

“NO SACRIFICE IS TOO GREAT”: ROTHSCHILD FRANCIS’ FIGHT FOR
VIRGIN ISLANDERS’ CIVIL RIGHTS AND SELF-GOVERNMENT
IN AN AGE OF U.S. EXPANSION, 1917-1931

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ABSTRACT

When the United States purchased the Virgin Islands in 1917, they established a naval government and denied civil rights and citizenship to the native people. Rothschild Francis, a self-educated Virgin Islands native, took it upon himself to demand the citizenship and self-government that the United States had historically bestowed upon new territories. Utilizing his extensive knowledge of the U.S. Constitution, Francis appealed to the U.S. government by writing congressional legislation, establishing his own political newspaper, giving speeches in both the Virgin Islands and in New York City, and by challenging discriminatory court decisions by naval judges. He also addressed the issues of racial prejudice that the U.S. Navy brought to the shores of St. Thomas.

Francis' editorials in his newspaper, the *Emancipator*, his congressional legislation, and his public replies to his critics provide thorough evidence of his views on the importance of self-government, and of the strategies he employed to gain rights for his people. Francis maintained a consistent message about the importance of freedom of speech, freedom of the press, and the power of democracy. Francis adamantly supported American government, even while he challenged the U.S. to apply democracy equally in the Virgin Islands. His fourteen years of campaigning for Virgin Islanders' citizenship and self-government laid the groundwork for the rights that Virgin Islanders have today.

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ACKNOWLEDGMENTS

I would like to thank the Forbes family for introducing me to someone who I feel I now know very well, Rothschild “Polly” Francis (1891-1963). This incredible man sacrificed everything to gain civil rights for his people in the Virgin Islands, and through his profound writings he has taught me, more than anyone else, what it truly means to be an American. I am honored that my son—who has endured almost the entire thesis journey with me, wiggling in my womb—is the great-great grandson of Rothschild Francis. May he carry on the family tradition of bravery, intelligence, pride, wit, and standing up for what is right.

Introduction

On the morning of March 15, 1924, Rothschild Francis stood before the United States Senate Committee on Territories and Insular Possessions. Francis had traveled over 1,500 miles from his hometown of Charlotte Amalie, St. Thomas to attend the meeting, bearing his bill for the creation of a permanent form of civil government in the Virgin Islands. A former shoemaker who had never seen the inside of a law school or even a college, and the grandson of plantation slaves, Francis was the first Virgin Islander to draft or introduce legislation to the United States Senate on behalf of the islands.¹ His legislation proposed the establishment of a civil government, a bill of rights, U.S. citizenship for Virgin Islanders, and an island council recognized by the United States.

Adolph A. Berle, Jr. of the American Civil Liberties Union stood by Francis as counsel for the Virgin Islands Committee. On this Saturday morning, Senator Frank B. Willis presided over the hearing, with Senators Robinson, Harris, Broussard, Walsh, and Bayard also in attendance.² Before these men, Rothschild Francis, likely in his “high,

¹ Leon A. Mawson, *Persecuted and Prosecuted* (New York: Vantage Press, 1987), 24. Leon A. Mawson (1906-1999) served as a secretary to navy Judge George Washington Williams, who tried and convicted Rothschild Francis on a series of unjust charges. According to his daughter, Mawson admired Francis and “he never liked to see an injustice done.” In 1987 he published *Persecuted and Prosecuted*, presumably to counteract the effects of his boss’s discrimination of Francis. It includes a small amount of history and commentary on Francis’ life, but it mostly consists of reprinted transcripts, editorials, and letters by or about Rothschild Francis.

² U.S. Congress, Senate, Committee on Territories and Insular Possessions, *Providing a Civil Government for the Virgin Islands: Hearings Before the Committee on Territories and Insular Possessions*, 68th Cong., 1st sess., 1924, in Mawson, 30.

penetrating voice [which was] inclined to rise in volume and exaggerate his island lingo,” articulated his desire to provide his people with a political voice.³ He acknowledged the United States’ contribution to improved health conditions and a better education system, then continued:

But we say to ourselves, when our children get this beautiful education they are getting able also to raise their voices in protest against the system that allows aliens to still have control of the country where we are born. I want to impress the committee with the fact that this is a most serious thing to us, where these men have political rights and we have none. We feel we are political peons under the American flag, and aliens have the right to dictate us. We ask the committee to take that fact under consideration and to see that we have a form of government established in those Virgin Islands compatible with the American conception of government, giving the masses a say in the government.⁴

This excerpt from Francis’ presentation to the Senate committee exemplifies his unique stance as a supporter of U.S. ownership of the islands, and a simultaneous critic of the naval government which had controlled the Virgin Islands for the past seven years, and was not “compatible” with the ideals of democracy. As a black man, Francis maintained faith in the promise that in America “all men are created equal” to an extent far beyond that of his contemporaries fighting for black rights in Harlem in the 1920s, for example. He attempted to serve as a bridge between the colonizers and the colonized, while remaining resolutely dedicated to his goal of self-government and citizenship for the people of the Virgin Islands. Undeniably the most vocal supporter of Virgin

³ Mawson, *Persecuted and Prosecuted*, 24.

⁴ U.S. Senate Committee, in Mawson, 47.

Islanders' rights after U.S. acquisition in 1917, Rothschild Francis was a political and social anomaly.

As Terrence Bowers observed, “Anomalies remain always a potential threat to the taxonomic structures under which they are marginalized, for in the very fact of their existence they reveal the shortcomings, inadequacies, contradictions, and arbitrary nature of such structures.”⁵ Rothschild Francis revealed a multitude of inconsistencies in the United States' early twentieth century expansionist policies through public speeches, his political newspaper, the *Emancipator*, by drafting Senate legislation, writing editorials in mainland political magazines, and by appealing naval court rulings of his own convictions for libel and contempt of court. Equipped with a profound understanding of, and a nearly unquenchable faith in the U.S. Constitution, Rothschild Francis provided a crucial and unique native voice, which insisted upon racial equality, citizenship, and civil rights for the people of the Virgin Islands during a period of United States expansion beyond the contiguous states into the Caribbean. As a result, he also personified the discrimination that the navy inflicted upon Virgin Islanders, becoming a living example of the consequences of having no civil rights in a U.S. territory.

Historical Context

The conclusion of the Spanish-American War set the stage for U.S. acquisition of the Virgin Islands less than twenty years later. In the 1898 Treaty of Paris, the United States gained the Philippines, Guam, and Puerto Rico, all non-contiguous and extra-continental territories populated by people who spoke a foreign language, held different

⁵ Terence N. Bowers, “Margery Kempe as Traveler,” *Studies in Philology* 97 (2000): 3.

cultural values, and who were racially distinct from most Americans.⁶ Spain also relinquished its sovereignty over Cuba, where many Americans held property and trade interests. The dominant intention with these territories was protectionism rather than, for example, westward migration, as had been the case in the mid-nineteenth century. Thus the United States began to pass a series of legislative actions that contradicted the original pathway from territory to statehood as established in the Northwest Ordinance of 1787. These actions denied constitutional rights to the United States' new "subjects."

On the island of Puerto Rico, approximately one hundred miles from the Virgin Islands, the United States instituted a new colonial structure through the Foraker Act of 1900.⁷ The Foraker Act deemed Puerto Rico a "possession" of the United States, and offered no assurance of either future statehood, or status as an independent republic. Though Senator Foraker fought for citizenship status for Puerto Ricans, arguing, "They must be either citizens, aliens or subjects. We have no subjects, and should not make aliens of our own," Puerto Ricans were not granted citizenship, and did become colonial subjects.⁸

The 1901 case *Downes v. Bidwell* further muddied the definition of the status of Puerto Rico as a territory, and the responsibility that the United States had to its territories under the Constitution. Downes had imported oranges from San Juan to New

⁶ William W. Boyer, *America's Virgin Islands: A History of Human Rights and Wrongs* (Durham, NC: Carolina Academic Press, 1983), 97.

⁷ César J. Ayala and Rafael Bernabe, *Puerto Rico in the American Century: A History Since 1898* (Chapel Hill, NC: The University of North Carolina Press, 2007), 52.

⁸ Boyer, *America's Virgin Islands*, 100.

York, and brought an action against Bidwell, the collector of the port of New York, to recover the cost of duties paid on the oranges. The Foraker Act required the payment of “fifteen per centum of the duties” on articles of merchandise. However, if Puerto Rico was considered part of the United States, the Foraker Act would violate the constitutional protection on “duties, imports and excises” which must be uniform throughout the United States.⁹

This case ultimately came down to the question, as Justice Frederic R. Coudert put it, “Does the U.S Constitution follow the flag?”¹⁰ The court decided in a five to four decision that it did not. Justice Brown essentially created for Puerto Rico an entirely new category of U.S. territory as he deemed the island in his majority opinion, “a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution,” thus, upholding importers’ rights to exact duties on Puerto Rican products.

Justice White also wrote a concurring opinion, concocting the unprecedented “doctrine of incorporation,” which denied the application of the Constitution to insular possessions and noncontiguous territories of the United States. Though quite vague—he proclaimed that Puerto Rico was simultaneously “not a foreign country,” yet it was “foreign to the United States in a domestic sense”—it was used almost immediately to deny constitutional rights to the inhabitants of Hawaii in 1903, the Philippines in 1904,

⁹ Ibid., 103.

¹⁰ Frederic R. Coudert, “The Evolution of the Doctrine of Territorial Incorporation,” *Columbia Law Review* (1926): 823.

and Alaska in 1905.¹¹ All of these territories consisted of mostly non-white populations. Dissenting judge Justice Coudert foresaw this consequence, observing that Justice White, who was raised on a Louisiana plantation and served in the Confederate army, was “very much preoccupied by the danger of racial and social questions of a very perplexing character.”¹² It was under these legislative circumstances that Rothschild Francis would question the United States’ constitutional integrity in the Virgin Islands a little over two decades later.¹³

Francis was twenty-five years old when the United States purchased the three islands—St. Thomas, St. Croix, and St. John—from Denmark for \$25 million on March 31, 1917. The U.S. had made several attempts to purchase the islands, dating back to the Civil War when the Union realized their blockade of Southern ports would be more effective with a Caribbean base from which they could operate against privateers.¹⁴ In 1863 Secretary of State Seward remarked, “The West India Islands, in the possession of Denmark, are not of much danger to us, but it seems to me we cannot very well afford to

¹¹ Juan R. Torruella, “Ruling America’s Colonies: The Insular Cases,” *Yale Law & Policy Review* (2013): 6.

¹² Boyer, *America’s Virgin Islands*, 105.

¹³ Justice Coudert later warned in his *Columbia Law Review* article: “That the incorporation doctrine will be applied in connection with all future acquisitions of territory by the United States, I have no doubt; hence its history involves no mere academic or historical question, but rather the examination of a now definite principle of constitutional law devised to deal with situations such as that which arose as a consequence of the war with Spain, and which found us so unprepared from the standpoint of public law.”

¹⁴ Valeska Bari, “What to Do with the Virgin Islands?” *North American Review*, 222, No. 829 (1926): 266.

let a powerful European nation get possession of them.”¹⁵ Congress had not been able to complete negotiations for the purchase of the islands until, at the beginning of World War I, fear of German expansion into the Caribbean, and the sinking of the British ocean liner, the *Lusitania*, motivated Secretary of State Lansing to seek an immediate purchase from Denmark.¹⁶ President Woodrow Wilson signed the acquisition treaty less than a week before the United States entered WWI.

Native Virgin Islanders, just like Puerto Ricans before them, assumed that they would receive United States citizenship after the acquisition. While Danish citizens on the island retained their Danish citizenship, natives had been considered merely Danish subjects, and therefore had no Danish or United States citizenship. Francis’ ACLU counsel, Adolph Berle, explained the situation to the Senate Committee on Territories and Insular Possessions: “They voted [for acquisition] with the understanding that they would become citizens of the United States, yet at present they have the anomalous status of citizens of no man’s land; they have no rights, and strange things can be done to them.”¹⁷ Also, though Virgin Islanders could technically vote, the income requirement was \$300 per year, so, according to Francis’ calculations in 1924, only 231 of St. Thomas’ 7,000 residents could vote, and most of them were white.¹⁸

¹⁵ Boyer, *America’s Virgin Islands*, 77.

¹⁶ Bari, “What to Do with the Virgin Islands?” 267.

¹⁷ U.S. Senate Committee, in Mawson, 37.

¹⁸ *Ibid.*, 45 .

Because the purchase of the Virgin Islands was militarily motivated, a temporary naval government was installed in 1917. The Act of March 3, 1917 upheld the main tenants of Danish colonial law with executively appointed naval governors, judges, and administrative officials, but was intended to be a temporary governmental system for the duration of the first World War.¹⁹ During their year at war, the naval government prioritized strong administration over native civil rights and democracy, and because of the latitude granted to Congress under Justice White's doctrine of incorporation, the naval government remained in power even after the conclusion of the war.

Opposition to the Naval Government

Rothschild Francis found himself at odds with the naval administration on the very first day that the islands changed hands. On March 31, 1917 a group of Marines apparently ran through the city of Charlotte Amalie armed with rifles, instilling fear and confusion in the unsuspecting community. According to Francis' acquaintance and self-appointed biographer, Leon Mawson, on that very night Francis "elected himself to defend the civil rights of his people and swore to high heaven that he would use every drop of his blood in his fight for the removal of the Naval Administration and the establishment of a permanent form of civil government."²⁰ Francis also narrowly won a seat on the Colonial Council, despite his low status as a shoemaker, and immediately began to write a resolution requesting the removal of the naval government.

¹⁹ Isaac Dookhan, *A History of the Virgin Islands of the United States* (St Thomas: Caribbean Universities Press, 1974), 266.

²⁰ Mawson, *Persecuted and Prosecuted*, 20.

Francis had been eager for the United States to acquire the Virgin Islands because he was already extremely well versed in American history and politics, especially in the Revolution-era writings of men like Thomas Paine, John Adams, and Thomas Jefferson. His childhood friend and neighbor Gerardo Guirty recalled, “Rothschild’s wide reading and his concentration on American history made him very knowledgeable, [and] he was also very inspired by the writings of the illustrious revolutionaries in the original thirteen colonies.”²¹ Francis used this knowledge of American history and government to challenge the United States government to live up to the ideals that he so respected.

In an *Emancipator* editorial he chided the authors of the Bingham Bill, which still allowed the governor to appoint judges in the Virgin Islands: “Perhaps this statement in the Declaration of Independence has ceased to move certain Americans: ‘He has made judges dependent on his will alone for the tenure of office, and the amount and payment of their salaries.’ If this method was wrong in 1776 it must be wrong in 1926.”²² Francis wisely made frequent references to the United States’ former colonial status, highlighting the similarities between the thirteen colonies and the Virgin Islands, and the United States government and King George III. He simultaneously lauded the ideals of American democracy, and challenged the United States government to live up to their own revolutionary heritage.

Francis seemed to enjoy reminding Americans that they, too, had been revolutionaries who had demanded a political voice from their colonial government. He

²¹ Charles W. Turnbull, “A Legacy in Virgin Islands History” (paper presented at the Centennial Symposium for Rothschild Francis, University of the Virgin Islands, October 1, 1991), 37.

²² Rothschild Francis, *The Emancipator*, January 5, 1927. In Mawson, 125.

rebuked his strongest critic, naval judge George Washington Williams, pointing out that, “Mr. Williams outwardly despises in us what he praised in his forefathers. He calls us the very names that the Tories called the fathers of this great republic.”²³ In one of his *Emancipator* editorials, he challenged Americans to remember that, “A real American is an enemy of judicial tyranny, military suppression, religious intolerance, political peonage and economic thralldom. A real American would remember that his forefathers were kickers.”²⁴ A crucial element of Francis’ strategy was appealing to Americans’ sense of revolutionary zeal. He viewed himself as a part of that American heritage and felt entitled to the benefits that the free men of the thirteen colonies had gained after the American Revolution.

Francis recognized the need to educate the American public about the situation in the Virgin Islands. He spoke at what he called “a monster mass meeting” at Grace Congregational Church in New York on February 13, 1924, along with Roger Baldwin, director of the ACLU, civil rights attorney A.A. Berle, and T. Thomas Fortune, editor of *The Negro World*. He previewed his principal address entitled “What’s Wrong in the Virgin Islands?” for his *Emancipator* readers, pledging, “The time is now for the American reading public to know something about the people, government and customs of the latest addition to the republic. The Virgin Islands were acquired through purchase the same as Florida, Louisiana or Alaska. It is the duty of Congress to provide for them a

²³ Rothschild Francis, *The Emancipator*, February 19, 1924. In Mawson, 113.

²⁴ Rothschild Francis, “Americanism,” *The Emancipator*, January 21, 1924. In Mawson, 259.

permanent form of government.”²⁵ In spite of the consequences of the doctrine of incorporation, Francis insisted that Congress continue to uphold the policies laid out in the Northwest Ordinance, and he was not going to allow the Virgin Islands to be marginalized in silence.

Though Francis had only received the equivalent of a middle school education, he continued to teach himself about U.S. history and constitutional law so that he would be well equipped to fight for civil rights in the Virgin Islands. He wrote about his studies of the Tory press in the 1700s, and his research into the economic conditions preceding the Civil War.²⁶ He applied his historical knowledge to the current events taking place in the Caribbean, offering this solution in a 1924 editorial: “I followed and still follow, the craze for expansion among the privileged few of this republic since 1898 and I say here that the only cure for all these things is: the study and practice of the entire Constitution by the three departments of the Federal Government.”²⁷ Francis criticized the expansionist policies that led to the acquisition of the Virgin Islands, but he still believed that constitutional principles would remedy the injustices that Virgin Islanders were facing. Also, his use of the phrase “entire Constitution” suggests an awareness of cases

²⁵ Rothschild Francis, “The Duty of Congress,” *The Emancipator*, February 18, 1924. In Mawson, 260.

²⁶ In a handwritten letter from 1930 to a Mr. White of Brooklyn, New York, Rothschild Francis asked him to look up the “natal days” of Nat Turner, Toussaint L’Overture, Frederick Douglass, John Brown, Wendell Phillips, and William Lloyd Garrison. He was apparently researching famous abolitionists and anti-slavery leaders.

²⁷ Rothschild Francis, “Back to the Constitution,” *The Emancipator*, January 21, 1924. In Mawson, 259.

such as *Downes v. Bidwell*, which limited the application of the Constitution to new U.S. territories.

He wrote in a separate editorial that Virgin Islanders “implicitly believe that the fundamental parts at least, if not for formal parts of the Constitution, should follow the Flag and all it stands for should be no less applicable to these Virgin Islands of the United States than on the mainland.”²⁸ Undoubtedly he was referring to Justice White’s doctrine of incorporation, which denied that the Constitution must follow the flag. This is further evidence that Francis had a solid understanding of the constitutional issues at stake in the Virgin Islands, and of the strategic legal side-stepping that judges were performing in order to restrict civil rights.

Francis was also well aware of the precedents that were being set in other island territories. In his Senate legislation for a permanent form of self-government, he included a section that provided citizenship for any Virgin Islander who resided in the islands at the time the treaty was signed, or who had migrated to the United States. His reasoning was that Puerto Ricans—who were granted U.S. citizenship in 1917—had been given that provision, so it was fair to provide the same to Virgin Islanders.²⁹

Still, Francis emphasized the Virgin Islands’ devotion to the United States, and made it clear that he did not support Virgin Islands independence from the U.S. He juxtaposed the Virgin Islands with the Philippines, acknowledging in an editorial, “Filipinos are fighting for independence . . . On the other hand in these Virgin Islands we

²⁸ Rothschild Francis, “Is This Democracy?” *The Emancipator*, August 20, 1924. In Mawson, 179.

²⁹ U.S. Senate Committee, in Mawson, 48.

will never think of parting with Uncle Sam.”³⁰ He insisted to the U.S. Senate just four days before the editorial’s publication, “We in the Virgin Islands believe implicitly in America; we are Americans geographically; we are Americans in customs . . . Many Virgin Islanders have been enlisted in the United States Navy. We eat American food and wear American clothes.”³¹ After seven years under American rule, Francis felt that Virgin Islanders had earned their status as Americans. They had proven their loyalty by enlisting in the U.S. Navy, and culturally, he argued that they had completely assimilated to American culture. He also mentioned in his speech that even the youngest Virgin Islanders knew all about George Washington and Abraham Lincoln. He preemptively rebutted any reason that an American official might cite in order to deny Virgin Islanders citizenship, and almost dared Congress to come up with another valid argument. The one issue he did not mention, of course, was race.

Issues of Racial Inequality

In the early years of U.S. control of the islands, Francis clearly adopted these Revolution-era ideals about equality and democracy for himself and his people without a full understanding of the intense racial discrimination that most black people in the contiguous United States faced in the early twentieth century. Though Francis did not initially comprehend the issues of racial prejudice that infiltrated the islands along with the U.S. Navy officials, they were certainly present. Most of the officers in the navy in 1917 were from the South, and as historian Edward O’Neill remarked, “social attitudes

³⁰ Rothschild Francis, “Yesterday Filipino Independence, Pilate and Jesus: An Un-American Law,” *The Emancipator*, March 19, 1924. In Mawson, 276.

³¹ U.S. Senate Committee, in Mawson, 44.

and ingrained views of the Virginian or Georgian or Texan made for a very sticky situation.”³² Francis’ friend and local historian J. Antonio Jarvis recollected that even “the first night the marines landed, the Negroes felt the heel of racial prejudice, for one of the ‘leathernecks’ kicked an inoffensive black man into a deep gutter to the accompaniment of sulphurous [sic] language slurring his parentage and color.”³³ Francis, though, did not anticipate racial discrimination from the naval authorities and was utterly surprised to experience it for himself.

In 1918 Francis, with the support of three other men, wrote a letter to the Virgin Islands’ Governor Oliver after an incident on Christmas Eve in which U.S. sailors “paraded our streets with automatic revolvers, bottles, knives, sticks and stones...Citizens were chased off the streets, some beaten, some searched, while others were fired at.”³⁴ Francis demanded of Governor Oliver: “Why were these men not ordered off the streets? Would the civic rights of the people on the mainland have been so disrespected? Is this Democracy? This outrage is race hatred pure and simple. We demand that all available measures be adopted and assurances given that such an outrage will never be made real again.”

Francis’ boldness and confidence in the governor to remedy this situation are truly astonishing. Though he identifies the soldiers’ behavior as race hatred, he erroneously

³² Edward A. O’Neill, *Rape of the American Virgins* (New York: Praeger Publishers, 1972), 43.

³³ J. Antonio Jarvis, *Brief History of the Virgin Islands*, (St. Thomas: The Art Shop, 1938), 141.

³⁴ William W. Boyer, “Cornerstone of Virgin Islands Democracy” (paper presented at the Centennial Symposium for Rothschild Francis, University of the Virgin Islands, October 1, 1991), 28.

assumes that the naval government would actually take these complaints seriously. It is also quite telling that he imagines that a crowd on the mainland would have been treated any better if they, too, were black like his fellow Virgin Islanders. In answer to his question, the civic rights of black people on the mainland *were* being violated under Jim Crow laws in the American South, and they were arguably treated much worse than the inhabitants of the Virgin Islands. In Francis' mind, he equated "Democracy" with being treated fairly, but he seems to have been unaware of the conditions that many black people faced, even under this so-called democracy. This letter demonstrates, however, just how strong Rothschild Francis' faith in American democracy was at the beginning of his battle for Virgin Islanders' self-government and citizenship.

By 1925, after living under naval authority for more than seven years, Francis had gained a more realistic understanding of the situation Virgin Islanders were in. He wrote in an *Emancipator* editorial, "Our population is Negro. The officials are white—white Americans. There's the trouble in a nut-shell."³⁵ Still, the overall message in this editorial was about democratic government. He continued, "We want no form of government which is HALF CIVIL AND HALF NAVAL. We want a purely civil form of American insular government. We want U.S. Citizenship. We will be content with nothing less." While he acknowledged the racial issues Virgin Islanders faced, he believed the solution to these issues could be found in democratic power. He continued to insist that if Virgin Islanders could only govern themselves, then equality and peace would follow.

³⁵ Rothschild Francis, *The Emancipator*, October 5, 1925. In Mawson, 181.

Rothschild Francis also apparently learned more about race relations in the American South as he gained experience dealing with Southern naval officials in the Virgin Islands. George Washington Williams was a naval judge on the islands who continually jailed Francis for his critiques of the naval administration in the *Emancipator*. Even before their encounters in court, Williams and Francis engaged in debates via letters to the editor in *Current History* magazine and in the *New York Times*. After Francis published letters to the editor exposing the oppressive conditions that Virgin Islanders lived under, Williams would write letters in response claiming that Francis was lying, and that the United States was doing nothing but good in the islands.

In 1924 Francis published a response to one of Williams' letters in his own newspaper, declaring: "[Williams] may tell his uninformed fellow citizens that the natives of these islands . . . are more law abiding than the gang of outlaws who parade the streets of Maryland, Tennessee, Alabama and Georgia, ever ready to burn the bodies of their dark-skinned fellow-citizens."³⁶ While Francis addressed lynching, one of the most despicable and violent crimes against black people in the American South, much of his focus remained on the law. He heralded Virgin Islanders as being law abiding, and derided Southern racists as "outlaws." It seems that he still believed that the majority of Americans, though uninformed about the situation in the Virgin Islands, were reasonable and not racist.

³⁶ *The Emancipator*, February 19, 1924. Williams was from Baltimore, which is probably why Francis listed Maryland first.

Francis and Other Negro Leaders

Rothschild Francis' continued faith in American democracy in spite of the racial prejudice issues that he observed is particularly anomalous when considered in comparison with his fellow black Caribbean political leaders. There were a disproportionately high number of Caribbean political leaders in New York City during the 1920s who joined and led Negro organizations for increased civil rights. Some of the most influential leaders included Marcus Garvey, Claude McKay, and W.A. Domingo, who were all from Jamaica, Cyril Briggs from St. Kitts, Richard Moore from Barbados, and Hubert Harrison from St. Croix.³⁷ Francis made frequent trips to New York to speak before Negro civic organizations, and he was president of the Virgin Islands Committee, which was located in New York City at 70 Fifth Avenue. He would have undoubtedly made contact with some of these same leaders.

In general, there was a high number of Virgin Islands and Caribbean immigrants in Harlem, mostly due to catastrophic economic decline and restructuring of major industries in many Caribbean islands.³⁸ While in 1900 only 20,000 foreign-born blacks inhabited the United States, by 1930 their numbers had grown to approximately 100,000. Eighty percent of these immigrants were from the Caribbean, and a quarter of black

³⁷ Michael A. Chaney, "International contexts of the Negro Renaissance," in *The Cambridge Companion to the Harlem Renaissance*, ed. George Hutchinson (Cambridge: Cambridge University Press, 2007), 44.

³⁸ For an excellent discussion on this topic, consult the chapter "Caribbean Migration" in Winston James' *Holding Aloft the Banner of Ethiopia: Caribbean Radicalism in the Early Twentieth-Century America* (London: Verso Publishing, 1998).

Harlem was of Caribbean origin.³⁹ Virgin Islanders moved to New York in great numbers, and by 1930 the population of the Virgin Islanders in Harlem was approximately equal to the number still in the islands, about 26,000.⁴⁰

Just as Francis had almost no understanding of the discrimination of black people in the United States when the navy first landed in the Virgin Islands, Caribbean immigrants were shocked when they encountered a level of institutionalized and historic racism in America that they had not expected. Though blacks had been enslaved, oppressed, and discriminated against in all colonial island societies, they were still often the majority population in the Caribbean. Jamaican Claude McKay came to South Carolina in 1912 to pursue his education and observed, “It was the first time I had ever come face to face with such manifest, implacable hate of my race, and my feelings were indescribable . . . The whites at home constitute about fourteen percent of the population only and they generally conform to the standard of English respectability.”⁴¹ He had heard of the prejudice in America, but he could not have imagined the intensity and frequency of violence against blacks. He compared Jamaica and the United States, remarking, “At home there is also prejudice of the English sort . . . [but] in the South daily murders of a nature most hideous and revolting [occur, and] in the North, silent acquiescence.”

³⁹ John White, *Black Leadership in America from Booker T. Washington to Jesse Jackson* (New York: Longman Group, 1985), 76.

⁴⁰ William W. Boyer, *Civil Liberties in the U.S. Virgin Islands 1917-1949* (St. Croix: Antilles Graphic Arts, 1982), 5.

⁴¹ Joyce Moore Turner, *Caribbean Crusaders and the Harlem Renaissance* (Chicago: University of Illinois Press, 2005), 63.

Caribbean migrants entered into a nation rife with lynching, Supreme Court-ordained segregation, scientifically justified racist ideology, ever-increasing Ku Klux Klan membership, and deadly urban massacres in black neighborhoods, such as the East St. Louis Massacre of 1917.⁴² Caribbean blacks viewed this situation through a different lens than did American blacks. Gordon K. Lewis remarked, “The frequently noted difference between the psychology of the U.S. Negro and that of the Virgin Islands Negro goes back, historically, to the growth, in the ‘free colored’ class, of a social composure and a quiet self-confidence springing from the fact that its members were rarely in a physically oppressed minority with a minority psychology.”⁴³ The absence of this “minority psychology” combined with the utter shock of the treatment of blacks in the United States propelled many Caribbean migrants to action. Winston James argues, “Caribbean migrants came to America with a long and distinguished tradition of resistance with few parallels in the New World. They therefore entered the United States with a sense of self-confidence and pride that would have predisposed at least some of them to radical activity, as the harsh racism battered their self-esteem.”⁴⁴

Since Rothschild Francis still resided predominantly in the Virgin Islands, he may not have experienced the eye-opening realizations about American prejudice that men like McKay described. Marcus Garvey, in fact, observed about his own people in Jamaica

⁴² James, *Holding Aloft the Banner*, 94.

⁴³ Gordon K. Lewis, *The Virgin Islands: A Caribbean Lilliput* (Evanston: Northwestern University Press, 1972), 16.

⁴⁴ In Turner, *Caribbean Crusaders*, xviii.

that they “were not sufficiently racially conscious to appreciate a racial movement because they lived under a common system of sociological hypocrisy that deprived them of that very racial consciousness.”⁴⁵ This could also explain why Francis maintained his conservative political values and zealous devotion to constitutional democracy, while most Caribbean leaders in the U.S. were much more politically radical and focused almost solely on issues of race.

At first glance it would still seem odd that Francis did not work very closely with his fellow Caribbean political leaders when he came to Harlem. However, there was kind of rivalry, a “pitiable and ominous division” between “West Indian Negroes and American Negroes,” according to an article that St. Kitts native Cyril Briggs published in his political newspaper, the *Crusader*.⁴⁶ Gordon Lewis expounded upon this rivalry that developed “with a truly tropical virility” between progressive leaders in the Virgin Islands like Francis, and the leadership of the migrants in New York. He maintained that it was a Virgin Islands expression of a common Caribbean phenomenon, a gulf separating,

the metropolitan psychology from the colonial psychology. Those who stay in the island home develop a temper of jealous possessiveness and suspect that those who have left are deserters; the exiles, they feel, have lost touch with local interests. The exiles, in turn, build up attitudes of condescension toward the islanders, who, they feel, have become parochial, cannot see the larger perspective of things, and are isolated from events and people in the metropolis where the real decisions governing their destiny are made.⁴⁷

⁴⁵ Ibid., 61.

⁴⁶ Robert A. Hill, ed. *The Crusader, Cyril V. Briggs, editor. A Facsimile of the Periodical Edited with a New Introduction and Index by Robert A. Hill*. 3 vols. (New York: Garland, 1987), 484.

⁴⁷ Lewis, *The Virgin Islands*, 66.

It is entirely possible that similar attitudes between Rothschild Francis and other Caribbean leaders in Harlem prevented them from making strong political alliances. Francis was certainly “possessive” of the government of the Virgin Islands, and felt that he knew what was best for local interest. Caribbean leaders like Garvey and Briggs were part of, as James described, a “band of distinguished activist émigrés . . . whose extraordinary political self-consciousness propelled Caribbean and black causes onto the world stage.”⁴⁸ They were less concerned with island issues in isolation, and took on Negro issues as a whole instead.

One example of this strategy is found in an article Cyril Briggs published in the *Crusader* newspaper, which he claimed was neither, “pro-Socialist, pro-Republican nor least of all, pro-Democratic, it is distinctively pro-Negro!”⁴⁹ Briggs did not dedicate much page space to Caribbean issues (he discussed Russian and eastern Europe much more often), but he did publish one article about the Virgin Islands in particular, entitled “The Fight for Freedom.” He reported that the Virgin Islands Protective League had held a meeting on August 27 to “protest against American atrocities and the American regime in the former Danish West Indies.” He listed some of the names of the speakers and summarized, “Falling in line with the world-wide sweep of the Negro movement for national existence and freedom from the white heel, residents of Dominica, B.W.I.

⁴⁸ In Turner, *Caribbean Crusaders*, xvii.

⁴⁹ *Ibid.*, 55.

[British West Indies], have started a movement for an independent federation of the West Indies on the principle of national freedom.”⁵⁰

It is quite conspicuous that Briggs did not mention Rothschild Francis’ name, as it is highly likely that Francis would have been in attendance at this meeting. Still, the article shows that Briggs is aware of the circumstances in the Virgin Islands, and that he immediately connects them to the larger goal of the “world-wide sweep of the Negro movement” in the West Indies. Francis would not have approved of this strategy, nor of the immediate connection to the people of the British West Indies. In fact, Francis wrote several negative articles about migrants from the British West Indies coming to the U.S. Virgin Islands and undercutting their wages. Also, since Briggs described his newspaper as explicitly *non*-Democratic, it is unsurprising that Francis did not align himself with Briggs.

Ultimately, the most significant difference between Francis and his black Caribbean contemporaries in New York was his resolute faith in democracy. He believed steadfastly that even though there was racial tension in the Virgin Islands, that the application of constitutional rights and self-government would eradicate those issues. His fellow civil rights leaders on the mainland had lost that faith. St. Croix native Hubert Harrison, known as “the father of Harlem radicalism,” spoke to this very issue in 1912. He lamented, “Every movement for the extension of democracy here [in the U.S.] has broken down as soon as it reached the color line. Political democracy declared that ‘all

⁵⁰ Hill, *The Crusader*, 484.

men are created equal,' only meant white men.”⁵¹ This frustration with hypocritical democracy is what caused many black leaders to focus on pan-African issues, and to lean toward socialist and communist political ideologies. Yet Francis felt that the extension of democracy was the only solution to the problems in the Virgin Islands.

Even back at home in St. Thomas, Francis could not always convince Virgin Islanders of the need to remove the naval government in order to accomplish the larger goal of self-government and the attainment of civil rights. While Virgin Islanders did expect that they would become U.S. citizens, many businessmen, merchants, and planters were eager to become part of the United States mainly because of the foreign investment, new industries, and infrastructural improvements that it would bring.⁵² Local Virgin Islands historian Clement Hodge recalled that many merchants “were just as hostile to Francis as the naval government. These merchants cherished the presence of the navy because of the tremendous economic benefits it brought to the coffers of their business.”⁵³ After experiencing quite dire economic conditions under the Danish, the influx of new business distracted many Virgin Islanders from the civil rights violations Francis was so desperately fighting against. It was difficult for them to see beyond their current financial situation and “bite the hand that fed them,” so to speak. While Francis’ newspaper, the *Emancipator*, was “the most widely read paper in the Virgin Islands,” and

⁵¹ James, *Holding Aloft the Banner*, 128.

⁵² John Walters, “Doings and Undoings” (paper presented at the Centennial Symposium for Rothschild Francis, University of the Virgin Islands, October 1, 1991), 15.

⁵³ Clement Hodge, “Crusade for Social Justice and Political Equality” (paper presented at the Centennial Symposium for Rothschild Francis, University of the Virgin Islands, October 1, 1991), 43.

many businesses advertised through him, it was challenging for Francis to bring together advocates as passionate as he was, and he often worked alone.⁵⁴ Historian John Walters summarized Francis' struggle this way: "There was a fundamental weakness in Francis' approach—he was ahead of his time. He never garnered support from blacks, and he failed to persuade neutrals to advocate reform."⁵⁵

Alliances

Francis was too politically and socially conservative to form partnerships with most of the prominent Negro leaders in New York, and he was too progressive and confrontational to gain support from most Virgin Islanders against the naval government. He was, however, able to find a few like-minded partners in New York. He worked with Ashley L. Totten and Elizabeth Hendrickson, both immigrants from the Virgin Islands who established the Virgin Islands Protective League in New York City in 1919.⁵⁶ They also sought citizenship for Virgin Islanders, the abolition of the naval government, a civil representative democracy, suffrage, freedom of speech, and land grants for islanders. Outside of their collaboration with Francis, however, they did not accomplish many of their goals.

⁵⁴ Rothschild Francis, "We Shall Continue to Speak," *The Emancipator*, March 17, 1923. In Mawson, 246.

⁵⁵ Walters, "Doings and Undoings," 15.

⁵⁶ Lewis, *The Virgin Islands*, 15.

One of Francis' most important New York connections was Casper Holstein, who started the Virgin Islands Congressional Council in 1922.⁵⁷ A native Virgin Islander, he became incredibly wealthy from gambling after he moved to the U.S. and used his money to help island causes. Holstein's brother-in-law was D. Hamilton Jackson, one of Francis' closest colleagues from St. Croix, and another influential Virgin Islands political leader. They had worked together to form the Virgin Islands' first labor union in 1919.⁵⁸

Impressively, Francis made important alliances with one of the most powerful Negro leaders, and some of the most influential civil rights organizations, in the country. Francis wrote to W. E. B. Du Bois, co-founder of the National Association for the Advancement of Colored People (NAACP), the first African American to earn a Ph.D. from Harvard University, and the author of *The Souls of Black Folk*, at least as early as February 23, 1923. Francis reported on the abysmal economic conditions in the Virgin Islands, particularly because of the effects of the National Prohibition Act, which greatly affected the Virgin Islands' export of rum.⁵⁹ He also explained to Du Bois that the police judge and the government attorney were "one in the same person" (George Washington Williams), and the only way to appeal his decisions was to go directly to the third Circuit Court of Philadelphia, which was a financial impossibility for nearly every Virgin Islander. Francis asked Du Bois if he would print "one or two articles from my pen

⁵⁷ Ibid.

⁵⁸ Hodge, "Crusade for Social Justice and Political Equality," 42.

⁵⁹ Rothschild Francis to W.E.B. Du Bois, February 23, 1923, University of Massachusetts Amherst Special Collections & University Archives.

depicting conditions as they are in these Virgin Islands with a few photographs” in Du Bois’ newspaper, *The Crisis*. In April, after returning home from a lecture tour on the Pacific coast, Du Bois replied, “I shall be very glad to have any photographs of conditions in the Virgin Islands and a very short article dealing in facts rather than opinion, particularly those facts which you bring out in your letter.”⁶⁰ Francis did not specifically mention issues of racial prejudice in his letter, but clearly the conditions in the Virgin Islands caught Du Bois’ attention and were appropriate to consider including in *The Crisis*.⁶¹

Francis greatly admired Dr. Du Bois, and continued to send him letters and even gifts. It appears that they kept up a fairly regular correspondence, as one of Francis’ letters to Du Bois simply says, “My dear Dr. Du Bois, The enclosed article from the pen of a Negro who is supposedly the editor of the West End News is self-explanatory. He is one of the henchmen of the navy men.”⁶² It seems that Francis was keeping Du Bois updated on the political situation in the Virgin Islands, and he may have been warning Du Bois not to trust this particular editor.

At the end of 1925, Francis sent Du Bois a handwritten letter that reads, “My dear Dr. Du Bois, Just thought that I’ll be conventional and send you a wish for the New Year.

⁶⁰ W.E.B. Du Bois to Rothschild Francis, April 11, 1923, University of Massachusetts Amherst Special Collections & University Archives.

⁶¹ Unfortunately, after extensive research, I have not been able to find a *Crisis* article in which Francis’ editorials were reprinted.

⁶² Rothschild Francis to W.E.B. Du Bois, August 17, 1925, University of Massachusetts Amherst Special Collections & University Archives.

Hoping you are well. Very sincerely yours, Rothschild Francis.”⁶³ He enclosed a painting of a Virgin Islands man wearing a hat, standing next to a tall tropical plant. Underneath the painting it reads, “Greetings from St. Thomas, V.I.” and on the back Francis wrote, “To my dear Doctor Friend, W. E. B. Du Bois, A prosperous New Year 1926. From Rothschild Francis” (see Figure 1). It is clear that Francis had a great respect for Du Bois, and valued his leadership. Dr. Du Bois maintained a much more pan-African focus than did Francis, but he undoubtedly served as an important role model for Francis.



Figure 1. Francis’ painting for DuBois.

⁶³ Rothschild Francis to W.E.B. Du Bois, December 23, 1925, University of Massachusetts Amherst Special Collections & University Archives.

Francis' most impactful alliance was with the newly founded American Civil Liberties Union (ACLU). On one of his frequent speaking trips to New York in September of 1920, Francis set a fundraising goal of \$152 to purchase a printing press with which to publish a newspaper to eradicate "ignorance and superstition."⁶⁴ The newspaper would replace the blackboard that Francis usually kept in front of his shoe shop to keep people updated on the daily political news of the islands.

Roger Baldwin, the founding president of the ACLU, initiated a meeting with Francis to discuss the conditions in the Virgin Islands, and to help him procure the paper, type-face, and other necessary parts for the new printing press Francis now had the funds to purchase.⁶⁵ This meeting was monumental for Francis because it not only led to the establishment of his own political newspaper, the *Emancipator*, in 1921 but also because it secured for him a powerful legal ally within the United States.⁶⁶ Indeed, for the next 16 years in the Virgin Islands' fight for democracy, "the ACLU was the center-post around which the activities of Virgin Islanders and Virgin Island associations interested in the future welfare of the islands hinged and turned."⁶⁷

⁶⁴ Boyer, *America's Virgin Islands*, 130.

⁶⁵ Mawson, *Persecuted and Prosecuted*, 96.

⁶⁶ Isaac Dookhan also noted its significance in the eventual passage of the Organic Acts in the introduction of *Civil Rights and Political Justice*: "The meeting was an auspicious one for it began one of the most dramatic chapters in the history of the Virgin Islands which climaxed with the approval by the United States Congress in 1936 of the First Organic Act granting basic civil rights and political justice to Virgin Islanders. The ACLU was intimately involved in the struggle which culminated in the adoption of this important measure."

⁶⁷ Dookhan, "Civil Rights," 1.

Francis was fiercely proud of the *Emancipator*, especially because to him it represented engaging in constitutional freedom. He insisted in one editorial, “We were not conquered and hence will oppose all attempts to intimidate our rights to FREE SPEECH and FREE PRESS.”⁶⁸ Francis also knew that his newspaper was his most powerful weapon of change. He wrote, “Journalists and legislators are defenders of the people’s liberties—expounders of the people’s rights . . . they outline the duties of each and every citizen of the Republic.”⁶⁹ Unfortunately, his editorials also made him a target of the naval administration, and gave U.S. officials the ammunition with which to attempt to silence him.

The *Emancipator* began to stir up concern at the highest levels of U.S. government. President Calvin Coolidge inquired about the nature of the Virgin Islands press, and Edwin Derby responded to the president, “Francis is the editor of a radical sheet called the *Emancipator* which quotes from the vicious and radical (generally Negro, but sometimes white) press of New York City. He is a bad influence in his union and teaches anti-government, socialistic, semi-Bolshevik and race hatred stuff.”⁷⁰ Derby’s assessment was not very accurate, but it indicates that Francis was gaining notoriety, if not popularity.

⁶⁸ Rothschild Francis, “Without Brains,” *The Emancipator*, March 19, 1923. In Mawson, 102.

⁶⁹ Rothschild Francis, “Fearless Journalists,” *The Emancipator*, March 19, 1923. In Mawson, 197.

⁷⁰ William w. Boyer, “Rothschild Francis and Freedom in the Press in the U.S. Virgin Islands.” *Caribbean Affairs* (Trinidad). Vol. 4, No. 4, 1991, 137.

Francis vs. Judge Williams

Rothschild Francis fought his most personal battle against the navy regime in a combination of the courtroom and his printed word. In 1924 Francis published a one-paragraph story in the *Emancipator* criticizing a police officer who shot a woman's (outdoor) bathtub, and then used his club on another woman in a brutal manner as he led her home. The policeman filed charges, and Francis was arrested for libel.⁷¹ Naval judge George Washington Williams, the same man who had written disparaging articles about Virgin Islanders and Rothschild Francis in *Current History*, presided over the case.

Unsurprisingly, as Francis was well-versed in American constitutional law, he requested a jury trial in lieu of a decision by Judge Williams. Williams denied the request using the Insular Cases as his defense, found Francis guilty of libel, and sentenced him to thirty days in prison. In defense of his judgment, Williams maintained in a lengthy decision that the local newspapers were presuming to direct the activities of the government and that, "It is the Court's business to stop this: if not, whose is it?"⁷² With this statement, Williams provided Adolph Berle and the ACLU with a fairly simple case to argue to the Circuit Court of Appeals in Philadelphia on Francis' behalf. Judge Woolley ruled in favor of Francis and chided Judge Williams, asserting, "The courts of the Virgin Islands are not instrumentalities for the regulation of the public press. Nor is it

⁷¹ Paul M. Leary, "The Bill of Rights, Trial by Jury and the Political Status of the U.S. Virgin Islands: The Rothschild Francis Case Revisited." A lecture prepared for the Virgin Islands Humanities Council Series commemorating the two hundredth anniversary of the Bill of Rights of the United States Constitution, University of the Virgin Islands, 1993, 18.

⁷² Mawson, *Persecuted and Prosecuted*, 193.

a function of a judge, when trying a libel action and on being confronted with the matter of freedom of the press, to do anything other than decide the matter at hand.”⁷³

While it would appear from the appellate court’s decision that the law would protect Francis in the future, the structure which placed Judge Williams in power and denied constitutional rights to native Virgin Islanders still left Francis vulnerable, as he had insisted for years. In fact, the appellate court did agree with Williams that Francis did not have the right to a jury trial, according to the Insular Cases.

Still, as a result of Francis’ bold challenge to Williams’ decision, the U.S. Senate Committee on Territories and Insular Possessions ordered Judge Williams to appear before them for questioning in December of 1926. The committee questioned him extensively about his views on the Virgin Islands natives and how they were treated by the courts. Williams frequently changed the direction of his answers mid-sentence, and the senators asked him to clarify his positions multiple times. When asked about the capacity of natives to serve on juries, Williams replied, “I do not believe there is any chance of getting what you would call real justice from a jury where those establishments [navy police] are involved and natives involved on the other side.”⁷⁴ In other words, he did not trust native Virgin Islanders on juries because he believed that they would always side with fellow Virgin Islanders and against the navy. Senator Bratton asked him whether the naval authority had hostility toward the natives, and Williams assured him that there was not; two top sergeants were married to island maids, he offered as proof.

⁷³ Boyer, “Rothschild Francis,” 139.

⁷⁴ Mawson, *Persecuted and Prosecuted*, 131.

The hostility was simply a “figment of someone’s imagination,” Williams assured them, undoubtedly referring to Francis.

While Williams tried to appear unbiased before the Senate committee, he had already published his true beliefs about Virgin Islanders’ entitlement to civil rights. He had asked, rhetorically, in a letter to the editor of the *New York Times* in 1924, “What more do [Virgin Islanders] need if they have the protection of the United States? . . . These islands were bought only for naval purposes, and with no other idea.”⁷⁵ In his original article in *Current History* magazine, he reminded readers that the United States did not, so far as he had ever seen, “guarantee anything regarding social equality.”⁷⁶ He continued, arguing that Virgin Islanders already clamored for financial assistance from the U.S. government, and they should not also selfishly seek governmental power. Williams was clearly insulted by the idea that these possessions of the United States, that had only been purchased for naval purposes, would dare to request rights, or equality, or anything beyond the protection of the navy. He engaged with Francis in a war of words after writing this article, and it is difficult to believe that Williams would not want to make an example out of Francis once he was at Williams’ mercy in the courtroom.

In the meantime, Francis continued to publicize his struggles with Williams in the *Emancipator*. He swiftly published an editorial that did not include a single name, but read: “Now get the idea. The same judge that railroaded the accused to jail sought to

⁷⁵ George Washington Williams, letter to the editor of the *New York Times*, February 24, 1924, in Mawson, 115.

⁷⁶ George Washington Williams, “The Virgin Islands Under American Rule.” *Current History*, February 1924, in Mawson, 109.

block his chance to further an appeal. Not upon recognized process of law—not from a sense of justice—but from solely racial and political prejudices.”⁷⁷ Judge Williams knew he was the target of the editorial and, seizing the opportunity to regain his lead over Francis in their ongoing dispute, charged Francis with contempt of court. As judge, he ruled that Francis was guilty, fined him \$100.00, and sentenced him to thirty days in prison. Berle added this charge to Francis’ appeal, but the Circuit Court affirmed Williams’ contempt of court ruling.

Not to be outdone, Francis continued to manage the *Emancipator* from jail, and reprinted an ACLU article that cast Williams in an unfavorable light. Williams charged him with contempt of court yet again—Francis appealed, and lost. He served another thirty days in prison and his fine was raised to \$200.00.⁷⁸ In between serving his sentences, Francis published this cry for support: “Until we can produce, maintain and encourage militant legislators and fearless journalists, we will continue to be insulted, ignored and ostracized.”⁷⁹ While Francis’ words were bold, Williams’ vindictiveness and virtually unchecked power began to wear on Francis as his attempts to protest the judicial system through the press seemed to be in vain.

Ultimately, Williams’ literal control over Francis’ freedom was too much for Francis to bear. According to a letter Francis wrote to ACLU director Forest Bailey, in August of 1925 Zepheria Mathias asked Francis to hold \$80.00 for her while she met

⁷⁷ Leary, “The Bill of Rights,” 15.

⁷⁸ *Ibid.*, 17.

⁷⁹ Rothschild Francis, “Fearless Journalists,” *The Emancipator*, February 6, 1926, in Mawson, 99.

immigration requirements, which she presumably needed to do before opening a bank account. Francis wrote her a receipt for the money, and she came to him to collect it on March 31, 1926. The banks were closed for the Easter holiday, so Francis gave Zepheria Mathias the \$50.00 that he had on him, and told her he would return the other \$30.00 after the banks re-opened. When he sent her the remaining \$30.00, she refused to accept it, and Judge Williams issued a warrant for Francis' arrest for the charge of embezzlement of \$30.00.⁸⁰

Francis was outraged at the “trumped up” charges, and insisted that it was a “malicious frame up.” He claimed that navy supporter Alton Adams—a man who had been Francis' rival since childhood, and had been awarded the position of the first black navy bandmaster in 1917—was responsible for the “complete engineering of the case.”⁸¹ Francis explained that Ms. Mathias was one of Adams' employees, and that when Francis tried to send the money to her, the carrier informed him that “Mr. Adams is attending to it.” Furthermore, Francis reported that on the same day, he saw Ms. Mathias going up to the courthouse with Adams. Even though he had the \$30.00 with him when he was arrested, Francis was charged with embezzlement, and on April 20, 1926 Judge Williams sentenced him: “to be imprisoned, at hard labor, in the said penitentiary of these Islands, to wit, at Richmond Penitentiary, Island of St. Croix, aforesaid, for the period of One Year, and he is further sentenced to pay a fine of One Hundred Dollars (\$100.00), or, in

⁸⁰ Boyer, “Rothschild Francis,” 140.

⁸¹ *Ibid.*, 141.

default thereof, to serve an additional one hundred days in said penitentiary, at hard labor.”⁸²

The utter frustration that Francis felt as a result of these charges, Leary asserts, resulted in, “effectively eliminating [Francis] as an active participant in Virgin Islands politics.”⁸³ While Francis served his sentence, his friends raised the \$400.00 that he now owed to the court. Upon his release, they paid the fines. As soon as Francis returned to St. Thomas, Judge Williams promptly had him arrested again because, apparently, the fines were supposed to be paid at the beginning of his sentence, not at the end. Thus, Francis was dragged into and out of jail intermittently until May of 1928. He had come to the conclusion that, “There’s no justice in these Virgin Islands, and a fellow does not know what [he] can do and what not.”⁸⁴ Francis left the islands for New York City in 1931, never to return.

Rothschild Francis had believed so strongly in the ideals of the American Constitution that when he could not bring them to himself and to his people, it destroyed him. After leaving the Virgin Islands, he did not publish or speak or remain involved in politics in New York. He completed a draft card for WWII in 1942 from Kings, New York, claiming to be self-employed and living with a woman named Alice. He died on April 25, 1963 at the age of 72, estranged from his family in the Virgin Islands.⁸⁵

⁸² Mawson, *Persecuted and Prosecuted*, 218.

⁸³ Leary, “Bill of Rights,” 16.

⁸⁴ *Ibid.*

⁸⁵ Author’s collection.

Conclusion

Francis once wrote, “No sacrifice is too great to make so as to preserve our liberties,” but as he continued to sacrifice, his liberty was increasingly stripped away.⁸⁶ Undeniably, Francis sacrificed more for Virgin Islanders’ civil rights than anyone else during his time, or since. He actually served as living proof that without the constitutional rights to freedom of the press and the right to a jury trial, Virgin Islanders were at the mercy of appointed naval government officials. Despite Francis’ attempts to combat the naval regime through the *Emancipator*, his speeches, his Senate legislation for self-government, and Circuit Court appeals, Judge Williams still had the power to imprison and silence Francis, until his spirit was broken.

Though it was too late to make a difference for Francis, Governor Waldo Evans fired Judge Williams in August of 1930 in a heated altercation over Evans’ gambling habit. Leon Mawson, Williams’ personal secretary, “was projected into the scenario of being the star and only witness to the judge’s sudden and dramatic dismissal from office.”⁸⁷ According to Mawson’s official transcript of the meeting, Governor Evans shouted, “Damn it, Williams! Who in hell gave you permission to invade the privacy of my living quarters and to break up my party?” to which Judge Williams replied: “And you believe, because you are the governor, that you are above the law while I send these niggers to jail for gambling?” Governor Evans fired Williams on the spot and threw him

⁸⁶ Mawson, *Persecuted and Prosecuted*, 99.

⁸⁷ *Ibid.*, 235.

out of his office. It is no wonder that Francis believed that Virgin Islanders would do a much better job governing themselves than the appointed naval officials.

Still, Francis' struggle was not in vain. Today he is known as "The Father of the Organic Acts," as it was his legislation that led to Congress' passage of the Organic Acts in 1936. The Acts removed the navy government and replaced it with a civil (though still executively appointed) government.⁸⁸ These acts also included a provision ensuring that, "no person shall be denied the right to a trial by jury on the demand of either party."⁸⁹

On April 2, 1946 the Municipal Court renamed Market Square in Charlotte Amalie where Francis so often gave speeches, Rothschild Francis Square, and installed a bronze plaque which reads: IN RECOGNITION OF HIS SERVICES ON BEHALF OF THE CIVIL RIGHTS OF HIS PEOPLE THIS SQUARE IS DEDICATED AND NAMED ROTHSCHILD FRANCIS SQUARE.⁹⁰ In 1990 a life-size bronze statue of Francis was also erected in Educators Park in Charlotte Amalie. Virgin Islands historians continue to periodically hold symposiums and conferences to discuss the impact of his work on the islands.

Though Rothschild Francis is not well known outside of the Virgin Islands, he is truly an example of what an American citizen should be. He educated himself about American history and democracy and applied his knowledge to the inequitable situation

⁸⁸ In 1946 President Truman appointed William H. Hastie as the first black governor in the Virgin Islands, and the first black governor in American History. In Boyer, *America's Virgin Islands*, 203.

⁸⁹ Leary, "The Bill of Rights," 18.

⁹⁰ Mawson, *Persecuted and Prosecuted*, 6.

in which the government had placed him and his people. He bravely utilized channels of resistance such as the political press, public speeches, congressional legislation, and appealing discriminatory court decisions. He challenged the United States government to live up to the principles set forth in the Declaration of Independence and the Constitution without rejecting American government altogether. He recognized that racial discrimination was crippling his people, and fought for more civil rights and a louder voice in the government in order to give them more power to stand up for themselves.

Additionally, Rothschild Francis' passionate, though brief, political career in the Virgin Islands and his intermittent involvement in Harlem politics serves to expand our understanding of black political activists during the 1920s and 1930s. He is another example of a Caribbean leader in the struggle for black rights, so commonly associated solely with Harlem. Though he criticized the U.S. naval government in the Virgin Islands, he was also fiercely patriotic and believed in, depended on, and fought for the democratic, constitutional rights heralded by the United States.

Francis' contemporary and fellow Virgin Islander Antonio Jarvis reflected, "The startling changes [Francis] made, and the really valuable work he did for social education gave him national prominence from which he fell only through personal weakness."⁹¹ In spite of his eventual self-exile from the Virgin Islands, Francis' fourteen years of personal strength and doggedness resulted in tangible changes in his homeland. Under the Revised Organic Acts of 1954, Virgin Islanders are now U.S. citizens, they elect their own governors, and they have a Bill of Rights. Still, elected representatives do not have

⁹¹ Jarvis, *A Brief History*, 140.

full powers, and the islands remain an unincorporated territory of the United States.⁹² If there are political changes that Virgin Islanders still wish to see, one would hope that they would follow in the footsteps of Rothschild Francis and declare: “I desire no undue adulation. All I desire and am endeavoring to do, is, to show my constituents, the Government, and the world, that have done my part for my people as a man.”⁹³

⁹² Leary, “Bill of Rights,” 19.

⁹³ Mawson, *Persecuted and Prosecuted*, 22.

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