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President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

September 21, 2022

Re: Petition for Posthumous Pardon of Callie House

Dear Mr. President:

In 1916 Callie Guy House was convicted and sentenced to a prison term for obtaining money by “false and fraudulent pretenses”—a sentence not supported by one scintilla of evidence. Callie House had been targeted and harassed by federal officials for years because of her legitimate political activities encouraging the formerly enslaved to demand that the U.S. government provide them with welfare assistance as they aged in abject poverty. Exercising the very rights denied to her, we petition the Office of the Pardon Attorney to recommend that the President grant a posthumous pardon to Callie House.

I. Historical background

Though Emancipation brought freedom from *de jure* slavery, it did not mean freedom from poverty, disease, and death. In the period after Emancipation but before the Confederate surrender, black people who escaped to the North were met with feeble or no resources to meet their basic needs. In 1865, a military official in Tennessee who oversaw a camp of former slaves wrote that they were “dying by scores – that sometimes 30 per day die and are carried out by wagonloads without coffins, and thrown promiscuously, like brutes, into a trench.”¹ Black and white people alike suffered under deplorable conditions, but the situation was decidedly worse for the formerly enslaved. From 1862–

¹ JIM DOWNS, SICK FROM FREEDOM AFRICAN-AMERICAN ILLNESS AND SUFFERING DURING THE CIVIL WAR AND RECONSTRUCTION (2012).

1870, around a quarter of the country's formerly enslaved population suffered severe illness and death. The end of the war brought peace but not plenty, and those who escaped the swift but terrible death of violence in war often suffered a slow and tormented death by starvation.²

Over time, the South rebuilt its economy, but the formerly enslaved were the last to reap the benefits of new jobs and newly available capital. Many of them no longer had the physical ability to do the backbreaking agricultural work that was the employment most readily available to them, their bodies aged by time, disease, famine, and poverty.

II. The fight for reparations

With no meaningful welfare programs provided by the government at this time, there was little hope that the formerly enslaved people would receive any relief. Yet there were models of relief that could be pursued. The concept of reparations was not new. Belinda Sutton endured fifty years of slavery when her enslaver, Isaac Royall, was forced to abandon his slaves in America when he was banished from Massachusetts for his loyalist sympathies during the Revolutionary War. Bequests from Royall's estate, made prosperous by slave labor, were responsible for the founding of Harvard Law School. Belinda petitioned the Massachusetts legislature for a pension. In one of the earliest examples of reparations, she was granted a yearly pension of 15 pounds and 12 shillings from the Royall estate, though she was only ever able to collect a fraction of what she was owed.³

Beyond reparations, welfare programs were being developed both in the U.S. and abroad to care for those whose livelihoods had been impacted by war. Soldiers who had fought for the Union in the Civil War were eligible for pensions that would offset the costs incurred because of injury and time spent away from their previous occupations. Similar legislation was being proposed in England. While slaves had not worked for the United States government (with some notable, shameful exceptions), they had worked with the tacit approval of the government—a reality that only changed for enslaved people in the South with the signing of the Emancipation Proclamation and for enslaved people elsewhere in the country with the passage of the Thirteenth Amendment.

It is an irony of history that the idea of providing pensions for formerly enslaved persons after the Civil War came not from any formerly enslaved person themselves or former abolitionists continuing their humanitarian cause, but from a Confederate apologist. Walter R. Vaughan wrote and sold a pamphlet entitled "Freedman's Pension Bill: A Plea for American Freedman." In 1891 the pamphlet sold 10,000 copies and more editions followed.⁴ Vaughan, a white Democrat from Alabama, proposed legislation that he modeled after the Union veterans' pension bills then being discussed in Congress. He persuaded Nebraska congressman William J. Connell to introduce the legislation in 1890. The proposal called for a \$15 a month pension plus a one-time payment (or "bounty") of \$500 for every formerly enslaved person over the age of seventy, with payments starting

² *Id.*

³ Ta-Nehisi Coates, *The Case for Reparations*, THE ATLANTIC (June 2014).

⁴ MARY FRANCES BERRY, MY FACE IS BLACK IS TRUE: CALLIE HOUSE AND THE STRUGGLE FOR EX-SLAVE REPARATIONS 33 (2006).

lower for younger people and increasing as they aged. Those responsible for the caretaking of their aging, formerly enslaved relatives would also be eligible for the pension.

Vaughan's intent was not really to benefit the former slaves, but to provide a subsidy for the South, which had been economically devastated by the war. He explained his own interest in the state of formerly enslaved people by describing seeing groups of freedpeople in a "tattered condition" while travelling through Mississippi in 1870, which he believed to be in stark contrast to the kindly care he asserted they received while in slavery. His plan was to give the ex-slaves money with the express intention that this money should sooner or later be spent and given to white southerners, thereby reviving their fortunes.

Whatever its source, the idea of a pension for former slaves captured Callie House's imagination as she read Vaughan's pamphlet. Though Vaughan had not made much headway with his proposal in Congress, he had made inroads in developing an organization that would lobby for it. To spread word of his proposal, Vaughan hired travelling agents who would sell his pamphlet for \$1, often after delivering a speech or sermon. One of those agents was Isaiah Dickerson, a schoolteacher and minister who parted ways with Vaughan over disagreements concerning the direction of the organization. After the split, Dickerson worked with other black people to create a new organization to organize for a pension, but this time with the wellbeing of formerly enslaved peoples as the true and central goal.

That organization was called the National Ex-Slave Mutual Relief, Bounty and Pension Association. While the bounty and pension provisions they organized for were straight out of Vaughan's playbook, the mutual aid element was wholly new. For the oldest ex-slaves, the agricultural work that was sometimes the only employment available was not feasible. Living out the ends of their days sometimes in abject poverty, they needed the assistance of their communities just to survive. The Association stepped in where other civic and religious organizations did not, raising money from its members to help pay for the formerly enslaved's medical expenses in life and burial costs in death.⁵

III. The Association grows

The Association grew quickly, in large part because of Callie House's leadership. When newly elected to the role of assistant secretary (an unusual distinction for a woman in those times), she reflected on the time she spent "among strangers laboring to the best of my ability for the rights [to] which [her] race [was] justly entitled,"⁶ efforts she would valiantly continue despite immense persecution until it was made impossible by her incarceration. She travelled selling pamphlets and memberships in the Association, encouraging former slaves and their families to contact their congressional representatives to vote for the pension bills that were continually put on their desks. She argued that the U.S. government had a moral obligation to help the former slaves: "If the

⁵ *Id.* at 51.

⁶ *Id.* at 6.

Government had the right to free us she had a right to make some provision for us and since she did not make it soon after Emancipation she ought to make it now.”⁷

Though accurate numbers are hard to come by, it is clear that the Association was an impressively large organization. One federal official estimated that the organization may have had 300,000 members.⁸ White Southern Democrats, who had defeated the Reconstruction Republican governments and were busy setting up Jim Crow, certainly noticed. A pension bureau inspector told his supervisors that “[t]he ex-slave pension movement ‘is setting the negroes wild, . . . making anarchists out of them [If this continues, the government] will have some very serious questions to settle in connection with the control of the race.’”⁹ There is, of course, no evidence of any political unrest resulting from the actions of the Association.

IV. Persecution by the federal government

Nonetheless, through some combination of paranoia and spite, federal officials began pressuring the Association in an effort to limit its effectiveness. Understanding how important her leadership was in the movement, those efforts were focused on Mrs. House. Shortly after her election as assistant secretary, she received a first notification that the federal government was paying attention: a letter from Harrison Barrett, acting assistant attorney general of the Post Office Department, which informed her that he was issuing an order that would prevent the Association from using the United States mail service because it allegedly engaged in fraud.

The order dealt a crippling blow to the Association. Mail was its bloodline, allowing House and her colleagues to spread information to local chapters, to organize their affairs, and to collect the dues that paid for Mrs. House and others to travel and give lectures. Without the U.S. postal service, they would have to rely on private carriers which would be much more expensive, or have members pass along their mail through private hands, which would be slow and unreliable.

Today deprivation of a public benefit based on the content of political speech and without evidence, notice, or hearing would raise a host of constitutional objections. Yet it was the audaciousness of the Association, not the government, that eventually caught the public’s attention. Seeking to discredit the Association more publicly, the Post Office sent the fraud order to local newspapers in 1899.¹⁰ In a letter to the Acting Assistant Attorney General explaining the necessity of this action, the Nashville postmaster wrote that Mrs. House was “defiant in her actions, and seems to think that the negroes have the right to do what they please in this country.”¹¹

In April 1900 House received another notice, reiterating the scope of the Post Office’s order. The allegation against her and the Association was that it had *promised* the former slaves that they would receive pensions if they paid the membership dues. While there is

⁷ *Id.* at 50.

⁸ *Id.* at 7.

⁹ *Id.* at 81.

¹⁰ *Id.* at 124.

¹¹ *Id.* at 124.

some evidence that such fraud had taken place, there was no evidence linking it to the Association: rather, hucksters impersonating Association agents seemed responsible for the very few incidents of this type of fraud. The Post Office Department continued to attack the Association and other, similar groups, without making any effort to determine whether their activities were actually fraudulent or not.¹²

The Nashville postmaster, A. Wills, wrote that “in order to eventually wipe out the whole thing, [he felt] justified at times to resorting to extreme measures.”¹³ It seems he, or those around him, did. Isaiah Dickerson was arrested on trumped up fraud charges. Newspaper descriptions say he “deluded darkies” in thirty-four states and was sued by the Atlanta chapter of the Association—which was, of course, false. In fact, the Association paid for his appeal to the Supreme Court of Georgia, which overturned his conviction in 1901. Yet Wills was disappointed that only Dickerson had been prosecuted, since he thought House was “as bad, if not worse than Dickerson.”¹⁴

There was no evidence that the Association committed fraud. There was no evidence that Isaiah Dickerson committed fraud. There was no evidence that Callie House committed fraud. The same cannot be said of the Post Office officials responsible for the order and the prosecutions. “[I]n 1904 the Justice Department indicted Harrison Barrett and Assistant Attorney General James Tyner, nephew and uncle, as well as the two principal Justice Department officials who harassed Mrs. House and the association, for collusion to profit by abusing their discretion under the fraud laws.”¹⁵ Barrett and Tyner came up with a clever scheme to profit themselves using the same unsupervised and unappealable powers of the Post Office: Tyner in the Post Office Department would target businesses and individuals, who Barrett would then represent at hefty fees to get them out of the trouble Tyner created for them. The Roosevelt administration discovered the scheme and accused Tyner of taking bribes. “His wife and her sister, apparently Barrett’s mother, went to his office and secretly took all the documents from the safe. When Postmaster General Payne learned they had been there, he chased them through the streets of Washington in his carriage, ending up at their house . . . Tyner and Barrett admitted that the charges were valid. However, based on a legal technicality they were acquitted.”¹⁶

V. Trial and Conviction

The Association struggled and survived—barely. But what little life remained was still an attractive target to federal officials in the South under Jim Crow. In 1916, the U.S. Attorney in Mobile, Alabama suggested to the Justice Department that under newly modified fraud language Mrs. House could be prosecuted. If House could be prosecuted successfully, the Association would finally fail. The Postmaster General, Albert Sidney Burleson, agreed. All of the senior leaders of the Association were arrested in the hopes that at least one of them would say something incriminating.¹⁷ Still, no evidence. Nonetheless, a grand jury indicted Callie Guy House with obtaining money by means of

¹² *Id.* at 133.

¹³ *Id.* at 136.

¹⁴ *Id.* at 138.

¹⁵ *Id.* at 140.

¹⁶ *Id.*

¹⁷ BERRY, *supra* note 3, at 191.

false and fraudulent pretenses, identifying no one who had been victimized. In the indictment and at trial it was merely asserted that the pamphlets—all written truthfully—were misleading because they came emblazoned with a picture of a star, which prosecutors argued could be thought to signify the power of the federal government and thus confuse a reader into thinking that it was a promise by the United States rather than a plea to the United States. The all white, male jury convicted her.

Born a slave, Callie House wanted the opportunity to exercise her First Amendment rights to share her ideas, to peaceably assemble, to petition the Government for redress of the grievances she shared with hundreds of thousands of formerly enslaved people. For exercising these rights she was reduced to a status tragically close to that into which she had been born: forced labor, not on a plantation, but in a prison in Jefferson City, Missouri.

VI. Conclusion & Prayer for Relief

The Constitution grants the President the power “to Grant Reprieves and Pardons for Offenses against the United States, except in cases of Impeachment.”¹⁸ Since the 1990s, the White House has used the pardon power to grant posthumous pardons to heal social divisions and correct injustice.

This petition warrants the support of the Office of the Pardon Attorney. The historical record makes it clear that Callie House did not commit the crimes of which she was accused. The Executive Branch should take a special interest in a particular case where, as here, the illegal persecution suffered was done by and through the Executive. A posthumous pardon will not, of course, alleviate the Callie House’s suffering—let alone the suffering of those four million people who were enslaved at the end of the Civil War, let alone the millions who died before seeing freedom. But it will correct the longstanding injustice of her conviction and signal that the United States of America does not now, nor should have ever, condoned the silencing of a movement that fought to help those whose bodies had been crushed under a system that legalized their enslavement.

We therefore respectfully ask that the Pardon Attorney support this petition and present it to the President.

Sincerely,



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Jesse Climenko Clinical Professor of Law
Harvard Law School

¹⁸ U.S. CONST. art II, § 2, cl. 1.