killed hours later by a white mob.<sup>46 47</sup> An unknown number of casualties were inflicted on the blacks that night.



(from: Atlanta Constitution, September 25, 1906, front page)

In response to Monday night's skirmish, the state militia, Fulton County Police, and the Governor's Horse Guard were dispatched to Brownsville with orders to confiscate the black's weapons. At dawn on Tuesday, the soldiers commenced a house to house sweep, ransacking the homes as they proceeded. The residents were evicted at the point of a bayonet from their homes and forced to assemble in the street. They were thoroughly searched for weapons under the watchful gaze of soldiers manning a Gatling gun with ten thousand rounds of ammunition.<sup>48 49 50</sup>

During the house to house search, Fulton County police officers accompanied by "deputized" white citizens found a black man severely wounded from the prior night's battle. The police officers put their pistols to the man's chest and murdered him in front of his family.<sup>51</sup> 257 black men were detained during the searches.<sup>52</sup> 75 are arrested for possession of firearms and other weapons and transported to the county jail.<sup>53 54</sup>

TUESDAY EVENING, SEPTEMBER 25, 1906.

# TOWN OF BROWNSVILLE IS TAKEN BY MILITIA

**Military Companies Surrounded the Town  
Early Tuesday Morning and 257  
Negroes were Captured.**

Shortly after daylight Tuesday morning the negro suburb of Brownsville, which was the scene of the fight Monday night, in which Officer Heard was killed, was surrounded by three companies of infantry of the Fifth regiment and the Governor's Horse Guard, with the result that 257 negroes were arrested and one killed.

The large majority of the negroes were found heavily armed, and it was only those armed who were arrested. These were sent to the police barracks as rapidly as cars could be procured.

During the search for armed men several negroes tried to break through the lines and were promptly fired upon and halted. One negro was hit, and it is believed was killed.

Among the first ones arrested heavily armed was L. J. Price, the postmaster of the village.

At 9 o'clock 47 of the arrested negroes had been sent to the Tower, and the companies of infantry were returning to the city. The cavalry company remained on the scene to guard the others until they could be gotten off to the city.

During the morning Captain W. T. B. Wilson, of the Governor's Horse Guard, held a conference on the situation with the president of Gammon seminary, one of the large negro institutions of the city.

(from Atlanta Journal, September 25, 1906)<sup>55</sup>

Later on Tuesday, the newspapers continued to blame the blacks for the rioting. The *Atlanta Constitution* front page headline read "Riot's End All Depends On Negroes". Another paper lamented, "The deepest spot in this crisis is in existence and liberty at large of **Negroes heavily armed** and full of malice and vengeance." The Atlanta Journal advocated the forcible disarming of all blacks in an editorial titled "Disarm the Negroes."<sup>56 57</sup> The Journal would get their wish in 1910, four years later.

# The Atlanta Journal.

THE JOURNAL COVERS DIXIE LIKE THE DEW

FORECAST—Rain tonight and Wednesday.

ATLANTA, GA. TUESDAY EVENING, SEPTEMBER 25, 1906.

LAST EDITION.

THE ATLANT

## DISARM THE NEGROES.

The course adopted by the military Monday night in searching every negro on the streets and every negro house in Darktown for deadly weapons is a step in the right direction. It is a solar plexus blow to the menace of retaliation that has thrown the city into a quiver of anxiety.

Disarm the negroes. This is the keynote to the crisis.

A good negro is contaminated by the possession of a weapon in a time like this; a bad negro is made very much worse the moment he places a pistol in his pocket. The greatest service the authorities can render the city and county now is to disarm every negro, search every negro house and arrest every one who is boisterous in his discussions or threatening in his attitude.

Don't forget that prevention in small quantities is worth cure by the wholesale.

Should a collision between the races occur it would be too late to deplore the fact that the negroes had been allowed to arm themselves. Act now, officers of the city and county, and see to it that before the sun sets today not a negro has a concealed weapon.

With the negroes without firearms, there is little to be feared, for the white people are calm and quiet and there will be no more violence unless the rioting is started by the blacks.

The Journal heartily endorses the magnificent work accomplished by the military Monday evening when blocks of negro houses were quietly entered and every corner of the rooms searched for guns and pistols. The work was done orderly and effectively. The negroes were assured there was no harm and they quietly gave up their firearms and agreed to accept the advice given them that they secure no more weapons.

Keep the work up all day and with negroes unarmed, Atlanta can retire to a night of peace and quiet rest.

Keep the military on duty. They are doing splendid work and will soon have the city and county in perfect order.



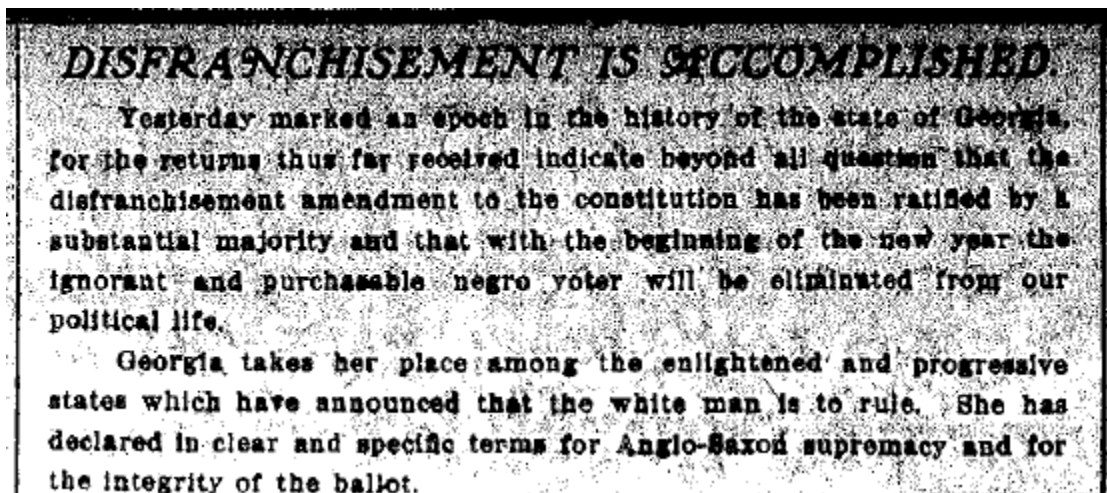
## Atlanta Constitution's Crusade – Disarm By Licensing

Following the Civil War, Georgia needed northern money to rebuild its economy. To create the proper investment climate and to avoid antagonizing the northern states, Georgia developed myths and illusions to hide the true extent of racial prejudice in Georgia.<sup>59</sup> One of those illusions was that the 1908 Constitutional Amendment that disfranchised blacks was racially neutral. This amendment required voters to be either:

- (a) of good character and able to pass a test on citizenship,
- (b) be able to read and write provisions of the U.S. or Georgia constitutions,
- OR (c) own at least 40 acres of land or \$500 in property.

To avoid disenfranchising poor white voters, the law provided that any Georgian who had fought in any war from the American Revolution through the Spanish-American War was exempt from these qualifications. More importantly, any Georgian descended from a veteran of any of these wars also was exempted. Because by 1908 most white Georgia males were grandsons of Confederate veterans, this exemption became known as the "grandfather clause." Essentially, the qualifications of good character, citizenship knowledge, literacy, and property ownership applied only to blacks wanting to register to vote.<sup>60 61</sup> Since most blacks at that time were former slaves and poor tenant farmers, the literacy and property ownership requirement eliminated them from the voter rolls. The good character clause eliminated educated and wealthy blacks through its subjective application. The law had its intended effect, as it reduced black voter registration from 28.3 percent in 1904 to 4.3 percent in 1910.<sup>62</sup>

Occasionally, the race-neutral mask would slip to reveal the true intent of Georgia's white power structure. One such time was when the *Atlanta Journal* published its celebration of the 1908 disfranchisement amendment's passage by opining that "the white man is to rule".<sup>63</sup>



(from *Atlanta Journal*, Oct. 8, 1908, page 6)<sup>64</sup>

During this period, other states began to disarm the blacks through various legal schemes. Alabama passed a law banning the possession of all guns smaller than 24 inches. The illusion was that this law was race neutral; however everyone understood that the law would only apply to blacks and troublesome whites. In an article about Alabama's law, the Atlanta Journal explained who the true target of the law was:

The main object of the measure, it is generally agreed, was to reach the ignorant negro in the black belt, though, of course, it had in view the elimination as far as possible of the evils of pistol-carrying. It has had its effect to a large extent in those sections of the state where the negro population is densest, and where the white folks insist that it be observed.

(from Atlanta Journal, Oct. 5, 1908, page 3 )<sup>65</sup>

Later when the Atlanta *Constitution* reported that the law was upheld by the Alabama Supreme Court, it clearly stated to whom the law was intended to apply:

state. It is generally understood that the act was largely to control the vicious negroes who had grown into the habit of having a pistol as regularly—probably more so—as a shirt.

(Atlanta Constitution, Jan. 24, 1909, page A3)<sup>66</sup>

Alabama was not alone in developing seemingly race-neutral gun control laws that in reality selectively applied only to blacks. In a very candid opinion from the Florida Supreme Court, Justice Buford explained:

“I know something of the history of this legislation. The original Act of 1893 was passed when there was a great influx of negro laborers in this State drawn here for the purpose of working in turpentine and lumber camps. The same condition existed when the Act was amended in 1901 and the Act was passed for the **purpose of disarming the negro laborers** and to thereby reduce the unlawful homicides that were prevalent in turpentine and saw-mill camps and to give the white citizens in sparsely settled areas a better feeling of security. **The statute was never intended to be applied to the white population and in practice has never been so applied.**” <sup>67</sup>

Since 1887, the Atlanta *Constitution* had crusaded for laws prohibiting the carrying of firearms. Following the Atlanta Race Riot, the *Constitution* unleashed a torrent of editorials criticizing the carrying of firearms and blaming them for all of the crime in the state. Examples of the editorial titles include:

- Eliminate The Pistol Toter - Jul. 8, 1907
- Crusade Against Pistol "Toters" – Dec. 11, 1907
- Make Pistol Toter An Extinct Species - Jan 15, 1908
- The Pistol-Toter A National Menace - Aug 4, 1908
- The Pistol Carrying Nuisance - Jan 18, 1910
- Making the Pistol-Toter a Pariah - May 22, 1910
- The Pistol-Toter -- Master Criminal - Sep. 7, 1910
- The Toll of the Pistol-Toter - Oct 2, 1910

In December of 1910, a little more than 4 years after the riot, the Governor signed a law that required a license to carry a firearm in public issued by the Ordinary (now issued by a Probate Judge). The qualifications and method was similar to those that disfranchised blacks two years earlier. Most importantly, there was no requirement for the Ordinary to issue a license. In order to obtain a license, applicants had to be:

- a) at least eighteen years old or over
- b) give a bond payable to the Governor of the State in the sum of one hundred dollars,
- AND c) a fee of fifty cents.<sup>68</sup>

\$100 in 1910 is equivalent to over \$2000 in 2007 dollars.<sup>69</sup> In the unlikely event a black man could post the bond, the Ordinary, who was always white since blacks could not hold civil office, could be counted on not to issue licenses to blacks.

Not surprisingly, the first arrest under the licensing law was a black man named Dock Carter.

## FIRST ARREST MADE UNDER NEW PISTOL-TOTING LAW

Athens, Ga., December 22.—(Special.) Dock Carter, a colored man from near Washington, Wilkes county, was yesterday arrested in this city by officers of the police force, on instructions from the county authorities of Wilkes, on a warrant charging him with carrying a pistol without registering with the ordinary and making the bond required under the new law enacted by the last session of the legislature.

This is the first arrest on this account which has been made in this section of the state and possibly in the state-at-large. The new law, to which Judge Brand called attention yesterday in court in his announcement of a determination to allow no one to pay out in fines for violation of the concealed weapon law, provides that in order to lawfully carry a pistol, even

fully exposed to view, it is necessary for the person who wished to go armed in this manner, to register his name with the ordinary of the county and make with that officer a good bond as a guarantee of character. There have been no persons so registered to date with the ordinary of this county.

In the arrest of Carter the Athens police force makes another record. When the prohibition law went into effect in Georgia the police of this place were the first to arrest a man for giving away samples of whisky as an inducement to secure trade, and the Gibson case before Judge Howell Cobb attracted attention over the state. The first case made for violation of the new automobile law was made also in this county.

(from Atlanta *Constitution*, Dec. 23, 1910, page 9)<sup>70</sup>

## **Closing**

Since the earliest days of Georgia, gun control played a critical role in the oppression of blacks. In the antebellum period, slaves and freedmen were prohibited from possessing firearms since they were not considered citizens. After the ratification of the 14th Amendment, the General Assembly developed new strategies to achieve their goal of disarming blacks with the public gathering and licensing laws that appeared to be race neutral but were selectively applied to blacks only.

These laws and subsequent court decisions with their offensive history and basis are still in effect in Georgia. Georgians continue to suffer with location prohibitions more restrictive than any other state and a licensing process that in some respects is still capricious and discriminatory.

Our nation's forefathers knew that for the people to remain in a free state, the right to keep and bear arms had to be protected from government regulation. Today, some Georgians claim that gun control is a "reasonable restriction." Is denying the right of self defense to the marchers in Camilla and the families in Brownsville a "reasonable restriction"? The participants in these events would say that these laws enforce and perpetuate racism, oppression and white supremacy.

**"To disarm the people is the most effectual way to enslave them."**

**George Mason**



## **Cover Credits**

Gray, James, Editor, Disarm The Negroes, Atlanta Journal, September 25, 1906, page 6, title of editorial

Burns, Rebecca, Four Days of Rage, Atlanta Magazine, September 2006, page 140, picture cut from larger picture.

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<http://www.georgiacarry.org/cms/georgias-carry-laws-explained/history-of-georgias-carry-laws/the-racist-roots-of-gun-control/>

Mark Bauerline who wrote Negrophobia. Negrophobia is the story of the Atlanta Race Riot and is an excellent book.

## **About The Author**

Michael Menkus is a member of **GEORGIACARRY.ORG**, an organization working to restore the right to keep and bear arms in Georgia. Michael is a Professional Engineer with a BS degree in Geophysical Engineering from Colorado School of Mines. His hobbies include stock market investing and competitive pistol shooting.

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## **Footnotes**

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