

RACE, SEGREGATION, AND THE UGLY LAW

Three strands of legal discourse defining forms of what Anthony Paul Farley has called “nobodyness” intertwine with the ragged edges of ugly law. The first concerns prohibition of prostitution and indecency. The second involves control of immigration. The third we traditionally associate with race. The ugly laws are part of the story of segregation and of profiling in the United States, part of the body of laws that specified who could be where, who would be isolated and excluded, who had to be watched, whose comfort mattered. Thinking about these ordinances in the terms of segregation reveals the crucial importance of space and placing in the constitution of American disability.¹ At the same time, thinking about the ordinances in relation to race shows how ugly law, like other public health and public welfare measures, provided one more tool for debasing and delimiting subordinated racial groups. What Farley terms “the poetics of colorlined space” meets its supplement in the poetics of the American ugly line, and each illuminates and helps to maintain the other.

To prove the general point that every available space could be colorlined, Farley points to the racial segregation of schools for the blind: “even blindness could be made to see color through the peculiar miracle of segregation” (113). This marvelously acerbic passage is inadequate. “Color” (that is, race), of course, as Farley would be first to acknowledge, is not only seen but sensed—heard, felt; as I show in this chapter, blind people learn and perform race as do their sighted counterparts. More problematic still, only one “peculiar miracle” gets debunked in Farley’s account. Even racially integrated schools for the blind are segregated schools. Blind schools of any sort are also constituted by a peculiar miracle of segregation. Arguments for and against separate schooling for people with particular impairments have been long and complex; I cannot rehearse them here but must acknowledge them, since my point is not to decry categorically all “blind schools.” What I wish to emphasize is this: by a peculiar miracle, American culture in general barely recognized these arrangements of categories of bodies in space as potentially problematic, as open to question. The ordinance was a

strong expression of territoriality (Delaney, 6–7). Ugly law segregated, as did the developing state institutions that drove it and followed it.

Disability rights activists in the 1970s understood this dynamic vividly, viscerally, when their push for enforcement of regulations banning disability discrimination was met with reassurances that “special education” was “separate but equal.” *Brown v. Board of Education* became a tool for disability activists as well as for opponents of race-based segregation.² In the long summary produced by scholars as an amicus brief in the Supreme Court’s 2001 *Garrett* case, detailing the history of “intentional and irrational” state-sponsored disability discrimination in the United States, the ugly laws are placed in the section on segregation and directly compared with race-based restrictive zoning.³

Ugly laws in practice functioned to sort people on the streets and into institutions by race as well as disability; the two kinds of segregation were not so much comparable as inseparable. The race-making work of ugly law took many forms. As the discussions of Chinese American, Mexican American, and Jewish American histories in the preceding chapter begin to suggest, unsightly beggars were variously and intricately raced. In this chapter, I focus on the classic version of American race segregation, the black/white binary, for the evidence I have been able to uncover lies largely there.

In part, unsightly beggar ordinances denigrated and defined a certain kind of whiteness. The tramp whose presence lurks behind the ugly laws was strongly racialized in the cultural imaginary as native-born white and male. In the late nineteenth century, as the racial arrest statistics kept in cities like Chicago show, both tramp and unsightly beggar functioned primarily as forms of what Frankenberg has termed the “white Other,” as spoiled whites, impoverished and inferior (192).⁴ Indeed, ugly law may be interpreted specifically as a means of white trashing, in which poor whiteness or bad whiteness (filthy, debilitated, dangerous, debris) sets off the nice body of good whiteness.⁵ The “person who is diseased, maimed, deformed, disfigured in any way so as to be an unsightly object” thus functions as a subsidiary “allegory of identity” within the more general category that Newitz and Wray describe: “We contend that white trash is an allegory of identity which is deployed to describe the existence of class antagonisms in the U.S.” (170).

If white-trashed unsightly beggars posed the threat of and therefore bore the brunt of class hostilities too flagrantly displayed to public view, their black-trashed counterparts were likely to fare even worse. After all, in the white-dominated racial order of the late nineteenth century, any black

person might be assigned unsightliness. When a white Union veteran who lost an arm in the Civil War sought to express in verse the extremity of his abjection, he knew exactly what word rhymed with lack: "I might as well be black" (Clarke, 387). In this cultural context, a poor, vagrant, unhinged, begging black man or woman seemingly banking on disgust in the open street, asking for change, was also asking for it—and "it" could mean the violent backlash of race and class antagonism as much as it meant redoubled condescension.⁶

In the name of Jim Crow, after all, strains of disability and blackness inextricably mix; the term *Jim Crow* was popularized on the minstrel show circuit by Thomas "Daddy" Rice, a white man who performed in blackface and beggar's rags, basing his "Jump Jim Crow" number on a routine performed "in 1828 by an elderly and crippled Louisville stableman belonging to a Mr. Crow" (Litwack, xiv; Hutton, 115–117; Connor). "Daddy" Rice's "I" who "weel[s] about and turn[s] about / and do[es] jis so" does so in the manner of a begging man enslaved and disabled in Jim Crow space. White audiences loved "Daddy's" profitable display of a diseased, maimed, deformed person (albeit ersatz) for public view, and the later "jis so" stories of segregation law sought to enforce and reinforce the compulsory crippling and enfeeblement of entire "colored" populations.

What Bryan Wagner calls the "ritual deformations of the black body" in southern Reconstruction-period newspaper court reports on vagrancy were deformities compounded when the black vagrant was identified as a crippled beggar too (63). Black bodies deformed by paralysis or palsy were no less, and often more, ritually deformed by the rhetoric of the court report, not only in Atlanta or Charleston but in Chicago and Denver. Saidiya Hartman's incisive summary of the culture of racial segregation makes the stakes clear:

If the fundamental task conducted under the cover of the state's police power was the protection of the health of the populace, then, as this duty took shape in the emergent era of Jim Crow, ensuring the public health required the state to *attend to bodily matters*, particularly the policing of blackness and the tracking down of all its ascertainable traces. . . . the effect of *Plessy* [was] to preclude encounters between scandalously proximate bodies. . . . Clearly the integrity of bodily boundaries and racial self-certainty was at the heart of this anxiety, and the curative for this fear and loathing was the exclusion and subordination of blacks. (206; italics mine)

Recognizing ugly law as part of this same project—this attention to bodily matters, this preclusion of “encounters between scandalously proximate bodies,” this guarding of body boundaries—does not mean misrecognizing or minimizing the monumental, obsessive, and extreme policing and subordination of blacks and blackness. If ugly law provided another stab at a curative “for this fear and loathing,” it did not compete with or contradict racial segregation. Wheeled about and turned about just so, the unsightly beggar did cultural labor side by side with Jim Crow.

The two kinds of discrimination shared an uneasy reliance on visual identification. Unsightliness lay in or on skin, skin “exposed,” skin “disfigured,” skin that disgusted. “Skin is the principal medium that has carried the past into the present,” writes Joseph Roach in his analysis of slave dances in New Orleans’s Congo Square,

a continuous odyssey mapped by the sinuous track of *Plessy v. Ferguson* through the heart of America. Skin has been and continues to be not only a document but also a performance, persisting as such notwithstanding the courageous resistance of many unwilling participants in the bogus and cruel expansion of its meanings. These meanings metastasize differences that are only skin deep into what I am calling *deep skin*, a melanoma of the imagination: skin deepens into the cancer of race when supposed inner essences and stereotypical behaviors are infected by it in the collective fantasies of one people about another. The malignancy of deep skin usually begins with a blank space or a kind of erasure, which empties out the possibility of empathetic response, but this cavity quickly fills with bizarre growths. First, deep skin becomes invisible; then, after the passage of time—the twinkling of an eye is all that is required—it alone remains visible. The consequences of deep skin are easy to deplore, difficult to escape. (2001, 102)⁷

Ugly law set next to *Plessy* or any everyday municipal race-segregation ordinance reveals a broad system of appearance demarcation in which each of these rulings participates: the investment in, the disciplining of, the anxious management of skin.⁸ Race is “deep skin.” Disfigurement and deformity are also deep skin. They come loaded with social as well as medical significance. Even melanoma itself is in part a melanoma of the imagination. Skin deepens, through collective fantasies, into the cancer of cancer. In the city of New Orleans that Roach studies, in 1884, a newspaper article voiced openly the collective fantasies of one people about another, calling for a sweep of

the streets for unsightly beggars: “an old woman with a deep seated cancer on her face is a revolting sight” (“Brevities”). Seemingly wholly natural “deep seated” cancer is also, like race, cultural—overloaded deep skin.

That old woman was white; if not, the paper would have noted it, mugging her with additional layers of metaphor (Lubiano). People identified as black *and* disfigured were double-bound by layered deep-skin codes. Consider an antebellum case recorded in the city records of Charleston, South Carolina. The city’s budget books for the year 1850 contain the story of Agnes, a young slave girl badly burned in a fire whose “unsightly appearance” so disconcerted the ladies that the slaveholder arranged to pay the city a yearly fee to keep her in the poorhouse ordinarily reserved for whites only (City of Charleston, 32). The need to hide Agnes, to keep her out of public view, was urgent enough to override the usual system that gave poor relief primarily to whites and thereby tied “the interests of lower-class whites to wealthy whites rather than to the free blacks who shared their poverty,” as Barbara Bellows puts it (178). Significantly, Agnes’s incarceration seems to have been motivated entirely by panic and disgust, by aesthetic revulsion, rather than by economic calculation. Nothing in the record indicates that she could not work.

But if the culture of unsightliness was bound to the culture of race by codes of instantaneous, decisive disgust, both were vexed, too, by hesitation and confusion. A closer look at postbellum dynamics of spatial segregation helps clarify this point. First, a note on what kind of space we are talking about. Unsightly beggar ordinances policed nobodiness in city space, as their emergence in Chicago out of a city council “Streets and Alleys” committee illustrates. The pavement and the street corner formed their primary terrain, and they properly belong in the subset of municipal statutes that manage troubling bodies (or what Sears calls “problem bodies”) on sidewalks, like San Francisco’s racist 1870 “Sidewalk Ordinance” prohibiting Chinese people from using poles to carry loads of laundry (Lai, Lim, and Yung, 10; Sears, 123). Like municipal racial-segregation laws (and, as Sears has argued, like municipal cross-dressing laws), ugly laws were a geopolitical practice (Delaney, 10) that attempted to reconfigure the spaces of urban life.

But although ugly law concerned the sidewalk, it traveled by railroad.⁹ It spread regionally through cities connected by railroad networks. It spread on boxcars crowded, in the public imaginary, with hobo cripples who “snarl and snap like ugly dogs,” ready to sneak out at the next stop (“Rags and Tags”). It spread on trains with passenger cars divided by gender, by class,

by race, by citizenship, and by contention over where to place the bodies that inevitably occupied more than one of these identity categories.¹⁰ Like its targets, ugly law spread from city to city. COs beggar-trackers put out red alerts from one town to another, warning of imposters with monikers like “Chicago Slim” and “The Cleveland Kid,” their names demonstrating the vagrant and ever mobile nature of the unsightly beggar threat (“Ancient Profession”). As rail travel came into wide usage, the train, along with the sidewalk, became a site of anxiety about displays of disability and a locus for struggles over the social control of bodies.¹¹

It is not accidental that enactment of ugly laws, which peaked in the mid-1890s, emerged with intensity at the moment of statutory Jim Crow. Before the late 1880s, Leon Litwack writes,

custom, habit and etiquette . . . defined the social relations between the races and enforced segregation in many areas of southern life. . . . But in the late 1890s whites perceived in the behavior of “uppity” (and invariably younger) blacks a growing threat or indifference to the prevailing customs, habits, and etiquette. Over the next two decades, white southerners would construct in response an imposing and extensive system of legal mechanisms designed to institutionalize the already familiar and customary subordination of black men and women. Between 1890 and 1915, state after state wrote the prevailing racial customs and habits into the statute books. (230)

In the North, too, prevailing customs, habits, and etiquette no longer sufficed to control what was seen as the insubordinate and threatening beggar.

These crises, each a failure of custom “resolved” by statute book, were not parallel but directly intersectional. Amy Dru Stanley has shown that the abolition of slavery brought into focus “fundamental problems of dependency and discipline” in what was regarded as a free-market economy, “bequeathing a distinctive ideology and set of precepts to charity reformers in the North.” Many of these architects of ugly law and other beggar-punishing ordinances had been antislavery activists. “The experience of war and emancipation not only honed efficient techniques of philanthropy but also schooled Yankees in schemes for forcing beggars to work,” writes Stanley. “Just as the ideal of free labor was transported south, so its coercive aspects—articulated in rules governing the freed people—were carried north.” Arguing that beggars must be held “fast within the world of exchange, . . . charity reformers gave new moral legitimacy to labor

compulsions that came perilously close to slavery,” such as the sentences to hard labor meted out under vagrancy law to offending paupers (1992, 1283, 1288, 1293).¹² As Hartman puts it, “The contradictory aspects of liberty of contract and the reliance on coercion in stimulating free labor modeled in the aftermath of the Civil War were lessons of emancipation employed against the poor” (138). Unsightly beggars emerged within this evolving new system of labor compulsions, both as wrenches in the works (those marked confusingly and categorically as unable to labor, though labor they must) and as “wretches” to be warehoused in literal buildings “designed to institutionalize,” to borrow Litwack’s terms, “already familiar and customary subordination.”

Unsightly beggar laws and other more informal policies regarding the public behavior of disabled people developed within the nexus of race-segregation law. No one knew this better than people who rode on the knife edge of both the colorline and the unsightly line when they traveled by railroad, like the ragtime pioneer John William Boone (“Blind Boone”). Boone’s experience is illustrative of the shift from custom to statute, of the complex intersections between race and disability and between beggar-policing and race-profiling in the public spaces of the railroad cars, and of the confusions that attended all these dynamics.

In 1915, Melissa Fuell, the African American “Teacher of Wide Reputation, Lecturer, Author” who had traveled years earlier in Blind Boone’s famous Concert Company, published a biography entitled *Blind Boone: His Early Life and His Achievements*. Boone was born in 1864 and grew up in Missouri. In the late 1870s, in his early teens, young, black, blind Willie Boone “made up his mind,” Fuell writes,

to steal away from home alone and try to make a mark in the world for himself. . . . He knew so many of the train crews, and he felt that he could gain their consent to play for the passengers. . . . At first all went well. The porters were kind and would help him to get transportation. Passengers gave him heavy tips and he liked his work, immensely. He liked to walk up and down the aisles of the big trains, playing his harp and singing funny songs. How he would smile when a funny passenger would drop money into his hat. (60)¹³

How he would smile! Fuell’s imaginative excursion into Boone’s gleeful transport speaks a language provocatively glossed by Anthony Paul Farley: “Race is a form of pleasure. . . . Absolute power produced dependency;

dependency produced sycophancy; and sycophancy produced the race-pleasure that supported the entire enterprise of the colorline" (99, 119). In Willie Boone's blackness and his blindness, he was literally and doubly minstrelized (Farley: "Law creates the black body through minstrelization and criminalization. . . . Minstrelization leads to pity and pity to charity and charity to dependence and dependence to subalternation" [120, 122])). For someone like Boone, a poor person, a blind person, a child, minstrelization had real benefits; "free transportation for unfortunates" allowed him to gain mobility through disability. Under the law of minstrelization, with the help of black porters, Blind Boone strategically occupied a zone of licensed subaltern wiggle room that we might call the space of Tiny Tim Crow.

But within this structure "[m]instrelsy, of course," writes Farley, "leads to criminality, and vice versa," and around 1880, simultaneous with the development of the ugly laws, new statutes criminalizing scenes of passenger-car charity put an abrupt end to Boone's busking. The voices clamoring for these new laws will by now sound familiar. Writes Fuell,

alas, for poor Willie, things soon changed. The world became filled with worthless characters who watched every chance to rob the honest laborer. They came in every form and disguise, some pretending that they were crippled, others paralyzed, but the most of them pretending blindness. So numerous were these fakers that the public became threadbare with every tale of woe. Of course, the real sufferers had to be punished for these faking tramps.

Railroad companies became more rigid and made laws prohibiting free transportation of unfortunates. Passengers complained of being molested, hence the privilege of any one seeking aid from them, on the train, was positively denied. (60)¹⁴

This shift in policy, driven by imposter panic, changed Willie Boone from tolerated minstrel to out-and-out tramp: "although he was blind," Fuell writes, "he had such a determination to succeed, that he began to bum his way" (60). By the time he was a well-known adult performer, when Boone toured across the country by railroad with his musical company, Tiny Tim Crow had given way to hard-line Jim Crow. In Fuell's discussions of Boone's troupe's travels, she is careful to note whether the cars they rode in were segregated or mixed.

In several key respects, the ugly laws and the shift in railroad policy toward "unfortunates" shared a logic given full articulation in the signal ruling

on U.S. racial segregation, *Plessy v. Ferguson*. All three attempted to resolve social tensions with administrative solutions. All three proceeded on ostensible behalf of elite (white) ladies in need of protection from harassment. All three claimed to secure public comfort and freedom from annoyance. All three were provoked by crises in assignment of identity. Writing of Jim Crow law, Cell remarks, "The most impressive characteristic of segregation was a complex fabric of structural ambiguity" (3), and that ambiguity was woven into ugly law and railroad begging policy as well. On the railroad, the crisis of legibility centered specifically in the problem of the conductor's discretion: how reliable was his perception, how trustworthy his seat assignments of passengers? In city streets, the problems of reading the scene were more broadly distributed. Were crippled beggars sham or for-real? Was the blind unfortunate kid riding free in the train car actually unfortunate or faking it? Was light-skinned Homer Plessy in the right railroad car, where he belonged, or was he assuming a false identity?¹⁵

Confronted with the impossibility of verifying such matters, ugly law, like *Plessy*, proceeded nonetheless to demand the clearest cut of categorical arrangements. "No person who is diseased . . . shall appear in public." "No person shall be permitted to occupy seats in coaches other than the ones assigned to them, on account of the race they belong to." Neither raced bodies nor disabled bodies could be properly legible; there were false signs and hidden backgrounds; and yet they had to be read. In the world of *Plessy v. Ferguson* and the municipal beggar ordinances, you *cannot* know for sure who belongs where, and you *must* know for sure, with a vengeance.

Like *Plessy*, and like southern vagrancy law, unsightly begging ordinances dealt in broad strokes that maximized police power, particularly over non-white people. Writing of the category that Blind Boone occupied once he began to "bum his way" in the box cars after he could no longer busk his way in the first-class cars, Bryan Wagner provides a broader view. Black vagrancy, he writes, "was not so much a pure product of state practice as an ideological mechanism that created the appearance of identity where none existed and thereby generated resources of power that could be dispensed by state functionaries for the purpose of racial control" (12). Similarly, ugly law created the appearance of identity where there was none, cramming together, as if in one passenger car, the person with tuberculosis, the one with the scar or the tumor or the amputated arm, the one who has seizures, and putting into their hands a tin cup filled with ill-begotten gains and overflowing with meaning.¹⁶

At the same time, however, ugly law, like the vagrancy laws to which it is so closely related, left plenty of room for interpretation. The critical “so as to be” clause in the unsightly beggar ordinances—“no person who is diseased, maimed or deformed . . . *so as to be* an unsightly or disgusting object”—opened up a textual loophole, one written right into the law, explicitly allowing for the discretion always available to functionaries where vagrancy was concerned. Because, as I have noted, under the regime of white supremacy “unsightly and disgusting” could apply to any “colored” person, disabled or not, “so as to be” functioned in part as an available form of white privilege.¹⁷ Like vagrancy law in the postbellum South, ugly law in the North was used as a form of labor control, and it too could be employed selectively for the purpose of racial control.

The first term in the ugly law, “diseased,” once again seems especially loaded in this context, just as it did in the context of the law’s application to immigrant subjects under suspicion of contagion. Race too played a significant role in the symbolic economy of “disease.” As Nelson and McBride have detailed, the concept of disease has long been tied to racial hierarchization, and the barrage of statistics brought forth in the name of sociomedical racism in the late nineteenth and early twentieth centuries hammered home the point that “blacks posed a major health menace” (McBride, 10, 12; Nelson, 86). One white physician widely quoted maintained that blacks were, “like the fly, the mosquito, the rats, and mice, an arch-carrier of disease germs to white people” (quoted in Gamble, n.p.).¹⁸ In “Chicago, 1911,” the physician who had recently issued the first report of sickle cell disease in a paper on one of his black patients could have picked up the *Journal of American Medicine* and read these warning words written by a southern doctor: “If Negro health is a political menace, then the diseased one is doubly a social menace, and the invasion of the South by the North forty years ago has brought about an invasion of the North, and that by the man they freed” (quoted in Wailoo, 14). In many forms of discourse at the turn of the century, accompanied (or unaccompanied) by many different explanations, disease was—as one southern public health official put it with particular but not atypical bluntness—“today almost a synonym for the word ‘Negro’” (Bardin, 77).¹⁹

A high percentage of the black people in the cities of ugly law (albeit still a relatively small number) would have fallen into the marked categories “diseased, maimed, deformed, and mutilated.” In a contribution to the recent study *Unequal Treatment*, Byrd and Clayton describe the situation for African Americans in the decades after the Civil War:

Black health plummeted due to the Civil War collapse of the slave health subsystem. Deleterious effects were compounded by the preexisting slave health deficit, abandonment of African Americans by the mainstream health system, and continuation of racially discriminatory health policies and treatment. In lieu of emancipation, the war and its aftermath represented a health catastrophe for African Americans as their health status fluctuated wildly until 1910. This led influential biostatisticians such as Frederick Hoffman, as well as many in the medical profession, to confidently predict black extinction by the year 2000. (471)

This top-down account of policy and of conventional white-dominated medicine ignores both the “storehouse of healing knowledge” and the “clear comprehension of the harmful potential of white medical care” that African Americans brought out of their histories of enslavement. It does not address the postemancipation politics that shaped doctors’ and statisticians’ assessments in both North and South and the intertwining of discourses of “racial health” with ongoing debates over and assumptions about race relations.²⁰ But Byrd and Clayton sum up clearly the African American health crisis in the late nineteenth century.

Throughout the twentieth century and into the new millennium, African Americans faced and still face “persistent or worsening, wide and deep, race-based health disparities compared with either the white or the general population. . . . For a plethora of reasons,” Byrd and Clayton conclude, “African Americans have experienced the worst health status, suffered the worst health outcomes, and been forced to utilize the worst health services of any racial and ethnic group” (476).²¹ *Unequal Treatment*’s massive gathering of evidence for disparities in healthcare provides stark evidence of racism’s disabling impact in the present that hint of its impact in the past. One of the book’s most shocking findings is its evidence that, in a few cases only, minorities are more likely, not less likely, than whites to receive certain surgical procedures. The procedures they are more likely to receive are the less desirable ones—such as amputation, “which African Americans undergo at rates 3.6 greater . . . than their white Medicare peers.”²² As Sherry (2007) points out, in this case racism literally, directly produces disablement, and there is no reason to believe that such dynamics would have been any less in play in the United States in the last decades of the nineteenth century.²³ The bland public health discourse in *Unequal Treatment* (“slave health deficit”) does not mask the disabling situation imposed on African Americans on the streets of a city like Chicago or New York in this period.

How many disabled African Americans would have come directly under the purview of the unsightly beggar ordinances is unclear. I have already discussed how Brian Wagner has shown in his work on vagrancy ordinances in the decades after the Civil War that misdemeanor laws of this kind functioned (particularly in the South) as a highly effective method of modern racial control and subordination.²⁴ The relative paucity of African Americans in, say, Chicago in 1881 may be attributed in part to the powerful work of the southern vagrancy statutes, which sought to immobilize black people, keep them in their place. Kerber, for instance, has shown in her *No Constitutional Right to Be Ladies* how “the obligation not to be a vagrant . . . weighed particularly heavily on African-American women in the late nineteenth century” (51), and we can assume that the “obligation not to be an unsightly beggar” applied as well. But Kusmer argues for greater numbers of culturally acknowledged “black vagabonds” (2002, 138–140), and although black tramps were rare, according to the later social studies of the 1910s and 1920s, that does not in any way mean that misdemeanor laws outside the South that clustered around vagrancy were not used against black people.²⁵

Indeed, a portrait of COS-spawned efforts to crack down on begging in New York City in 1904 begins with the chase of an African American man. “‘That’s Florida Shine and we want him bad,’ said Chief Mendicancy Officer James Forbes one day last week to a woman who had just described a colored beggar she had just passed on one of the elevated station stairways” (“Ancient Profession”). *Shine* was a general term for African American beggars, and Theodore Waters’s 1905 “Six Weeks in Beggardom” offers a roster of Bowery beggars with names like “Baltimore Shine, Washington Shine, etc.” (78).

In the late nineteenth century, faker rumors centered on a scam particular to black unsightly beggars who identified themselves as former slaves.²⁶ White, middle-class writer Alvin Sanborn’s cheerfully patronizing undercover account of living among beggars in a Boston lodging house in 1893 includes among the lodgers “a one-legged negro” as well as the imposter “Honey, a fat and grizzled negro, born and bred in New York City,” who “‘makes a good thing’ by claiming to have been a slave ‘befo’ de wah” (72, 80). “What does the exposure of the violated body yield?” Hartman asks at the beginning of her *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. Sanborn’s fat and happy Honey trivializes—is designed to trivialize—this question. But his allegedly false claim to violation suggests that the history of slavery displayed like (and often literalized

as) a wound and a scar functioned as some northern beggars' currency, a sign of deservingness, exactly the kind of indisputable demand for compensation that fueled unsightly begging as a cultural system. Like war veterans, survivors of slavery could narrate as well as display their disease or maiming or deformity, inscribing meaning on their bodies to increase the likelihood of alms.

The "massive public health voluntarism" in black-run hospitals, social work associations, and charity organizations that developed in African American urban communities at the turn of the twentieth century aimed, like its white-run counterparts, to eradicate all forms of street begging (McBride). Du Bois's social survey *The Philadelphia Negro* (1889) used COS records for the section on "pauperism" and emphasized the problem of "unsystematic" almsgiving (271). Black leaders like Reverend H.H. Proctor spoke the discourse of the friendly visitor at conferences examining "Problems concerning Negro City Life": "we may cast a coin at a beggar to quiet a disturbing conscience. But to give ourselves,—that is the gift that costs. To go into the homes of the people and, as did Philip with the eunuch, to sit with them. . . . That is the only solution" (4). Such projects served dual purposes, as Nelson argues; they sought both to provide access to emerging black-controlled social work services for poor black people and to counter racial ideologies that rendered all African Americans as actual or potential unsightly beggars.²⁷

But the troubling presence of black beggars exposing signs of disease, maiming, and deformity did not disappear. The stretch of ugly law—and even more so, of the type of beggar it designated—extends into the later period of the Great Migration. In 1890, only 14,000 Chicago residents were black; by 1930, nearly 240,000 black people were Chicago residents (Mumford, xviii). In 1915, the leading African American newspaper, the *Chicago Defender*, listed as evidence that "Chicago Leads the World in Race Progress" the fact that "there is not a colored beggar in Chicago"; but within a few years the *Defender* was regularly running standard features on the scandalous activities of fake cripples and beggars' syndicates ("Chicago Leads"; "Pays Crippled Men 3\$ a Day"; "Luck Frowns on Beggars"). When Freund conducted his research on "Begging in Chicago" (with separate sections on "Crippled Beggars," "Blind Beggars," and "Deaf Beggars") for his M.A. in sociology at the University of Chicago in 1924, a high percentage of the sixty-one beggars he interviewed were, as he put it, "colored." By this point in Chicago history, the population of unsightly beggars was significantly, if not largely, black.

Freund's case histories offer a small archive of urban black disability history. In his narrative we find, among others, J. Bond, "colored and blind," who uses a placard reading "Blind—Homeless—Injured in Factory—Doctors trying to restore sight"; "Julia Flam (10 years old), colored," who "was seen leading her blind grandfather about on a begging tour of the West Side streets. She was comically, yet attractively, dressed in ill-fitting rags"; and "Billie Willis, a colored boy," who "was overrun by an auto on Wabash Avenue when five years of age and it was necessary to amputate his leg at the thigh. . . . He could get a dollar any time by appearing with his crutch at the entrance to the White City Amusement Park" (59, 63, 78).

Freund frequently marked the race of his white subjects as well, sometimes as a sign of relative approval ("Red Crane," who begs with his crutches laying before him, has two children, "rosy youngsters"), sometimes as a record of a finding that clearly interested him, the existence of cross-race sociability in the begging subculture (81). His narrative of Harry Dixon, a "thirty year old white man who sat in his wheelchair at the entrance to the 'L' station at Roosevelt Island," is a good example. "Although white," Freund writes, Harry Dixon "hired a colored boy of 22 to be his companion—to share his room, wheel him about and otherwise serve him. . . . He found his friends among the colored people among whom he lived" (80). Dixon's story offers a more complex view of the economics of unsightly begging than the usual stereotype of abject, homeless poverty; he uses his income resourcefully to pay for in-home personal care assistance. It also—if its account of Dixon's relation with the unnamed "colored . . . companion" who is both servant and friend can be trusted—provides a glimpse of a mixed-race space in race-segregated Chicago, a kind of "interzone," in Mumford's terms, like but not identical to the Progressive-era spaces that Mumford locates, in which black-white sexual subcultures showed "how the color line was drawn—and how it was crossed."²⁸ The story of how interzones of disability or cross-race impairment subcultures were shaped and used by their marginalized occupants, whether beggars or companions, is yet to be written.²⁹

Of course, the story of the trusty colored companion to the ill white person does not necessarily transgress traditional social norms; after all, the "nurse's exemption" in *Plessy v. Ferguson* permitted black servants to travel with white children or invalids in whites-only cars. However low white unsightly beggars might be placed in urban hierarchies of value, those who employed black assistants could use whiteness as a conceit. Arthur Franklin Fuller, unsightly beggar extraordinaire, whose writing I have much

praise for in chapter 11, practiced a crude racism of this sort that must be taken into account over and against any celebration of his disability politics, which turn out to be—of course—white disability politics.³⁰ One of the books he sold on the street described his assistant as a “cross-eyed old negro,” proving, I suppose, that Fuller could dish out unsightliness as well as deny it; another book contains a hideous poem attacking another assistant for his laziness in openly racist terms (“Bud,” *A Book of Poems*). A blind man peddling his autobiography on the streets in 1878 similarly capitalized on his whiteness:

The reader may be curious to know whether we who are without sight can hear the difference between the qualities of a negro’s voice, and the voices of the white race. Whenever I am asked this question I answer emphatically, yes. There is a thin, empty, fuzzy tone about a negro’s voice, that denotes shallowness of character, feebleness of intellect, and grossness of tastes and feelings, while the voice of a white man is commonly clear, ringing, resonant, or deep, firm and commanding. . . . Of course there are exceptions to this general rule, and the grandest I ever knew is the cultivated voice, mind, and manners of Frederick Douglass . . . yet his voice is decidedly negro. . . . In women the difference is still more pronounced. (L. Hall, 211)

Unightly whites accompanied by black assistants could, if they chose, deploy antiblack racism in order to distinguish their own superior position from that of their attendants, accruing—if not the wages of whiteness—at least whiteness’s alms.³¹

Dynamics of assistance were not, of course, always cross-racial. And assistance abounded. Arthur Fuller’s writings, the story of white Harry Dixon and his “colored companion,” and many other narratives collected by Freund in the 1920s suggest that there is no particular reason to image the subject of ugly law as an isolato surrounded by strangers. The companion who wheels Dixon about and the ten-year-old Julia who accompanies her blind grandfather are only two of the many figures who accompany Freund’s beggars, as caregivers, hangers-on, friends, moochers, or conspirators, in “Begging in Chicago.” Here is “Walter James, blind, and colored,” who

hit upon a rather unique method of alms collection as a means of supporting his family of four. He was seen making a terrific noise on an accordion

as he walked slowly down the street. Four colored boys between ten and fifteen years of age, each armed with a tin cup, solicited every passerby on behalf of the blind man. . . . The boys enjoyed their work immensely, as it was a group activity and paid well. (32)

James, like many other assisted/employer beggars in Freund's thesis, brought along with him his own friendly (and potentially ugly) crowd. Unsightly begging was a collective enterprise.³² In fact, its motivation was often to get cash to pay attendants, at a time when no other "independent living" alternatives to institutionalization existed. This phenomenon was by no means limited to Freund's African American disabled beggars, though the presence of structured, supportive kin networks in African American communities under poverty conditions may have made it especially likely that communal or accompanied begging would occur.³³

In the American lode of songs in which unsightly begging finds significant expression from inside—that is, in the work of black blind blues musicians—panhandling is a markedly relational art. Among American arts traditions, blues is notable for claiming disability. It might even be argued that to a significant extent impairment *constituted* the blues. As Broomer puts it,

Jazz usually cultivated grandeur in its naming—King Oliver, Duke Ellington, Count Basie, the Pres' Lester Young, and Lady Day. . . . The blues, however, had an eye for the quickly noted disability. Apart from some early singers with regal titles . . . the blues celebrated the infirm (Peg Leg Howell and Cripple Clarence Lofton). (1)

Hence the widely circulated Internet joke on "how to be a blues musician": "Make your own Blues name (starter kit): a. name of physical infirmity (Blind, Cripple, Lame, etc.)." "Blind" was the most common. If disability played a significant role in blues practice, so too, literally, did begging. Many blind blues singers (Blind Willie Johnson and Blind Willie McTell are two examples) panhandled in the streets.³⁴ And almost inevitably, stories of blind black blues, no matter how lonesome, include scenes of accompaniment.

Take the legends of Blind Lemon Jefferson. At the peak of his career the biggest-selling black blues singer, Jefferson was a Texas street musician (eventually transplanted to Chicago) who played with a tin cup tied to his guitar, the very epitome of the "unsightly beggar." Chicago Alderman

Peevey must have been turning in his grave. Leadbelly accompanied and performed with Jefferson on the streets of Dallas; when Blind Lemon played with Josh White on street corners, White employed a tambourine as a collection plate, calling out “Help the Blind.” Accounts of Jefferson conflict, emblematically, on the question of whether he asked others for assistance, playing out cultural contradictions and anxieties over dependence and overcoming. Lightnin’ Hopkins testifies that Blind Lemon “didn’t allow no one to lead him. He say then you call him blind. No, don’t call him blind. He never did feel like that.” But a Leadbelly lyric states otherwise: “Blind Lemon was a blind man, He’d holler—‘Catch me by the hand’—oh baby, ‘And lead me all through the land’” (quoted in Uzzel, 24–27).

Ambiguities surround Jefferson’s relation to “leading” but not to begging. His “Tin Cup Blues” claims begging as self-reflexive subject, even as his actual tin cup claimed it as performance, and the subject it portrays is not an isolated man:

I stood on the corner and almost bust my head. (2)
 I couldn’t make enough money to buy me a loaf of bread.
 My girl’s a housemaid and she earns a dollar a week. (2)
 I’m so hungry on pay day, I can’t hardly speak.
 Now gather round one, people, let me tell you true facts. (2)
 That tough luck has struck me and the rats is sleepin’ in my hat.³⁵

In Blind Lemon’s hands, blues is insightful begging. If this song says, implicitly, “help the blind,” from its first line it also says more directly, “This is what it’s like to be in the position of the one who begs saying, ‘help the blind.’” If it holds out the tin cup, it also traces that cup’s interior and its surround. “Tin Cup Blues” challenges the ethos of ugly law head-on, verse by verse, representing begging as driven by poverty and need and telling the beggar’s story as “true facts” rather than falsehood. In addition, it portrays this disabled beggar—with his “girl” and his call for “people” to gather round the “one”—as a relational subject, not antisocial but social.³⁶

The ugly ordinances were meant to quash this kind of informal street economy and care nexus. Instead of paying or playing with their “companions,” people like Blind Lemon, Harry Dixon, and Walter James would find themselves under the jurisdiction of guards. Being “blind, colored” instead of “blind, white” had consequences. Both jail and “care” (the poorhouse, the hospital, the other “institutions”) distributed themselves differently for

disabled white and disabled nonwhite subjects. Here we return full circle to the “peculiar miracle” of segregation; unsightly beggars were commonly partitioned along colorlines. In early-twentieth-century Cleveland, for instance, where arrested panhandlers were referred to Associated Charities and a beggar who “is a physical wreck is placed in an institution,” the Holy Cross House opened its doors only to “crippled and invalid white children”; the Eliza Jennings home admitted only “Protestant incurable” women “of satisfactory character” (no unsightly beggars there); Rainbow Cottage cared for the “crippled and convalescent . . . of any nationality, color or religion,” but only if they were minors.³⁷ We know from the later case of “John Doe No. 24,” a black deaf (and eventually blind) man arrested by the police for vagrancy in 1945 and consigned for decades to the Lincoln State School and Colony for the Feebleminded in Illinois, that black inmates were forced to the bottom of Lincoln’s pecking order. White guards gave black prisoners the most menial jobs and the harshest treatment, such as the “jail ward” in which inmates deemed troublemakers were made to shovel tons of coal (Bakke). One assumes conditions were no better for nonwhite inhabitants of Lincoln earlier in the century.

Under these circumstances, it is not surprising that some of the clearest traces of resistance to the policing of disabled beggars show up in the black press, though not, as far as I know, until well into the twentieth century. The headline of a 1921 *Chicago Defender* article describing one “legless” man’s resistance to arrest by a “mendicant squad” makes no bones about the racial dynamics of the scene: “Bites White Man’s Leg.” A 1936 *Defender* piece with similar racial emphasis, “Jail 4 Whites for Defense of Beggar from Cop in Loop,” memorializes the action of one seriously ugly crowd:

Four white people were surreptitiously jailed Monday for defending a helpless one-legged Race beggar from attacks by a policeman in the Loop.

Several hundred white people took part in the incident in which they attacked the policeman, Leonard Orłowski, plainclothes man . . . who said he was one of several assigned to rid the loop of mendicants. . . .

According to the policeman, Lewis attempted to escape on his one foot. Orłowski said he was unable to control the crowd and arrest Lewis at the same time so he kicked the beggar’s one leg from under him and then arrested the four. . . . Hundred [*sic*] of the spectators followed the police wagon to central station where they registered protests that Orłowski could have performed his duty without being brutal.³⁸

Here we have a bit of intriguing information about an ugly crowd's composition: the four objectors, three of whom were fined a dollar each for disorderly conduct, included two women, one of whom is described as "Mrs. Ruth Kuntz, 40 . . . executive of a downtown advertising agency." This incident got a fair amount of coverage and sparked protest against "inhuman treatment" in the white press as well; there, predictably, the beggar is "colored," the bystanders racially unmarked ("Arrests Beggar for 28th Time"; "Loop Beggar Arrested"; "Policeman and the Beggar"). For *Defender* readers, well used to stories of police brutality, a "Race beggar's" white allies made the scene newsworthy.

With Ruth Kuntz, Ben Lewis, and their fellow protestors we enter into the final section of this book, "The End of Ugly Law." Another story from the *Defender* serves as an even more compelling pivot, a record of how a black disabled beggar talked back to his accusers that made the paper's front page in 1924. The title was "Blind Beggar Defends Self at the Bar: Sightless, Eloquent, but Loses Case." It recounts the day in court of James Bradfield, "a tall, thin, shabby-looking individual, blind and homeless, at least that is what one gathers from reading a sign made of cardboard which hangs from around his neck as he makes his sightless way to and fro in the city of Chicago." Arrested for begging by an officer who behaved, the *Defender* notes with a straight face, "in a very gentlemanly manner, according to the ethics of Chicago policemen," Bradfield maintained that when he retrieved his confiscated possessions at the jailhouse, several hundred dollars had been stolen from him. He argued, in a line of defense about which I have more to say in the next chapter, that he never asked for money and therefore was no beggar. Bradfield chose to represent himself in court, and he is described as a witty self-advocate who at one point refused to answer a prosecutor's question "on advice of counsel."

But it was not Bradfield's jokes that made the *Defender's* headlines. It was his insistence that the court recognize him. In his closing argument,

He threw up his hands to the heavens and bewailed the fact that he was blind and couldn't see the dirty cowards who on account of his affliction brutally assaulted him without provocation. His voice trembled as he spoke of his longing only for liberty, the one thing that was continually threatened on account of his helplessness. His voice fairly filled the room as he boomed out how his father and his grandfather fought for liberty and of how he himself climbed San Juan hill and fought for liberty and after 60

years in this world he was continually being denied the right to enjoy his liberty. The courtroom was absolutely still for a minute after his big voice had died down . . . and then court adjourned until 2 o'clock, when the verdict would be delivered.

At 2 o'clock the courtroom was full of people who had been attracted by the sound of Mr. Bradfield's voice in argument and who were interested as to the outcome of the case. . . . the bailiff read the verdict of the jury, which was guilty. A \$5 fine was imposed upon the defendant. He promptly made a motion for a new trial, which was overruled, as was his appeal for arrest of judgment; he then prayed an appeal which was allowed in 20 days. As he was under \$200 cash bond he was released and slowly he was led away to the elevator—a tall, big, shabby old man—blind, but undaunted in his determination to enjoy his liberty.

This story obviously spoke to *Defender* readers. On page A1, it recorded events already of interest to the community, as the packed courtroom attests. Part of the appeal lay in the figure of the black military hero claiming his central role, along with his Civil War forbears, in the nation's guarantee of the promise of liberty. Bradfield had enacted a drama of masculinity. But as much as that, I think, what must have struck a chord here was an aspect of James Bradfield's proclamation that we might now identify as black blind disability theory—a theory, that is, of intersectionality:

His deep rumbling voice took on more volume as he told them that he didn't expect to have more rights than other people because he was a blind man and a black man at that: that he only wanted his rights as an American citizen: to be protected by the courts the same as any other citizen.

The theory lies partly in the grammar. "Because he was a blind man *and* a black man." A "black man *at that*." Being blind and black is more than being both/and; it is being at that, living in the weightier, more complicated, heightened state of "at that." Whatever blindness brings, the phrase implies, blackness will bring it more so. We might expect "at that" to mean "even worse," but on the surface at least the entire sentence contradicts that reading. Blackness "at that" seems to invite or demand more privilege and compensation (however intermixed with pity and contempt): "he didn't expect to have more rights because . . ." Refuting notions of blackness and blindness as essentialized states of exception, Bradfield refused to base his

call for justice on an identity claim, a beggar's exemption on the grounds of race and disability. Instead, he made what Yoshino calls a "liberty claim," emphasizing what he had in common with "any other citizen," the right to protection by the court (188). In doing so, this legally indicted beggar, for one moment in a courtroom in Chicago, placed African Americans (and all Americans at that) at his intersection.