Unsung Hero: The Life of a Foot Soldier for Justice

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I. INTRODUCTION

Frederick L. McGhee represents so many of the unsung heroes of the Reconstruction era. The history of people like Frederick L.

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Jensen received her B.A. in Political Science and African/Afro-American studies from Carleton College in 1987 and her law degree from William Mitchell College of Law in 1996. Prior to coming to William Mitchell, she was an Assistant Ramsey County Attorney in the Juvenile Prosecution Division, a staff attorney in the research and planning office of the Minnesota Supreme Court, rules coordinator in the Minnesota Department of Public Safety, and a law clerk for Hennepin County District Court, the Hennepin County attorney’s office, and the Hennepin County public defender’s office.

1. The Reconstruction era was the period after the emancipation of the slaves and the Industrial period. During this time, the United States government passed the Fourteenth and Fifteenth Amendments in an attempt to give the freed slaves some legal protections. However, over a period of ten to fifteen years, those rights and protections would be taken away. *Cf.* United States v. Cruikshank, 92 U.S. 542 (1875); United States v. Reese et. al., 92 U.S. 214 (1875). Both cases clearly established the constitutionality of the states’ power to regulate elections. While the Court attempts to side step the “race” issues, the Court finally delineates the extent and meaning of the Fourteenth and Fifteenth Amendments as they applied to the newly freed slaves. Particularly in *Reese,* the Court found among other things that the Fifteenth Amendment does not confer the right of suffrage on anyone. *Reese,* 92 U.S. at 217.

1
McGhee is thankfully captured by people like Paul D. Nelson in *Frederick L. McGhee: A Life on the Color Line, 1861-1912.* This book gives us a glimpse of a time in American history that is often forgotten. Further, it tells the story of a community in a state not known for being on the front lines of the fight for racial justice in a place where very few McGhees existed. Frederick L. McGhee is shown as one of the many “firsts” whose stories were never told because their existence was barely documented. Paul D. Nelson allows us to see that there were many foot soldiers in the fight for equality who previously were not known because of their color and the time in history in which they made their mark.

I am a Black Minnesotan. I am the great grandniece of Nellie Stone Johnson, and I concentrated my studies in undergraduate school in African/Afro-American studies. I had never heard of Frederick L. McGhee, Lena O. Smith, or any of the Black lawyers who made history in Minnesota prior to coming to William Mitchell College of Law as the Associate Dean for Multicultural Affairs. While this does not surprise me, it continues to disappoint me. Further, while the story of Frederick L. McGhee is a “remarkable story of achievement, accomplishment and triumph” it is also a complex story of racism, frustration, and subjugation which would

3. Id. at 4.
4. Id. at xxi.
5. Id.
6. I prefer to use Black versus African-American. This is personal choice and is not intended to be anything other than that. Both terms are used in reference to the Black Community.
7. Nellie Stone Johnson was one the first Black women elected to office in Minnesota. She was a longtime advocate for labor, was one of the founders of the Democratic-Farmer-Labor party here in Minnesota, and, until her death several years ago at well over age 90, continued advocating for the rights of working people in this state and nationally.
8. See DOUGLAS R. HEIDENREICH, *WITH SATISFACTION AND HONOR: WILLIAM MITCHELL COLLEGE OF LAW 1900-2000* (1999). Lena O. Smith was the first Black women to graduate from William Mitchell College of Law, or more specifically a predecessor school to William Mitchell, which at the time was called Northwestern College of Law. Id. at 62-63. She practiced law in Minnesota until 1966. Id.
9. FREDERICK L. MCGHEE, supra note 2, back cover, quoting Julian Bond, chairman of the NAACP Board of Directors.
10. See JUAN F. PEREA ET. AL., *RACE AND RACES, CASES AND RESOURCES FOR A DIVERSE AMERICA* (2000). There are numerous definitions of racism, many of which I spend an entire portion of a semester-long seminar trying to analyze. Thus, I hate to talk about race and racism out of context. During this time period the racism experienced by Blacks could be categorized as overt. See also DERRICK
not end with the life of Frederick L. McGhee or his even better known counterparts such as W.E.B. Dubois and Booker T. Washington.\footnote{FREDERICK L. MCGHEE, supra note 2, at 204.}

Paul D. Nelson places McGhee and Minnesota on the historical timeline through an extraordinary amount of research. Thus, the book is quite dense, and at times seems to lose focus and get mired down in the intricacies of McGhee’s legal work. It took me until the end of the book to understand the meaning of “Life on the Color Line”\footnote{Id. at 203} as it is used by Nelson. The book also tends to paint Minnesota as a “safe” place for Blacks. While we were far from the racism of Jim Crow, we were hardly exempt from the limitations of the liberal North\footnote{Id. at 204} and, as W.E.B. Dubois would point out throughout his life, the true meaning of “all men created equal” did not apply if your hue were other than white,\footnote{See id. at 207.} even in Minnesota.

II. FREDERICK L. MCGHEE THE FOOTSOLDIER

From the beginning of McGhee’s life, he was a soldier in a war against the enslavement and oppression of his people. He was born into slavery in Mississippi in 1861.\footnote{Id. at 4-5.} As Paul D. Nelson points out, this would not be significant except for the fact that most of the other prominent blacks of this era were born to freedmen who were educated in the North.\footnote{Id. at 149.} In the first several chapters, we learn that McGhee would come to St. Paul, Minnesota from Chicago, Illinois and become the first “colored” lawyer admitted to practice by the Minnesota Supreme Court.\footnote{Id. at 3.} This would be the beginning of many of McGhee’s firsts, but unfortunately, not the beginning of the lack of documentation on why he really came.

I want to note that I did appreciate the explanation of the language of the period. It allows the reader to step into a period in time that many are unfamiliar with and thus the terminology used would be foreign. Nelson describes numerous accounts of McGhee’s prowess in the court room beginning with the

\cite{BEL1992}
unscrupulous clients early on to the more prestigious murder cases later. While the assumption may be that during this time the clients would look like McGhee, the reality is that in this case, in a small way McGhee was able to cross the color line. The fact of the matter was that McGhee was a warrior both in the court room and in his real passions: politics and civil rights.\(^{18}\)

In Chapter Three, we are introduced to Fred McGhee the civil rights activist. We find out that McGhee would be at the center of all the movements which led up to the establishment of the National Association for the Advancement of Colored People, the NAACP, in 1909.\(^{19}\) As Nelson points out, we find that during the fifty years after emancipation, McGhee and those like him would attempt to create national civil rights organizations that could fight the outright repeal of the rights Blacks had gained after emancipation, as well as battle the establishment of the apartheid laws known as Jim Crow Laws in the South.\(^{20}\) They would try to use the courts but there was too little money and too few of them to make an impact.\(^{21}\) However, McGhee would continue to fight for the rights of his people for some time to come and would become a significant political figure both in Minnesota and nationally.

Like many of the Black leaders of his time, McGhee’s life and career would be enmeshed with the politics of the times. His politics would become a lightning rod for controversy, but nothing short of a storm would have changed the outcome.\(^{22}\) McGhee would become one of the first of many Blacks to go against the party of his people to join the other side.\(^{23}\) We learn throughout the biography that he not only changed parties, he became a staunch advocate for the party that supported so many of the things

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18. Id. at 25 (Nelson notes that while McGhee wanted and needed to develop his legal practice, his time making a living often came in conflict with his love of politics and civil rights).

19. Id. at 25. I think it is important to note that the first organization McGhee supported was called the National Afro-American League. Id. at 26-27. He helped create a local chapter in St. Paul. Id. This would be the first of six civil rights organizations which McGhee would support on a national level and then bring home to Minnesota. Id. at 27. However, as Nelson points out, most people are unaware of any of these organizations outside of the modern day NAACP and the Urban League. Id. at 25.

20. Id. at 25-26.

21. See id. at 31.

22. See id. at 184-85.

23. Id. at 81-82.
he despised. And while he changed parties initially because of a feeling that Republicans were taking the Black vote for granted, it never really became clear to me why he stayed with the Democrats, who openly opposed the very things McGhee said he was fighting for: equality for Blacks throughout the United States. Nelson leads us through the ups and downs of McGhee’s life in politics, eventually bringing the reader to the portion of the book devoted to Frederick L. McGhee, the man.

III. FREDERICK L. McGHEE THE MAN

It is interesting that while we are learning who Fred L. McGhee the lawyer, the civil rights activist, and the politician are throughout most of the biography, it is not until Chapter Twelve that we really begin to learn about Fred L. McGhee, the husband and father. As Nelson points out, this is probably because like so many Black leaders of his time, home came in a distant second to all the other parts of his life. While he, his wife, and their daughter clearly had a place in Minnesota’s Black inner circle, there is little doubt that his roles as activist and politician affected his ability to be all things to all people, particularly his family. It is interesting that the book chronicles so much of the social events and philanthropy of the Black elite. However, when one looks deeper, it is not surprising because much of the press that Blacks received revolved around these types of events.

I think this is an important aspect of life for Black Minnesotans; although they lived up North in Minnesota, where even today people are surprised Blacks would choose to live, the Black community was vibrant, despite its small numbers. These Blacks were looked at to represent the “best” of their community. Unfortunately, from my perspective, this also meant the continued use of token Blacks that often divided the already small community. However, these social events were intricately mixed with the civil rights and political activities of the McGhees and their friends.

24. Id.
25. See id. at 85-89.
26. See id. at 90-95.
27. Id. at 147-56.
28. Id.
29. See id.
30. See id. at 209-25 (the notes section at the end of the book provides the best way to understand the press because the sources for the information are well cataloged and the Black and local presses provided much of the documentation on McGhee’s activities).
The one area in which McGhee was clearly a pioneer or a radical, depending on whom you talked to, was religion. McGhee became a Catholic and, as with his political affiliations, he would not become a passive follower. In Chapter Four, Nelson begins the discussion of how Fred L. McGhee and Mattie McGhee would immerse themselves in the Black Catholic Church in St. Paul, St. Peter Claver, which still exists today. Again, as with his move to the Democratic Party, McGhee seemed to be drawn to the Catholic Church because many of the Black Churches were decentralized and thus subject to the whims of the locality in which they resided. Further, McGhee apparently believed many of these Churches had collaborated in slavery, and, after emancipation, had gone along with Jim Crow. Again, what I find interesting is that the history of religion throughout the world, particularly at this time, was not typically a history of tolerance of those who are different. Additionally, it is ironic that McGhee would not find it ironic that the Church would have a separate Black congregation.

Fred McGhee met John Ireland and, in what must have been some interesting conversations, became convinced that there was a place for Blacks in the Catholic Church. Interestingly enough, this affiliation would also become a disappointment as far as the advancement of his people. Like its Protestant counterparts, the Catholic Church would not live up to its promises of equality and support for Blacks when the chips were down. However, McGhee would remain a devout Catholic, and his religious community would play a significant role both in his life and in the life of his small family.

What we learn about the McGhees in the last chapters of the book is that they were part of a small class of Blacks who, while not rich, were comfortable. They owned part of the American Dream. However, like many of the unsung heroes, while they were part of a small class of people, they were never really part of the majority.

31. Id. at 39.
32. See id. at 39-40. (St. Peter Claver Church is located not too far from William Mitchell College of Law, in the old Rondo neighborhood on St. Anthony Boulevard, which is now the frontage road off Interstate Highway 94. It is also very close to where the McGhees lived in St. Paul).
33. Id. at 40.
34. See id.
35. Id. at 41-42.
36. Id. at 49.
37. Id. at 149.
38. Id. at 147.
class. While they may have been invited to the head of the class on occasion, they were never allowed to remain. Many of the Black elite, like Fred McGhee, would live their lives with much fanfare, and even press, but they would never fully realize the American Dream of success for future generations. Thus, Nelson leaves the reader with the understanding that while the Fred L. McGhees of the world were out fighting for social change, economic stability, and a simple voice in the discourse, things were not always as they seemed. Furthermore, McGhee, like his great friend and orator W.E.B. Du Bois, was always conflicted by, and at times downright oppositional to, the reality of a Black man during this period in history. McGhee, like many of his friends, would die with little to leave his wife and child. Unfortunately, they too would fall victim to the poverty and oppression their husband and father fought against during his lifetime.

IV. CONCLUSION

Frederick L. McGhee’s life is symbolic of the lives led by many Blacks during this period and beyond. Like the lives of the many great leaders, his life represents the true complexity of the Black community, which either has been sanitized or not even recognized until now. As Paul D. Nelson and writers like him illustrate in the biographies of these few men, they did not work alone, they were not monolithic, and they were not without conflict and controversy. I do not want to make light of all the legal cases and the wonderful lawyering Frederick L. McGhee did, particularly at a time when many Black attorneys were struggling to work. However, while Paul D. Nelson spends a lot of time in the book on the cases and the lawyering of McGhee as a lawyer, I found many of

39. See also Bell, supra note 10, at 118. Bell refers to the rules of racial standing, with the fourth rule being that when a black person or group makes a statement or takes an action that the white community does not approve of, they will search for another minority to make a counter argument or to condemn the actions of those blacks they dislike. Id. On several occasions throughout the book, it could be argued that McGhee plays this role and is severely criticized for it by the black community.
40. Frederick L. McGhee, supra note 2, at 203-04.
41. See id. at 184-85.
42. Id. at 204.
43. See id. at 203-04.
44. Id.
45. Id. at 13, 33, 37, 50-65, 112-21.
the other aspects of the book far more interesting. Possibly because of my own background and appreciation for the privilege and knowledge that a law degree itself gives people of color, I was more drawn into the struggles outside the courtroom and the effect these individuals had in their communities and nationally, particularly at a time often forgotten or neglected in the history of this country.  

While there may not have been the big successes until sometime after his death, McGhee represented one of the hundreds of people whose baby steps and sacrifices allowed those of us who have followed to at least have access to the head of the class. The life of Frederick L. McGhee was not only the history of a Minnesota Lawyer, but the history of so many of the men and women that lived during that time. The book is full of the names of great men and women with whom McGhee was well acquainted and could even call his friends. If Frederick L. McGhee were measured purely by the company he kept, he would be considered a highly successful man.

However, as I read the book, I was struck by the continuous struggle along, not race lines, but class divisions. Within communities of color, there continues to be a struggle between the western European centered belief in individualism and the reality of race and the racialization of a people by the dominant culture. Paul D. Nelson deals with the issues of race in a tertiary way throughout the biography. I think this is a mistake because it leaves so much to be said on such important issues; however, this is a biography, and as such, it is a well researched book. It is definitely a read for lawyers, historians, and those interested in the contributions of “Black folks.”

...beneath the skin, beyond the differing features
and into the true heart of being, fundamentally,
we are more alike, my friend, than we are unalike.  

- MAYA ANGELOU

46.  See, e.g., W.E.B. Du Bois, Reconstruction and Its Benefits, 15 AM. HIST. REV. 781-99 (1910), in RACE AND RACES, supra note 10, at 133-39 (introducing the concept of black suffrage as the key to the success of the Reconstruction era, while also discussing the struggles and challenges that the newly freed slaves faced during Reconstruction).