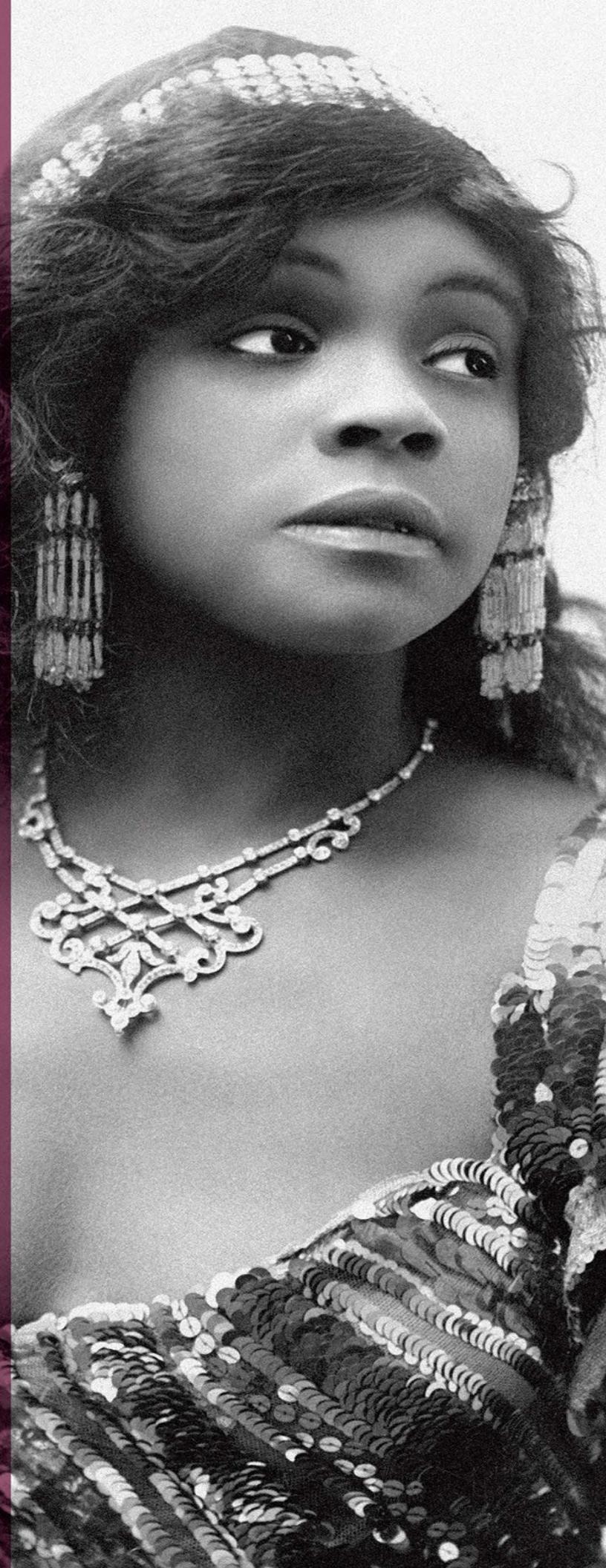


# WAYWARD LIVES, BEAUTIFUL EXPERIMENTS

INTIMATE  
HISTORIES  
OF SOCIAL  
UPHEAVAL

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SAIDIYA  
HARTMAN



# WAYWARD LIVES, BEAUTIFUL EXPERIMENTS

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Intimate Histories of Social Upheaval

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SAIDIYA HARTMAN



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FOR BERYLE AND VIRGILIO HARTMAN,  
WHO I MISS EVERY DAY.

FOR HAZEL CARBY,  
WHO OPENED THE DOOR.

She was, she knew, in a queer indefinite way, a disturbing factor.

—NELLA LARSEN *Quicksand*

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## A NOTE ON METHOD

At the turn of the twentieth century, young black women were in open rebellion. They struggled to create autonomous and beautiful lives, to escape the new forms of servitude awaiting them, and to live as if they were free. This book recreates the radical imagination and wayward practices of these young women by describing the world through their eyes. It is a narrative written from nowhere, from the nowhere of the ghetto and the nowhere of utopia.

Every historian of the multitude, the dispossessed, the subaltern, and the enslaved is forced to grapple with the power and authority of the archive and the limits it sets on what can be known, whose perspective matters, and who is endowed with the gravity and authority of historical actor. In writing this account of the wayward, I have made use of a vast range of archival materials to represent the everyday experience and restless character of life in the city. I recreate the voices and use the words of these young women when possible and inhabit the intimate dimensions of their lives. The aim is to convey the sensory experience of the city and to capture the rich landscape of black social life. To this end, I employ a mode of close narration, a style which places the voice of narrator and character in inseparable relation, so that the vision, language, and rhythms of the wayward shape and arrange the text. The italicized phrases and lines are utterances from the chorus. This story is told from inside the circle.

All the characters and events found in this book are real; none are invented. What I know about the lives of these young women has been culled from the journals of rent collectors; surveys and monographs of sociologists; trial transcripts; slum photographs; reports of vice investigators, social workers, and parole officers; interviews with psychiatrists and psychologists; and prison case files, all of which represent them as a problem. (Some of the names have been changed to protect confidentiality and as required by the use of state archives.) I have crafted a counter-narrative liberated from the judgment and classification that subjected young black women to surveillance, arrest, punishment, and confinement, and offer an account that attends to beautiful experiments—to make living an art—undertaken by those often described as promiscuous, reckless, wild, and wayward. The endeavor is to recover the insurgent ground of these lives; to exhume open rebellion from the case file, to untether waywardness, refusal, mutual aid, and free love from their identification as deviance, criminality, and pathology; to affirm free motherhood (reproductive choice), intimacy outside the institution of marriage, and queer and outlaw passions; and to illuminate the radical imagination and everyday anarchy of ordinary colored girls, which has not only been overlooked, but is nearly

unimaginable.

*Wayward Lives* elaborates, augments, transposes, and breaks open archival documents so they might yield a richer picture of the social upheaval that transformed black social life in the twentieth century. The goal is to understand and experience the world as these young women did, to learn from what they know. I prefer to think of this book as the fugitive text of the wayward, and it is marked by the errantry that it describes. In this spirit, I have pressed at the limits of the case file and the document, speculated about what might have been, imagined the things whispered in dark bedrooms, and amplified moments of withholding, escape and possibility, moments when the vision and dreams of the wayward seemed possible.

Few, then or now, recognized young black women as sexual modernists, free lovers, radicals, and anarchists, or realized that the flapper was a pale imitation of the ghetto girl. They have been credited with nothing: they remain surplus women of no significance, girls deemed unfit for history and destined to be minor figures. This book is informed by a different set of values and recognizes the revolutionary ideals that animated ordinary lives. It explores the utopian longings and the promise of a future world that resided in waywardness and the refusal to be governed.

The album assembled here is an archive of the exorbitant, a dream book for existing otherwise. By attending to these lives, a very unexpected story of the twentieth century emerges, one that offers an intimate chronicle of black radicalism, an aesthetical and riotous history of colored girls and their experiments with freedom—a revolution before Gatsby. For the most part, the history and the potentiality of their life-world has remained unthought because no one could conceive of young black women as social visionaries and innovators in the world in which these acts took place. The decades between 1890 and 1935 were decisive in determining the course of black futures. A revolution in a minor key unfolded in the city and young black women were the vehicle. This upheaval or transformation of black intimate life was the consequence of economic exclusion, material deprivation, racial enclosure, and social dispossession; yet it, too, was fueled by the vision of a future world and what might be.

The wild idea that animates this book is that young black women were radical thinkers who tirelessly imagined other ways to live and never failed to consider how the world might be otherwise.

## CAST OF CHARACTERS

Girl #1	Wanders through the streets of Philadelphia's Seventh Ward and New York's Tenderloin, year 1900. She is young yet so old and raw.
Girl #2	Trapped in an attic studio in Philadelphia, year 1882.
The Window Shoppers	Two young women stroll along South Street, late 1890s.
General House Worker	Appears over the course of the book from 1896–1935. She is always on the lookout for an escape route.
The Rioters	Young women imprisoned at Lowell Cottage, Bedford Hills, New York.
The Chorus	All the unnamed young women of the city trying to find a way to live and in search of beauty.
The Paper Bag Brigade	Women waiting in the Bronx slave market to sell their labor to white housewives for starvation wages.
Sapphire	Authors a radically different text of female empowerment.
Mattie Jackson née Nelson	A fifteen-year-old newly arrived in New York from Hampton, Virginia.
Victoria Earle Matthews	Founder of the White Rose Mission, and member of the National League for the Protection of Colored Women and the National Association of Colored Women.
W. E. B. Du Bois	A young sociologist and newly minted Harvard PhD conducting a social survey in the heart of the Negro slum, 1896–1898.
Katherine Davis	Head of the College Settlement Association and first

superintendent of the New York State Reformatory for Women at Bedford Hills.

Ida B. Wells	Radical, feminist, antilynching activist, writer, political speaker, and troublesome woman.
Helen Parrish	A wealthy philanthropist and housing reformer in a companionate marriage with Hannah Fox, also a member of the Philadelphia elite.
Mamie Shepherd, aka Mamie Sharp	A nineteen-year-old beauty who rents a three-room flat in a tenement on Saint Mary Street in Philadelphia.
James Shepherd	Mamie's husband.
Residents of Saint Mary Street	
Fanny Fisher	A middle-aged woman who drinks herself to death.
Old Fisher	Fanny's husband.
Mary Riley	A young mother.
Katy Clayton	A pretty young woman fond of men's company.
Old Clayton	Katy's grandmother.
Ike and Bella Denby	A brawling and drinking couple.
May Enoch	A recent arrival to New York.
Arthur Harris	May's husband and defender.
Robert Thorpe	A white man who grabs May Enoch and strikes Arthur Harris.
Gladys Bentley	Entertainer, womanizer, African sculptor, flamboyant and

	gender-queer stroller, and friend of Mabel Hampton.
Jackie Mabley	Actor, comedian, bull dagger, female impersonator, and friend of Mabel Hampton.
Mary White Ovington	Social reformer, dear friend of W. E. B. Du Bois, and a cofounder of the National Association for the Advancement of Colored People.
Edna Thomas	Stage and screen actor.
Olivia Wyndham	English aristocrat who falls in love with Edna Thomas.
Lloyd Thomas	Edna's husband. A handsome, cultured man fond of quoting Chinese poets and manager of a Harlem nightclub.
Harriet Powell	A seventeen-year-old who loves dance halls.
Eleanor Fagan, aka Billie Holiday	A fourteen-year-old arrested for prostitution in a jump raid in Harlem.
Esther Brown	Chippie and rebel, who insists on being treated the same as white girls.
Rebecca Waters	Esther Brown's friend.
Grace Campbell	Social worker, probation officer, and member of the African Blood Brotherhood and the Socialist Party.
Eva Perkins	A nineteen-year-old factory worker, lover of street life, and wife of Kid Chocolate.
Aaron Perkins, aka Kid Chocolate, aka Kid Happy	Kid Chocolate, aka Kid Happy
Shine	Myth, archetype, and avatar.
Mabel Hampton	Chorine, lesbian, working-class intellectual, and aspiring

concert singer.

Ella Baker      Harlem stroller, tenant organizer, and NAACP field investigator.

Marvel Cooke      Communist and journalist.

Hubert Harrison      Socialist, writer, and street-corner lecturer.

### Locations

Streets and alleys in the Fifth and Seventh Ward of Philadelphia; streets of the Tenderloin and Harlem; an artist studio on Spruce Street; steerage on the Old Dominion steamer; West Side docks; Jim Crow car on the Atlantic Coast Line Railway; rented rooms and kitchenettes throughout the Black Belt, clubs, saloons, and cabarets; Lafayette Theatre, Alhambra Theater, Garden of Joy, Clam House, Edmond's Cellar; Blackwell's Island workhouse, Bedford Hills Reformatory for Women; Coney Island; and theaters, movie houses, dance halls, casinos, lodges, black-and-tan dives, buffet flats, and chop-suey joints.

Book One

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SHE MAKES AN ERRANT PATH THROUGH THE  
CITY



## The Terrible Beauty of the Slum

You can find her in the group of beautiful thugs and *too fast* girls congregating on the corner and humming the latest rag, or lingering in front of Wanamaker's and gazing lustfully at a pair of fine shoes displayed like jewels behind the plate-glass window. Watch her in the alley passing a pitcher of beer back and forth with her friends, brash and lovely in a cut-rate dress and silk ribbons; look in awe as she hangs halfway out of a tenement window, taking in the drama of the block and defying gravity's downward pull. Step onto any of the paths that cross the sprawling city and you'll encounter her as she roams. Outsiders call the streets and alleys that comprise her world the slum. For her, it is just the place where she stays. You'd never happen onto her block unless you lived there too, or had lost your way, or were out on an evening lark seeking the pleasures yielded by the other half. The voyeurs on their slumming expeditions feed on the lifeblood of the ghetto, long for it and loathe it. The social scientists and the reformers are no better with their cameras and their surveys, staring intently at all the strange specimens.

Her ward of the city is a labyrinth of foul alleys and gloomy courts. It is Africa town, the Negro quarter, the native zone. The Italians and Jews, engulfed by proximity, disappear. It is a world concealed behind the façade of the ordered metropolis. The not-yet-dilapidated buildings and decent homes that face the street hide the alley tenement where she lives. Entering the narrow passageway into the alley, one crosses the threshold into a raucous disorderly world, a place defined by tumult, vulgar collectivism, and anarchy. It is a human sewer populated by the worst elements. It is a realm of excess and fabulousness. It is a wretched environment. It is the plantation extended into the city. It is a social laboratory. The ghetto is a space of encounter. The sons and daughters of the rich come in search of meaning, vitality, and pleasure. The reformers and sociologists

come in search of the truly disadvantaged failing to see her and her friends as thinkers or planners, or to notice the beautiful experiments crafted by poor black girls.

The ward, the Bottom, the ghetto—is an urban commons where the poor assemble, improvise the forms of life, experiment with freedom, and refuse the menial existence scripted for them. It is a zone of extreme deprivation and scandalous waste. In the rows of tenements, the decent reside peacefully with the dissolute and the immoral. The Negro quarter is a place bereft of beauty and extravagant in its display of it. Moving in and moving on establish the rhythms of everyday life. Each wave of newcomers changes the place—how the slum looks and sounds and smells. No one ever settles here, only stays, waits for better, and passes through; at least, that is the hope. It is not yet the *dark ghetto*, but soon only the black folks will remain.

In the slum, everything is in short supply except sensation. The experience is too much. The terrible beauty is more than one could ever hope to assimilate, order, and explain. The reformers snap their pictures of the buildings, the kitchenettes, the clotheslines, and the outhouses. She escapes notice as she watches them from the third-floor window of the alley house where she stays, laughing at their stupidity. They take a picture of Lombard Street when *hardly no one is there*. She wonders what fascinates them about clotheslines and outhouses. They always take pictures of the same stuff. Are the undergarments of the rich so much better? Is cotton so different than silk and not as pretty draped like a banner across the streets?



The outsiders and the uplifters fail to capture it, to get it right. All they see is a typical Negro alley, blind to the relay of looks and the pangs of desire that unsettle their captions and hint at the possibility of a life bigger than poverty, at

the tumult and upheaval that can't be arrested by the camera. They fail to discern the beauty and they see only the disorder, missing all the ways black folks create life and make bare need into an arena of elaboration. A half-dressed woman, wearing a housecoat over a delicate nightgown, leans against the doorway, hidden by the shadows of the foyer, as she gossips with her girlfriend standing at the threshold. Intimate life unfolds in the streets.

The journalists from *Harper's Weekly* gush in print: "Above the Jews, in the same [tenement] houses, amid scenes of indescribable squalor and tawdry finery, dwell the negroes leading their light-hearted lives of pleasure, confusion, music, noise and fierce fights that make them a terror to white neighbors and landlords alike." Aroused at the sight of elegantly clad domestics, janitors and stevedores, elevator boys in rakish hats preening on the corner, and *aesthetical* Negroes content to waste money on extravagance, ornament, and shine, the sociologist urges them to learn the value of a dollar from their Jewish and Italian neighbors. Negroes must abandon the lax moral habits, sensual indulgence, and careless excess that are the custom of slavery. The present-past of involuntary servitude unfolds in the street, and the home, which was *broken up completely by the slave ship and the promiscuous herding of the . . . plantation*, is now broken again, broken open in its embrace of strangers.

The senses are solicited and overwhelmed. Look over here. Let your eyes take it all in: the handsome thugs lining the courtyard like sentinels; the immoderate display of three lovely flowerpots arranged on the sill of a tenement window, the bed-sheets, monogrammed handkerchiefs, embroidered silk hose, and whore's undergarments suspended on a line across the alley, broadcasting clandestine arrangements, wayward lives, carnal matters. Women, with packages tied in paper and string, flit by like shadows. The harsh light at their backs transforms them into silhouettes; abstracted dark forms take the place of who they really are.

The rag seller's daughters idle on the steps that descend to their cellar flat. The eldest is resplendent, sitting amid the debris in her Sunday hat and soiled frock. The youngest remains mystery and blur. The sun pours down the stairwell, pressing against the girls and illuminating the entrance to the small dank room, which is filled with the father's wares: rags, papers, cast-offs, piecework, and discarded objects salvaged for future use. He turns his back to the camera and eludes capture.



What you can hear if you listen: The guttural tones of Yiddish making English into a foreign tongue. The round open-mouthed sounds of North Carolina and Virginia bleeding into the hard-edged language of the city and transformed by the rhythm and cadence of northern streets. The eruption of laughter, the volley of curses, the shouts that make tenement walls vibrate and jar the floor. *Yes, oooh, baby that's so good!*—the sweet music of an extended moan that hushes the ones listening, eavesdroppers wanting more, despite knowing they shouldn't. The rush of impressions: the musky scent of tightly pressed bodies dancing in a basement saloon; the inadvertent brush of a stranger's hand against yours as she moves across the courtyard; a glimpse of young lovers huddled in the deep shadows of a tenement hallway; the violent embrace of two men brawling; the acrid odor of bacon and hoe-cake frying on an open fire; the honeysuckle of a domestic's toilet water; the maple smoke rising from an old man's corncob pipe. A whole world is jammed into one short block crowded with black folks shut out from almost every opportunity the city affords, but still intoxicated with freedom. The air is alive with the possibilities of assembling, gathering, congregating. At any moment, the promise of

insurrection, the miracle of upheaval: small groups, people by themselves, and strangers threaten to become an ensemble, to incite treason en masse.

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There are no visible signs on shop doors barring her entrance, just the brutal rebuff of “we don’t serve niggers.” If she feels brave, she will shout an insult or curse as she retreats from the shop under the hateful gaze of clerk and customers. She can sit anywhere she wants on streetcars and in theaters, even if people inch away as if she were contagious when she chooses the seat next to them, and she can go to the vaudeville show or the nickelodeon on the same day as the white folks, although it is more fun and she breathes easier when it is just colored and she knows she will not be insulted. Despite the liberties of the city, there is no better life here than in Virginia, no brighter future to grow into, no opportunities for colored girls besides the broom and the mop, or spread-eagle in really hard times. Everything essential—where she goes to school, the kind of job she can get, where she can live—is dictated by the color line, which places her on the bottom and everybody else on top. Being young, she tries to dream another life into existence, one in which her horizon isn’t limited to the maid’s uniform and a white woman’s dirty house. In this other life, she would not be required to take all the shit that no one else would accept and pretend to be grateful.

In this city of brotherly love, she has been confined to a squalid zone that no one else but the Jews would suffer. It isn’t the cradle of liberty or the free territory or even a temporary refuge, but a place where an Irish mob nearly beat her uncle to death for some other Negro’s alleged crime; where the police dragged her to jail for being riotous and disorderly when she told them *go to hell*, after they had grabbed her from the steps of her building and told her to move on. At Second and Bainbridge, she heard a white man shout, “Lynch him! Lynch him!” after a colored man, accused of stealing a loaf of bread from the corner grocer, ran past.

When she arrives in the Tenderloin, the riot erupts. At Forty-First and Eighth Avenue, the policeman said, “Black bitch, come out now!” Then dragged a woman from the hallway, pummeled her with his club, and arrested her for being riotous and disorderly.

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Paul Laurence Dunbar caught sight of her on Seventh Avenue, and he feared for American civilization. Looking at the girl amidst the crowd of idle shiftless Negroes who thronged the avenue, he wondered, “What is to be done with them, what is to be done for them, if they are to be prevented from inoculating our civilization with the poison of their lives?” They are not anarchists; and yet in these seemingly careless, guffawing crowds resides a terrible menace to our institutions. Though she had not read *God and the State* or *What Is Property?* or *The Conquest of Bread*, the dangers she and others like her posed was as great as those damned Jews Emma Goldman and Alexander Berkman. Everything in her environment tended to the blotting of the moral sense, every act engendered crime and encouraged open rebellion. Dunbar lamented: If only they could be prevented from flocking to the city, “if the metropolis could vomit them back again to the South, the whole matter would adjust.” Better for them and for us, the restrictions of the south, than a “seeming liberty which blossoms noxiously into license.” Better the fields and the shotgun houses and the dusty towns and the interminable cycle of credit and debt, better this than black anarchy.

Most days, the assault of the city eclipses its promise: When the water in the building has stopped running, when even in her best dress she cannot help but wonder if she smells like the outhouse or if it is obvious that her bloomers are tattered, when she is so hungry that the aroma of bean soup wafting from the settlement kitchen makes her mouth water, she takes to the streets, as if in search of the real city and not this poor imitation. The old black ladies perched in their windows shouted, “Girl, where you headed?” Each new deprivation raises doubts about when freedom is going to come; if the question pounding inside her head—*Can I live?*—is one to which she could ever give a certain answer, or only repeat in anticipation of something better than this, bear the pain of it and the hope of it, the beauty and the promise.

## Revolution in a Minor Key

It was past midnight and Harriet Powell was still on the dance floor. At first, she couldn't make sense of what the police officer said. She was under arrest? For what? The music blaring in the background and the couples dancing around her offered no hint that she would spend the next few years in and out of prison and that a decade would pass before she received the gift of her free papers. Who would have expected that involuntary servitude was the price for two nights of love in a rented room in a Harlem tenement? Or that unregulated black movement was still a risk, a threat, and a crime? Or that the "rebellious flame" of her "nocturnal wanderings" and sexual variance made her a potential prostitute and vagrant? How had the state come to set its sights on a seventeen-year-old black girl and make her the target of its violence? Even after the police officer uttered the words: *You are under arrest*, she protested, insisting that she had done nothing wrong. How had living become a crime?

Everyone was talking about freedom and democracy. One year, six months and twelve days of war hadn't produced any agreement about what the war meant and what it would bring. The police didn't give a damn if a Negro was wearing a uniform. *Move on nigger.* But even the dissenters, the radical Negroes who opposed transforming young men into cannon fodder for capitalism and who condemned the war as a crime and an extension of the color line on a global scale, expected something decisive at the outcome. Would the colored people of the world be united in the fight against imperialism? The hopes of revolutionary change ignited by 1917 reached deep into the heart of the Black Belt. *The New Negro has no fear*—was the declaration that echoed through the crowd. The spirit of Bolshevism was palpable in the streets of Harlem. Would a better world unfold in its wake? In editorials in the *New York Age*, the *Amsterdam News*, the *Chicago Defender*, and the *Afro-American*, everyone was asking when, if ever,

the Negro would be free. But no one had Harriet Powell in mind or the war waged against her. Walking with the “conscious sway of invitation,” gathering and assembling at the cabaret, and engaging in the very ordinary everyday practice of defiance were incommensurate with the political idiom of adjustment, betterment, and reward, the holy grail of self-appointed race leaders and friends of the Negro, and, as well, beneath the scrutiny of black socialists and street-corner radicals. Harriet’s beautiful lack of restraint, her spectacular refusal to aspire to a better job or a decent life, and her radiant lust solicited only the attention of the police and the sociologist.

Charlie Hudson wasn’t a soldier, unlike many of the young men Harriet knew who were lingering and tormented in the south and desperate to get to France. Theirs was not a romance stoked by the passions of war or the imminent threat of separation. If they became involved too quickly and made their way from the dance floor to the bedroom in a week, their only excuse was pleasure. On the Tuesday evening when Harriet left home to meet him, she told her parents she would return home shortly. Her father didn’t believe it for a minute. He complained that *the girl made no pretense of listening*. She was always running the street. After work, she came home only long enough to change her clothes before rushing off to a dance or a movie and did not return until well after midnight. *Why shouldn’t I go out sometimes if I work?* she challenged. He said he wouldn’t stand for it in his house. It wasn’t fair, she countered; she worked like an adult, so why shouldn’t she be treated like one?

The rented room was just a few blocks from the Palace Casino, where she first met Charlie. It was in the fast part of Harlem, filled with lodging houses, cabarets, clubs, and saloons, and it was where the police focused their raids. Harriet had been intimate with others, mostly boys her own age, kissing and groping in dark hallways and on rooftops. The first time she did it was with an Italian she met at the park. He took her home and raped her. Few were the girls who consented the first time. It was different with Charlie Hudson. He was not brutal. He didn’t force her, nor did he want her to hustle. For two days and nights, they lay idling in bed in a furnished room indistinguishable from hundreds of others, which had been carved out of lovely row houses now amputated and transformed into the tenements and rooming houses that lined 134th Street. In the tiny but glorious world of the rented room, she did whatever she wanted to do, not what others expected her to do, and it made her feel grown. When she and Charlie finally ventured outside, they made their way back to the dance hall.

On the floor of the Palace Casino, Harriet savored the joy of losing herself in the crowd. She absorbed the waves of heat emanating from all the bodies

shimmying and shaking and grinding and it made all the pleasure of the past forty-eight hours even sweeter. Only when Officer Johnson grabbed her arm as she moved across the dance floor did it come to an end.

## **Causes Sister's Arrest in Dance Hall as Incorrigible**

Helen Peters, 17, a waitress, of 229 E. 75th St., was arrested early Thursday morning in the Palace Casino, 135th St. and Madison Ave., on complaint of her sister, Mrs. Mildred Wellington, of the same address, who charged her with being incorrigible.

The girl disappeared from her home on Oct. 18th. On Thursday night Mrs. Wellington traced her sister to the Palace Casino, where nightly dances are held.

Policeman Johnson, of the E. 126th St. station, arrested Helen in the dance hall. The girl told the policeman that she had been living in a furnished room house on W. 42d St.

When arraigned before Magistrate Healy, in the Washington Heights Court, the matter was referred to the Yorkville Court. \*

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The growing black presence in New York exaggerated the menace of colored women and the sexual dangers posed by young black folks rushing to the city. Each decade the population had doubled. It was impossible to walk through the streets of the Tenderloin or San Juan Hill or Harlem without encountering rambunctious girls, street waifs, baby-faced whores. They were the daughters of day laborers, Southern migrants, and West Indian immigrants flooding the city. The bohemians called them chippies, anarchists, lady lovers, sporting girls, bull daggers, and wild women.

Social reformers and yellow journalists sounded the alarm: The seduction of “unprotected” girls had reached epidemic proportions, so extreme measures were required. White slavery incited the moral panic and the national movement to protect young women from sexual predators. Rumors circulated about white slavery conspiracies, Jewish slave trafficking networks, Negro predators, and Chinatown opium dens, and the utter lack of evidence did little to dampen the fear and hysteria. Common sense held that black girls were the most vulnerable because of the corrupt employment agencies recruiting them from the south, the lack of decent job opportunities, and, most important, the centuries-long habit of consorting with white men, which had been their *training* in slavery. “Black women yielded more easily to the temptations of the city than any other girls,” explained Jane Addams, because Negroes as a group, as “a colony of colored people,” had not been brought under social control. Policy makers and reformers insisted they were “several generations behind the Anglo-Saxon race in civilizing agencies and processes.” For this reason, they were in need of greater regulation. Slavery was the source of black women’s immorality, observed the criminologist Frances Kellor, because “Negro women [were] expected to be immoral and [had] few inducements to be otherwise.” Even W. E. B. Du Bois lamented, “Without a doubt the point where the Negro American is furthest behind modern civilization is in his [or her] sexual mores.”

Moving about the city as they pleased and associating freely with strangers, young women risked harassment, arrest, and confinement. Wayward minor laws made them vulnerable to arrest and transformed sexual acts, even consensual ones with no cash exchanging hands, into criminal offenses. Phrases like “potential prostitute,” “failed adjustment,” and “danger of becoming morally depraved” licensed the dragnet. Casual sexual encounters and serial relationships were branded as “moral depravity,” an offense punishable with a prison sentence. All colored women were vulnerable to being seized at random by the

police; those who worked late hours, or returned home after the saloon closed or the lights were extinguished at the dance hall, might be arrested and charged with soliciting. If she had a sexually transmitted disease or children outside of wedlock or mixed-race children, her conviction was nearly guaranteed. Young women between fourteen and twenty-one, but sometimes girls as young as twelve, were sentenced to reformatories for visiting or residing in a house with a bad reputation or suspected of prostitution, or associating with lowlifes and criminals, or being promiscuous, or not working. Those who dared refuse the gender norms and social conventions of sexual propriety—monogamy, heterosexuality, and marriage—or failed to abide the script of female respectability were targeted as potential prostitutes, vagrants, deviants, and incorrigible children. Immorality and disorder and promiscuity and inversion and pathology were the terms imposed to target and eradicate these practices of intimacy and affiliation.

It was one's status that determined whether an intimate act, an evening spent with a stranger, or a proclivity to run the streets was a punishable offense. A status offense was a form of behavior deemed illegal only for a particular group of persons. These offenses fell within the jurisdiction of magistrate courts, and judges had great latitude in deciding a young woman's fate. Subjective evaluations of "behavior and conduct" produced dire outcomes. The Women's Court was created to address matters of sexual delinquency and it had the highest rate of conviction of all New York City courts. Not surprisingly, black women made up a significant percentage of those convicted.

Sex wasn't a crime, yet some forms of intimacy were unlawful and immoral—premarital sex, sex with a girl or boy under the age of consent, sodomy, sex in exchange for gifts or money rather than a marriage proposal. A wayward minor, as defined by the Code of Criminal Procedure, was: "Any person between the ages of sixteen and twenty-one who (1) 'habitually associates with dissolute persons,' or (2) 'is found of his or her own free will and knowledge in a house of prostitution, assignation, or ill-fame, or habitually associates with thieves, prostitutes, pimps or procurers, or disorderly persons,' or (3) 'is willfully disobedient to the reasonable and lawful commands of parent, guardian or other custodian and is morally depraved or is in danger of becoming morally depraved,' or (4) '... without just cause and without the consent of parents, guardians, or other custodians, deserts his or her home or place of abode, and is morally depraved or is in danger of becoming morally depraved,' or (5) '... so deports himself or herself as to willfully injure or endanger the morals of herself and others.'

*Only young women were adjudged wayward under these statutes (between*

the years 1882–1925). The intent of the legislation was to police and regulate sexual offenses without the “stigma of the conviction of crime.” Young women’s sexual activity, it was believed, led “directly to the entrance of the minor upon a career of prostitution.” Yet such “protective measures” served only to criminalize young black women and make them even more vulnerable to state violence.

Serial lovers, a style of comportment, a lapse in judgement, a failure of restraint, an excess of desire—these were not crimes in and of themselves, but indications of impaired will and future crime. Those charged were not technically guilty of breaking the law or having committed a crime, so as a result, they were not protected by regular forms of due process, but subject to the discretion of the magistrate as to whether to suspend sentence, offer probation or commit the accused to the reformatory or other appropriate institutions. As a result of this discretion, many young black women who were first-time offenders, or to be more exact, young black women who had their first encounter with the police were likely to be sentenced to the reformatory for three years.

The wayward were guilty of a manner of living and existing deemed dangerous, and were a risk to the public good. Formally, they were not juvenile delinquents because “delinquency includes the commission of an act which if committed by an adult would be adjudged a crime and punished as such.” In contrast, the provisions of the Wayward Minors Act held that “the definition of a wayward minor includes only *non-criminal acts but which indicate the imminence of future criminality.*”

The paradox was that minor infractions and statutory offenses were subject to more severe forms of punishment than actual crimes. A girl convicted as a wayward minor might receive an indeterminate sentence of three years, while a woman convicted of prostitution might receive sixty days at the workhouse. When the young Billie Holiday appeared before the Women’s Court after being arrested in a disorderly house, the fourteen-year-old Elinora Harris gave her name as Eleanor Fagan, which was her grandmother’s surname, and pretended she was twenty-one in order to avoid a custodial sentence of three years at the reformatory in favor of a short stint at the workhouse. As she had hoped, the judge (Jean Norris) sentenced her to four months in the workhouse at Blackwell’s Island. This sentence was a month longer than the sentence received by the neighbor who raped her when she was eleven.

WOMEN'S COURT		CASE NO. <u>1643</u>	
VAG : SUBD. 4: LOIT.: SOL. PUB. PL.	<input checked="" type="checkbox"/> M. D. N.	DATE <u>5-3-29</u>	
SUBD. 4 ..... 887, C.C.P.	<input checked="" type="checkbox"/> T.F.R.H.T.C.	AGE <u>31</u>	NATIVITY <u>U.S.</u>
SUBD. ..... 150, T.H.L.	<input checked="" type="checkbox"/> P.H: HOTEL	APARTMENT <u>35</u>	
WAYWARD MINOR	<i>Cleaudia Lager</i>		
S. E. N. C.			
DEFENDANT			
LOCATION OF OFFENSE <u>187 W. 1400 S.</u>			
WITNESS <u>Ronald 198</u>	HOTELS <input checked="" type="checkbox"/> P.C. <input checked="" type="checkbox"/> S	PRICE <input checked="" type="checkbox"/> POLICE <input checked="" type="checkbox"/> CTF.	<input checked="" type="checkbox"/> SOL <input checked="" type="checkbox"/> J.R.
BAIL FIXED <u>1000.00</u>	CUSTOMER'S ADDRESS <u>Jackie Smith</u>		
BAIL GIVEN <u>2-7-10</u>	STA. H:	COURT	COUNSEL <u>P. G. — CONV. MAG. — P. N. G. / DISCH.</u>
BONDSMAN			
ADJS. <u>2-7-10</u>	SENTENCE <u>Coop. 1000 7/9 Self.</u>		
PRIOR CONV'S, PROST.		INTOX. ETC.	F. P. B. #
INFECTIOUS <input checked="" type="checkbox"/>	HEALTH REPORT <u>NO CTF.</u>	NON-INFECTIONOUS	MENTALLY SUB-NORMAL. DRUG ADDICT

Wayward minor laws brought conduct such as drinking, dancing, dating (especially interracial liaisons), having sex, going to parties and cabarets, inviting men to your room, and roaming the street under the control of the police and the courts. These counter-conducts (different ways of conducting the self directed at challenging the hierarchy of life produced by the color line and enforced by the state) or errant ways of living were seized by the state in its calculation of social risks and dangers. Risk was the metric for tabulating future crimes and this foreshadowing determined the outcomes of young black women already targeted and vulnerable to myriad forms of state violence. The actuarial logic at work predicted the kind of persons and the kind of acts that were likely to lead to crime and social disorder. State racism exacerbated the reach of wayward minor laws, marking blackness as disorderly and criminal.



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Harriet Powell has been credited with nothing: she remains a surplus woman of no significance, a nobody deemed unfit for history and destined to be a minor figure. What errant thoughts and wild ideas encouraged her to flout social norms and live outside and athwart the law in pursuit of pleasure and the quest for beauty? Or to never settle and keep running the streets? Was it to experience something akin to freedom or to enjoy the short-lived transport of autonomy? Was it the sweetness of phrases like *I want you, I go where I please, Nobody owns me* rolling around in her mouth?

# The Anarchy of Colored Girls Assembled in a Riotous Manner

Esther Brown did not write a political tract on the refusal to be governed, or draft a plan for mutual aid or outline a memoir of her sexual adventures. A manifesto of the wayward—Own Nothing. Refuse the Given. Live on What You Need and No More. Get Ready to Be Free—was not found among the items in her case file. She didn't pen any song lines: *My mama says I'm reckless, My daddy says I'm wild, I ain't good looking, but I'm somebody's angel child.* She didn't commit to paper her ruminations on freedom: With human nature caged in a narrow space, whipped daily into submission, how can we speak of potentialities? The cardboard placards for the tumult and upheaval she incited might have said: “Don’t mess with me. I am not afraid to smash things up.” But hers was a struggle without formal declarations of policy, slogan, or credo. It required no party platform or ten-point program. Walking through the streets of New York, she and Emma Goldman crossed paths but failed to recognize each other. When Hubert Harrison encountered her in the lobby of the Renaissance Casino after he delivered his lecture on “Marriage Versus Free Love” for the Socialist Club, he noticed only that she had a pretty face and a big ass. Esther never pulled a soapbox onto the corner of 135th Street and Lenox Avenue to make a speech about autonomy, the global reach of the color line, involuntary servitude, free motherhood, or the promise of a future world, but she well understood that the desire to move as she wanted was nothing short of treason. She knew first-hand that the offense most punished by the state was trying to live free. To wander through the streets of Harlem, to want better than what she had, and to be propelled by her whims and desires was to be ungovernable. Her way of living was nothing short of anarchy.

Had anyone ever found the rough notes for reconstruction jotted in the

marginalia of her grocery list or correlated the numbers circled most often in her dog-eared dream book with routes of escape not to be found in McNally's atlas or seen the love letters written to her girlfriend about how they would live at the end of the world, the master philosophers and cardholding radicals, in all likelihood, would have said that her analysis was insufficient, dismissed her for failing to understand those key passages in the *Grundrisse* about the ex-slave's refusal to work and emphasized the limits of black feminist politics. *They have ceased to be slaves, but not in order to become wage labourers*, she had amen-ed in enthusiastic agreement at all the wrong places, *content with producing only what is strictly necessary for their own consumption* and embraced wholeheartedly *indulgence and idleness as the real luxury good*.

What did untested militants and smug ideologues know of Truth and Tubman? Unlike unruly colored women, they failed to recognize that experience was capable of opening up new ways, yielding a thousand new forms and improvisations. Could they ever understand the dreams of another world that didn't trouble the distinction between state, law, settler, and master? Or recount the struggle against servitude, captivity, property, and enclosure that began in the barracoon and continued on the ship, where some fought, some jumped, some refused to eat. Others set the plantation and the fields on fire, poisoned the master. They had never listened to Lucy Parsons; they had never read Ida B. Wells. Or envisioned the riot as a rally cry and refusal of fungible life. Only a misreading of the key texts of anarchism could ever imagine a place for wayward colored girls. No, Kropotkin never described black women's mutual aid societies or the chorus in *Mutual Aid*, although he imagined animal sociality in its rich varieties and the forms of cooperation and mutuality found among ants, monkeys, and ruminants. Impossible, recalcitrant domestics weren't yet in his view or anyone else's. So Esther Brown's minor history of insurrection went unnoticed until she was apprehended by the police. (It would be a decade and a half before Ella Baker and Marvel Cooke wrote their essay, "The Bronx Slave Market," and over two decades before Claudia Jones's "An End to the Neglect of the Problems of the Negro Woman.") The revolt of black women against "the personal degradation of their work" and "unjust labor conditions," expressed itself in militant refusals: "'soldiering,' sullenness, petty pilfering, unreliability, and fast and fruitless changes of masters." Yet it had no chronicler. None responded to the call to write the great servant-girl novel.



It is not surprising that a *Negress* would be guilty of conflating idleness with resistance or exalting the struggle for mere survival or confusing petty acts for insurrection or imagining that a minor figure might be capable of some significant shit or mistaking laziness and inefficiency for a general strike or recasting theft as a kind of *cheap socialism* for too-fast girls and questionable women or esteeming wild ideas as radical thought. At best, the case of Esther Brown provides another example of the tendency to exaggeration and excess that is common to the race (and further proof of the fanciful thinking that mistakes loafing and shirking for embodied protest and a flock of black girls at rest for radical assembly). Nobody remembers the evening she and her friends raised hell on 132nd Street or turned out Edmond's Cellar or made such a beautiful noise during the riot that their screams and shouts were improvised music, so that even the tone-deaf journalists from the *New York Times* described the black noise of disorderly women as a jazz chorus.

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Esther Brown hated to work, the conditions of work as much as the very idea of work. Her reasons for quitting said as much. Housework: Wages too small. Laundry work: Too hard, ran away. General housework: Tired of work. Sewing buttons on shirts: Tired of work. Dishwasher: Tired of work. Housework: Man too cross. Live-in service: I might as well be a slave.

At age fifteen, when Esther left school, she experienced the violence endemic to domestic work and tired quickly of the demand to care for others who didn't care for you. She ran the streets because nowhere else in the world was there anything for her. She stayed in the streets to escape the suffocation of her mother's small apartment, which was packed with lodgers, men who took up too much space and who were too easy with their hands, men who might molest a girl, then propose to marry her. She had been going around and mixing it up for a few years, but only because she liked doing it. She never went with men only for money. She was no prostitute. After the disappointment of a short-lived marriage to a man who wasn't her baby's father (he had offered to marry her, but she rejected his proposal), she went to live with her sister and grandmother, and they helped raise her son. She had several lovers to whom she was bound by need and want, not by the law.

Esther's only luxury was idleness, and she was fond of saying to her friends, "If you get up in the morning and feel tired, go back to sleep and then go to the theatre at night." With the support of her sister and grandmother and help from

friends, lovers, dates, and consorts, she didn't need to work on a regular basis. She picked up day work when she was in a pinch and endured a six-week stretch of "Yes, Missus, I'll get to it" when coerced by need. So really, she was doing fine and had nearly perfected the art of surviving without having to scrape and bow. She hated being a servant, as did every general house worker. Service carried the stigma of slavery; white girls sought to avoid it for the same reason—it was nigger work, the kind of hard, unskilled work no one else wanted, the kind of work that possessed the entire person, not just her labor-time but her lifetime. The servant in the house—the ubiquitous figure of the captive maternal—was conscripted to be friend, nurse, confidante, nanny, and bed-warmer. The insult was that she was expected to be grateful, as if cooking and scrubbing were the colored woman's piano day, as if her sole talents were the ability to "wash and iron until her fingers bled and burned" and sacrificial devotion. Had her employers suspected that the better the servant, the more severe the hatred of the mistress, Esther would not have been "entrusted to care for their precious darlings."

Why should she toil in a kitchen or laundry in order to survive? Why should she work herself to the bone? She preferred strolling along Harlem's wide avenues to staying home and staring at four walls, and enjoyed losing herself in cabarets and movie houses. The streets offered a display of talents and ambitions. *An everyday choreography of the possible* unfolded in the collective movement, which was headless and spilling out in all directions, strollers drifted en masse, like a swarm or the swell of an ocean; it was a long poem of black hunger and striving. It was *the wild rush from house service on the part of all who [could] scramble or run.* It was a manner of walking that threatened to undo the city, steal back the body, break all the windows. The people ambling through the block and passing time on corners and hanging out on front steps were an assembly of the wretched and the visionary, the indolent and the dangerous. *All the modalities sing a part in this chorus*, and the refrains were of infinite variety. The rhythm and stride announced the possibilities, even if most were fleeting and too often unrealized. The map of what might be was not restricted to the literal trail of Esther's footsteps or anyone else's, and this unregulated movement encouraged the belief that something great could happen despite everything you knew, despite the ruin and the obstacles. What might be was unforeseen, and improvisation was the art of reckoning with chance and accident. Hers was an errant path cut through the heart of Harlem in search of the open city, *l'ouverture*, inside the ghetto. Wandering and drifting was how she engaged the world and how she understood it; this repertoire of practices composed her knowledge. Her thoughts were indistinguishable from the transient rush and

flight of black folks in this city-within-the-city. The flow of it carried everyone along, propelled and encouraged all to keep on moving.

As she drifted through the streets, a thousand ideas about who she might be and what she might do rushed into her head, but she was uncertain what to make of them. Her thoughts were inchoate, fragmentary, wild. How they might become a blueprint for something better was unclear. Esther was fiercely intelligent. She had a bright, alert face and piercing eyes that announced her interest in the world. This combined with a noticeable pride made the seventeen-year-old appear substantial, a force in her own right. Even the white teachers at the training school, who disliked her and were reluctant to give a colored girl any undue praise, conceded that she was very smart, although quick to anger because of too much pride. She insisted on being treated no differently from the white girls, so they said she had a bad attitude. The problem was not her capacity; it was her attitude. The brutality she experienced at the Hudson Training School for Girls taught her to fight back, to strike out. The teachers told the authorities that she had enjoyed too much freedom. It had ruined her and made her into the kind of young woman who would not hesitate to *smash things up*. Freedom in her hands, if not a crime, was an offense, and a threat to public order and moral decency. Excessive liberty had ruined her. The social worker concurred, “With no social considerations to constrain her, she was ungovernable.”

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Esther Brown longed for another world. She was hungry for more, for otherwise, for better. She was hungry for beauty. In her case, the aesthetic wasn't a realm separate and distinct from the daily challenges of survival; rather, the aim was to make an art of subsistence. She did not try to create a poem or song or painting. What she created was Esther Brown. That was the offering, the bit of art, that could not come from any other. She would polish and hone that. She would celebrate that every day something had tried to kill her and failed. She would make a beautiful life. What is beauty, if not “the intense sensation of being pulled toward the animating force of life?” Or the yearning “to bring things into relation . . . with a kind of urgency as though one's life depended upon it.” Or the love of the black ordinary? Or the capacity to make *what we do* and *how we do it* into sustenance and shield? What Negro doesn't know that a few verses of song might be capable of stoking the hunger to live, might be the knowledge of freedom that leads you out of the enclosure? Brings you back from

the dead or kills you a second time? Who could fail to understand seeking a way out, inhabiting a loophole of retreat, and escaping the imposed life as anything else, anything *but beautiful*?

To the eyes of the world, Esther's wild thoughts, her dreams of an otherwise, an elsewhere, her longing to escape from drudgery were likely to lead to tumult and upheaval, to open rebellion. She didn't need a husband or a daddy or a boss telling her what to do. But a young woman who flitted from job to job and lover to lover was considered immoral and likely to become a threat to the social order, a menace to society. The police detective said as much when he arrested Esther and her friends.

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What the law designated as crime were the forms of life created by young black women in the city. The modes of intimacy and affiliation being fashioned, the refusal to labor, the ordinary forms of gathering and assembly, the practices of subsistence and making do were under surveillance and targeted not only by the police but also by the sociologists and the reformers who gathered the information and made the case against them, forging their lives into tragic biographies of crime and pathology. Subsistence—the art of scraping by and getting over—entailed an ongoing struggle to live in a context in which deprivation was taken for granted and domestic work or general housework defined the only opportunity available to black girls and women. The acts of the wayward—the wild thoughts, reckless dreams, interminable protests, spontaneous strikes, riotous behavior, nonparticipation, willfulness, and bold-faced refusal—redistributed the balance of need and want and sought a line of escape from debt and duty in the attempt to create a path elsewhere.

Mere survival was an achievement in a context so brutal. How could one enhance life or speak of its potentialities when confined in the ghetto, when subjected daily to racist assault and insult, and conscripted to servitude? How can I live?—It was a question Esther reckoned with every day. Survival required acts of collaboration and genius, guessing at the unforeseen. Esther's imagination was geared toward the clarification of life—"what would sustain material life and enhance it, something that entailed more than the reproduction of physical existence." The mutuality and creativity necessary to sustain living in the context of intermittent wages, controlled depletion, economic exclusion, coercion, and antiblack violence often bordered on the extralegal and the criminal. Esther's beautiful, wayward experiments entailed an "open rebellion"

against the world.

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She had been working for two days as a live-in domestic on Long Island when she decided to return to Harlem to see her baby and have some fun. It was the summer and Harlem was alive. She visited her son and grandmother, but stayed at her friend Josephine's place because she always had a houseful drinking and carousing. Esther had planned to return to her job the next day, but one day stretched into several. People tended to lose track of time at Josephine's place. 5 West 134th Street had a reputation as a building for lovers' secret assignations, house parties, and gambling. The apartment was in the thick of it, right off Fifth Avenue in the blocks of Harlem subject to frequent police raids and tightly packed with crowded tenements, which offered refuge to runaway domestics and recalcitrant black girls; with as many as eight to ten persons crowded in two rooms, they flocked together forming transient communes, pooling their meager resources and sharing dreams. She was playing cards when Rebecca arrived with Krause, who said he had a friend he wanted Esther to meet. She didn't feel like going out, but they kept pestering her, and Josephine encouraged her to give it a try. Why not have some fun?

Do you want to have a good time? Brady asked. Rebecca gave him the once-over. Esther didn't care one way or the other. A smile and the promise of some fun was all the encouragement Rebecca needed. Krause would go anywhere as long as he could get a drink. Rebecca took Brady's arm and the others followed, aimless but determined to have a good time. If a man half-looked at her she would light up. Rebecca's free-floating lust was not directed at any one person. She liked company as much as Esther, maybe even more. When she was in school, the teachers often discovered her hiding out in a closet or hallway, locked in a tight embrace and kissing some boy. She had been "going around" since she was fourteen or fifteen. Others might have called her a "charity girl," because she accepted presents from her friends. All the girls did. She hardly ever asked for money, although there was no clear line between desire and necessity. Sex wasn't cordoned off from the need to live, eat, have a roof over your head and clothes for you and your baby; it explained why the names of lovers and husbands and baby's fathers were not the same. More than anything else, Rebecca loved going to moving picture shows and the theater, and her friends supported such pleasures. Rebecca had moved in with Josephine after her man Dink caught her at the picture show with another man. He cut her, but still

pleaded his love, saying if she would do right, then he'd marry her. But she wasn't one of those *He beats me too, what can I do? Oh my man I love him so* kind of women. Nobody owned her. As quick as she could pack up her things, she moved out of the rented room where they had been living for the past six months and walked a few blocks up Madison Avenue to Josephine's place.

Brady didn't want to go to Josephine's place and said anywhere else would do. A tenement hallway was as good as any lounge. In the dark passage, Brady snuggled up with Rebecca, while his friend tried to pair up with Esther. Krause asked Brady for fifty cents to go buy some liquor. That was when Brady said he was a detective. Krause took off quick, as if he knew what was coming as soon as the man opened his mouth. He would have gotten away if Brady hadn't shot him in the foot.

At the precinct, Detective Brady charged Krause with white slavery (the trafficking of women or girls for the purposes of prostitution or debauchery) and Esther and Rebecca with violation of the Tenement House Law. They were taken from the precinct to the Women's Court at the Jefferson Market Courthouse for arraignment. Because they were seventeen years old and had no previous offenses, they were sent to the Empire Friendly Shelter while they awaited trial, rather than being confined in the prison cells adjoining the Jefferson courthouse. At the shelter, they cut up, dancing lewdly, cursing at the other girls, shouting at the windows to the people passing by, clowning folks, noting the virtues and defects of strangers, berating someone if he or she dared to look offended.

—Who you trying to be all dressed up like Mrs. Astor's horse?

—Hey you, yeah you, this ain't Virginia looking like a field hand in those clodhoppers.

—Off-brand nigger.

—You could buy that one for a quarter.

—Hey baby, you can haul my ashes.

—That dicty bitch thinks she cute.

—What the hell you looking at?

—Hey sweet poppa, I could put a hurtin' on you.

Esther was considered the worse of the two. As an unwed mother, she was deemed an outlaw, a pariah for procreating outside marriage and bringing a nameless bastard into the world. Her parents had set a better example than this. They had been married, but after her father died, her mother and grandmother were forced to work as live-in domestics, so she and her sister were sent to the

Colored Orphan's Asylum for four years. There were rules and codes regulating the conditions under which children should be conceived and she had violated those codes. She had "thrown herself away" and given birth to a chance creature. Pregnancy could be made a status offense. Maternal neglect and improper guardianship were the easiest ways to "catch a case" at the Society for the Prevention of Cruelty to Children, and protection was the fast route to the reformatory and the prison.

A week of observing Esther and Rebecca's wild conduct was enough to convince the social worker, an avowed socialist, that the two young women should be sent away to be rescued from a life in the streets. They were waiting to appear before the judge when Krause sent word he was free. The detective failed to appear in court, so the charges against him were dismissed. Esther and Rebecca wouldn't be so lucky. It was hard to call the cursory proceedings and routine indifference at the Women's Court a hearing, because the court had no jury, produced no written record of the events, required no evidence but the police officer's word, and failed to consider the intentions of the accused, or even to require committing a criminal act. The likelihood of future criminality, rather than any violation of the law, determined their sentence. The magistrate judge barely looked at the two colored girls before sentencing them to three years at the reformatory.

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Until the night of July 17, 1917, Esther Brown had been lucky and eluded the police, although all the while she had been under their gaze. Harlem was swarming with vice investigators and undercover detectives and do-gooders who were all intent on keeping young black women off the streets, even if it meant arresting every last one of them. Being too loud or loitering in the hallway of your building or on the front stoop was a violation of the law; making a date with someone you met at the club, or arranging a casual hook up, or running the streets was prostitution. The mere willingness to have a good time with a stranger was sufficient evidence of wrongdoing. The court, like the police, discerned in this exercise of will "a struggle to transform one's existence," to stand against or defy the norms of social order, and anticipated that this non-compliance and disobedience easily yielded to crime. "The history of disobedience," enacted in every gesture and claimed in the way Esther moved through the world, announced her willingness "to be ruined by standing against what is instituted as right by law."

The only way to counter the presumption of criminality and establish innocence was to give a good account of oneself. Esther failed to do this, as did many young women who passed through the court. They failed to realize that the readiness or inclination to have a good time was evidence enough to find them guilty of prostitution. It didn't matter that Esther had not solicited Krause or asked for or accepted any money. She assumed she was innocent, but the Women's Court found otherwise. Esther's inability to give an account that would justify and explain how she lived, or atone for her failures and deviations, was among the offenses levied against her. She readily admitted that she hated to work, not bothering to distinguish between the conditions of work available to her and some ideal of work that she and none she knew had ever experienced. She was convicted because she was unemployed and "leading the life of a prostitute." One could lead the life of a prostitute without actually being one.

With no proof of employment, Esther was indicted for vagrancy under the Tenement House Law. Vagrancy was an expansive and virtually all-encompassing category; like *the manner of walking* in Ferguson, it was a ubiquitous charge that made it easy for the police to arrest and prosecute young women with no evidence of crime or act of lawbreaking. In the 1910s and 1920s, vagrancy statutes were used primarily to target young women for prostitution. To be charged was to be sentenced because nearly 80 percent of those who appeared before the magistrate judge were sentenced to serve time; some years the rate of conviction was as high as 89 percent. It didn't matter if it was your first encounter with the law. Vagrancy statutes and the Tenement House Law made young black women vulnerable to arrest. What mattered was not what you had done, but the prophetic power of the police to predict the future, and anticipate the mug shot in the bright eyes and intelligent face of Esther Brown.

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The first vagrancy statute was passed in England in 1394. The shortage of labor in the aftermath of the Black Death inspired the law. Its aim was clear: to conscript those who refused to work. The vagrancy laws of England were adopted in the North American colonies and invigorated with a new force and scope after Emancipation and the demise of Reconstruction. They replaced the Black Codes, which had been deemed unconstitutional. Vagrancy laws resurrected involuntary servitude in guises amenable to the principles of liberty and equality.

In the south, vagrancy laws became a surrogate for slavery, forcing ex-slaves

to remain on the plantation and radically restricting their movement. In the north, vagrancy statutes were intended to compel the labor of the idle, and, more importantly, to control the propertyless, by denying them the right to subsist and elude the contract. Those without proof of employment were considered likely to commit or be involved in vice and crime. Vagrancy statutes provided the legal means to master the newly masterless. The origins of the workhouse and the house of correction can be traced to these efforts to force the recalcitrant to labor, to manage and regulate the ex-serf and ex-slave when lordship and bondage assumed a more indirect form.

Vagrancy was a status, not a crime. It was *not* doing, withholding, nonparticipation, the refusal to be settled or bound by contract to employer (or husband). Common law defined the vagrant as “someone who wandered about without visible means of support.” William Blackstone in his 1765 *Commentaries on the Law of England* defined vagrants as those who “wake on the night and sleep in the day and haunt taverns and ale-houses and roust about; and no man knows from where they came or whither they go.” The statutes targeted those who maintained excessive notions of freedom and imagined that liberty included the right *not* to work. In short, vagrants were the deracinated—migrants, wanderers, fugitives, displaced persons, and strangers.

Status offenses were critical to the remaking of a racist order in the aftermath of Emancipation and they accelerated the growing disparity between black and white rates of incarceration in northern cities at the beginning of the twentieth century. While the legal transformation from slavery to freedom is most often narrated as the shift from status to race, from property to subject, from slave to Negro, vagrancy statutes make apparent the continuities and entanglements between a diverse range of unfree states—from slave to servant, from servant to vagrant, from domestic to prisoner, from idler to convict and felon. Involuntary servitude wasn’t one condition—chattel slavery—nor was it fixed in time and place; rather, it was an ever-changing mode of exploitation, domination, accumulation (the severing of will, the theft of capacity, the appropriation of life), and confinement. Antiblack racism fundamentally shaped the development of “status criminality.” In turn, status criminality was tethered ineradicably to blackness.

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Esther Brown was confronted with a choice that was no choice at all: Volunteer for servitude or be commanded by the law. Vagrancy statutes were implemented

and expanded to conscript young colored women to domestic work and regulate them in proper households—most often white homes, or male-headed households, with a proper *he*, not merely someone pretending to be a husband or merely outfitted like a man, not lovers passing for sisters or a pretend Mrs. shacking up with a boarder, not households comprised of three women and a child. For state authorities, black homes were disorderly houses because they were marked by the taint of promiscuity and illegality. The domestic was the locus of prostitution and criminality. Is this man your husband? Where is the father of your child? Why is your child unattended? Such questions, if not answered properly, might land you in the workhouse or reformatory. The discretionary power granted the police in discerning *future crime* would have an enormous impact on black social life and the making of a new racial order.

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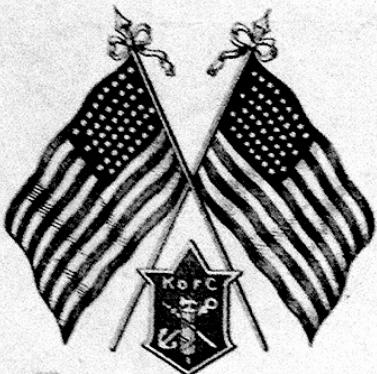
The letter her ex-husband sent didn't say if the article appeared in the metro column of the *Amsterdam News* or the "New York City Brief" in the *Chicago Defender* or the City News section of the *New York Herald*, in which event only a few lines dedicated to the when, where, and how would have appeared, just the cold, hard facts. It would not have been a showy or sensationalist headline like "Silks and Lights Blamed for Harlem Girls' Delinquency" or "Lure for Finery Lands Girl in Jail" or a lead story of moral crisis and sexual panic manufactured by vice commissions and urban reformers. If the details were especially sordid, a column or two might be devoted to the particulars of a young woman's fall.

All her ex-husband said was that "a rush of sadness and disbelief" had washed over him as he tried to figure out how his Esther, his baby, had come to be involved in such trouble. He encouraged her to be a good girl and he promised to take care of her when she was released, something he had failed to do in the few months they lived together as husband and wife in her mother's home. Now that it was too late, he was trying to be steady. The letter was posted on U.S. Army stationery and it was filled with assurances about his love, promises about trying to be a better man, and pleading that she try to do better. You will not live happy, he cautioned, until [your] wild world end. He hoped she had learned a long lost lesson in the wild world of fun and pleasure.

ON ACTIVE SERVICE WITH  
AMERICAN EXPEDITIONARY FORCES

A.P.O. 7126033298B

DATE March 26 1919



My Dear wife

Just a few lines let you hear from me I am not very well But truly hope this letter reaches you it may find you well and in the very best of health. I am writing to let you know that send about \$15.00 and cents and government sends you \$15 also and if you have extra money if you send it to me write and ask of him for it when you please write me your next address so you can get your money every month just the same. write and give me your mother address

Esther's grandmother and sisters didn't know she had been arrested until they saw her name in the daily paper. They were in disbelief. It wasn't true. It couldn't be. Anyone in Harlem could tell you that stool pigeons were paid to lie.

Everyone knew Krause was working for the cops. He would sell his own mama for a dollar. Stories appeared in the newspapers about stool pigeons framing innocent young women and matrons, sometimes to extort money from them or to be paid directly by the police for their service. Besides, if anyone was to blame for Esther's trouble, her grandmother thought, it was her mother, Rose. She was jealous of the girl, mostly because of the attention paid to Esther by the men boarding in the rented rooms of her flat. Rose was living with one of them as her husband, although the relation, properly speaking, was outside the bounds of the law.

When Rose heard the news of her daughter's arrest, it confirmed what she believed: The girl was headed for trouble. Some time in the country and not running the streets might steady her, she confided to the social worker, tipping the hand that would decide her daughter's fate. What passed for maternal concern was a long list of complaints about Esther's manner of living. Rose told the colored probation officer, Miss Grace Campbell, that her daughter had "never worked more than six weeks at a time and usually stayed in a place only a couple of weeks." She just wouldn't stay put or keep a job. She had a good husband and she left him. She was young and flighty and did not want to be tied down to one husband, one man, any man. What more was there to say? Esther just wanted to have her own way.

The neighbors told a different story. The mother is the one who needed to be sent away. Everyone knew Rose Saunders consorted with one of the men who lodged in her apartment. "What kind of example is that for a girl? That's no straight road."

The letter from Esther's girlfriend was nothing like her husband's. It didn't plead for her to be a good girl or beg her to leave the wild world behind or caution her to take the straight road, but reminded her instead of all the pleasures awaiting her when she received her free papers, not the least of these being Alice's love:

*Dear Little Girl, Just a few lines to let you know that everything is o.k. I suppose you think I was foolish to leave Peekskill but I could not stand the work. I have not been used to working so hard when I leave Bedford and why should I do so when I don't have to, you stay where you are as you expect to live in New York when you are free. . . . It will surprise you, I am going to be married next month, not that I care much [for him] but for protection. I went to New York Sunday and seen quite a number of old friends and heard all the scandal and then some. . . . New York is wide open, plenty of white stuff & everything you want so*

*cheer up there are plenty of good times in store for you. So I must close with the same old love wishing you well.*

Within a few weeks of Esther's release, she and Alice reconnected with their friend Harriet Powell. They crashed at her place until they could find a place of their own. Harriet's mother welcomed both girls, not caring that one of them was white. They enjoyed a wild time in the city, making up for the twenty-five months stolen, dancing until nearly dawn, going to the theatre and the movies, eating at chop-suey joints, and keeping company with whoever they wanted, at least until the parole officer found them. "Both were free and neither good," Miss Murphy told their employer at the midtown hotel, making sure that the head housekeeper knew exactly what kind of girls they were. She began with the word *dangerous*.

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Not quite two centuries after the conspiracy to burn down New York was hatched at a black-and-tan dive called Hughson's Tavern, the city's ruling elite still lived in fear of black assembly and the threat of revolt. The state was no less intent on preventing the dangers and consequences posed by *Negroes assembled in a riotous manner*. In the eighteenth century, slaves and free blacks who gathered in illegal assemblies were whipped. A 1731 "Law for Regulating Negroes & Slaves in Night Time" prohibited Negro, Mulatto, or Indian slaves older than fourteen years old to be about at night without a lantern or lighted candle so that they could be plainly seen. No more than three slaves could meet together on penalty of being whipped not more than forty lashes. For "playing or making any hooting or disorderly noise" the penalty was twenty lashes. Every social gathering provided an opportunity for potential conspiracy.

In the twentieth century, the unregulated movement and assembly of black folks remained a matter of public safety. Gatherings that were too loud or too unruly or too queer—or venues like hotels and cabarets that welcomed black and white patrons; black-and-tan dives frequented by Chinese men and white girls or black women with Italian paramours or women who preferred dancing with each other—were deemed disorderly, promiscuous, and morally depraved. These forms of free association and open assembly threatened the public good by transgressing the color line and eschewing the dominant mores. The governing elite, targeting this promiscuous sociality, manufactured a moral panic to justify the extravagant use of police power.

Wealthy private citizens endowed with the authority of the state and directing the police, ruled the Committee of Fourteen (the vice commission comprised of rich New Yorkers and reformers) and ran the State Board of Charities and State Prison Commission. One of their central goals, beyond dominating the propertyless, was to impose racial segregation in the absence of legislative decree at the state or city level. Segregation was seen as a way to maintain the health and morality of the social body and police power was critical to achieving this goal. In the most general terms, police power endows the state with the capacity to regulate behavior and enforce order in the service of the public good. Policing blackness was deemed essential to ensuring the health of the social body and minimizing danger. In the eyes of the city's ruling elite, racial segregation was synonymous with the public good, and the imposition of the color line a means of controlling crime by funneling prostitution, gambling, drugs, and other vice into black neighborhoods and containing it there.

In 1912, the Committee of Fourteen refused to grant the Marshall Hotel a liquor license. It was a gathering spot for progressive intellectuals, artists, and musicians. Paul Laurence Dunbar resided there. W. E. B. Du Bois and Mary White Ovington and other members of the NAACP gathered there for conversation, for drinks, for planning to undo the color line. A letter from Du Bois stating that it was a respectable meeting place and assuring the committee that there was nothing illegal or unseemly about the interracial encounters and meetings hosted there failed to sway the committee. The Marshall Hotel was one of the few decent establishments in the city that welcomed or tolerated a mixed crowd. Du Bois was not able to convince the committee that the Marshall Hotel was not a haunt for the degenerate. Interracial intimacy and friendship across the color line, not prostitution, were the issues with which the committee was most concerned. As the executive secretary, Frederick Whitten, explained in his reply: The Marshall Hotel encouraged "the unfortunate mixing of the races which when individuals are of the ordinary class, always means danger." When Du Bois objected to this moral defense of the color line, especially as it violated the civil rights laws of New York state, the secretary only affirmed the committee's position: "If we find that the association of the two races under certain conditions results in disorderly conditions and their separation results in discrimination based on race or color, we must choose between the horns of the dilemma. . . . *Disorderly is worse than discrimination.*"

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The Tenement House Law was the chief legal instrument for the surveillance and arrest of young black women as vagrants and prostitutes. The black interior fell squarely within the scope of the police. Plainclothes officers and private investigators monitored private life and domestic space, giving legal force to the notion that the black household was the locus of crime, pathology, and sexual deviance. The Tenement House Act (1901) was crafted by Progressive reformers, official friends of the Negro, and the sons and daughters of abolitionists intent on protecting the poor and lessening the brutal effects of capitalism with clean water closets, hot water, steam heat, and fire escapes. From its inception, the effort to protect tenement dwellers from decrepit and uninhabitable conditions was linked inextricably with eradicating crime and social vice. The Act took for granted the criminality of the poor and identified the diseased home as the incubator of crime. Progressive intellectuals and reformers believed that social evils emanated from the slum rather than the structural conditions of poverty, unemployment, racism, and capitalism. While the Act was designed to prevent the overcrowding that was the prolific source of sexual immorality and to improve the housing conditions of the poor—insufficiency of light and air due to narrow courts or air shafts, dark hallways with no light or windows, overcrowding of buildings on lots, fire hazards in design and use, lack of separate water-closet and washing facilities, overcrowding, and foul cellars and courts—the benefits and protection provided by the law were overshadowed by the abuse and harassment that accompanied the police presence inside private homes.

While the Act did little to improve the housing of the black poor (with irregular enforcement of building codes or legal prosecution of landlords), it did consolidate the meaning of prostitution, and suture blackness and criminality, by placing black domestic life under surveillance. The specter of prostitution earlier attributed to the influx of Jewish immigrants now became a Negro problem. In 1909, the Tenement House Act was amended and revised into a series of laws with a particular eye toward eradicating prostitution and with an understanding of “the vagrant as the chrysalis of every criminal.” The new law defined the vagrant as:

A woman who knowingly resides in a house of prostitution or assignation of any description in a tenement house or who commits prostitution or indecently exposes her person for the purpose of prostitution or who solicits any man or boy

to enter a house of prostitution or a room in a tenement house for the purpose of prostitution, shall be deemed a *vagrant*, and upon conviction thereof shall be committed to the county jail for a term not exceeding six months from the date of commitment.

Any young woman residing in a tenement who invited a man into her home risked being charged with prostitution. The Tenement House Law expanded the provisions of the Criminal Code, making vagrancy an elastic, indiscriminate, all-encompassing category.

By 1914, “the majority of prostitution charges were executed through the vagrancy clause of the Tenement House Law.” Thirty-six percent of these convictions were of black women. They were the largest single group prosecuted under this rubric. In the guise of housing reform, the police were given great latitude in the surveillance and arrest of black women and tenement residents. The bulk of the arrests were justified less for what had been done than on the suspicion of who these young women might become.

In 1915, the criminal code was amended again to “simplify” or streamline the evidentiary requirements, making it easier to arrest and prosecute young women on *suspicion* of prostitution. To secure conviction, all that was required was the officer’s testimony. In the earlier statute, an overt act of prostitution was required —solicitation and the exchange of cash. Now only the willingness to have sex or engage in “lewdness” or appearing likely to do so was sufficient for prosecution. Most of the women convicted of prostitution were deemed vagrants.

Jump raids were commonplace. In a “jump raid,” plainclothes officers, having identified a suspicious person and place, knocked at the door of a private residence, and when it opened, they forced their way across the threshold or they followed behind a woman as she entered her apartment. It was common to see the doors of rented rooms and apartments scarred, broken, and hanging off the hinges after the police officers entered homes by force and without warrants.

In its annual report, the Committee of Fourteen endorsed the jump raid as a reasonable response to the black presence in the city. While ordinarily a police raid without a warrant would be a “dangerous procedure” because it violated basic civil liberties, and the “unrestricted use of this custom would probably lead to police oppression,” the Committee found these measures were warranted. By their assessment, the police exercised good judgment in conducting raids in such manner because “the conditions found to exist in the resorts so raided have fully justified the action taken.” For those under the surveillance of the police, there was no difference between “good judgment” and police oppression.

Black tenants were policed more intensely and violently than their white

neighbors, so it is not surprising that as a result of these regular encounters with the law, the buildings in which they lived contained more “disorderly houses” and “disorderly persons.” The coordinated efforts of social reformers and the police had a precipitous effect on the formation of the black ghetto, since landlords who rented to black tenants were more likely to be prosecuted for violation of the Tenement House Law and fined as much as a thousand dollars. This contributed to the unwillingness of white landlords to rent to black folks, and then only the worst and the most wretched housing at the most exorbitant prices.

A police card illustrates the typical sweep of Harlem tenements, and the routine arrests. Once police entered a flat, everybody they encountered was subject to arrest. Billie Holliday was arrested in one such sweep, where more than a dozen women were arrested in a five-block radius. The irony was that Holiday’s mother had boarded her in Florence Johnson’s home to keep her daughter out of harm’s way and to shield her from the danger of the streets. Mother and daughter were both arrested, but they did not disclose their relation to the police out of fear that it would invite harsher punishment.

4/20/29 Viola Taylor age. cono.  
69 W. 135 St. Bedford

4/5/29 Margaret Cornish  
40 W 132 - 180 days.

4/27/29 - Louis Hunter  
121 W 129 - 100 days

4/9/29 - Ampola Rogers  
75 W 118 St. Disch. 1

4/9/29 - Rita Ginnings  
75 W 118 St. 100 days

5/2/29 - Alice Murphy - 329 Lenox Av. 100 days

5/7/29 - 146 W 129 Patroonta Dade - Disch.

5/26/29 262 W 129 Irene Cobb - Disch.

5/17/29 40 W 132 Estelle Neversoy 30 days

5/26/29 6 W 135 Mary Williams 180 "

" " Edith Thompson 100 "

" " Marion Streets 100 "

5/3/29 122 W 137 Florence Jones Disch

" " Mackie Thompson "

5/3/29 151 W 140 Gladys Johnson 100 ds.

" " Florence Williams 5 ds.

" " Eleanor Fager No sp.

" " Irene Allen Disch

" " Julia Harris "

5/2/29 305 W 143 Florence Walker 100 ds.

5/10/29 125 W 144 Florence Jackson Disch

" " Lorraine Payne "

" " Lois Hunkley Pool

" " Alice Hogan Pool

6/4/29 at 100 W 141 - 7 fl. Lillian Willis 100 ds

6/2/29 at 42 W 138 Rebecca O'Kee Pool

Frances Thompson  
Margaret V. Greenblach  
Ellen Walker  
Louise Price

Women were arrested on the threshold of their homes and inside their apartments, while exiting taxicabs, flirting at dance halls, waiting for their husbands, walking home from the cabaret with friends, enjoying an intimate act with a lover, being in the wrong place at the wrong time. In short, anywhere and at any time a young black woman encountered the police, she was at risk. Billie Holiday described the 1920s as an awful decade for this reason: “Those were rotten days. Women like Mom who worked as maids, cleaned office buildings, were picked up on the street on their way home from work and charged with prostitution. If they could pay, they got off. If they couldn’t they went to court, where it was the word of some dirty grafting cop against theirs.”

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In 1922, Trixie Smith recorded her first song, “My Man Rocks Me with One Steady Roll,” for Black Swan Records. Its lyrics celebrated the sexual freedom of the age in explicit detail:

My man rocks me, with one steady roll  
There's no slippin' when he wants take hold  
I looked at the clock, and the clock struck one  
I said now, Daddy, ain't we got fun  
Oh, he was rockin' me, with one steady roll

Smith had accompanied Fletcher Henderson at several notable Harlem venues and recorded with him on Paramount Records, had performed on Broadway, and was well on her way to becoming one of the famous classic blues singers, when a police detective entered her apartment and arrested her, along with her friend Nettie Berry, a stage performer and film actor. The detective had been watching Smith for several weeks. He had first encountered her in a Harlem cabaret and then entered her home, accompanied by an acquaintance, a paid informant, who assisted him in “meeting women” and had introduced the two. The undercover agent returned a week later. On this visit, he asked for a glass of gin and then arrested Trixie Smith and Nettie Berry. Smith was charged with renting a room for prostitution and Berry with being a prostitute. Trixie Smith’s two small children were home at the time when the alleged act was said to have been committed; in this case it entailed the willingness to entertain the

plainclothes detective and offer him a drink. The two artists were arraigned in Jefferson Market Court in the early hours of the morning.



The headline of the story, which appeared in the *Afro-American* a few weeks later, read: "Race Actresses Said Framed by Cop." Only the contracts displayed by their booking agent and community outrage that two distinguished artists could be treated with such blatant injustice resulted in the dismissal of the charges against them. They had been able to produce "witnesses to prove that they were both working at their professions and bore reputations as being respectable members of the community."

Prostitution was a charge levied to extract information, extort money, harass

=> and abuse, and establish the boundaries of what a black woman could and could not do. The *New York Age* and the *Amsterdam News* warned women about the dangers of corrupt police officers and stool pigeons, and advised them to avoid encounters with strangers. Chatting with men on the street or inviting them into your homes posed great risks, as did accepting dates with strangers. The threat of punishment wasn't enough to deter young women from associating with "bad company" or divert them from the errant path, even when the costs were great.

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The afterlife of slavery unfolded in a tenement hallway and held Esther Brown in its grasp. She and her friends did not forget for a moment that the law was designed to keep them in place, but they refused *to live in its clauses and parentheses.* The problem of crime was the threat posed by the black presence in the northern city, the problem of crime was the wild experiment in black freedom, and the efforts to manage and regulate this crisis provided a means of reproducing the white-over-black order that defined urban space and everyday life. With incredible ferocity, state surveillance and police power acted to shape and regulate intimate life. State violence, involuntary servitude, poverty and confinement defined the world that Esther Brown wanted to destroy. It made her the sort of girl who would not hesitate to smash things up.

## NOTES

### A NOTE ON METHOD

- xv **the flapper was a pale imitation:** See Kevin Mumford, *Interzones* (New York: Columbia University, 1997) 108, 116–17. The flapper “symbolized the revolution in values.” However, unlike young black women, her modes of sexual expression were not criminalized.

### THE TERRIBLE BEAUTY OF THE SLUM

- 4 **dark ghetto:** Kenneth Clark, *The Dark Ghetto* (1967; repr. Middletown, CT: Wesleyan University Press, 1989).
- 6 **“terror to white neighbors and landlords alike”:** Edwin Emerson, *Harper’s Weekly*, January 9, 1897.
- 6 **broken up completely by the slave ship:** W. E. B. Du Bois, *The Philadelphia Negro: A Social Study* (1899; repr. Millwood, NY: Kraus-Thomson Organization, 1973), 67, 71, 178.
- 9 **a colored man, accused of stealing a loaf of bread:** Vincent Franklin, “The Philadelphia Riot of 1918,” *Pennsylvania Magazine of History and Biography* 99, no. 3 (July 1975): 336.
- 9 **Then dragged a woman from the hallway:** The Citizens’ Protective League, *Story of The Riot* (New York: Citizens’ Protective League, September 1900).
- 9 **“What is to be done with them?”:** Paul Laurence Dunbar, “The Negroes of the Tenderloin,” in *The Sport of the Gods and Other Essential Writings*, eds. Shelley Fisher Fishkin and David Bradley (New York: Random House, 2005) 264, 267.
- 9 **“vomit them back again to the South”:** Dunbar, “The Negroes of the Tenderloin,” 267.

(Durham, NC: Duke University Press, 2009), 66, 73.

212 **It made her know:** See “Case of Pearl M” in Henry, *Sex Variants*, 563–70.

212 **Edna was among the circle:** See Lewis, *When Harlem Was in Vogue*; George Hutchinson, *In Search of Nella Larsen: A Biography of the Color Line* (Cambridge: Harvard, 2006) 159, 204, 256; and A’lelia Bundles, *On Her Own Ground: The Life and Time of Madame C.J. Walker* (New York: Scribner, 2002), 238. Harlem was a center of queer culture and social life. Among her best friends were Caska Bonds, Wallace Thurman, and Jimmy Daniels. On queer Harlem, See George Chauncey, *Gay New York: Gender, Urban Culture and the Making of the Gay Male World* (New York: Basic Books, 1995); Michael Henry Adams, “Queers in the Mirror: Old Fashioned Gay Marriage in New York, Part II,” *Huffington Post* blog, July 7, 2009, [https://www.huffingtonpost.com/michael-henry-adams/queers-in-the-mirror-a-br\\_b\\_227473.html](https://www.huffingtonpost.com/michael-henry-adams/queers-in-the-mirror-a-br_b_227473.html).

212 **distant cousin of Oscar Wilde:** *Encyclopedia of the Harlem Renaissance*, eds. Cary D. Wintz and Paul Finkelman (New York: Routledge, 2004), 1176.

214 **“tidal waves of chance”:** W. E. B. Du Bois, “Criteria of Negro Art,” *The Crisis: A Record of the Darker Races* (1926).

214 **The world kept Edna guessing:** “‘The World Has Us Guessing,’ Says Clever Lulu Belle Star,” *Pittsburgh Courier*, March 10, 1928. This guessing fundamentally attends the question “Ain’t I a woman?” and the doubt and negation that attend such a question, which, as Spillers writes, is almost too much to bear. “Interstices,” in *Black, White and In Color*, 157.

#### REVOLUTION IN A MINOR KEY

217 **“rebellious flame”:** See Wallace Thurman, “Cordelia the Crude, a Harlem Sketch,” *Fire!!* 1, no. 1 (1926): 5–6.

217 **what the war . . . would bring:** Sentiment about World War I was divided. Most Negroes were reluctant to fight in a white man’s war in a segregated army, especially when Negroes were being lynched and assaulted in their uniform. Dates of official U.S. involvement in WWI: 6 April 1917 to 11 November 1918.

218 **The spirit of Bolshevism:** Michelle Stephens, *Black Empire: The Masculine Global Imaginary of Caribbean Intellectuals in the United States, 1914–1962* (Durham, NC: Duke University Press, 2005); Barbara Foley, *Spectres of 1919: Class and Nation in the Making of the New Negro*

(Urbana: University of Illinois Press, 2008); Brent Hayes Edwards, *The Practice of Diaspora: Literature, Translation, and the Rise of Black Internationalism* (Cambridge: Harvard University Press, 2003).

- 218 **“conscious sway of invitation”:** Thurman, “Cordelia the Crude,” 5–6.
- 218 **Why shouldn’t I go out:** Bedford Hills Case File #2682.
- 219 **a few blocks from the Palace Casino:** This is the same address as Josephine Schuyler’s place. All of the girls were associates and friends of Josephine Schuyler and spent time at her place, which was a gambling den, buffet flat and collective. The cartography of black life and spaces of experiment include the alley, the rooftop, the hallway, the disorderly house, the cabaret, the black-and-tan dive, etc. The prison cottage is the extension and continuation of the ghetto as a zone of racial enclosure. Arrest and confinement defined the effort to eradicate this unruly and promiscuous sociality. The straight world thought of these places as the shadow world or the underworld. The cabarets, dives, and dance halls were subterranean and fugitive spaces to the degree that they evaded the police.
- 220 **their training in slavery:** Slavery was the source of black women’s immorality, observed Frances Kellor, noting that “Negro women [were] expected to be immoral and [had] few inducements to be otherwise.” See Frances Kellor, “Southern Colored Girls in the North,” *Bulletin of the Inter-Municipal Committee on Household Research* 1, no. 7 (May 1905). Jane Addams wrote, “Black women yielded more easily to the temptations of the city than any other girls.” Negroes were “several generations behind the Anglo-Saxon race in civiling agencies and processes.” See “Social Control,” *The Crisis: A Record of the Darker Races* (January 1911): 22.
- 220 **civilizing agencies and processes:** “Social Control,” *The Crisis: A Record of the Darker Races* (January 1911): 22.
- 220 **“his [or her] sexual mores”:** Du Bois, *Negro American Family*.
- 221 **no cash exchanging hands:** Girls between fourteen and twenty-one, but sometimes as young as twelve, were sentenced to reformatories for being in a house with a bad reputation or suspected of prostitution, or having friends or neighbor who were thieves or prostitutes, or associating with lowlifes and criminals, or being promiscuous. Hicks, *Talk with You Like a Woman*, 184.
- 221 **practices of intimacy and affiliation:** See Carby, “Policing the Black Woman’s Body,” *Critical Inquiry* 18, no. 4 (Summer 1992); Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow*

*Modernity* (Chapel Hill: University of North Carolina Press, 2016); Hicks, *Talk with You Like a Woman*; Blair, *I've Got to Make My Livin'*; and LaShawn Harris, *Sex Workers, Psychics, and Number Runners: Black Women in New York City's Underground Economy* (Bloomington: University of Illinois Press, 2016).

- 222 **Only young women were adjudged wayward:** See Title VII A of the Code of Criminal Procedure Section 913a. Also see Raphael Murphy, "Proceedings in a Magistrate's Court Under the Laws of New York," *Fordham Law Review* 24, no. 1 (1955). In 1925, the Wayward Minors Act was expanded to include males. See Chapter 389, Laws 1925, which extended the provisions. Clinton McCord, "One Hundred Female Offenders: A Study of the Mentality of Prostitutes and 'Wayward' Girls," *Journal of the American Institute of Law and Criminology* 6, no. 3 (September 1915): 385–407.
- 222 **"the minor upon a career of prostitution":** Willoughby Cyrus Waterman, *Prostitution and Its Repression in New York City, 1900–1931* (New York: Columbia University Press, 1932), 40–41; Timothy Gilfoyle, *City of Eros: New York, Prostitution and the Commercialization of Sex, 1790–1920* (New York: W. W. Norton, 1994).
- 223 **provisions of the Wayward Minors Act:** Waterman, *Prostitution and Its Repression in New York City*, 39.
- 223 **Billie Holiday appeared before the Women's Court:** Julia Blackburn, *With Billie* (New York: Pantheon, 2005), 61–62, and Donald Clarke, *Wishing on the Moon: The Life and Times of Billie Holiday* (New York: Viking, 1994), 38. See also *Lady Sings the Blues*, which offers a complex account of hustling, as well as being framed and targeted. Billie Holiday, *Lady Sings the Blues* (1956; repr. New York: Three Rivers Press, 2006), 28–29.
- 224 **different ways of conducting the self:** See Michel Foucault, *Security, Territory, Population: Lectures at the Collège De France, 1977–78* (New York: Picador, 2009), 198; Michel Foucault, *History of Sexuality, Volume 2: The Use of Pleasure* (New York: Vintage Books, 1988).

#### WAYWARD: A SHORT ENTRY ON THE POSSIBLE

This entry on the wayward is in dialogue with notions of the respectable, the queer, and the willful. See Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge, MA: Harvard

University Press, 1994); E. Patrick Johnson, *No Tea, No Shade: New Writings in Black Queer Theory* (Durham, NC: Duke University Press, 2016); Eve Sedgwick, *Tendencies* (Durham, NC: Duke University Press, 1993); Jack Halberstam, *The Queer Art of Failure* (Durham, NC: Duke University Press, 2011); and Sarah Ahmed, *Willful Subjects* (Durham, NC: Duke University Press, 2014).

- 228 **queer resource of black survival:** See C. Riley Snorton, *Nobody Is Supposed to Know: Black Sexuality on the Down Low* (Minneapolis: University of Minnesota Press, 2014).

#### THE ANARCHY OF COLORED GIRLS ASSEMBLED IN A RIOTOUS MANNER

- 229 **somebody's angel child:** Bessie Smith, vocalist, "Reckless Blues" by Fred Longshaw and Jack Gee, recorded 1925, Columbia 14056D, 10-inch LP.
- 229 **speak of potentialities:** Emma Goldman, "Anarchism: What It Really Stands For," in *Anarchism and Other Essays*, 2nd revised ed. (New York: Mother Earth Publishing Association, 1910).
- 229 **Harrison encountered her in the lobby of the Renaissance Casino:** On the life and work of the Harlem radical, see Jeffrey Perry, *Hubert Harrison: The Voice of Harlem Radicalism, 1883–1918* (New York: Columbia University Press, 2010); and Shelley Streeby, *Radical Sensations: World Movements, Violence, and Visual Culture* (Durham, NC: Duke University Press, 2013).
- 230 **ex-slave's refusal to work:** "The Quashees (the free blacks of Jamaica) content themselves with producing only what is strictly necessary for their own consumption, and, alongside this 'use value,' regard loafing (indulgence and idleness) as the real luxury good; how they do not care a damn for the sugar and the fixed capital invested in the plantations, but rather observe the planters' impending bankruptcy with an ironic grin of malicious pleasure . . ." Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy* (1939; repr. London: Penguin, 2005), 325–27.
- 230 **real luxury good:** Marx, *Grundrisse*, 325–27.
- 230 **thousand new forms:** Rosa Luxemburg, "The Russian Revolution," in *Reform or Revolution and Other Writings* (New York: Dover Books, 2006), 215.

- 231 **cooperation and mutuality found among ants, monkeys, and ruminants:** Pyotr Kropotkin. *Mutual Aid* (1902; repr. Boston: Extending Horizons Books, 1955); Darlene Clark Hine, “Mutual Aid and Beneficial Association,” in *Black Women in America*, 3 vols. (New York: Oxford University Press, 2005); Jacqui Malone, “African American Mutual Aid Societies,” *Stepping on the Blues: The Visible Rhythms of African American Dance* (Urbana: University of Illinois, 1996), 167–86; Ron Sakolsky, “Mutual Acquiescence or Mutual Aid?” *The Anarchist Library* (November 2012), <https://theanarchistlibrary.org/library/ron-sakolsky-mutual-acquiescence-or-mutual-aid>; Avery Gordon, *The Hawthorne Archive* (New York: Fordham University Press, 2017).
- 232 **“Neglect of the Problems of the Negro Woman”:** Ella Baker, *The Crisis: A Record of the Darker Races* (November 1935); Claudia Jones, “An End to the Neglect of the Problems of the Negro Woman!,” *Political Affairs* 28 (June 1949): 51–67; Carole Boyce Davies, *Left of Karl Marx: The Political Life of Black Communist Claudia Jones* (Durham, NC: Duke University Press, 2007).
- 232 **revolt against . . . “unjust labor conditions”:** Du Bois, “The Servant in the House,” in *Darkwater*, 90.
- 232 **jazz chorus:** “Girls on ‘Noise’ Strike,” *New York Times*, January 25, 1920; “Vocal Hostilities of Bedford Girls Finally Halted,” *New York Times*, January 27, 1920.
- 232 **the very idea of work:** Narrative drawn from “Information concerning the Patient,” August 12, 1917; and “Information concerning the Patient,” September 15, 1917; Bedford Hills Correctional Facility, Inmate case files, Series 14610–77B, Records of the Department of Correctional Services, New York State Archives, Albany, Bedford Hills Case Files #2507 and #2505. Also see Elizabeth Ross Haynes, “Negroes in Domestic Service,” *Journal of Negro History* 8, no. 4 (October 1923), 396.
- 233 **then propose to marry her:** “See Harlem Elopers are Thrust in Cell,” *Afro-American*, June 30, 1928.
- 233 **bound by need and want:** “Statement of the Girl, Work History,” August 12, 1917, Bedford Hills Case File #2507.
- 233 **Service carried the stigma of slavery:** See Sophonisba Breckinridge, “The Legal Relation of Mistress and Maid, with Some Comment Thereon,” *Bulletin of Household Research* 1, no. 2 (1904): 7–8. Breckinridge understood the continuities between domestic work and slavery and

detailed the features of involuntary servitude produced by the contract between mistress and maid. “There is as yet no legislation defining hours, and providing for humane treatment and sanitary conditions” of household workers. “There is no law forbidding children to work in the kitchen; and in some jurisdictions, delinquent children are habitually placed in household work by probation officers. Legislation looking toward betterment of conditions in domestic service is confined at present, to compelling payment of wage when earned.” See also Margaret Livingston Chanler, “Domestic Service,” *Bulletin of the Inter-Municipal Committee on Household Research* 1, no. 6 (April 1905): 7.

- 233 **captive maternal:** Joy James, “Captive Maternal Love: Octavia Butler and Sci-Fi Family Values,” in *Literature and the Development of Feminist Theory*, ed. Robin Truth Goodman (Cambridge: Cambridge University Press, 2015), 185–99. On black female surplus, see Rizvana Bradley, “Reinventing Capacity: Black Femininity’s Lyrical Surplus and the Cinematic Limits of *12 Years A Slave*,” *Black Camera* 7, no. 1 (Fall 2015): 162–78.
- 234 **colored woman’s piano day:** A general houseworker loved her washing so much that she called Mondays her “piano day.” See Mary White Ovington, “The Colored Woman in Domestic Service in New York City,” *Bulletin* 1, no. 7 (May 1905), 10.
- 234 **sacrificial devotion:** R. R. Wright, “Negro Household Workers,” *Bulletin of the Inter-Municipal Committee on Household Research* 1, no. 7 (May 1905); Miller, “Surplus Negro Women.”
- 234 **“care for their precious darlings”:** Hutchins Hapgood, *An Anarchist Woman* (New York: Duffield, 1909), 40.
- 234 **like a swarm or swell of an ocean:** Du Bois described the collective action of the general strike as a swarm or swell. See *Black Reconstruction*. In the chapter “The General Strike,” he uses the term *swarm* repeatedly to describe the movement of the enslaved and the fugitive.
- 234 **long poem of black hunger and striving:** This line is a riff on de Certeau’s long poem of walking. See Michel de Certeau, *The Practice of Everyday Life* (Berkeley: University of California Press, 1984), 101.
- 234 **the wild rush from house service:** Du Bois, “The Servant in the House,” in *Darkwater*, 92.
- 234 **All the modalities sing a part:** Certeau, *Practice of Everyday Life*, 99.
- 234 **The map of what might be:** Saidiya Hartman, “Venus in Two Acts,” *Small*

*Axe* 12, no. 2 (June 2008): 1–14; Ula Taylor, “Street Strollers: Grounding the Theory of Black Women Intellectuals,” *Afro-Americans in New York Life and History* 30, no. 2 (July 2006): 153–71; Sarah Cervenak, *Wandering: Philosophical Performances of Racial and Sexual Freedom* (Durham, NC: Duke University Press, 2015), 2; and Giuliana Bruno, *Streetwalking on A Ruined Map: Cultural Theory and the City Films of Elvira Notari* (Princeton, NJ: Princeton University Press, 1993).

- 234 **L’overture:** *L’overture* is another way to think about tumult, upheaval, and the radical practice of everyday life. It is also a reference to the revolutionary practice of the enslaved.
- 235 **to fight back, to strike out:** On discrimination against black girls and segregation at the Hudson Training School, see “Inquiry Board Hits Negro Segregation,” *New York Times*, November 20, 1936, 9; and “Hits Race Discrimination,” *New York Times*, August 7, 1936. See also Weekly Comment, *Chicago Defender*, June 28, 1919; and “Demand Unabated in Child Welfare,” *New York Times*, September 14, 1933. A former superintendent recalled that when she took over charge of the Hudson Training School, “she made a bonfire of the manacles, restraining sheets and straitjackets which had been in use in the institution.”
- 235 **to smash things up:** “Notes of the Staff Meeting,” September 29, 1917, Bedford Hills Case File #2507: “She is the sort of girl who would not hesitate to smash out”; “the unruly who smash windows and furniture”: State Commission of Prisons, “Investigation and Inquiry into Allegations of Cruelty to Prisoners in the New York State Reformatory for Women, Bedford Hills,” in *Twenty-Sixth Annual Report of the State Commission of Prisons for the Year 1920*, March 12, 1921, 93; young women “smashing and yelling,” State Commission of Prisons, “Investigation and Inquiry into Allegations of Cruelty,” 94. Also see M. Fleming, “Ungovernability: The Unjustifiable Jurisdiction,” *Yale Law Journal* 83, no. 7 (June 1974): 1383–1409.
- 235 **That was the offering:** Gwendolyn Brooks, *Maud Martha: A Novel* (New York: Harper and Row, 1953; repr. Chicago: Third World Press, 1993), 22.
- 236 **tried to kill her and failed:** Lucille Clifton, “Won’t you celebrate with me,” *Collected Poems of Lucille Clifton 1965–2010* (New York: BOA Editions, 2012).
- 236 **“to bring things into relation”:** Elaine Scarry, *On Beauty and Being Just* (Princeton, NJ: Princeton University Press, 1999), 30.

- 236 **Subsistence:** Karl Marx on forms and modes of life, see *German Ideology* (New York: International Publishers, 1970) and *Economic and Philosophic Manuscripts of 1844* (New York: International Publishers, 1964).
- 237 **survival was an achievement:** Saidiya Hartman, “Belly of the World,” *Souls: A Critical Journal of Black Politics, Culture, and Society* 18, no. 1 (January/March 2016): 166–173.
- 237 “**reproduction of physical existence**”: Roderick Ferguson, “The Erotic Life of Diaspora: Black Queer Formations in the History of Neoliberalism,” unpublished talk, Institute for Research on Women, Gender, and Sexuality, Columbia University, New York, 2013.
- 237 **subject to frequent police raids:** Stephen Robertson, “Disorderly Houses: Residences, Privacy, and the Surveillance of Sexuality in 1920’s Harlem,” *Journal of the History of Sexuality* 21, no. 3 (September 2012): 457. See Carby, “Policing the Black Body in an Urban Context,” *Critical Inquiry* 18, no. 4 (Summer 1992): 738–55.
- 238 “**charity girl**”: Kathy Peiss, *Cheap Amusements* (Philadelphia: Temple University Press, 1986), 110–12.
- 238 **no clear line between desire and necessity:** On the survival strategies of young black women, see Aimee Cox, *Shapeshifters* (Durham, NC: Duke University Press, 2015), 171.
- 238 **then he’d marry her:** This account is based upon “Statement of the Girl,” August 10, 1917, Bedford File #2505.
- 238 **Oh my man I love him so:** Billie Holiday, “My Man,” *The Billie Holiday Songbook* (New York: Verse, 1986).
- 240 **she had violated those codes:** See Ruth Reed, *Negro Illegitimacy in New York* (New York: Columbia University Press, 1926), 48, 68.
- 240 **require the commitment of a criminal act:** George E. Worthington and Ruth Topping, *Specialized Courts Dealing with Sex Delinquency: A Study of the Procedure in Chicago, Boston, Philadelphia, and New York* (New York: Frederick Hitchcock Publisher, 1925); Christopher Tiedeman, *A Treatise on the Limitations of Police Power in the United States* (St. Louis: F. H. Thomas Law Book Company, 1886); Saidiya Hartman, *Scenes of Subjection*, 63, 69, 186–206; Bryan Wagner, *Disturbing the Peace* (Cambridge, MA: Harvard University Press, 2009).
- 241 **running the streets:** In the case of status offenses, it is *status and not conduct that determines whether an act is a transgression of the law*. See Cynthia Godsoe, “Contempt, Status, and the Criminalization of Non-

Conforming Girls,” *Cardozo Law Review* 35, no. 3 (February 2014): 1091–116; “Ungovernability: The Unjustifiable Jurisdiction,” *Yale Law Journal* 83, no. 7 (June 1974): 1383–409.

- 241 **“a struggle to transform one’s existence”:** Willfulness is a struggle to exist or to transform an existence. See Ahmed, “Willfulness as a Style of Politics,” in *Willful Subjects*, 133.
- 241 **“The history of disobedience”:** Ahmed, *Willful Subjects*, 137.
- 241 **“Leading the life of a prostitute”:** See George J. Kneeland, *Commercialized Prostitution in New York City* (New York: Century Co., 1913). Of the 647 cases examined in the study of the Bedford Hills Reformatory, Katherine Bement Davis writes: “not all of them were convicted for prostitution but all were leading the lives of prostitutes” in “A Study of Prostitutes Committed from New York City to the State Reformatory at Bedford Hills,” appendix to Kneeland, *Commercialized Prostitution in New York City*, 190.
- 241 **the manner of walking:** Civil Rights Division, United States Department of Civil Rights Division and Theodore M. Shaw, *The Ferguson Report, Department of Justice Investigation of the Ferguson Police Department* (New York: New Press, June 2015).
- 242 **target young women for prostitution:** By 1917, vagrancy statutes and Tenement House Laws were the primary vehicles for arresting and indicting young women as prostitutes.
- 242 **rate of conviction:** Worthington and Topping, *Specialized Courts Dealing with Sex Delinquency*, 217–18, 245, 274, 276, 287, 397–403, 418–19; Frederick Whitin, “The Women’s Night Court in New York City,” *Annals of the American Academy of Political and Social Science* 52 (March 1914): 183.
- 242 **predict the future:** The anticipation of future criminality was at the heart of anti-vagrancy statutes and the overwriting of blackness as criminality.
- 242 **refused to work:** Girls between fourteen and twenty-one, but sometimes as young as twelve, were sentenced to reformatories for being in a house with a bad reputation or suspected of prostitution, or having friends or neighbors who were thieves or prostitutes, or associating with lowlifes and criminals, or being promiscuous. See Hicks, *Talk to You Like A Woman*, 184.
- 243 **“without visible means of support”:** William J Chambliss, “A Sociological Analysis of the Law of Vagrancy,” *Social Problems* 12, no. 1 (Summer 1964): 66–77.

- 243 “**no man knows from where they came**”: Tiedeman, *Treatise on the Limitations of Police Power*, 118.
- 243 **from idler to convict and felon**: Tiedeman, *Treatise on the Limitations of Police Power*, 117.
- 244 “**Silks and Lights**”: “Silks and Lights Blamed for Harlem Girls’ Delinquency,” *Baltimore Afro-American*, May 19, 1928; “Lure for Finery Lands Girl in Jail,” *New York Amsterdam News*, August 14, 1926.
- 245 **the wild world of fun and pleasure**: See letter from husband to Esther Brown, Bedford Hills Case File #2507.
- 246 **paid directly by the police**: “Frame-up and Blackmail,” *New York Age*, January 7, 1928; “Be Careful Girls,” *Amsterdam News*, May 14, 1920.
- 246 “**That’s no straight road**”: Mrs. Scott, an elderly woman who took care of Esther’s son, blamed what happened to Esther on her mother and told the caseworker that Rose Saunders “consorted with one of the men who lodged in her apartment.”
- 247 **old love wishing you well**: Letter in Bedford Hills Case File #2507.
- 247 **assembled in a riotous manner**: The governor of New York, Lord Cornford (who was Queen Anne’s cousin), issued a scathing proclamation to “take all methods for the seizing and apprehending of all such Negroes found to be assembled and if any of them refuse to submit then fire upon them, kill or destroy them, if they otherwise cannot be taken . . . . Several Negroes in Kings County have *assembled themselves in a riotous manner*, which if not prevented may prove of ill consequence.” As a precaution against conspiracy, the assembly of slaves was severely restricted. When not engaged in their master’s service, no more than three slaves could meet together on a penalty of being whipped not more than forty lashes. No more than twelve slaves, in addition to the coffin bearers and gravediggers, could assemble at any funeral on pain of public whipping. Another prohibited the gathering of slaves after nightfall. See Roi Ottley and William J. Weatherby (eds.), *The Negro in New York: An Informal Social History, 1626–1940* (New York: New York Public Library, 1967), 22. Slave codes in colonial New York targeted black assembly. See Edwin Olson. “The Slave Code in Colonial New York,” *Journal of Negro History*, 29, no. 2 (April. 1944): 147–65; Ira Berlin and Leslie Harris, *Slavery in New York* (New York: New York Historical Society, 2005). See Simone Browne, *Dark Matters* (Durham, NC: Duke University Press, 2015).
- 248 **whipped not more than 40 lashes**: See Colonial Laws of New York, i,

520, cited in Olson, “The Slave Code in Colonial New York.” See also Berlin and Harris, *Slavery in New York*.

- 248 **Board of Charities:** On the role of philanthropy and charity in producing a racialized order see Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton, NJ: Princeton University Press, 2001); Paul Boyer, *Urban Masses and the Moral Order in America, 1820–1920* (Cambridge, MA: Harvard University Press, 1992); Ralph Luker, *Social Gospel in Black and White: American Racial Reform, 1885–1912* (Chapel Hill: University of North Carolina Press, 1991); David Rothman, *Conscience and Convenience: the Asylum and its Alternatives in Progressive America* (Boston: Little Brown, 1980); Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America* (New York: Free Press, 2003); Richard Hofstadter, *Age of Reform* (New York: Vintage Books, 1955). Robert Allen, *Reluctant Reformers: Racism and Social Reform Movements* (Washington, DC: Howard University Press, 1974).
- 249 **“Disorderly is worse than discrimination”:** Frederick Whittin to Du Bois, 10 October 1912, box 11 (Du Bois 1911–1912) folder, W. E. B. Du Bois Correspondence. Frederick Whittin to Du Bois, 10 October 1912, box 2 (General Correspondence) folder, W. E. B. Du Bois Correspondence 1912 October 11–20. For a study of the committee’s work in New York City, see Jennifer Fronc, *New York Undercover: Private Surveillance in the Progressive Era* (Chicago: University of Chicago Press, 2009).
- 249 **vagrants and prostitutes:** See William Fryer, *Tenement House Law of the City of New York* (New York: The Record and Guide, 1901); Robert de Forest and Lawrence Veiller (eds.), *The Tenement House Problem* (London: Macmillan, 1903); and The Tenement House Law of the State of New York and Chapter XIXa of the Greater New York Charter (New York: Tenement House Department, 1912).
- 250 **incubator of crime:** The law also established guidelines for the improvement of extant houses and the building of new tenements; however, reinforcement of the law proved difficult. Many social reformers believed that social problems were determined by poor environmental conditions, so that improving housing conditions would improve the morality and life chances of the poor by transforming the ecology of the slum. “The Tenement Law of the City of New York” Section 141, “Vagrancy”; William John Fryer, ed., *The Tenement House Law of the City of New York* (New York: Clinton W. Sweet, 1901).

- 250 **overcrowding that was the prolific source of sexual immorality:** Committee of Fifteen, *The Social Evil: With Special Reference to Conditions Existing in the City of New York* (New York: G. P. Putnam, 1902), 173–174.
- 250 **consolidate the meaning of prostitution:** See Mumford, *Interzones*; Fronc, *New York Undercover*; Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex 1790–1920* (New York: W. W. Norton, 1992); and Jessica R. Pliley, *Policing Sex Districts: The Mann Act and the Making of the FBI* (Cambridge, MA: Harvard University Press, 2014); Waterman, *Prostitution and Its Repression in New York City*, 39.
- 250 **“the vagrant as the chrysalis of every criminal”:** Tiedeman, *Treatise on the Limitations of Police Power*, 117.
- 251 **“vagrancy clause of the Tenement House Law”:** 1,099 persons were arrested for this violation. Committee of Fourteen, *Committee of Fourteen Annual Report 1914* (New York, 1914).
- 251 **Thirty-six percent of these convictions were of black women:** Committee of Fourteen, *Committee of Fourteen Annual Report 1914*, 32–33; Val Marie Johnson, “Defining Social Evil: Moral Citizenship and Governance in New York City, 1890–1920” (PhD diss., The New School for Social Research, New York, New York, 2002), 396–397, fn. 121. The Tenement House Committee and the Committee of Fourteen targeted landlords whose primary tenants were African Americans. In 1910, black women comprised 1.9 percent of the city population, 8 percent of those charged with prostitution, and 7.6 percent of those charged with disorderly conduct. In 1914, the vast majority of women charged with prostitution was through the vagrancy clause of the Tenement House Law. Although African American women comprised little more than 2 percent of the population of the city, they were 36 percent of those arrested for violation of the Tenement House Law. Foreign-born women were 24 percent of those arrested, although they were 40.8 percent of the city. Because of the segregated labor market, black women were frequently employed in sex venues, but in non-sex-work as housekeepers, maids and washerwomen. By 1928, there were four times more Negro women than white women in court. By 1930, there was a dramatic increase in rates of arrest. Three Negro women were arrested for every two white women, even where there was one Negro woman to eight white women living in New York City. The “policing relation” had everything to do with this disparity. See Sophia

Robison, *An Inquiry into the Present Functioning of the Women's Court in Relation to the Problem of Prostitution in New York City* (Welfare Council of New York, Research Bureau, May 1935).

- 251 **arrest of black women and tenement residents:** "There has been an increase, as compared with 1913–1914, of cases from tenements on the East Side and in Harlem, while decreases were noticed in the central part of the city, which includes the . . . Tenderloin. This latter decrease, as well as the increase in the Harlem district, is probably explained by the movement of the negroes from one section to the other." Kneeland, *Commercialized Prostitution in New York City*, 165; also see Committee of Fourteen, *New York City Annual Report*, 1915–1916, pp. 32, 42, 55, 58.
- 251 **willingness to have sex or engage in "lewdness":** Criminal Code, Section 887, defined the vagrant as follows: "Any person (a) who offers to commit prostitution; or (b) who offers or offers to secure a female person for the purpose of prostitution, or for any other lewd or indecent act; or (c) who loiters in or near any thoroughfare or public or private place for the purpose of inducing, enticing, or procuring another to commit lewdness, fornication, unlawful sexual intercourse or any other indecent act; or (d) who in any manner induces, entices or procures a person who is in any thoroughfare or public or private place to commit any such acts is a vagrant." In 1921, the definition was again expanded in *People v. Breitung*, although the first item was unchanged since the fourteenth century: "A person who not having visible means to maintain herself, lives without employment."

N.Y. PEN. LAW § 240.20: NY Code-Section 240.20: Disorderly conduct: A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: 1. (S)He engages in fighting or in violent, tumultuous or threatening behavior; or 2. (S)He makes unreasonable noise; or 3. In a public place, (s)he uses abusive or obscene language, or makes an obscene gesture; or 4. Without lawful authority, (s)he disturbs any lawful assembly or meeting of persons; or 5. (S)He obstructs vehicular or pedestrian traffic; or 6. (S)He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or 7. (S)He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Disorderly House, Penal Law, Section 1146: A person or person who keeps a house of ill-fame or assignation of any description, or a house

or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene or indecent purpose, or disorderly house, or a house commonly known as a stale beer dive, or any place of public resort by which the peace, comfort, or decency of a neighborhood is habitually disturbed, or who requests, advises or procures any female to become an inmate of any such house or place, or who as agent or owner, lets a building or any portion, knowing that it is intended to be used for any person specified in this section, or who permits a building or portion of a building to be so used, is guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for the purposes herein specified.

Disorderly Person. Code of Criminal Procedure, Sections 899, 911.

4. Keeps of bawdy houses or houses for the resort of prostitution, drunkards, tipplers, gamesters, habitual criminals, or other disorderly persons. (Disorderly persons overlap with the meaning of the vagrant.)

Section 911 Court may also commit [her] to prison; nature and duration of imprisonment. The court may also in its discretion, order a person convicted as a disorderly person, to be kept in the county jail, or in the City of New York, in the city prison or penitentiary of that city, for a term not exceeding six months of hard labor.

Public Nuisance, Penal Law, Sections 1530 and 1532:

Section 1530: A public nuisance is a crime against the order and economy of the State and consists in unlawfully doing an act, or omitting to perform a duty, which act or omission:

- 1) Annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons; or,
- 2) Offends public decency; or
- 3) (Actually Point 4) In any way renders a considerable number of persons insecure in life, or the use of property.

Section 1532. Maintaining a nuisance. A person who commits or maintains a public nuisance, the punishment for which is not specially prescribed, or who willfully omits or refuses to perform any legal duty relating to the removal of such a public nuisance, is guilty of misdemeanor.

Colored Girl in Court," *New York Age*, April 25, 1925; "Women Offenders and the Day Court," *New York Age*, April 18, 1925. See Campbell quoted in "Harlem Love Girls Get 25 cents, Whites \$5," *Afro-American*, January 29, 1938.

252 **police raid without a warrant:** Committee of Fourteen, *Annual Report of the Committee of Fourteen 1915–1916*.

254 **being in the wrong place at the wrong time:** Pat James and many other women were arrested for prostitution in taxicabs. She left a club at 1:30 a.m. Two men entered the cab after she did. She started screaming and fighting with them, fearing that they would rob her, but instead she was arrested for prostitution. Bedford Hills Case File #3489. Nancy Lacewell was arrested in a hallway. The officers first charged her with robbery and then changed the charge to prostitution. Bedford Hills Case File #3501. Henrietta Dawson was arrested for prostitution after agreeing to a date with a man she had met at a Harlem club. Her mixed-race child convinced the court that she had been living the life of a prostitute. Bedford Hills Case File #3499.

254 **"it was the word of some dirty grafting cop against theirs":** Billie Holiday, *Lady Sings the Blues* (1956; repr. New York: Three Rivers Press, 2006), 27.

254 **rockin' me, with one steady roll:** Trixie Smith, 1922, "My Man Rocks Me (With One Steady Roll)," Black Swan Records, 14127-B.

256 **"respectable members of the community":** "Race Actresses Said Framed by Cop." *Baltimore Afro-American*. December 26, 1925, 5.

256 **to live in its clauses and parentheses:** Anne Winters, "MacDougal Street, Old Law Tenement," *The Displaced of Capital* (Chicago: University of Chicago Press, 2004).

256 **the problem of crime was the threat posed:** See Christopher Muller, "Northern Migration and the Rise of Racial Disparity in American Incarceration," *American Journal of Sociology* 118, no. 2 (September 2012), 281–326; Muhammed, *Condemnation of Blackness*; Bryan Wagner, *Disturbing the Peace*; and Michelle Alexander, *The New Jim Crow* (New York: The New Press, 2012).

#### THE ARRESTED LIFE OF EVA PERKINS

257 **Eva Perkins:** This account of Eva Perkins is based on Bedford Hills File #2504.