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NO, 5649

PRESIDENTIAL RECONSTRUCTION

IN TEXAS 1865-1867

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of


MASTER OF ARTS

By

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Denton, Texas

December, 1979


Chapin, Walter T., Presidential Reconstruction in Texas, 1865-1867. Master of Arts (History), December, 1979, 153 pp., bibliography, 63 titles.

Presidential reconstruction in Texas proceeded under the direction of provisional governor Andrew Jackson Hamilton, a Texas Unionist. Texas Unionists had deep political roots in pre-war politics and sought to reconstruct along moderate lines. Following the constitutional convention of 1866, conservative James Webb Throckmorton won the gubernatorial race against Unionist Elisha Marshall Pease. Throckmorton's administration did very little to curb the intense violence directed at Unionists in Texas, and the conservative legislature passed legislation repressive to blacks. Texas Unionists grew increasingly radical, and Throckmorton clashed with the federal military over the question of authority. After the Radicals in Congress passed the Reconstruction Acts, Throckmorton was removed as governor, and E.M. Pease was appointed in his place, ending presidential reconstruction in Texas.

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CHAPTER I

SOME ANTECEDENTS OF RECONSTRUCTION

The growing polarity between the North and the South in the 1850s entailed a set of issues for which politics was unable to provide sufficient means of compromise. Civil war was the result, and, if the war did exhaust the bellicose passions of the nation, it did not provide solutions for the Gordian problems of the Southern socio-economic system. Slavery had defined the South as a world apart from the rest of the nation, and the war had decided only that slavery was legally dead. Afterwards the people turned from weapons to politics in their efforts to reconstruct the South as part of the nation. It was to be a task of the greatest difficulty.

Nowhere was the difficulty of the post-war southern situation more apparent than it was with the question of who was to rule. This issue became the central one of Reconstruction, and to it southern Unionists, unbowed secessionists, and those in between addressed themselves with an intensity born of the political and military struggles of the past. The residual acrimony of both sides prolonged

polarity and precluded any meaningful compromise or social adjustment. By the close of Reconstruction the South had rebuffed the reforms of the victorious North and its southern allies by its own intransigence, and it had begun to transform the abolished de jure slavery into a de facto system of domination that would endure for another century.

In Texas a minority of citizens rallied to the ranks of the Republican party and sought to prevent secessionist elements from returning to power. Texas Republican advocacy grew out of the struggles of pre-war Unionists in the crisis of secession and in the war. By examining the origins of Unionism in Texas one may achieve a more thorough understanding of their membership, efforts, prejudices, and failures in Reconstruction.

Since the days of the Texas Republic, political division had been between the followers of the Jacksonian Sam Houston and the "Calhoun Democrats."¹ As the state Democratic party was the bastion of the ruling secessionist interests, the opposition resorted to a variety of political vehicles to generate their support and to present their platforms; and each of these, Whig, Know-Nothing, Houston Independent,

¹Frank H. Smyrl, "Unionism in Texas, 1856-1861," Southwestern Historical Quarterly 68(October 1964):175.

and Constitutional Unionist, carried a measure of Unionist sentiment.² Union sentiment did not always mean political strength, but these varied organizations provided voices for all non-secessionist politicians and became the incubator for post-war Republican leadership.

Unionism was strong with residual Whigs, and in many parts of the South the two terms were synonymous until Lincoln's call for troops.³ In Texas many of the policies advocated by post-war Republicans were those of pre-war Whigs.⁴ Anthony Bannon Norton was such a Whig. Pre-war editor of the Austin Intelligencer and the Fort Worth Whig Chief, he served as adjutant-general to Governor Sam Houston in 1859, and he nominated Houston for president at the Constitutional Union party's convention at Baltimore in 1860.⁵

²Ralph A. Wooster, "An Analysis of Texas Know Nothings," SWHQ 70(January 1967):423.

³Thomas B. Alexander, "Persistant Whiggery in the Confederate South, 1860-1877," The Journal of Southern History 27(August 1961):306.

⁴James A. Baggett, "Origins of Early Texas Republican Party Leadership," JSH 40(August 1974):442.

⁵Oliver Knight, Fort Worth: Outpost on the Trinity (Norman: University of Oklahoma Press, 1953), pp. 46-47.

The American or Know-Nothing party stepped into the vacuum created by the demise of the Whig party, and in 1856 it was the most obvious expression of Unionism in Texas and numbered Sam Houston, John Hancock, and Benjamin H. Epperson among its prominent followers.⁶ The tenets of the national party did not fill the needs of its Texas supporters well, and it did not identify strongly with Unionism. Accordingly the Know-Nothing party's tenure was brief, and it soon collapsed.⁷

Unionism and the personality of Sam Houston were the common threads that ran through these opposition factions. As the political stock of Houston rose and fell, Unionist influence waxed and waned. When secessionist Hardin P. Runnels defeated Houston in the gubernatorial race of 1857, disunion seemed to be a remote threat,⁸ but in 1859, when the dangers and disadvantages of disunion appeared more eminent, Houston defeated Runnels. A Houston supporter, Andrew Jackson Hamilton, was elected to the House of Representatives as an independent in 1859, as well.

⁶Smyrl, "Unionism," pp. 172-73.

⁷Ibid., p. 192.

⁸Ibid., p. 176.

In the tumult which followed Harper's Ferry, Houston's influence was weakened, the traditional Democrats went into ascendancy, and within two years Texas voted overwhelmingly to join the Confederacy. Thus, the Unionist victories of 1859 cannot be taken as a clearcut choice between Union and secession. Houston had campaigned vigorously on the issue of frontier defense and consequently received heavy support from frontier districts and interests. The 1859 vote indicates a strong Union sentiment tied successfully to Houston's unique voter appeal and public dissatisfaction with the domestic record of the incumbent Democrats. Unionism's constituency reveals a complexity of motivation as well as the liabilities of sentiment.

The counties between Dallas and the Red River in north-central Texas constituted a frontier region populated mainly by small farmers and mechanics from the border states and the Mid-west. Cotton was relatively unimportant; the land holdings were small, with wide crop diversification; and slaves were few in number. These plebian farmers were often resentful of the "planter class," and they believed that the aristocratic planters were overrepresented, undertaxed, and highly subsidized by state government.⁹ It has been said

⁹James A. Baggett, "The Rise and Fall of the Texas Radicals, 1867-1883" (Ph.D. dissertation, North Texas State

that these farmers hated equally slavery, planters, and Negroes.¹⁰ It is evident that this sort of Union sentiment could find secession and abolition equally unpalatable. No one better represented this combination of feelings politically or emotionally than James Webb Throckmorton, of McKinney, Collin County. Throckmorton made a defiant and courageous stand against secession, served the Confederate cause arduously throughout the war, and was elected governor in Texas' first post-war election as a conservative with the strong support of his former secessionist foes.

The heart and mind of Texas Unionist strength, before and after the war, was the area encompassing the cities of Austin and San Antonio, and the predominantly German frontier counties to their west. These frontier settlements were established by the refugees of the broken revolts of 1848 in Germany, and the inhabitants were a highly literate group who had come to Texas for freedom and peace. They were by disposition opposed to slavery, and they were staunch

University, 1972), p. 21; Sam Acheson and Julie Ann Hudson O'Connell, ed., George Washington Diamond's Account of the Great Hanging at Gainesville 1862 (Austin: The Texas State Historical Association, 1963), p. xii.

¹⁰T. Harry Williams, "An Analysis of Some Reconstruction Attitudes," JSH 12 (November 1946):475.

Unionists. However, active Unionism was, understandably, slow to emerge, and not until the 1860s and the formation of the Loyal Union League, primarily for frontier protection, was there anything more substantial than sentiment.¹¹ This lack of activism is highly indicative of the situation of Unionist Germans; they endeavored to accommodate their beliefs until the final crisis. Democratic idealism was not the only reason that the majority of Germans were Unionists, and their opinions did vary according to their geographic location and economic interests,¹² but Union sentiment was very predominant for whatever reasons. There were only a handful of German slaveholders, but most Germans sublimated their opinions in deference to the violent voices around them. One who did not was Doctor Adolf Douai of the San Antonio Zeitung; in 1854 he opposed slavery in print, and within a year he was driven from the state.¹³

¹¹Robert W. Shook, "The Battle of the Nueces, August 10, 1862," SWHQ 66(July 1962):31-32.

¹²Idem, "German Unionism in Texas During the Civil War and Reconstruction" (Master's thesis, North Texas State University, 1957), pp. iii-iv.

¹³Gilbert Giddings Benjamin, The Germans in Texas: A Study in Immigration (New York: D. Appleton and Company, 1910), extracted from German American Annuals, Volume VII, 1909, American Germanica Series (Philadelphia: University of Pennsylvania); reprint ed., San Francisco: R&E Research Associates, 1970), pp. 90-110.

Germans in Galveston long enjoyed political and economic success particularly because of their alliance with the ruling mercantile families of the city. This relationship permitted the commercial elite to control Galveston politically with the bloc votes of grateful and cooperative Germans. However, the secession crisis made it necessary for secessionist leaders to forge their own coalition with native American mechanic and labor groups to successfully oppose the anti-secessionist sentiments of business conservatives and their German allies. The unleashed resentment of the Anglo working class quickly threatened the secure position of Galveston Germans, and, by the eve of war, local German patriotism had been called to question with charges of treason.¹⁴

It has been asserted that German Unionism and anti-slavery sentiment were not complementary. The Neu-Braunfelser Zeitung supported secession, and heavily German Comal County voted for it and sent three companies of troops to Confederate service. The conclusion has been made that frontier Germans feared that the war would disrupt their economy and leave their settlements vulnerable to Indian attacks. While Anglos

¹⁴Earl Wesley Fornell, The Galveston Era: The Texas Crescent on the Eve of Secession (Austin: University of Texas Press, 1961), pp. 134-36, 288.

and Germans on the frontier opposed secession about equally, the residents of the more settled Comal County favored secession. Therefore, it is surmised that in older settlements German interests and opinions coincided much closer with secessionist lines, and that German Unionist sentiment was fragile indeed.¹⁵ There is other contrary evidence that Comal County Germans were intimidated during the secession crisis by the Knights of the Golden Circle.

This secret secessionist organization used violence and social pressure to quell dissent and to solidify its cause.¹⁶ It participated in the riotous seizure of the federal garrison in San Antonio on 18 February 1861, and on 13 May 1861, it destroyed the offices and press of James P. Newcomb's Alamo Express. Comal County had a unit of Golden Knights, and, despite a half-German population, 73 per cent of the county voted for secession. More significantly, only 34 per cent of the Comal County electorate went to the polls. In frontier Gillespie County, a similar half-German populace produced a 61 per cent turnout, and a scant 4 per

¹⁵Terry G. Jordan, German Seed in Texas Soil: Immigrant Farmers in Nineteenth-Century Texas (Austin: University of Texas Press, 1966), pp. 182-85, 194.

¹⁶James P. Newcomb, Secession Times in Texas (San Francisco, 1864), p. 7, cited in Baggett, "Texas Radicals," p. 16.

cent voted for secession. While the Germans and the Anglos on the frontier may have been more united in their opposition to secession because of mutual economic interests, and while there was more German support for the Confederate cause in settled areas, it would seem that in Comal County, and probably elsewhere, fear was used by organized proponents of secession to keep Unionists away from the polls.¹⁷

Austin was the political and intellectual center of Texas' Unionism, and a number of its well-known political and business leaders actively strove to hold Texas in the Union. Their unofficial headquarters was Hancock Corner, at Congress and West Sixth, the residence and store of George Hancock, who flew the American flag on his corner throughout the secession crisis from a pole reputedly ninety feet in height.¹⁸ His brother, John Hancock, was also an active Unionist and state legislator as well as a partner in law with A.J. Hamilton.¹⁹ The Hancocks and Hamilton belonged

¹⁷Roy Sylvan Dunn, "The KGC in Texas, 1860-1861," SWHQ 70(April 1970):567-68, 570; Dale A. Somers, "James P. Newcomb: The Making of a Radical," SWHQ 72(April 1969): 459-60.

¹⁸A.C. Greene, "The Durable Society: Austin in Reconstruction," SWHQ 72(April 1969):494 and n.

¹⁹Smyrl, "Unionism," p. 173n.

to Saint David's Episcopal Church in Austin with other well-known Unionists, George Washington Paschal, Elisha Marshall Pease, Swinte Palme, and Svante Magnus Swenson.²⁰ E.M. Pease served two terms as governor in the 1850s.

During the final years of the secession crisis there were disquieting incidents of violence and intimidation directed against Texans of Union sentiment. Increasingly, there was less and less room for dissent, expressed or suspected. In north-central Texas a small, powerful clique of bottom farmers who raised cotton with slave labor existed in contrast with their small-farmer Unionist neighbors. Into this area came ministers of the Northern Methodist Church; it was a small, unimportant incursion; the 1859 Texas membership totaled only 232. Nevertheless, this ministry was viewed with suspicion by local fire eaters as a house of abolition. In 1859 the church held a regional conference on Brushy Creek in Fannin County; one of the presiding members was the chief minister of the Texas mission, Anthony Bewley. A large troop of men from nearby Bonham rode out to the site and forced the meeting to disperse. On 8 July 1860 a mysterious series of fires swept a number of towns

²⁰Claude Elliott, "Union Sentiment in Texas 1861-1865," SWHQ 50(April 1947):468-69, 469n.

in north-central Texas, including Dallas, Denton, Pilot Point, Kaufman, and Waxahachie. Rumors of a slave revolt inspired by abolitionist preachers swiftly followed the fires. Governor Sam Houston dismissed the rumors, but three slaves were hanged in Dallas. Vigilante committees in Fort Worth and Sherman offered a \$1000 reward for Reverend Anthony Bewley. He was captured by bounty hunters in Missouri and taken to Fort Worth, where on the night of his arrival, 13 September 1860, he was lynched.²¹

The questions of slavery and secession were beyond political discussion in Texas, and Unionism increasingly was regarded with disfavor, suspicion, and hostility. For a short time the popularity and iron will of Sam Houston held matters in check, but finally a secession convention was called. Only seven members of the convention voted against leaving the Union, including a defiant and vocal James W. Throckmorton. A number of Unionist legislators called upon the electorate to reject secession, including Throckmorton, Isaiah A. Paschal, Benjamin H. Epperson, John

²¹ Wesley Norton, "The Methodist Episcopal Church and the Civil Disturbances in North Texas in 1859 and 1860," SWHQ 68(January 1965):323-34; Acheson and O'Connell, Gainesville, pp. xii-xv.

Hancock, John L. Haynes, A.B. Norton, and Robert H. Taylor.²²

But the voters favored secession overwhelmingly. Only nineteen counties opposed the measure, and all of them save Angelina County lay within the two geographic areas of Union sentiment. With formal secession, Unionism became equated with treason,²³ and each man had to make his choice of course of action.

When war hysteria swept the state, Union newspapers were the most obvious targets. J.P. Newcomb's Alamo Express was destroyed, as well as Ferdinand Flake's Die Union in Galveston. Newcomb, A.B. Norton, and Theodore Hertzberg of the San Antonio Texas State Zeitung left the state for exile. E.J. Foster of the Sherman Patriot was murdered.²⁴ Other Union spokesmen suffered varied fates. A.J. Hamilton fled Austin for his life; behind him his home burned. S.M. Swenson chose Mexican exile, with many others. The Reverend Charles Gillette of Saint David's in Austin was forced to resign his pulpit, and he left Texas forever. Other Austin Unionists fled to the remoteness of the Hill Country, hid in caves and thickets along the Colorado River, or worked in state

²²Smyrl, "Unionism," p. 191 and n.

²³Ibid., p. 186.

²⁴Baggett, "Origins of Leadership," pp. 446-47.

offices to avoid Confederate impressment.²⁵ Early in the war the roads south to the Mexican border were jammed with refugees, and Confederate authorities and secessionist sympathizers took punitive measures. The United States consul at Matamoros reported arrests, conscriptions, and hangings.²⁶

Other Unionists, including A.J. Hamilton's brother Morgan, E.M. Pease, George Hancock, William Alexander, and George W. Paschal, stayed at home, maintained a low profile, and avoided Confederate service.²⁷ John Hancock declined the Confederate oath, left the state legislature, and practiced law in the state courts until 1864, when he left to join the Union via Mexico.²⁸ Pease gave up his law practice entirely, and George W. Paschal was imprisoned, as were the German leaders Edward Degener and Reinhard Hildebrandt.²⁹ The threats and ostracism that drove many from the state probably continued to work on those who remained.

²⁵ Elliott, "Union Sentiment," p. 468.

²⁶ Ibid., p. 459.

²⁷ Greene, "Austin in Reconstruction," p. 493.

²⁸ Walter Prescott Webb, ed., The Handbook of Texas, 2 vols., (Austin: Texas State Historical Association, 1952), 1:763-64.

²⁹ Elliott, "Union Sentiment," pp. 452, 468; Baggett, "Origins of Leadership," p. 449.

Other Unionists, particularly those from north and east Texas, entered Confederate service, including J.W. Throckmorton who served in a number of capacities. William H. Parsons, Robert H. Taylor, James Webster Flanagan, and Xenophon Boone Saunders served as Confederate officers. About one of every ten post-war Republican office holders was a Confederate veteran.³⁰ A.B. Norton, who left Texas under a death threat, spent the war in the North giving personal aid to prisoners of war from Texas.³¹

A small number of Texans left the state to serve the Union, and foremost was Edmund Jackson Davis, a former district judge from the Rio Grande Valley. Davis became a general in the Union army and commanded an all-Texas cavalry regiment. On 15 May 1863 he was captured in Mexico by Confederate troops while seeking recruits. Davis was taken across the river to Texas for execution; the intervention of Mexican authorities secured his release, but not before Davis' companion, William Montgomery, was hanged. A.J. Hamilton entered Union service as well, and in November 1862 he was appointed military governor of Texas. War records list 2132

³⁰ Baggett, "Origins of Leadership," pp. 452, 454.

³¹ Knight, Fort Worth, pp. 49, 63.

whites and 47 blacks as Texans in Union service.³² The records of Davis' First Texas Cavalry indicate three Mexican and two German troopers to each Anglo.³³ Unionism in Texas, hampered by geography and harassed by secessionist zealots, produced very few men who could express their feelings in Union military work. There were many others who avoided or resisted Confederate service as was necessary for political and personal reasons.

During the course of the war, resistance to Confederate authority, particularly to conscription, grew in Texas. Mexican-Americans in the Rio Grande Valley refused the Confederate oath and met force with armed resistance. By May 1862, martial law had been declared in the counties of Hidalgo, Cameron, and Starr, and there were many arrests. Large numbers of Mexican Texans crossed the border to escape Confederate control.³⁴ On 26 October 1863, a company of Mexican-American troops in Confederate service mutinied in South Texas. Under the leadership of their commander Captain Adrian J. Vidal, they shot their way out of camp,

³² Frank H. Smyrl, "Texans in the Union Army, 1861-1865," SWHQ 65 (October 1961):235-37, 241.

³³ Baggett, "Texas Radicals," p. 33.

³⁴ Elliott, "Union Sentiment," pp. 460-62.

disappeared, and entered the Union army the following month as Vidal's Partisan Rangers.³⁵

In the panic of wartime, Governor Francis Lubbock ordered troops to Fredericksburg, Gillespie County, as a show of force against the real and imagined threats of German Unionism and draft resistance. There were rumors of treasonous Union leagues arming themselves. This ill-conceived order, carried out by an officer considered to be cruel and unfit by some of his own troops, caused a reign of terror among Hill Country Germans. At dawn on 10 August 1862 these Confederate troops attacked a band of poorly armed Germans who had camped beside the Nueces River enroute to Mexico. Nineteen of the Germans were killed in the attack, and within hours the Confederates executed nine wounded prisoners. In the weeks following the Nueces incident, about fifty men were hanged in Gillespie County alone for alleged Union activities.³⁶ Fritz Tegener, the leader of the Union League, was wounded

³⁵ Smyrl, "Union Army," pp. 245-46.

³⁶ Charles William Ramsdell, Reconstruction in Texas (New York: Columbia University Press, 1910; reprint ed., Austin: University of Texas Press, Texas History Paperback, 1970), p. 25; Ernest Wallace, Texas in Turmoil: The Saga of Texas 1849-1875, The Saga of Texas Series (Austin: Steck-Vaughn Company, 1965), p. 135; Shook, "German Unionism" pp. 58-60.

at the Nueces, but he escaped.³⁷ The witch-hunts and hangings continued in the Hill Country as late as 1863, and German youths were taken at gunpoint from their families for Confederate service.³⁸ Panicky and belligerent authorities misjudged both the nature and the danger of German Unionist sentiment. Primarily the Germans desired peace and prosperity; their pre-war activities indicate that only a threatening crisis would drive them to activism. The brutal, xenophobic suppression of the Hill Country Germans drove them totally into the post-war ranks of the Republican Party.³⁹

In north-central Texas, where feelings and votes had run against secession, efforts to enforce the rigorous Confederate draft laws were received with bitterness and gunfire. Throughout the war this area remained in turmoil and anarchy, compounded by local feuds. In late 1862, Confederate officials uncovered a conspiracy by a secret society in Gainesville, Cooke County. In the ensuing panic there were widespread lynchings, hangings, and shootings. The extent

³⁷ Baggett, "Origins of Leadership," p. 449.

³⁸ Stephen B. Oates, "Texas Under the Secessionists," SWHQ 67(October 1963):200.

³⁹ Shook, "German Unionism," pp. i-v.

and intent of the conspiracy were probably negligible, but, as in the Hill Country, the innocent suffered with the guilty. In Gainesville thirty-nine men were hanged following brief drumhead trials. In adjoining Grayson County, only the intervention of leading citizen James W. Throckmorton prevented mass hanging.⁴⁰ Deserters and draft resisters continually harassed Confederate troops sent to police the north-central counties. Organized bands used the "Big Thicket" of Hardin County as a refuge.⁴¹

As the war turned against the South, disenchantment with the Confederacy and its leaders grew. Stringent commercial regulations and martial law revived the anti-annexation sentiment of Texas Republic days.⁴² By 1863 those Confederate leaders who had been most determined in their opposition to secession were the most popular politicians.⁴³ Coupled with the death of Houston, this must have made James W. Throckmorton the most popular and admired politician in Texas. In 1864,

⁴⁰Wallace, Texas in Turmoil, p. 137; Acheson and O'Connell, Gainesville, p. 91.

⁴¹Oates, "Texas Under Secessionists," p. 198.

⁴²Shook, "German Unionism," p. 37.

⁴³Alexander, "Persistant Whiggery," p. 309.

while serving as a state senator, Throckmorton fought and lost in opposition to a resolution pledging Texas to fight a "last ditch" stand and to vow never to reconstruct the Union.⁴⁴ In both his views and his actions Throckmorton best represents the divided nature of opinion in Texas. He fought secession, but he stayed in Texas. He served the Confederacy tirelessly, but he opposed its excesses. He was a pre-war Unionist, but after the war he rejected his old allies, accepted the support of his former secessionist enemies, and won the gubernatorial race of 1866 as a conservative. In Throckmorton's vehement stand against both secession and meaningful reconstruction there is insight into the dual nature of Union sentiment in Texas and into the failure of Reconstruction.

The Republican party of Texas emerged from the violence and bitterness of the war as well as from a variety of political eomplexions as the final vehicle and acid test of Unionist expression. Its antecedents in ante bellum politics are clear and direct; the Constitutional Unionists of 1860 became the Republicans of 1866. The major posts in the Reconstruction administrations of Hamilton and Pease

⁴⁴Elliott, "Union Sentiment," pp. 476-77.

were occupied by Constitutional Unionists.⁴⁵ Despite the remarkable and durable leaders it produced, Union sentiment did not grow into Republican strength. Unionists were never more than a minority party bolstered by the immense personal popularity of Sam Houston. Like Throckmorton, many Texans who had opposed secession feared abolition more. The political and emotional currents that made Unionism into treason in 1860 also made the Republicans odious. The gap to be bridged by compromise was wide. The war had hardened the resolve of Unionists and provided them with some political leverage, but racism, based as it is upon simple and dogmatic precepts, cannot be bridged. The violence and intransigence of Texas society were obstacles adamant in their defiance. Granted a political arena in which to compete, the Texas Democrats were bound for redemption. The failure of the Republicans and of reconstruction was inevitable.

⁴⁵James A. Baggett, "Birth of the Texas Republican Party," SWHQ 78(July 1974):3.

CHAPTER II

A.J. HAMILTON: PROVISIONAL GOVERNOR

The last days of the Confederacy in Texas were a time of confusion and chaos. The surrenders of Generals Lee and Johnston left only the scattered and meager forces of General E. Kirby Smith's Trans-Mississippi Department as the organized remains of the Confederacy. Military and political leaders strove with desperation to maintain their bravado before both the enemy and their subordinates, but, as April passed to May, the futility of continued resistance grew increasingly apparent, despite a last, ironic victory for Confederate forces near Brownsville. Discontent spread through the ranks, discipline deteriorated, and whole units dissolved into the night. Soldiers headed for home and appropriated supplies as they traveled. Military stores were plundered by soldier and civilian alike. Roving bands disrupted the public order, and the unguarded state treasury was looted in Austin. By the time a humiliated General Kirby Smith surrendered his command on 2 June 1865, it did not exist. Each man had gone his own way for his own reasons in the break-up. Many prominent Confederates fled

south to exile in Maximilian's Mexico, and, behind them, they left resentment, confusion, violence, and fear.¹

While the die-hards sought sanctuary in Mexico or even Brazil, the minds of most Texans turned to speculation on the nature and severity of reconstruction. Before his own departure for Mexico, Texas' Confederate Governor Pendleton Murrah issued a proclamation calling the legislature to meet on 16 July 1865, and he ordered an election for the nineteenth of June for delegates to a state convention on 10 July for the purpose of restoring Texas to the Union unilaterally and thus avoiding any military occupation.² Additionally, Murrah sent Ashbel Smith and William Pitt Ballinger to New Orleans as Commissioners of Texas to confer with Union commanders about foregoing occupation.³ Of course these attempts were futile, and Texas awaited its fate with anxiety and hostility.

¹Ramsdell, Reconstruction in Texas, pp. 27-41; Wallace, Turmoil in Texas, pp. 136-46.

²The American Annual Cyclopaedia and Register of Important Events 1862-1875, 14 vols., (New York: D. Appleton and Company, 1863-1876), 5(1865):786 (hereafter cited as American Annual).

³John L. Waller, Colossal Hamilton of Texas: A Biography of Andrew Jackson Hamilton Militant Unionist and Reconstruction Governor (El Paso: Texas Western Press, 1968), p. 59.

Although Texas was in a state of collapse, Union leaders had their own doubts and problems. There was the possibility that the fugitive Jefferson Davis would make his way to Texas, and that there would be renewed hostilities or guerrilla resistance. Certainly the emancipation of the Negro and the protection of Union loyalists were contingencies. Finally there was the very immediate problem of French Mexico and its affinity for the Confederacy. General Smith promised Maximilian an army of 19,000 rallied around any flag opposed to the Union. A number of Confederate officers entered Imperial service, and a Confederate colony was started and named Carlota in honor of the Empress. Union General Philip H. Sheridan ordered 52,000 troops into Texas with orders to occupy the state and to advance on the Mexican border.⁴

Texas emerged from the war virtually intact, and physically and financially it was in better condition than any other secession state. With the exception of coastal enclaves, Texas had successfully resisted any serious incursions and their attendant destruction. Because of the

⁴Carl Coke Rister, "Carlota, A Confederate Colony in Mexico," JSH 11(February 1945):34-45; Robert W. Shook, "Federal Occupation and Administration of Texas 1865-1870" (Ph.D. dissertation, North Texas State University, 1970), pp. 41-47.

extensive cotton trade through Mexico, Texas had more specie than all the other Southern states combined.⁵ The Confederacy had been beaten, but Texas was unbowed. Reconstruction was to be a formidable, ultimately insurmountable, task. Even beyond the obstacles of racism, secessionist sentiment, and "yellow dog" politics, Texas was the most violent and lawless state. The war aggravated the problem, and from late 1864 onward, lawlessness mounted.⁶ With the collapse of the Confederate military, chaos and instability were precipitated, and violence reigned in many areas; and, with the loss of their legal and social protection as property, the blacks received the brunt of the violence. Returning Unionists faced the animosity of their beaten secessionist neighbors as well as random violence.

Within this context, A.J. Hamilton attempted to restore democratic government upon a largely uncooperative populace, with the support of the occupation garrisons of Texas' victorious enemy. Hamilton had been appointed a brigadier general of volunteers and military governor of Texas on

⁵Wallace, Texas in Turmoil, pp. 125, 130.

⁶Shook, "Federal Occupation," p. 24.

14 November 1862, by Abraham Lincoln.⁷ Hamilton's political career in Texas had included involvement with the Whigs and the Democrats, as well as a term in Congress as a Unionist independent.⁸ Secretary of War Edwin M. Stanton favored Hamilton as his choice for provisional governor, while Secretary of the Navy Gideon Welles supported his old friend E.M. Pease.⁹ On 17 June 1865 President Johnson named Hamilton to the post with instructions that his duty was to convene, at the earliest practicable time, a convention of the loyal. Hamilton was to resume the mails, collect taxes, open courts, and reclaim government property.¹⁰ On 21 July 1865 Governor Hamilton arrived at Galveston by sea, and the work of reconstruction began.

Hamilton disembarked with other prominent Texas Unionists, and on July 25th he issued a proclamation of his appointment.

⁷U.S., Department of War, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 70 vols., (Washington: Government Printing Office, 1880-1901), series 3, 2:782-83.

⁸Shook, "Federal Occupation," pp. 147-48.

⁹Baggett, "Birth of the Texas Republican Party," p. 6.

¹⁰James D. Richardson, ed., A Compilation of the Messages and Papers of the Presidents 1789-1897, 10 vols., (Washington: Government Printing Office, 1897), 6:321-23.

He indicated the steps that would be followed for holding a constitutional convention, but he set no date. He disclaimed any desire to humiliate the South, but he proclaimed the freedom of blacks and the commitment of the government to maintain their freedom. He warned that if blacks were treated as less than free, then Texas' choice of senators and representatives would not be admitted to Congress. He invited loyal men to come to him at Austin with their ideas.¹¹ Hamilton wrote Johnson a letter from Galveston. It is optimistic in tone, but it does remark upon the recalcitrance of the defeated population.¹² Hamilton and his military escort moved on to Houston and finally to Austin. He entered the city in a parade procession, hailed by the cheers of Austin Unionists and saluted by band, choir, and cannon. The new governor was welcomed by the mayor and by his old friend E.M. Pease, who addressed the crowd and called Hamilton's return a grander moral spectacle than the return of Charles II to England.¹³ Pease became Hamilton's

¹¹ American Annual, 5:786.

¹² A.J. Hamilton to Andrew Johnson, July 24, 1865, Andrew Johnson Papers, Library of Congress, Washington, D.C. (Washington: Library of Congress, Presidential Papers in Microfilm, 1963) (hereafter cited as Johnson Papers).

¹³ Marshall Texas Republican, August 18, 1865 (hereafter cited as Texas Republican).

closest advisor and met with the governor almost daily. Many sought Hamilton's aid through Pease. Later, Hamilton supported Pease for governor, and Pease appointed Hamilton to the state supreme court. Pease appeared to be more moderate politically than Hamilton, but actually their political beliefs were almost identical. Pease was a less sanguine personality.¹⁴

About a month after his arrival in Texas, Hamilton wrote Andrew Johnson a longer, more detailed letter. He told the President that he had found the state without government and that he had tried to allay the people's fears and anxieties by his proclamation. He explained that it was the unanimous opinion of Union men that a constitutional convention should not be called yet because time was needed, the mails were out, and the newspapers were few in number and secessionist in sentiment. He promised no unnecessary delay. Hamilton wrote that he feared that most slave owners would vent their bitterness on the Negroes, that blacks in remote areas were being denied their freedom, and that there had been killings and abuse of freedmen. Hamilton commended the military, emphasized the necessity of their presence for order, and suggested that the President

¹⁴ Baggett, "Birth of the Texas Republican Party," p. 6.

practice limited confiscation, to intimidate the ruling class.¹⁵ The newspapers were still very secessionist in sentiment, and they were vociferous in condemning A.J. Hamilton. He was libeled as a drunk, an adulterer, a murderer, a woman beater, and a total political opportunist.¹⁶ The Daily Rancho of Brownsville, which had the advantage of being published on Mexican soil, flailed "his inebriated Excellency, Andrew Jackson Hamilton, the newly appointed viceroy of Texas," at great length.¹⁷

Nevertheless, Hamilton set to work with vigor and purpose, enlisting the aid of his Austin friends. Agents were dispatched to reclaim state property. George W. Paschal was sent to Washington to cash in some of the state's remaining indemnity bonds. Another agent was sent to Brownsville to claim any funds or cotton in the hands of merchants or federal authorities. Hamilton appointed E.M. Pease, Joseph

¹⁵ A.J. Hamilton to Andrew Johnson, August 30, 1865, Executive Record Book of the Messages and Proclamations of Governor A.J. Hamilton, Texas State Archives, Austin, pp. 40-44 (Washington: Library of Congress, Microfilm Collection of Early State Records, 1950) (hereafter cited as Executive Record AJH).

¹⁶ Houston Telegraph cited by Texas Republican, August 25, 1866.

¹⁷ Brownsville Daily Rancho, August 9, 1865 (hereafter cited as Daily Rancho).

Spence, and Swante Palm as a treasury commission to determine the exact condition of the sacked state treasury. Hamilton further ordered the arrest of a member of the late Confederate Military Board of Texas because of financial irregularities.¹⁸

Hamilton was fair in the dispensation of both pardons and appointments. He approved all but twelve or fifteen of the pardon requests submitted to him. Among those rejected for pardon was Willard Richardson, the editor of the strident Galveston News, who received a direct pardon from Andrew Johnson over A.J. Hamilton's objections that Richardson was a practitioner of "News Ultraism."¹⁹

Hamilton surrounded himself with Texas Unionists for his official family: James H. Bell as secretary of state, William Alexander as attorney general, and Albert H. Latimer as state comptroller.²⁰ However, in some cases he did appoint former secessionists such as Richard Coke, James Wiley Magoffin, and James M. Swisher to posts, and he drew criticism from Unionists for it. He authorized Magoffin to name new officials for El Paso County, much to the disgust of local Unionists. Hamilton did recall some of his

¹⁸ Executive Record AJH, pp. 31-38.

¹⁹ Waller, Hamilton, pp. 82-84.

²⁰ Baggett, "Texas Radicals," pp. 42-43.

commissions after consultations with critical Unionists.²¹ Hamilton's fairness in setting up his government apparatus must have come as a surprise to many, because a reputation as an avenging angel had preceded him. The secessionist Texas Republican of Marshall delightedly praised him in an editorial on 29 September 1865 for allaying the public's apprehensions, making sound appointments, and exhibiting a generous spirit. The paper suggested that with slavery gone and the Radicals organizing, the public should support Hamilton and Johnson.²² Hamilton's fairness extended to the personal level as well. The wife of former Texas Confederate Governor Francis R. Lubbock petitioned Hamilton to allow her to leave the state and to visit her imprisoned husband in the East. In strong contrast to Lubbock's foot-dragging performance in regard to the safety of Hamilton's own family during the war, A.J. Hamilton granted her request and gave her a letter urging federal authorities to aid her.²³

Even before Hamilton's return to Texas, James W. Throckmorton wrote his friend and political ally Benjamin H.

²¹Waller, Hamilton, pp. 66-67.

²²Texas Republican, September 29, 1865.

²³Executive Record AJH, p. 88; Waller, Hamilton, pp. 56-57 and 75.

Epperson about his own apprehension concerning Hamilton's attitude. Throckmorton suggested finding means to guide the actions of the new governor. Throckmorton and Epperson decided to convince Hamilton that he should retain all county and local officials and convene the constitutional convention at the earliest possible time.²⁴ Throckmorton travelled to Austin in August 1865 to present this program to Hamilton and to propose October as a possible date for the convention.²⁵ Hamilton received Throckmorton and his suggestions with courtesy and explained why he felt that he could not follow them. An angry Throckmorton wrote Epperson that Hamilton intended to remove all officials and exact vengeance. In fact, Hamilton was fair in his appointments and used the personal recommendations of Throckmorton and Epperson.²⁶ By October the Texas Republican was informing its readers that Congress was going into session in December and that it was of the highest importance to Texas and to conservatism that Texas should be represented in order to

²⁴Waller, Hamilton, p. 65.

²⁵Claude Elliott, Leathercoat: The Life History of a Texas Patriot [James W. Throckmorton] (San Antonio: by the author, 1938), pp. 101-102.

²⁶Waller, Hamilton, pp. 65-66.

aid President Johnson against the Radicals. The paper denied the suggestion that Hamilton desired to aid the Radicals, and pontificated that he surely saw that his choice was between the honor or the disdain of the South, and would order an election soon.²⁷

As a politician who had already suffered the disdain of the South and who probably placed a low value on receiving the honors of secessionists, Hamilton still fought to maintain a painstaking fairness, but the level of violence and the difficulties in administering justice slowly eroded his position. On 17 August 1865 he wrote General C.C. Andrews regarding the military arrest of William E. Crews of Brazoria on the charge of murdering a Negro. Hamilton wrote that pursuant to his instructions from the President, he was instituting civil authority, and he enquired to know what course the military intended to take with the detained man. Hamilton's opinion was that trial should be by civil court for all offenders.²⁸ By the end of the following month, Hamilton had reached an entirely different conclusion. On 27 September he wrote General H.G. Wright, the commander

²⁷Texas Republican, August 13, 1865.

²⁸Executive Record AJH, p. 27.

of the Department of Texas, and related the widespread reports about the murder and abuse of freedmen in unoccupied counties. He admitted that he was powerless to prevent or punish the crimes and told the General that it should be obvious to both of them that civil authority was undependable. Hamilton said that civil government without protection would be "but a farce at best, possibly a tragedy." Hamilton saw his own role as provisional and preparatory to the actual restoration of civil authority. He said that he not only had no objections to military trials, but that he thought them a necessity. He added that the sullen resentment of the losers was manifesting itself in freedman abuse and that slavery still existed in some counties. He requested troop movements through these areas.²⁹

Violence and the administration of justice were the two great intertwined issues of Reconstruction in Texas, and, despite the random and wanton nature of much of the violence, it is impossible to consider the issues without seeing a clear relationship between the violence directed at Unionists and freedmen and the secessionist sentiment that generated much of that violence for political, racist, economic, or personal reasons, as a tool and as a means of expression.

²⁹ Ibid., pp. 72-74.

Testimony by military officers before the Joint Committee on Reconstruction in February and March of 1866 revealed in part the magnitude of the problem. Major David S. Stanley of the Fourth Corps of the Army of the Cumberland, with occupation forces in Texas, observed that Texans who had served the Confederacy in the East were generally realistic in their outlook, but those who had remained and were untouched by war were insolent and overbearing, and were sure to elect secessionists to office as well as place blacks into a bondage more galling than slavery. He found the populace unwilling to accept the results of the war. General W.E. Strong, Inspector General of the Freedman's Bureau, related the intense hatred for Union troops which he had encountered and the tenuous position of Unionists in Texas. Lieutenant Wilson Miller, serving with black troops, stated that Texans appeared to hold the Negro accountable for their wartime defeat. Lieutenant H.S. Hall testified that wealthy whites considered the immediate return of their state to the Union as a right. Hall also detailed freedmen abuses and added that there was no safety for freedmen or loyalists without troops. More radical and insightful was the testimony of Major General George Armstrong Custer, who observed that Texans had been willing to sacrifice

their opinions temporarily some months earlier to retain their place in the Union, but they no longer seemed to think even that concession was necessary. Custer believed that Texas would elect disloyal men to office, and he told the committee that Union veterans had been murdered in Texas.³⁰

Despite his fairness and somewhat Johnsonian public stance, A.J. Hamilton saw and heard proof of his personal fears everywhere. Only days after his arrival at Galveston, he wrote President Johnson that letter remarking on the recalcitrance of the defeated.³¹ During his trip to Austin, the newly arrived governor was asked about social equality and baldly replied that he was willing to take his chance with blacks;³² and, in an undated 1865 speech, Hamilton thundered, "I do not adopt the cant phrase 'the Union as it was and the Constitution as it is!' I want the Union as it wasn't and the Constitution as it isn't."³³

³⁰U.S. Congress, House, Report on the Joint Committee on Reconstruction, H. Doc. 30, 39th Cong. 1st sess., 1866, v. 2, pt. 4, pp. 35-48, 73, 76-77 (hereafter cited as Joint Report).

³¹A.J. Hamilton to Andrew Johnson, July 24, 1865, Johnson Papers.

³²Waller, Hamilton, p. 62.

³³William L. Richter, "'We Must Rubb Out And Begin Anew': The Army and the Republican Party in Texas Reconstruction, 1867-1870," Civil War History 19(December 1973):334.

Hamilton's efforts to obtain order were on several fronts. By proclamation he provided authority for the chief justice of each county to select a chief or captain of police with a force of ten to fifty to be paid at county expense.³⁴ He gave permission to frontier counties to organize companies of militia to guard against Indian attacks.³⁵ Largely, Hamilton's efforts were to encourage and direct the military to the thankless task of policing Texas. He requested patrols for unoccupied areas and asked for military tribunals. He wrote Custer and requested troops to protect Unionists in Fannin, Grayson, and Cooke counties, where there had been many wartime murders of loyalists.³⁶ Military records reveal that crimes of violence in Texas during Reconstruction were primarily committed by whites against blacks. The military received little aid in apprehending these whites, and widespread and numerous outrages against freedmen went virtually unpunished, revealing the impotency of the occupation army in dealing with crime.³⁷

³⁴Texas Republican, December 8, 1865.

³⁵Executive Record AJH, pp. 119-20.

³⁶Ibid., pp. 123-24.

³⁷Shook, "Federal Occupation," pp. 420-25.

Again in the administration of justice, Hamilton's own sense of fairness and flexibility emerges. Bound by both the Texas laws of 1860 and the fact of emancipation, Hamilton left the question of admission of black witnesses to the individual courts, but most courts barred blacks. Upon E.M. Pease's counsel, he allowed lawyers to return to practice upon taking the general amnesty oath in open court or upon his approval of their petition to Andrew Johnson for special pardon.³⁸ Hamilton pardoned a freedman who had been sentenced to two years for stealing potatoes,³⁹ and he arrested, examined, and released a member of the Confederate State Military Board after examining his accounts.⁴⁰ In December, 1865, the Governor wrote Colonel I.T. Rose, post commander at Victoria, concerning a homicide case. In Lavacca County court a man was accused of killing a freedman, but the incident was ruled justifiable and the accused was released. Rose then arrested and held the man. Hamilton wrote Rose that he believed the colonel had overstepped his authority and that he would have to write Rose's superior,

³⁸Ramsdell, Reconstruction in Texas, pp. 60-61 and n.

³⁹Executive Record AJH, p. 158.

⁴⁰San Antonio Express, November 16, 1865 (hereafter cited as Express).

General H.G. Wright, despite the many compliments he had received on Rose's earlier conduct.⁴¹ These were certainly the actions of a man who, despite having ample personal justifications for seeking revenge, tried to see justice done for all.

Emancipation created problems other than the violence that it unleashed. The general response of blacks to their freedom was to exercise the heretofore forbidden liberty of taking to the road and leaving their work behind. They made their way to the towns and cities, leaving the crops in the fields and making a shambles out of labor contracts.⁴² Then, too, there were the rumors of property distribution such as the Thaddeus Stevens-inspired "forty acres and a mule for Christmas" story. General E.M. Gregory, Assistant Commissioner for the Freedman's Bureau for Texas, issued a 12 October 1865 circular urging Bureau officials and citizens to correct such rumors.⁴³ These rumors ran concurrent with

⁴¹Executive Record AJH, pp. 138-39.

⁴²Henderson H. Donald, The Negro Freedman: Life Conditions of the American Negro in the Early Years After Emancipation (New York: Henry Schuman, 1952), pp. 1-2.

⁴³Claude Elliott, "The Freedman's Bureau in Texas," SWHQ 56(July 1952):23 and n.

those among planters that there would be gradual emancipation or compensation. All of this confusion was compounded by the fact that Texas' 275,000 blacks had been swelled by 125,000 more blacks sent to the state for safe keeping during the war.⁴⁴ To clear the confusion A.J. Hamilton issued an address to the freedmen on 17 November 1865 and directed the chief justices of each county to call in the freedmen and read his message to them. Hamilton praised the wartime conduct of the blacks and assured them that they were free and protected. He informed them that there would be no division of property at Christmas and that they must work. He urged them to leave the towns and to get jobs, and he reminded them that they would be protected and punished and that they had rights and duties. He also warned them that no violence could take place without their suffering.⁴⁵

As 1865 drew to a close, incredulity and indignation widened in the North over Johnson's conduct of reconstruction. Johnson was assuming total control over reconstruction, disregarding the advice of important Congressional leaders, and eroding his bargaining power in the South by his prolific

⁴⁴Joint Report, pt. 4, 2:38.

⁴⁵Executive Record AJH, pp. 129-31; Texas Republican, December 8, 1865.

issuing of pardons. Political sympathy was shifting away from Lincoln's successor. Even among the most radical the criticism was largely in private, but knowledgeable minds turned to the convening of Congress in December. In Texas, Hamilton had passed a bare four months as provisional governor, but he must have already realized the immensity of the problem and known that Johnson's once-over whitewash was not even the beginning of a solution or proper justice to blacks and to Unionists like himself. Hamilton wrote the President on 24 November 1865 and said that while sensible men knew that slavery was dead, there was a desire and a hope by many former slave holders that laws would be adopted to keep the Negro practically in bondage. Optimistically, he related that the public mind was turning slowly and steadily toward the protection of the freedman. Hamilton assured Johnson that there was no remaining military threat in Texas, but he insisted that it was not safe to reduce the occupation forces because the opposition was large enough to defy civil authority alone and because of the threat of the Indians. In a reference that must have been portentous for Johnson, and a clear statement of his own political loyalty, A.J. Hamilton expressed his hope that "Congress when it meets will give such early indications of what is expected of the people in

the South."⁴⁶ The Johnson-appointed Hamilton had already sensed that control of reconstruction was passing from Johnson's hands, and why. He was certainly in a position to appreciate the necessity for it.

⁴⁶Executive Record AJH, pp. 133-37.

CHAPTER III

THE CONSTITUTIONAL CONVENTION OF 1866

The constitutional convention of 1866 brought all of the divergent and discordant elements of Texas political thought together in Austin. It was an extraordinary event, not for its accomplishments, but because of the varied men elected to it as delegates and the issues at stake. Pre-election discussion revolved around two central issues: the problem of the Negro and the extent to which the state constitution should be altered. The die-hard element maintained that nothing should be done to the constitution of 1861 beyond what was absolutely necessary to bring the constitution within the demands of the federal government.¹ Other former secessionists viewed the convention as an opportunity to pursue changes favoring education, increased immigration, and an independent judiciary.² Naturally,

¹Dallas Herald, August 5, 1865; February 17, 1866.

²San Antonio Daily Herald, September 12, 1865; Flake's Daily Galveston Bulletin, January 7, 1866 (hereafter cited as Flake's Bulletin); Austin Triweekly Gazette, February 8, 1866, cited in John Pressley Carrier, "Constitutional Change in Texas 1865-1876" (Master's thesis, North Texas State University, 1967), pp. 13-14; Gonzalez Inquirer quoted in Dallas Herald, February 17, 1866.

there was a healthy interest in encouraging and regulating business.³ Flake's Daily Galveston Bulletin, edited by Ferdinand Flake, returned from exile, harkened to the old pre-war German-mercantile alliance by calling on voters to elect "good, sound, practical businessmen" as delegates.⁴ While the die-hards desired the most perfunctory sort of convention, most former secessionists, now self-labeled conservatives, were for an extended session.⁵

The future of the Negro was the critical issue. In the uncertain and inflammatory mind of the public, the probability of Negro legal rights was associated closely with the possibility of Negro suffrage. Nearly all of the candidates felt compelled to denounce this anathema to safeguard their political existence. It was such a volatile issue that even most Union candidates played it down. The denunciations ranged from quiet disclaimers to seething racist vitriol.

The printed views of W.C. Dalrymple, the successful candidate for the Travis and Williamson Counties' seat,

³Carrier, "Constitutional Change," pp. 13-14.

⁴Flake's Bulletin, January 7, 1866.

⁵Ramsdell, Reconstruction in Texas, p. 87; and Wallace, Turmoil in Texas, p. 169.

were among the most virulent. His circular made its way to Washington, where it became a cause célèbre and was reprinted in the report of the Joint Committee of Reconstruction.

Dalrymple stated succinctly that he desired a white man's government and that he conceded nothing to the Negro save the station of "hewers of wood and drawers of water."⁶

Dalrymple's opponent was James H. Bell, Hamilton's Secretary of State. Bell argued that the North's demands concerning the Negro would be contingent on the South's treatment of them, but he told the voters that he did not favor Negro suffrage.⁷ John Hancock opposed E.M. Pease for election in Austin's Travis County in a race of Unionist against Unionist. Hancock said that he would favor giving the Negro the vote when the mules got it.⁸ Hancock was elected. M.T. Johnson, the conservative elected from Tarrant County, took a paternal view; in standing for a white man's government and strict labor laws to regulate the Negro, he maintained that it was for the Negro's own good.⁹ In opposing suffrage,

⁶ Joint Report, pt. 4, 2:95.

⁷ Ibid., p. 93.

⁸ Austin Southern Intelligencer, January 4, April 19, 1866 (hereafter cited as Southern Intelligencer) cited in Waller, Hamilton, p. 87.

⁹ San Antonio Daily Herald, January 3, 1866.

the Union delegate from Bexar County, I.A. Paschal, took the novel view that if Texas alone granted the vote, blacks would pour into the state.¹⁰

The political reality was that no major element of the Texas population favored conferring the vote on the Negro in any form, except for the Germans. Here was the failure of Union sentiment. The strong support of north-central Texas for the Union and against secession had totally evaporated in the bitterness of war and in abolition. Secession and its leaders were no longer issues, but a quarter of a million freed blacks were to remain very much an issue for another century. The viability and strength of this new issue was demonstrated in Texas' reaction to a letter written by John H. Reagan.

Reagan had been one of the state's most distinguished pre-war public servants, and he was the only Texan to serve in the Confederate cabinet. He loyally stayed by Jefferson Davis until their capture in Georgia, and he was imprisoned at Fort Warren in Boston harbor. From his cell Reagan wrote to his state on 11 August 1865. With perception and insight into the political mood of the North, he outlined for Texans the South's dilemma as a conquered nation, and

¹⁰ Ibid., December 25, 1865.

he suggested limited Negro suffrage based on mental and property tests as a strategy by which to avoid prolonged military rule and universal black suffrage. His advice was received with widespread derision. When Reagan returned to Texas, his friend, former Governor J.W. Henderson, told him that every candidate for office in the state regarded it as a duty to denounce him for his advocacy of Negro suffrage. Later, Reagan wrote that the people had been in no condition to reason on the subject.¹¹ It was to the political advantage of the conservatives to portray the question as an all-or-nothing issue, and thus to play to the fears of the people. General Sterling Price wrote to the newspapers of Texas from exile at the Carlota colony and said, "when the right is given the Negro to bring suit, testify before courts, and vote in elections, you had all better be in Mexico."¹²

Election day produced a small turn-out, due perhaps to the wintry weather or to apathy, but an increasingly bitter James W. Throckmorton wrote that the people were

¹¹John H. Reagan, Memoirs With Special Reference to Secession and the Civil War, ed., Walter Flavius McCaleb with an introduction by George P. Garrison (New York: The Neale Publishing Company, 1906), pp. 227-28, 234, 286-96.

¹²San Antonio Daily Herald, February 14, 1866.

muzzled and dared not express their true feelings, and so evidenced little interest because they believed that the delegates went to Austin only to confirm the edicts of their conquerors.¹³ Throckmorton was elected delegate from Grayson and Collin counties, and he joined a wide variety of men who began to collect in the hotels, boardinghouses, and private homes of Austin for the February seventh opening of the convention. Texas was the last Confederate state to hold its convention, and thus was afforded the advantages and the drawbacks of knowing what the others had done.

It was in his dealings with the constitutional conventions of the South that Andrew Johnson clearly failed politically and laid the groundwork for the overturning of presidential reconstruction by an outraged and aroused Congress. In his ineptitude, Johnson never issued formal terms of specific requirements for the southern states. In his proclamations appointing provisional governors, Johnson did request that the Confederate debt be repudiated, that laws at variance with the Constitution be altered, that secession be nullified, that slavery be abolished, and that only those Confederates

¹³James W. Throckmorton to Ben H. Epperson, Ben H. Epperson Papers, University of Texas Library Archives (hereafter cited as Epperson Papers) cited in Elliott, Leathercoat, p. 103.

amnestied or pardoned should be permitted to vote. Beyond these obvious changes there were no suggestions. The state conventions were to convene, recognize in fundamental law the changes brought by war, and take up the functions of government. When these general conditions had been met to the President's satisfaction, he would withdraw the occupying troops.

Johnson's goal was to produce effective governments in the South without frustrating their emergence, but, in the face of the impending session of Congress and their growing criticism, he pursued his goal narrowly, and the nature of these new governments became a small consideration. Reorganization took priority over content, and Johnson was able to achieve only form and process with his conciliation approach. By stressing conciliation, autonomy, and self-determination, Johnson predicated the success of his program totally on the actions of the South, and, by announcing minimum rather than maximum requirements for restoration and issuing pardons with a lavish hand, Johnson forfeited all bargaining power. Thus the power and the initiative of Reconstruction fell to the South, and the North's role became one of reaction.

By simultaneously withdrawing the stick as he conceded the carrot, Johnson often found it difficult to get the state conventions to accede even to his minimal demands. It was contradictory leadership to give and to ask. Further, Johnson tried to use the Radicals as a threat to the south even as he was assailing them. It was also obvious that autonomy was not dependent on readmission, as Johnson was not concerned whether the South complied with its new oaths or not. By eschewing physical and political coercion Johnson lost any control over the contents of the new governments. The results were embarrassingly disastrous. Mississippi refused to ratify the Thirteenth Amendment or to declare secession null and void ab initio; Johnson had to order the provisional governor to remain in office. Mississippi and South Carolina passed stringent black codes, and Arkansas refused to allow any sort of Negro court testimony. The Georgia convention had the temerity to refuse to repudiate its Confederate debts, and Johnson had to cajole them with supplicant telegrams, as he did with South Carolina on the ab initio issue.¹⁴ The Texas delegates

¹⁴Michael Perman, Reunion Without Compromise: The South and Reconstruction: 1865-1868 (Cambridge: University Press, 1973), pp. 72-104; Wallace, Texas in Turmoil, pp. 172-74; Fawn M. Brodie, Thaddeus Stevens: Scourge of the South (New York: W.W. Norton and Company, 1959), pp. 18-24.

weighed all of these recent events with and against the increasingly radical stirrings of Congress.

Of all the delegates that gathered in Austin, it was estimated that one half to two thirds had held military or civilian offices in the Confederacy.¹⁵ General T.N. Waul of Gonzales County had been a Texas delegate to Montgomery in 1861 and had been the first man to propose cheers for the rebel flag.¹⁶ On 22 May 1863 at Vicksburg, Waul's Texas Legion absorbed terrible casualties, and every officer of his staff was killed or wounded.¹⁷ Judge O.M. Roberts of Smith County had served as president of the secession convention of 1861 and during the war had served as chief justice of the state supreme court.¹⁸ Ben G. Truman, a reporter for the New York Times, friend of Andrew Johnson, and observer of the Texas convention, reported that the delegates included seven generals and eleven colonels of former Confederate service.¹⁹

¹⁵ Joint Report, pt. 4, 2:137.

¹⁶ Flake's Bulletin, March 3, 1866.

¹⁷ Wallace, Turmoil in Texas, p. 103.

¹⁸ Flake's Bulletin, March 16, 1866.

¹⁹ Joint Report, pt. 4, 2:137.

The Unionist delegates included General E.J. Davis, who represented Webb County. Davis entered the convention in favor of qualified black suffrage.²⁰ John Hancock won his delegate seat in Travis County by defeating fellow Unionist and former Governor E.M. Pease. Early in the convention Hancock established himself as a "soft" Unionist who was ready to engineer compromises. It would appear that Hancock's political ambitions motivated this change. At the end of the war, Hancock was in exile at New Orleans. There he met W.P. Ballinger, who was attempting to negotiate favorable terms for Confederate Texas. Hancock told Ballinger that the Texas Unionists in exile were a divided community and that A.J. Hamilton led the extremists, who favored vengeance and retribution.²¹ Hancock had also hoped to block Hamilton's presidential appointment as provisional governor.²² Another Unionist delegate was the remarkable

²⁰ New York Times, April 1, 1866, p. 1.

²¹ W.P. Ballinger Diary, May 17, 27, 29, 30, June 18, 1865, Ballinger Papers, University of Texas Library Archives; New York Tribune, May 17, 1865; Webb, Handbook of Texas, 1:763 all cited in Waller, Hamilton, pp. 59-60.

²² John Hancock Diary, April 10, April 29, and May 5, 1865, Hancock Papers, University of Texas Library Archives, cited in Roger Allen Griffin, "Connecticut Yankee in Texas: A Biography of Elisha Marshall Pease" (Ph.D. dissertation, University of Texas, 1973), p. 185.

Edward Degener of Bexar County. Degener was a native of Germany who had participated in the unsuccessful revolution in 1848 as a political leader and who had fled to Texas to become a frontier settler in the German area west of San Antonio. Degener was an opponent of slavery in the 1850s, and he was imprisoned during the war for his outspoken Unionism. Two of his sons were killed in the Nueces River incident.²³ Hardin Hart of Hunt County told Ben Truman that his brother had been hanged for treason during the war and that the court martial president was a delegate to the convention. J.K. Bumpass of Collin County told Truman that he had opposed secession and then joined the Confederate army after a death threat.²⁴ The redoubtable A.B. Norton, ever the Whig, was elected by the people of Van Zandt, Kaufman, and Henderson Counties as a delegate. Norton was the unofficial spokesman of the estimated eight thousand Norwegians in Texas, and he told Truman that they had remained loyal to the Union through the war and that they would accept black suffrage.²⁵

²³ Flake's Bulletin, March 16, 1866; New York Times, March 11, 1866, p. 1.

²⁴ New York Times, March 11, 1866, p. 1 and March 4, 1866, p. 1.

²⁵ Joint Report, pt. 4, 2:137.

A number of delegates had served the Confederacy despite their opposition to secession; James W. Throckmorton was the most notable. Albert H. Latimer of Red River County was a Texas pioneer who had signed the republic's declaration of independence, fought Santa Anna, and helped to write the new republic's constitution as well as its first state constitution. Although his sons fought for the Confederacy, he opposed secession, and after the war he served as A.J. Hamilton's state comptroller.²⁶ Of sixty-seven delegates whose 1861 opinion is recorded, thirty-seven favored and thirty opposed secession.²⁷ Hardin R. Runnels of Davis, Titus, and Bowie Counties was probably the most unreconstructed and unrepentant secessionist among the delegates.²⁸ Runnels had defeated Houston for the governorship in 1857, and then lost it to him in the emotion-charged race of 1859.

However, the political labels of 1861 were no longer applicable to the situation in 1866. Secession was, for

²⁶New York Times, March 5, 1866, p. 1; Webb, Handbook of Texas, 2:34.

²⁷Wallace, Texas in Turmoil, p. 170.

²⁸Ben G. Truman in Joint Report, pt. 4, 2:136.

all but a few, a dead issue, and realistic delegates on both sides knew it despite rhetoric. H. Stephen Powers of the Cincinnati Commercial attended the convention and reported it to be more Unionist than any other Southern state.²⁹

But the Union sympathy of 1861 was not ready to embrace black suffrage in 1866. On the other hand, the southern nationalists had been separated from the issue of secession by the war's result. They soon found new political footing in their support for Andrew Johnson's policies of state rights and opposition to black rights. This effectively gave the conservatives the political center. The support of hard-line secessionists was theirs by default, and the defection of soft Unionists to their ranks came with their support for Johnson and with their growing political strength.

Denied the clear issue of secession, the Unionists were faced with the political choice of joining many of their former enemies and President Johnson as conservatives, or of linking their stand to Congress and becoming Radicals. With the exception of the German population, significant white support evaporated over the issue of blacks, particularly in north-central Texas. The remaining Unionists, not yet

²⁹ Ibid., p. 148.

Republicans, now found themselves in the ironic and unenviable position of being an extreme minority whose long-held beliefs ran counter to their state and their president despite the war's outcome. This new vulnerability must have been galling indeed. State rights and white man's government was and would remain the political philosophy in Texas.

The voters turned to their pre-war leaders as their delegates. Some were exiled Unionists whose views had been vindicated by the war, and others were secessionists realistic in defeat and ready to find new channels to reach old goals. Among the eighty-nine delegates, there were sixty lawyers, fifteen planters, and five editors. Thirty-five of the delegates had previous service in the Texas legislature, and six had served other states. Former Confederate General J.W. Whitfield of La Vaca County had been a congressman from Kansas, and General B.G. Shields, representing Freestone, Limestone, and Falls Counties, had been a congressman from Alabama.³⁰ All of the delegates were men of experience, ability, and opinion. Their actions in the convention would mirror what had passed and would presage what would come.

³⁰ Houston Telegraph quoted in Texas Republican, March 2, 1866.

At noon on 7 February 1866 the convention opened in the house of representatives. James H. Bell took the chair on the motion of James W. Throckmorton, called the roll, and received credentials. Sixty-three of the eighty-nine delegates were present; they would continue to straggle into Austin until the final delegate, William P. Bacon of El Paso, arrived on March first.³¹

On February eighth, with J.W. Henderson of Harris County presiding as president pro tem, four candidates were advanced for presidency of the convention: H.R. Runnels, J.W. Throckmorton, A.H. Latimer, and William H. Taylor. They were respectively: secessionist, conservative, Unionist, and soft Unionist. No candidate received a majority on the first ballot, but Latimer led Throckmorton by two votes, with the others trailing. On the second ballot, Taylor and Runnels dropped out of the contest, creating a head-to-head match between Throckmorton and Latimer. Throckmorton received an additional nineteen votes, while Latimer's tally remained the same.³² Obviously, the conservatives had coalesced with

³¹Texas, Journal of the Texas State Convention (1866) (Austin: Southern Intelligencer Office, 1866), pp. 3, 5, 113 (Washington: Library of Congress, Microfilm Collection of Early State Records, 1950) (hereafter cited as Journal).

³²Ibid., p. 6.

secessionists and soft Unionists to create a majority. There was also a matter of image. Latimer was old and a long-time political maverick, while the younger Throckmorton was a war hero and a pre-war Unionist; Throckmorton was a popular choice. But the realistic secessionists were now content to take the political back seat and to provide support and guidance to younger, more moderate men. This enabled the conservatives to occupy the center of the political road and to attract soft Unionists to their ranks, and it left the rest of the Unionists to play the roles of radicals despite their own largely modest ideas about reform.

Throckmorton took the chair and delivered an acceptance speech urging the delegates to forget the past and to act with patriotism for the future alone, uninfluenced by emotion or prejudice. He exhorted the delegates to strengthen the hands of President Johnson by their actions.³³ Clearly, the election of Throckmorton and his speech were the start of Throckmorton's role as the chief defender of Johnson's policies in Texas.³⁴ His pre-war Unionism had been in reaction to secession and in support of Sam Houston against

³³ Ibid., pp. 6-7.

³⁴ Ramsdell, Reconstruction in Texas, p. 90.

the planter class. Bitter, xenophobic, racist, and ambitious, Throckmorton plunged into these new political waters and emerged as the spokesman of conservatism and the stalking-horse of the former secessionists.

The first controversy arose on the third day, when I.A. Paschal moved that a committee be sent to Governor Hamilton to inform him that the convention was organized and ready to take the constitutional oath and ready to receive any instructions which he might wish to impart. O.M. Roberts rose and offered a substitute that omitted any mention of the oath. John Hancock then rose to a conciliatory role, which he and A.B. Norton would play again and again, by suggesting a substitute that required the amnesty oath for any who had not yet taken it. Paschal's motion was put to the question and narrowly failed, 39-41; Hancock's substitute was adopted. Former Confederate Generals Waul and Whitfield, voted with Paschal. However the next day's session, February tenth, told another story. Overnight the conservative and secessionist delegates decided that rejecting the oath might offend the North. Hancock moved reconsideration of his own amendment to Paschal's motion, and the convention voted 70-11 to take the oath.³⁵ The eleven negative votes

³⁵Journal, pp. 11-14.

included the hard-headed Runnels, and his attitude earned him the title of "malicious rebel" from Ben Truman.³⁶

Later on the tenth, A.J. Hamilton spoke to the assembly. Hamilton was an orator of considerable reputation, and, despite the relative moderation of his message, the governor's combative style was undoubtedly quite offensive to his largely conservative audience. Hamilton reviewed his own political history and his responsibilities as governor, and he explained his delay in calling a convention. He expressed his disappointment with voter apathy and his condemnation of unpardoned rebels as delegates. The Governor listed the governmental changes that he felt were necessary: "formal and solemn recantation" of secession, "cheerful acquiescence" to abolition, repudiation of the Confederate war debt, and civil equality for blacks. Hamilton admitted that his views were not popular, and he questioned whether blacks were intelligent enough for the vote, but he firmly asserted that white man's government was not possible. He insisted that blacks must have equality in the courts and protection of their lives and property now, with suffrage eventually. He warned the delegates that if they failed to

³⁶Joint Report, pt. 4, 2:136.

act and if the Negro was treated as less than a free man, then the radical opposition in Congress would rise and Texas' representatives and senators would seek admission to Congress in vain.³⁷ The speech was similar to the advice of John H. Reagan and was probably written under its influence. Hamilton was likely more radical than his speech, but he was attempting to sell the delegates on his approach. His efforts were largely in vain.

On February thirteenth the convention turned to the nullification of secession. It was the issue that generated the greatest amount of discussion, rancor, and rhetoric. Actually, the war had settled the question of secession, but choosing the exact language of nullification stirred old emotions. While nullification had no bearing whatsoever on future governmental structure, exhaustive discussions proceeded. It might have been a strategic move for the Unionists to have relented on this largely symbolic issue, but it was a point of honor to both sides. A.H. Latimer moved to declare secession null and void ab initio and to declare that no state had the right of secession. C.A. Frazier of Harrison County moved to table the motion, but

³⁷ Journal, pp. 16-27; Executive Record AJH, pp. 46-47.

tabling failed 37-45. Roberts, Runnels, and D.C. Giddings of Washington County were among the hard-liners who stood with Frazier, while Dalrymple, Henderson, Throckmorton, and Waul voted with the Unionists. In the long days of talk that followed, a number of substitutes were proposed. John Hancock moved that the federal constitution be declared supreme and that secession was simply void. J.W. Henderson proposed that the United States government, by exercise of power in war, had determined that there was no right of secession, that the people of Texas acquiesced, and that secession was hereby appealed. Frazier and Richard Walker of Nacogdoches presented similar substitutes.³⁸

Nullification was finally referred to the Committee on the Condition of the State, and on 21 February, Chairman A.B. Norton presented the committee's majority report that acknowledged constitutional supremacy and declared the ordinance of secession to be annulled and of no further effect. Two days later Norton presented a minority report which acknowledged constitutional supremacy and voided secession ab initio.³⁹ Despite the largely symbolic content

³⁸ Journal, pp. 35-46.

³⁹ Ibid., pp. 62, 79-80.

of these laborious discussions, many prominent delegates saw larger meanings in them. O.M. Roberts said that he did not wish to endanger the chances of Jefferson Davis and other Confederate officials who were imprisoned and awaiting trial. John Ireland of Guadalupe professed his belief that ab initio nullification would do dishonor to the war dead. George W. Jones of Bastrop criticized the majority report on the basis that it implied that the southern states had been out of the Union and were now territories, as Thaddeus Stevens and Charles Sumner were arguing. Jones urged acceptance of ab initio, and so did John Hancock. William E. Jones of Bexar County urged an ab initio stand as a palm for Congress and the President. A.B. Norton argued that the secession convention of 1861 was illegal, and he urged an ab initio vote to deny fuel to the radicals in Congress. Similarly, X.B. Saunders of Bell and Lampasas Counties maintained that support for the majority report was tantamount to waving the flag of secession. Other delegates, including Frazier and Waul, replied that only the future was at stake and that the question of ab initio was historical and unnecessary.⁴⁰

⁴⁰ Flake's Bulletin, March 14, 1866.

On March tenth Hancock's own version of ab initio came to a vote; the measure acknowledged the supremacy of the Constitution and declared secession null and void from the beginning. Hancock's resolution was substituted for the majority report by a 38-36 count. R.A. Slaughter of San Augustine and Sabine then proposed a substitute to Hancock's motion that acknowledged constitutional supremacy, renounced the right of secession, and declared the ordinance of secession null and void--a rather indirect but face-saving way of expressing ab initio. On March twelfth Hancock's motion failed 39-42, and Slaughter's substitute was adopted by an identical count. A later challenge to Slaughter's substitute extended the margin to 46-36; the motion was engrossed by a 43-37 count; and final passage was by a vote of 65-21.⁴¹ With all of this effort and compromise, this single paper issue was at last resolved. The weakness of the convention was its very strength: the vastly experienced delegates were caught up in their preoccupation with the past; the mass pardons of Andrew Johnson had allowed so many secessionist members of the pre-war establishment to have a voice that even pro forma changes were difficult. And everyone had

⁴¹Journal, pp. 157-84.

different ideas about what basic changes the obtuse President desired.

On February fifteenth Generals Waul, Whitfield, and Ireland, as well as former Governor Runnels, reported that they were as yet unpardoned, although Governor Hamilton had approved and forwarded their applications to the White House. In the spirit of Lincoln and Johnson, the convention resoundingly agreed to wire President Johnson to facilitate the pardons and to allow the four men their seats in the interim.⁴² Later a similar spirit was in evidence when delegate George W. Smythe of Jasper and Newton died in mid-convention; three men roughly representing three ideologies delivered eulogies: Roberts, Norton, and Latimer.⁴³ Perhaps the spirit of compromise was created, but there was to be little of substance.

On March third Waul presented the ordinance that the Committee on Finance had drawn up to dispose of the war debt. This provided that all debts incurred by Texas to aid the war directly or indirectly were null and void, that the legislature was forbidden from ever assuming any Confederate

⁴²Ibid., p. 42.

⁴³Ibid., pp. 71-75.

debt, and that the legislature was forbidden from paying any state war debt. With only slight modifications, the ordinance was passed on March fifteenth by a strong majority representing all factions. This widespread support was for legal and pragmatic reasons: Texas' war debt was over eight million dollars.⁴⁴

Moderation and compromise were not in evidence when the delegates turned to the questions of black civil rights and suffrage, but the occasion did afford some of the most vocal and revealing moments of the convention. On February fourteenth E.J. Davis made the startling proposal of suffrage for all males over the age of twenty-one effective 4 July 1866. The motion was tabled with only four dissenting votes cast by Davis, Degener, Hart, and Daniel Murchison of Comal County.⁴⁵ On February twenty-fourth Degener offered an ordinance granting suffrage to all males over the age of twenty-one with the stipulations of one year state and six months district residencies and of the ability to read and write English or his native language understandingly. Degener's plan was also rejected, but he presented a minority report

⁴⁴Ramsdell, Reconstruction in Texas, pp. 102-3.

⁴⁵New York Times, March 11, 1866, p. 1.

to the convention that argued brilliantly and logically, albeit futilely, for Negro suffrage on legal and moral grounds, and that asked for an amendment to provide for the prospective membership of blacks in the electorate.⁴⁶ On the first of March the Committee of the Whole voted its unqualified opposition to Negro suffrage.⁴⁷

Black suffrage was never anything more than a topic of heated discussion at the convention, but in these discussions were the beliefs and the evolving strategies that would rule the South for another century. On March fifth Roberts introduced an ordinance proclaiming the permanent preservation of the white race to be the paramount objective of the people in Texas and asking for the legislative power to remove or colonize blacks to preserve an unmixed white race, with the consent of the federal government.⁴⁸ There were arguments from both sides for limited or contingency black suffrage. Hancock and Paschal foresaw Congress passing unlimited suffrage within five years and so favored enfranchisement with educational, tax, and moral requirements as a means

⁴⁶ Journal, pp. 81-91.

⁴⁷ Flake's Bulletin, March 2, 1866.

⁴⁸ Ibid., March 11, 1866; Journal, p. 119.

to curtail the black vote. John Ireland and James Shepard favored qualifications even with blacks excluded. D.C. Giddings proposed automatic qualification for all inhabitants who were qualified before 2 March 1861 and for all male citizens over twenty-one who had one year state and six months local residency in addition to educational, tax, and moral qualifications, blacks excepted. Giddings asserted that Congress did not have the right to dictate black suffrage, but he feared that they had the power. Waul told the delegates that the castle of white supremacy had to be guarded on the sides and from the rear, as well as from the front. Waul declared that it was better that one white should give up the privilege of voting than that 999 blacks should vote. Those opposed to such protections felt that they were unnecessary, because the Constitution provided protection of person and property only, leaving each state to decide who should vote as long as there were no class restrictions. A.P. McCormick of Galveston and Brazoria Counties argued that for the purposes of apportionment, "white" should be stricken from the description of voter qualifications. Roberts supported McCormick, while the more extreme Frazier and Gentry did not. Arguments about "no taxation without representation" were answered with the

specious reply that representation did not mean the right to vote; however, the word "citizen" was inserted on motion when it was argued that representation meant nothing without the power to elect it. The increasingly radical George W. Smith offered and then withdrew a motion to exempt blacks from taxes.⁴⁹ McCormick's motion to strike out "white" from the voter qualifications lost by a 26-47 count.⁵⁰ The final draft of voter qualifications was passed on 15 March, and the requirements were tightly drawn. Only males over twenty-one with one year state and six months local residency, Indians not taxed and all blacks ineligible, could vote. No members of the army or navy were allowed to vote, and apportionment was on the basis of white population.⁵¹

The delegates settled the issue of black rights in a manner similar to suffrage. On February seventeenth Hancock proposed that freedmen be granted the rights to contract and to be contracted; to sue and to be sued; to acquire, hold, and transmit property; and to be subject to no penal laws based on inequality. He further proposed that freedmen should not be prohibited from testifying in any case affecting

⁴⁹Flake's Bulletin, March 6, 1866.

⁵⁰Ibid., March 9, 1866.

⁵¹Ibid., March 25, 1866; Journal, pp. 303-7.

them in person or property.⁵² W.E. Jones moved that blacks not be excluded from any testimony, but his motion was defeated 22-51. A.W. Spaight of Liberty attempted a secessionist tack by moving to leave the question to the next legislature; the motion failed 14-62. Degener attempted and failed to prevent exclusion on the basis of race or color. Roberts amended the proposals to minimize property rights and to limit testimony to pertinent cases, and with his leadership, the amendment carried 64-17. The main question passed 56-26 on 26 February. It was opposed by radicals, including Davis, Degener, Latimer, Ranck, and Paschal, and by secessionists, including Frazier, Giddings, Parsons, Selman, and Whitfield. Roberts' leadership drew the votes of Waul, Ireland, Henderson, and even Runnels.⁵³

Clearly the astute secessionists, led by Roberts, had maintained their power and influence despite the war's outcome. By absorbing the moderates of both sides and by using the votes but not the advice of die-hards, the conservatives minimized the Unionist vote, and they captured and defined the wide center of politics in the convention.

⁵² Journal, pp. 51-52.

⁵³ Ibid., pp. 93-100.

Moderates, secessionists, and soft Unionists like the ambitious John Hancock were now all conservatives, leaving behind only the most unrealistic secessionists and the most determined Unionists.

The question of altering the constitution was settled with relative facility. Although J.K. Bumpass proposed a resolution in the first week of the convention that would have prevented any changes in the 1861 constitution save for the purpose of readmission, most of the convention delegates desired revisions of some sort. Again it was Roberts, who provided leadership as a committee chairman, who delivered a majority report in favor of any constitutional changes that the convention deemed necessary.⁵⁴ Among those who joined Bumpass in opposition to change was A.W. Spaight, who cited the example of the Alabama convention in making only changes necessary for readmission. Reuben A. Reeves of Anderson County and David C. Dixon presented similar arguments for a minimal convention. Frazier, Hancock, and Paschal all spoke in favor of an open convention that would examine all questions. Roberts cautioned the delegates that black rights had to be protected, or they would risk federal

⁵⁴Ibid., p. 27.

interference. Jack Davis of Cherokee suggested that all necessary changes be made and then submitted to the voters for ratification, so that President Johnson might see the size of the vote.⁵⁵

The actual vote was to have been between Roberts' majority report favoring changes and Gentry's minority report urging only essential changes, but on 16 February, Hancock offered a substitute to Gentry's minority report that provided that the convention could make all amendments to the constitution of 1861 deemed necessary, and that the convention decide if the popular vote was necessary for ratification. The following day, Hancock's substitute was adopted as the minority report in place of Gentry's report, by a 47-30 vote.⁵⁶ By this piece of parliamentary legerdemain, the power of change was assured to the convention, and again Hancock and Roberts were the floor leaders—a clear relationship of cooperation between the ambitious Unionist and the astute secessionist. Roberts was likely the single most influential delegate, and he enjoyed widespread respect among all factions. To his credit, he was an experienced and enthusiastic

⁵⁵ Flake's Bulletin, February 21, 25, 1866.

⁵⁶ Journal, pp. 50 and 55-56.

jurist who genuinely favored reform in the Texas judicial system.⁵⁷

Although Hancock was elected to the convention as a Unionist and initially caucused with them, he switched to conservative meetings. After the convention the Unionist Southern Intelligencer of Austin charged that Hancock had attempted to break up the convention by persuading the Unionists to walk out over the ab initio issue. Hancock was forced to back down from this radical strategy when Governor Hamilton said that he would refuse to call another convention unless directed to do so by the President.⁵⁸ Hancock finished the convention as a leader of the emerging Conservative Union coalition. It is evident that he played both sides of the fence to maximize his own political gain. An editorial in the Southern Intelligencer suggested that Hancock and Throckmorton were being used by the secessionists who actually controlled the Conservative Union party. The editors sagely professed that they would believe that conservatives had power in the party when secessionists like Waul urged the election of men to the legislature who

⁵⁷ Ibid., pp. 132-33. As chairman of the Committee on Judiciary Roberts reported proposals for judicial reform.

⁵⁸ Southern Intelligencer, May 3, 17, 1866.

would send Throckmorton and Hancock to the United States Senate.⁵⁹ Throckmorton's own views on constitutional change were that only necessary changes should be made, and that if another more extensively revised constitution was desired, then another convention could be called in a year's time.⁶⁰

Once the way for change was open, delegates of all stripes offered a plethora of resolutions that ranged from the abolition of capital punishment, to the division of Texas into three states, to homestead laws.⁶¹ Hardin Runnels touched unhealed wounds on both sides when he proposed an ordinance to protect from prosecution parties who had made seizures of property in behalf of the Confederacy. As finally engrossed as law, the ordinance provided that there would be no civil or criminal action taken against anyone acting under Confederate authority for the seizure, sale, or impressment of, or injury to person or property.⁶² Thus

⁵⁹ Ibid., May 10, 1866.

⁶⁰ Flake's Bulletin, February 25, 1866.

⁶¹ "An ordinance providing for the division of the state . . ." Texas, Constitution (1866) in John Sayles, ed., The Constitution of the State of Texas (Saint Louis: The Gilbert Book Company, 1888), pp. 299-361; Journal, pp. 54, 76, 92.

⁶² "An ordinance making valid the laws and acts of officers therein mentioned . . ." Texas, Constitution (1866), sec. 5; Journal, pp. 53-54.

the ghosts of Gainesville and the German Hill Country were laid legally to rest.

It was O.M. Roberts' desire "to perfect the system,"⁶³ and the convention made adjustments in all three branches of government. Judges, legislators, and the governor received salary increases. The supreme court was enlarged. The governor's term of office was lengthened from two years to four. County courts were given constitutional status, and the legislature lost some of its appointive power. The convention also changed the system of school funding.⁶⁴

A.P. McCormick proposed a change to the ordinance on educational funding that was similar to one he had made on voting qualifications. He asked to strike "white" from the requirement that income from the school fund be used for all white students, and his motion failed 6-60.⁶⁵ In Texas, just requiring the money to be used for all white scholastic-aged inhabitants was reform. Some of the changes were genuine reform and others were just manipulations of politics. Others reflected fear, as the stipulation of five years

⁶³Journal, pp. 132-33.

⁶⁴Wallace, Turmoil in Texas, pp. 178-79.

⁶⁵Flake's Bulletin, March 25, 1866.

residency for state legislators.⁶⁶ Interest groups cut across ideological lines, and some changes were wrought by simple economic interest.

The pre-election issues had been the status of the Negro and the extent to which the constitution should be changed. The latter had been settled by a broad consensus, but the future of the Negro was an infinitely complex problem. The convention granted the minimal rights that Johnson's guidelines asked, and it went beyond any other Southern state by empowering the legislature to authorize black testimony in all cases if it deemed necessary.⁶⁷ It was not nearly enough for Texas blacks who were already engulfed by racist violence. Racism seldom surfaced in the convention proceedings, perhaps because most of the delegates took it for granted. O.M. Roberts presented an ordinance pledging the state to white supremacy. John Ireland proposed that all black and white marriages be declared null and void; the convention adopted this with a great deal less rancor than ab initio.⁶⁸ On 27 February a petition from two hundred

⁶⁶Journal, pp. 303-5.

⁶⁷Texas, Constitution (1866), art. 8, sec. 2; Ramsdell, Reconstruction in Texas, p. 101.

⁶⁸Journal, p. 41.

Austin freedmen asking for suffrage was brought before the convention. There was a motion to table it, but E.J. Davis objected on the grounds that the right of petition was sacred. Instead it was referred to committee, but not before J.K. Bumpass scornfully moved to strike the name of George Washington from the list of petitioners.⁶⁹ In the final week of the convention, while the delegates were concerned with the assessment and collection of taxes, J.K.P. Record of Dallas offered an amendment that would levy and collect fifty cents on each dog in the state. W.P. Beall proposed a substitute granting exemption to dogs of good character that could bark. Getting into the spirit of the moment, J.M. Hurt of Grayson County suggested including hounds of full blood in the exempt category.⁷⁰ What emerges from the convention is that the real issue was who would rule Texas and define just what the problems were.

On 2 April 1866, at one in the afternoon, the convention adjourned after eight weeks of deliberations.⁷¹ Ben Truman had criticized the convention early in March for the length

⁶⁹ Flake's Bulletin, March 6, 1866.

⁷⁰ Journal, pp. 322-23.

⁷¹ Ibid., p. 363.

of its session, citing the perfunctory conventions of other Southern states as examples: Mississippi—ten days, Florida—eleven days, Georgia—thirteen days, and Alabama—two weeks. Truman also lambasted some delegates as "some of the most contemptible political trimmers" that he had ever seen. He noted that there were ten or more delegates running for the United States Senate.⁷² Perhaps, in time-honored fashion, the delegates did show an overly healthy concern for their per diem. The convention voted eight dollars a day for members and officers and another eight dollars for every twenty-five miles traversed by members to Austin.⁷³ The convention's length provoked mixed feelings among the delegates. A mid-March account indicated that a dozen delegates had departed Austin, and, while many were anxious to finish, others wished to push on as long as possible.⁷⁴ It is likely that national events contributed to the long session. Congress was in session, and the break between Johnson and certain Republican leaders was now an open one. The President had delivered an extemporaneous speech

⁷²New York Times, March 11, 1866, p. 1.

⁷³Flake's Bulletin, March 2, 1866.

⁷⁴Ibid., March 24, 1866.

denouncing Senator Charles Sumner and others, and he had vetoed the Civil Rights Act. Quite possibly, there were secessionists who hoped to profit by delay.⁷⁵

The convention had followed the minimal guidelines of presidential reconstruction and earned mixed reviews of its accomplishments. Ben G. Truman wrote President Johnson that Texas had done better than any of the other conventions that he had visited in the South and that the length of their session was due to the uncompromising attitude of the state's Unionists.⁷⁶ From Washington, George W. Paschal criticized the convention's actions as unfortunate. Paschal thought that their decisions, particularly in excluding blacks from apportionment, weakened the President's position and helped to fuel passage of the Civil Rights Bill, and he told Texans that their own erring leadership was at fault, not the North.⁷⁷ In his official capacity as governor, A.J. Hamilton wrote to the president and reported that the convention's accomplishments were perhaps better than those of any other state.⁷⁸

⁷⁵Waller, Hamilton, p. 89.

⁷⁶Ben G. Truman to Andrew Johnson, March 24, 1866, Johnson Papers.

⁷⁷Southern Intelligencer, May 17, 1866.

⁷⁸A.J. Hamilton to Andrew Johnson, March 28, 1866, Johnson Papers.

Although E.M. Pease had been defeated in his race for a seat at the convention by John Hancock, the former governor attended most of the daily sessions as an observer, and he participated in many Union caucuses.⁷⁹ Pease wrote his daughter that no more than a third of the delegates were really Union men and that the convention had accomplished "little or nothing."⁸⁰ Hamilton was not happy with the convention either. Nearly finished with his official duties and growing increasingly radical, Hamilton lashed out at the convention in a speech in the latter part of May. He charged that the convention had legalized wholesale robbery and murder and that the convention's actions protected the receivers of Confederate confiscations. Hamilton maintained that the secessionists had an account to settle with the people, and he informed the secessionists rhetorically that, whether they believed it or not, the freedom of blacks and of the poor whites was the same. He thundered that the secessionists might have it their way in Austin but not in

⁷⁹Griffin, "Pease," p. 190.

⁸⁰E.M. Pease to daughter Carrie, March 2, 5, and 16, 1866, Graham-Pease Collection, Austin Public Library Archives (hereafter cited as Pease Collection) quoted in Griffin, "Pease," p. 190; E.M. Pease to daughter Carrie, March 8, 1866, Pease Collection quoted in Waller, Hamilton, p. 90.

Washington. Hamilton questioned whether a land that denied blacks the vote but taxed them to educate white children was worthy of the name republic, and he promised that, although the convention had condoned robbery and injustice to Texas Unionists, he would ferret out and expose the criminals.⁸¹ Perhaps, Hamilton was thinking about his friend W.W. Montgomery, who had been captured by Confederates in Mexico with E.J. Davis, and hanged.⁸²

It is manifest that the largely secessionist make-up of the convention precluded any effective changes of the sort that Hamilton and Pease felt were necessary. While there was a modicum of reform, there were no changes affecting the political socio-economic system, nor was there any satisfactory resolution of the issues important to those who had fought and won the war. The black people were merely being passed from de jure to de facto slavery without any provision for future improvement of their status. The old ruling coterie, led by the strong-minded and skilled O.M. Roberts, had secured seats in the convention, convinced all but the most embittered of the efficacy of their leadership,

⁸¹Southern Intelligencer, May 24, 1866.

⁸²Waller, Hamilton, pp. 51-52.

and co-opted the soft Union sentiment of men like Hancock and Throckmorton. Embracing the probity of Johnson policies and adorning their Conservative Union party with respected Unionists suborned by their own racism, ambition, or fear of change, the secessionists confidently looked toward the summer elections. With conservative candidates elected and the conservative constitution ratified by the voters, the former secessionists could ask for readmission and withdrawal of the occupation troops. Unless Congress interfered, the war's outcome would be completely overturned.

Conservative strategy at the convention had been to table numerous matters until later when they could be dealt with more effectively. By sidestepping the delicate issues, the conservatives hoped to avoid Northern ire and additional obstacles to readmission.⁸³ To achieve these results the conservatives pitted the Radicals against the die-hards and used them to produce a constitution that, unlike those of some other Southern states, was not a blatant insult to the North. The conservative use of consensus politics effected compromises that were almost totally creatures of the conservative leadership. They made their concessions, balanced between the knowledge that they could withdraw

⁸³ Baggett, "Birth of the Texas Republican Party," p. 9.

them later in a conservative-dominated legislature, on the one hand, and the increasingly imminent threat of Congress, on the other.

The remaining Unionists were effectively isolated and stigmatized as Radicals. Their number was only about two dozen.⁸⁴ For the remaining Unionists, the convention had been a radicalizing experience. Now it was clear that Lincoln's spiritual legacy would never become effective policy and that Johnson's policies were politically bankrupt. Their interests, perhaps their lives, were tied inexorably to the Radicals in Congress. It was the beginning of the Republican party in Texas.⁸⁵ For most Unionists presidential reconstruction was finished as viable policy; for the conservatives it was about to bear fruit.

⁸⁴In Ernest William Winkler, Platforms of Political Parties in Texas (Austin: University of Texas Press, 1916), p. 95, there is a list of twenty-three radicals.

⁸⁵Baggett, "Birth of the Texas Republican Party," p. 8.

CHAPTER IV

THE ELECTION OF JAMES W. THROCKMORTON AND THE RADICALIZATION OF TEXAS UNIONISTS

The constitutional convention set the day of elections for 25 June 1866, the fourth Monday of the month, and it named August sixth as opening day for the Eleventh Texas legislature.¹ The convention had served the political purpose of bringing together the politicians and giving them time to organize and confer. By the end of March it was public knowledge that E.M. Pease and J.W. Throckmorton would be opponents for governor.² Throckmorton was the logical choice for the conservatives. The Unionists might have desired the more oratorical A.J. Hamilton as their candidate; however, physically and financially exhausted by his service as provisional governor, Hamilton declined and supported Pease, his alter ego.³

The Conservative Union ticket formally announced Throckmorton and George W. Jones as its candidates for

¹ Flake's Bulletin, March 29, 1866.

² Ibid., March 24, 29, 1866.

³ Waller, Hamilton, pp. 92, 97, 98.

governor and lieutenant governor. The party declared itself to be opposed to Radicalism and in support of President Johnson, and the list of members included Roberts, Hancock, Henderson, Runnels, Whitfield, Dalymple, Gentry, Bumpass, and Parsons. The proclamation warned conservative supporters that those "who have declared the intention to reduce us to a condition of territorial vassalage, and to place us below the level of those who were once our slaves, have their adherents in our very midst. They have now their candidates."⁴ The Unionists did indeed have their candidates, Pease for governor, Ben H. Epperson for lieutenant governor; and the list of supporters included Latimer, Paschal, Hardin Hart, Degener, Bacon, Shuford, Saunders, Murchison, Ranck, E.J. Davis, R.H. Taylor, Shields, and McCormick. While their position was essentially Johnsonian without a call for black franchise, they were castigated as "the Negro equality platform."⁵ A popular and more accurate name for the Unionists was the Hamilton-Pease party.⁶

⁴Texas Republican, May 5, 1866.

⁵Ibid., May 5, 1866.

⁶Baggett, "Birth of the Texas Republican Party," p. 6.

The conservatives' expropriation of the Union label and their continuous attacks on the Unionists as Radicals were attempts to capture the center of Texas politics for their Conservative Union party. In turn, the Southern Intelligencer attacked the Unionist content of the conservatives and their loudly avowed allegiance to the President's policies. The paper reminded its readers that Andrew Johnson was not and did not claim to be "the Government" but rather, as the Constitution stipulated, a co-ordinate part. The editorial asserted that the "rebel orators" ignored the Congress and the judiciary, and treated Johnson as if he were a despot like Jefferson Davis. The editor maintained that the effort to make the secessionist ticket conservative by adding two original pre-war Unionists who had served the Confederacy and by adding two of Hamilton's appointees would not deceive.⁷

Throughout the post-war period the conservatives hurled the epithet "Radical" at the Unionists, much as the secessionists had charged Unionists with being "abolitionists." It was a label that the Unionists were neither eager nor willing to accept. Union newspapers charged that the secessionists were the true Radicals, owing to their 1860-61

⁷Southern Intelligencer, May 24, 1866.

acts. The Southern Intelligencer singled out the presence of O.M. Roberts, former secession convention president; J.M. Norris, chairman of the wartime Vigilance Committee; Judge A.W. Terrell, of Confederate and Maximilian service; and the unpardoned J.W. Whitfield and H.R. Runnells in the Conservative Union party; labeled them as the true Radicals; and exclaimed that linking their names with John Hancock made them a "queer sort" of Union men.⁸ Convention delegate and Unionist A.P. Shuford told the Quitman Clipper that Throckmorton and the conservatives were only secessionists and that Pease was the true conservative. The Texas Republican answered that Pease and his supporters were Radicals and that their loss was the Northern Radicals' loss.⁹ The conservative Texas Republican provided its readership with evidence of the Radical nature of Texas Unionists: (1) Ferdinand Flake's editorials for limited suffrage, (2) A.J. Hamilton's "bitter and denunciatory speeches," (3) Hamilton's delay in organizing the government and his "radical entourage" to Washington, (4) the existence of an open and avowed Radical party at the convention, (5) Hamilton's denunciation of the convention's work.¹⁰

⁸ Ibid., April 12, 19, 1866.

⁹ Texas Republican, May 19, 1866.

¹⁰ Ibid., May 12, 1866.

This calculated polarization was not without results. F.A. Hill, who was listed as a Radical by the Texas Republican on 28 April 1866, was relisted as a conservative only a week later by the same paper; A.B. Norton announced that he would oppose the Radical ticket and support the conservatives.¹¹ Undoubtedly the Unionists' greatest embarrassment came when their candidate for lieutenant governor, Ben H. Epperson, withdrew from the ticket almost immediately after it was announced. Epperson's statement declared that "I will not suffer myself placed on the tail end of the Hamilton Party ticket. I am no Radical." William Steadman, Unionist nominee for the state supreme court, withdrew his name from the slate as well, and W.H. Johnson repudiated his name being on the list of Union backers.¹² Epperson was a close friend and long-time ally of Throckmorton, and it is inconceivable that he was nominated by the Unionists without consultation. Epperson wrote Throckmorton on 16 April 1866 and asked his friend to withdraw from the governor's race so that Epperson might gain control over Pease. Coincidentally, Throckmorton wrote Epperson a day later condemning the Union

¹¹Ibid., April 28, May 5, 1866.

¹²Ibid., May 5, 1866.

party members as Radicals with revolutionary intent, and criticizing Union leadership man by man. Throckmorton replied to Epperson's request on the twenty-fifth of April. He told Epperson that such a strategy would ruin him without benefiting Epperson. Throckmorton speculated that the conservatives would replace him with a secessionist, thus opening the way for a Pease victory. Throckmorton urged Epperson to drop off the Union slate and deal the Radicals a death blow, and Throckmorton assured his friend that such a move would insure Epperson conservative support for a seat in the United States Senate.¹³ Then Epperson withdrew.

The war had been a severe experience for Throckmorton, and he poured out his bitterness in letters to his friend Epperson. In the final months of the war Throckmorton wrote that he favored aligning Texas with a foreign power, and the following month he amended his position to favor an independent Texas with foreign assistance.¹⁴ In his obsession to uphold the purity of Southern blood, Throckmorton's thoughts became stridently racist and xenophobic. He opposed

¹³Throckmorton to Epperson, April 17, 25, 1866, Epperson Papers cited in Elliott, Leathercoat, pp. 124-25.

¹⁴Throckmorton to Epperson, February 3, March 19, 1865, Epperson Papers cited in Shook, "Federal Occupation," p. 45.

Yankees and foreigners as Texas immigrants, and he railed at "Negro worshipping skunks." Throckmorton hoped that "above all we could regulate and form society" to prevent the mongrelization of Southern blood. His feelings about reconstruction were, "if we are dogs or slaves, or menials, or inferiors let us not lick the hands that apply the ignominious stripes to a back already bruised and bleeding."¹⁵ Throckmorton had a great amount of contempt for Hamilton, and, when the criticism of Texas Unionists was brought to bear on him, Throckmorton cursed them and professed hatred and loathing for them.¹⁶ Throckmorton the candidate was considerably less sanguine. In a campaign appearance at Gainesville in May he devoted most of his speech for a paeon to the courage and unity of the North and South. He reiterated that the policies of Andrew Johnson were best for both sections and that he did not believe in Negro suffrage, qualified or otherwise; and he reaffirmed his belief that the South was loyal to the Union.¹⁷

¹⁵Throckmorton to Epperson, January 21, 1866, Epperson Papers quoted in Elliott, Leathercoat, pp. 114-16.

¹⁶Throckmorton to Epperson, January 21, 25, 1866, Epperson Papers cited in Elliott, Leathercoat, p. 104.

¹⁷Dallas Herald, June 16, 1866.

Rhetorically, both political camps took similar positions along the lines of presidential reconstruction. The conservatives did so for the sake of expediency and legitimacy. The Unionists followed a similar line because they were not Radicals, and their relatively conservative stance reflected their politics, as well as their desire to appeal to a wider segment of the voters. The convention had certainly shown that only a bare handful of Unionists went beyond moderate reform. Ferdinand Flake's Daily Galveston Bulletin was typical of the moderate Texas viewpoint. His editorials reflected his German origin, his pre-war Unionism, the old accommodation to the Galveston merchant class, his war-time exile, and his post-war desire for moderation and peace.

In a 15 June 1866 editorial Flake denied that his paper was Radical and outlined what he thought reconstruction entailed. Flake said that while some said that Negroes were black and could not vote, he thought that Negroes were only uncultured and could not vote wisely. He contended that suffrage was the wrong cure for the ailment, that personal security and submission to the law were needed, and that if they could not be achieved by volition, then they would be extracted by military force. Flake theorized that

social interaction, education, and immigration would remodel public sentiment if these forces were allowed to work.

Flake mused that when Frederick Douglas and Thaddeus Stevens could come to Austin and sell Uncle Tom's Cabin, Texas would need neither guarantees nor bayonets.¹⁸ A day later and in a somewhat stronger tone, Flake reminded the secessionists that they were fortunate to have escaped executions and confiscations; he warned that injudicious conduct and resistance to Johnson's "honorable policies" would only result in opportunities for "Northern fanatics." Flake cautioned that "the more the late Confederate states wiggled the tighter will they be held—the easier they lie the looser will be the grip."¹⁹ Flake favored encouraging settlement in Texas by immigration, subsidies, and inducements; developing a general system of free schools; and adding internal improvements.²⁰

Ferdinand Flake's attitude about suffrage was probably the general attitude of most Unionists in Texas in 1866. With the exception of the Germans and some of the leadership,

¹⁸ Flake's Bulletin, June 15, 1866.

¹⁹ Ibid., June 6, 1866.

²⁰ Ibid., April 25, 1866.

Unionists did not favor immediate suffrage, but they were willing to foresee and provide for the time when opportunities and education would earn suffrage for the blacks. On the other hand the conservatives desired to maintain slavery on a de facto basis and to deny blacks not only suffrage but the means by which they could achieve it. For some the reasoning was economic, but for most it was racist. The conservatives would never allow the blacks any but the most minimal of rights because they wanted the blacks to remain subjugated, exploited, and a cheap source of labor. Most of all, the conservatives wished to retain their political dominance in Texas. The future of the Negro was the unbridgeable gap between Unionists and conservatives. Even moderates like Flake found their views continually rejected by the conservatives and condemned as Radical. Gradually the moderates found that they must join the conservatives, be silent, leave the state, or truly become Radicals.

While E.M. Pease did not advocate suffrage in his race for governor, he did exhibit a clear sense of the conservatives' intentions and of the impending consequences. A Pease campaign speech said,

Our laws and public policy, in the past, have been framed for a society where slavery and compulsory labor existed. These have passed away forever,

and we ought to divest ourselves of the habits, the passions, and the prejudices that have grown up under their influence. That despotism over public opinion which for many years passed has suppressed among us all discussion of the merits of slavery and its effects upon society, has been broken down, and henceforth these questions will be canvassed with the same freedom as all others that are connected with the peace and welfare of the community.

The Texas Republican interpreted these remarks to mean that Pease favored full equality between the races.²¹ In a speech at Galveston Pease criticized the constitutional convention for failing to make the necessary changes, and he blamed the ubiquitous secessionists. Pease declared that by their actions they encouraged the Radicals, and that the Radicals were those who would continue to hold the South in territorial status. Pease advocated representation by population, and tax and judicial reform. He suggested shelving immigration efforts until Texas had a state government in harmony with Washington. He felt that when the blacks could appeal to the courts and get fair treatment, the necessity of federal interference would no longer exist.²²

Despite Pease's genuine reasonableness and his stature as a two-term governor, the election was simply no contest.

²¹ Southern Intelligencer, May 11, 1866 quoted in and commented upon by Texas Republican, May 26, 1866.

²² Flake's Bulletin, May 11, 1866.

Throckmorton received 49,277 votes to Pease's total of 12,168.²³ Somewhat disquietingly, the margin between the two candidates was less than a thousand votes in difference from the 1861 vote on the question of secession. The Conservative Union party swept the elections statewide, creating a legislature completely dominated by former secessionists.²⁴ As the constitution had been tailored by O.M. Roberts, it received the blessings of the conservatives and easy ratification by the voters. One editorial recommended it to the voters because of its superiority and because passage would aid President Johnson, hurt the Radicals, and avoid more military rule.²⁵ The conservatives had succeeded in convincing the voters of the efficacy of their leadership, in part by successfully maligning the Unionists as Radicals and playing to the racial fears of the people. Despite the defeat of secessionism, its leaders were now Texas' chosen leaders in reconstruction. For the

²³Texas, Journal of the House of Representatives Eleventh Legislature (Austin: Office of the State Gazette, 1866), p. 116 (Washington: Library of Congress, Microfilm Collection of Early State Records, 1950) (hereafter cited as House Journal).

²⁴Baggett, "Birth of the Texas Republican Party," pp. 10-11.

²⁵Texas Republican, June 2, 1866.

Unionists the election was a disaster. The reasons were manifold: the recalcitrant population, the weakness of presidential reconstruction, the stigma of Unionism, the strength of conservative leadership, the sparsity of Unionists, the climate of violence, the failure of Unionists to establish an appealing ideology, and the overwhelming dominance of conservative newspapers.

The population of Texas was scattered, rural, and highly isolated. The newspaper was the sole link to the larger worlds of city, state, and nation. Early in 1866 only four of a hundred English language newspapers were judged to be loyal.²⁶ The Germans had their own papers, and Austin, San Antonio, and Galveston each had a Union paper. However, nearly all of the state's papers remained secessionist in sentiment and conservative in politics. They ranged in opinion from the cautious and Johnsonian to the die-hard, and they were on the whole hostile to military occupation and to Unionists. None was more vociferous than the Brownsville Daily Rancho. To follow its post-war editorials is to see rabid secessionism adjust itself to defeat and reconstruction and to understand how evolving Southern political strategy made this adjustment possible.

²⁶Joint Report, pt. 4, 2:41.

Quoting the Texas Christian Advocate, the Daily Rancho editorialized on 31 May 1865 that although the war was lost, force meant nothing because military disaster did not change principles. The North had made no political gains, and the South had suffered no political loss. The effort to perpetuate the Union and to remove slavery would only prolong the violence.²⁷ The following month the paper expressed its defiance over reconstruction:

The federal government will have to work the next dozen or fifty years to carry out the work of re-organization in the Confederate States. It will be a labor fraught with the horrors of civil war. It will be a labor barren of results except what results from destruction. It will be a labor that can only terminate with the extinction of the Southern people.²⁸

Commenting on a news item concerning a near conflict between white federal troops and blacks in Charleston, South Carolina, the Daily Rancho gloated, "the thing begins to work right."²⁹ In a 19 January 1866 editorial the paper expounded on its confidence in the Southern people and expressed its certainty that the Confederacy would rise again because the "people have drunk the cup of subjugation

²⁷ Daily Rancho, May 31, 1865.

²⁸ Ibid., June 4, 1865.

²⁹ Ibid., June 7, 1865.

to its bitter bottom and now only wait favorable opportunity to hurl the bitter dregs back into a tyrant master's face."³⁰

During the constitutional convention the Brownsville paper flailed Andrew Johnson as a lost president without a policy, who allowed a "red hot, puritanic Congress, under the leadership of the 'cloven footed' Stevens, to nose, cuff, and kick him about."³¹ As for the convention itself, the Daily Rancho characterized it as "a convention to reconstruct white folks on a nigger basis." The paper attacked convention president Throckmorton as a log roller who was the author of more corrupt legislation than any other man in Texas, and it said that universal thirst for office was the sole ground for the convention. The paper remonstrated O.M. Roberts for his presence at the convention, and it castigated Hardin Runnels and others as "time serving and 'dirt eating' demagogues."³² After the election victories in the summer of 1866, the Daily Rancho changed its outlook completely. In an October editorial the paper expressed its confidence in the integrity of Andrew Johnson, the ability and influence of William Seward, and the power of

³⁰ Ibid., January 19, 1866.

³¹ Ibid., February 7, 1866.

³² Ibid., March 17, 1866.

General Ulysses Grant. The paper declared that the South had everything to fear from the Radicals and everything to hope from Andrew Johnson, and it warned that the Negro question gave vitality to the Radical cause and advised the South to show determination, patience, and silence in its suffering, moderation in its pronouncements and acts, and support for the Constitution.³³ Later and more succinctly, the paper urged "masterly inactivity" as the strategy to insure the political salvation of the South.³⁴

Thus even the obdurate and dogged Daily Ranchero came to understand and to accede to the evolving Southern political scenario. Andrew Johnson and his policies of presidential reconstruction provided the viable, national political vehicle that the secessionists needed to pursue their return to power. Their presence in the political arena was legitimized by Johnson, and, in turn, their support for him reinforced his own private vision of reconstruction. In Texas the embittered and ambitious J.W. Throckmorton became the stalking-horse of the secessionist elite that he had once opposed, but the issue was no longer secession, but race. As in the pre-war

³³ Ibid., October 9, 1866.

³⁴ Ibid., November 10, 1866.

years when the secessionists successfully portrayed the Unionists as abolitionists and traitors, the conservatives branded the Unionists as Radicals, whatever their views; it was a simple matter of "for us or against us." Although Texas Unionists thought of Radicals as Northern politicians who wished to continue the South in a territorial status, Texas conservatives simply branded all their opposition as Radicals.

The importance of newspapers in this process of continuous polarization cannot be overemphasized. All too frequently newspapers were the sole source of outside information to a confused population, literate and illiterate, and often what was not printed was more important than what was printed. Further, newspapers served as disseminators and reinforcers of important symbols to the population: "masterly inactivity," "Negro Equality party," "white man's government," "radicals," "radical entourage," and others. The near-absolute domination of newspaper ownership by conservative interests insured that the Unionists would be denied access to the public and that the conservative Zeitgeist would continue to dominate every aspect of life in Texas.

The dilemma of the Unionists was certain. Control of the civil government had swung to the conservatives, and the press was almost wholly conservative. A maelstrom of violence and pressure surrounded Union families. They were a minority within a hostile population. The policies of Andrew Johnson had stranded the Unionists in a position that they found untenable. Despite their suffering and losses during the war, despite their war victory, and despite the presence of federal troops, the situation of Unionists in Texas was inexorably approaching the position that it had been in 1861. It was a crisis that demanded a radical solution.

E.M. Pease visited his old Connecticut friend Gideon Welles in Washington on 2 August 1866 and outlined the plight of Union men in Texas. He told Welles that they could only live under troop protection, and that five-sixths of the population was hostile to them. Welles, ever the Johnson man, urged passivity. Pease replied that if that was the policy, then all Unionists would have to leave the state.³⁵ The fear among Unionists was such that William Alexander, Hamilton's attorney-general, wrote Pease that he feared that

³⁵ Gideon Welles, Diary of Gideon Welles Secretary of the Navy under Lincoln and Johnson, ed. Howard K. Beale, 2 vols. (New York: W.W. Norton and Company Incorporated, 1960), 2:568.

the widening rift between the President and Congress would precipitate a resumption of the war.³⁶ After Throckmorton's August inauguration the state department of Texas awarded a publishing contract to the conservative Austin State Gazette, edited by Jefferson Davis' former private secretary; the irony was not lost on Unionists.³⁷ Unquestionably the Unionists were faced with limited options: exodus, assimilation, or radicalization. George W. Paschal left Texas and John Hancock became a conservative. Most Unionists became Republicans and accepted immediate black suffrage as a necessity because the situation demanded it.

The Republican party was the final vehicle for Unionism in Texas. Its leaders were the survivors of war and shifting political loyalties, and they were "home-grown." During the entire 1865-1877 period, there were less than five carpetbaggers on the thirty-man Republican state executive committee.³⁸ The Texas Republican party was the final and purest expression of Union sentiment. The Loyal Union League that the Germans turned to in the crisis of 1861

³⁶Alexander to Pease, July 17-18, September 6, November 8, 26, 1866, January 4, 1867, Pease Collection cited in Waller, Hamilton, p. 94.

³⁷Baggett, "Texas Radicals," pp. 53-54.

³⁸Ibid., p. 3n.

proved to be predecessor of a similar post-war movement. Bexar County had a Union association in operation by the fall of 1865. The association successfully endorsed I.A. Paschal and Edward Degener as candidates for the constitutional convention.³⁹ A national movement began in New York after the war, and by the spring of 1867, local chapters of the Union League of America had been started all over Texas. The impetus for most of them was local, but some of them were organized by field men from national headquarters. These included George T. Ruby, who became Galveston's most influential black politician, and the Prussian-born Carl Schutze, who was sent to organize German chapters. William Alexander was the first president of the state organization, and Colonel John L. Haynes, pre-war Starr County legislator and Union army veteran, was the second state president, as well as the first chairman of the state Republican party.⁴⁰ Local chapters, Negro churches, and Freedman's Bureau schools were the foundation of the Texas division of the Union League of America. The League functioned as a secret society, and its black and white members met together in closed sessions.⁴¹

³⁹ Express, November 16, 1865, January 4, 1866.

⁴⁰ Baggett, "Birth of the Texas Republican Party," pp. 7 and 15.

⁴¹ Baggett, "Texas Radicals," pp. 64-65.

Texas Unionist leaders also took their political offensive to the North. In a speech at Harrisburg, Pennsylvania, in the summer of 1866, A.J. Hamilton assailed Andrew Johnson and his policies. Hamilton reminded his audience that Johnson had promised to be the black man's Moses and to make treason odious, and that Johnson had done neither. Hamilton repudiated the notion of "white man's government" and called for free man's government. He charged that those who had incited the war were again ruling and that they were perpetrating violence and aggression under the implied sanction of the President. Hamilton told his Northern audience that because the South was the defeated enemy, the North should dictate the terms. He lamented that Johnson let white rebels vote while he denied the vote to black veterans, and Hamilton reproached the President for usurping power from Congress. Hamilton asserted that Congress should dictate when and how the former Confederate states should return to the Union, and he suggested that Congress had, if necessary, the power to blot out state lines and to remake the country. He warned his audience that the rebels would take any oath in order to have their way, and that the rebels would reinslave the blacks. The Texas

Republican leader declared that Congress was the nation's salvation and that the hopes of the Union rested with it.⁴²

E.J. Davis, who alone had advocated unconditional suffrage at the constitutional convention, was defeated in his bid for a seat in the state senate, and Andrew Johnson had denied his request for appointment to the regular army. In the aftermath of Union election defeats, Davis advocated the division of Texas into two states. His intention was to create a separate, loyal Union state in southwest Texas.⁴³ It was a proposal indicative of Davis' radicalism, and it received negative responses from Union and conservative circles.⁴⁴ When E.M. Pease was about to depart for Washington, Davis suggested that he tell Congress "that a very qualified right of suffrage for the Negroes will not be of much service to them or to us."⁴⁵ Davis was not alone in his Radical assessments. Hamilton's speech in Pennsylvania indicates that he was Radicalized as well. By the fall of 1866 Pease

⁴²Flake's Bulletin, August 14, 1866.

⁴³Davis to Pease, July 14, November 24, 1866 and William Alexander to Pease, July 17, 1866, Pease Collection cited in Baggett, "Texas Radicals," p. 55.

⁴⁴Daily Ranchoero, January 4, 1867; Southern Intelligencer, November 1, 1866.

⁴⁵Davis to Pease, November 24, 1866, Pease Collection quoted in Baggett, "Birth of the Texas Republican Party," p. 12.

likely felt that complete black suffrage was a political necessity for Texas Unionists. Pease later commented on his feelings of that time that "without the ballot, the colored man would not enjoy his full civil rights during . . . [that] generation."⁴⁶

The increasingly Radical leadership sought political support in the North. There were "radical entourages" to Washington, from which the Texans returned singularly unimpressed with Andrew Johnson. In September there was a convention of Southern Loyal Unionists in Philadelphia. Pease was convention vice-president, and his friend Hamilton was resolutions committee chairman. George W. Paschal and E.J. Davis were members of the Texas delegation. Subsequent to the convention, the Texans lobbied in Washington. The convention dissolved over the issue of black suffrage, but most of the Texas delegates favored it.⁴⁷ After the convention the fiery Hamilton joined the committee that followed President Johnson on his "Swing around the Circle"

⁴⁶Pease to daughter Carrie, March 30, 1866; and Speech Delivered by Honorable E.M. Pease at Turner Hall, Galveston, Texas, July 12, 1880 (Galveston: Galveston Republican County Committee, 1880), p. 4 (hereafter cited as Pease Speech); both in Pease Collection and quoted in Baggett, "Birth of the Texas Republican Party," p. 12.

⁴⁷Baggett, "Birth of the Texas Republican Party," p. 12; Baggett, "Texas Radicals," p. 57.

tour and gave rebuttal to Johnson's arguments at each stop.⁴⁸ The conservatives did not overlook this Radical turn. O.M. Roberts met Hamilton in Washington in December of 1866 and observed the former governor's now open hostility toward the President. Roberts also met with Pease and found his views "enlarged" by that Unionist's visit to the North and every bit as Radical in sentiment as Hamilton's were.⁴⁹

The radicalization of Texas Unionist opinion had strong roots in the political antagonisms of the previous decade, but radicalization prevailed in Texas because the Unionists believed that they were in mortal peril. Less than two years after Appomattox Texas Unionists were being threatened, intimidated, ostracized, and shot.⁵⁰ They were selling out their holdings and leaving the state in 1866, and they had only themselves and widely dispersed federal troops for reliable protection from the violence around them.⁵¹ The plight of the freedmen was even greater. The white supremists

⁴⁸Waller, Hamilton, pp. 96-97.

⁴⁹Orrin Milo Roberts, "The Experiences of an Unrecognized Senator," Quarterly of the Texas State Historical Association (now SWHQ) 12(October 1908):100-103.

⁵⁰Shook, "Federal Occupation," pp. 427-29.

⁵¹Baggett, "Texas Radicals," pp. 53-54.

sought to maintain their subjugation of blacks, with savage violence. Between April and December of 1866 alone, there was an official count of seventy-four murders and ten mortal woundings of freedmen and freedwomen in Texas, and the official report acknowledged that its totals were only a fraction of the true total. Some of the details listed in the report included: shot while carrying a letter to the Bureau agent, whipped for calling a young man "Thomas" instead of the prescribed "Master Thomas," murdered after being threatened for complaining to the Bureau agent, shot and killed for "not raising his hat," three freedmen murdered to "thin out the niggers a little," and shot and beheaded for interfering as his wife was whipped. In an 18 June 1866 report, General E.M. Gregory, Assistant Commissioner of the Freedman's Bureau for Texas, concluded that "before the civil authorities of Texas, where Negro is the victim, acquittal follows murder as a matter of course."⁵²

For freedmen and Unionists alike, presidential reconstruction was a fiasco that threatened their very existence. They could expect little sympathy or aid from the conservative government of J.W. Throckmorton. Union,

⁵² Congressional Globe, Senate, 39th Cong., 2nd sess., pt. 2, p. 1376.

now Radical, leaders Hamilton, Pease, Davis, and others pragmatically sought support from Congress and the northern public. They could not compete with the conservatives politically within their own state, and they could not live under conservative rule and maintain their beliefs. For the blacks, the situation was worse than slavery, because they had lost their protective standing as property, and they were left exposed and defenseless in the face of the most wanton violence. It was a critical position that required a radical solution—unlimited black suffrage, a black-Radical political alliance, and the abrogation of presidential reconstruction by Congress.

CHAPTER V

THE TERMINATION OF PRESIDENTIAL RECONSTRUCTION

During the summer of 1865 a Union army of 52,000 occupied Texas and positioned itself for action against Maximilian's Mexico. Texas after the break-up was likely the most violent area in America, and a military force of such magnitude could have been expected to exert a great deal of energy in the restoration of law and order within the defeated state. Unfortunately this was not to be the case. The war was over, and quickly the army began to discharge its troops wholesale. By the beginning of 1867 those 52,000 soldiers had dwindled drastically to about 4745, comparing closely with the approximate 4000 federal troops stationed in Texas before the war. Of the 4745, only 1354 were cavalry and possessed the requisite mobility that the geography demanded. Despite the danger of hostile Texans, despite the outright killings of freedmen and Unionists, and despite the danger of frontier Indian attacks, the military was steadily depleted by post-war political economics. During the entire 1867-1870 period there were never more than 4800 troops stationed in Texas, and their

deployed tactical strength was even smaller. In 1867 there were 3769 soldiers on thirty-seven posts; of this total, 2339 were on frontier stations, leaving only 1430 men to maintain order on twenty-one interior posts.¹

Although the army's meager strength alone frustrated its mission, mere numbers are not a sufficient explanation for its failure. Civilian law enforcement and socio-economic reform were alien tasks for the Union army and its officers. Their training and experience did not prepare them for the unenviable assignment of occupation and reconstruction. Unhappily they were the only available means. The political nature of the job aside, there were other enormous problems involving the great distances to be covered over rude and hostile countryside cursed with poor communications and a degree of disorganization inherent in a rapidly demobilizing army. There was also a lack of unanimity among the officer corps on the policies and politics of reconstruction; U.S. Grant was not the only soldier who had to straddle the political fence between Congress and the President. The policies of Andrew Johnson resulted in orders that made the Texas military mission difficult. Off-duty troops were

¹Shook, "Federal Occupation," pp. 217-19.

denied ammunition, ordered to stack arms, and then allowed to mingle with an armed and hostile population.² Johnson's sense of priorities placed his control of the military ahead of their control of white southerners.

There was contempt enough for Union troops in Texas without any encouragement from Washington. Appearing before the Joint Committee on Reconstruction, General W.E. Strong, the Inspector General of the Freedman's Bureau, testified that contempt for the Union uniform was more prevalent in Texas than elsewhere.³ There was a considerable number of murders and assaults against occupation soldiers, and it would appear that the army was seldom able to effect arrests and convictions. The notorious John Wesley Hardin began his curious vocation by murdering Union soldiers.⁴ The power struggle in Washington only made the situation more difficult and dangerous.

Adding to this ferment was the singular, extraordinary, and shocking presence of black troops in Texas. For southern whites, the armed and uniformed black man was a total

² Ibid., pp. 57-58, 77-78.

³ Joint Report, pt. 4, 2:37-38.

⁴ Shook, "Federal Occupation," pp. 429-32.

anathema--a haunting materialization of old nightmares of slave rebellion. In the army of occupation there were 26,253 black enlisted men and their 856 white officers. Prudently, most were assigned to duty along the Rio Grande. By June of 1867 their numbers had been reduced to a scant 19 officers and 626 enlisted men. However, their brief appearance in Texas was a sensation and a specter to blacks and whites alike. Black soldiers were an iconic symbol that apotheosized the defeat and social integration of the South. The conservative press clamored constantly for their removal, and, whenever they were posted in populated areas, black soldiers faced strong doses of hostility, provocation, and violence.⁵

Black soldiers were no better nor worse than white ones, but they were seldom provided with good leadership. For a white officer, assignment to a black unit generally connoted a career dead-end. Black troops did lack the occupation discipline necessary to withstand white taunts.⁶ A typical example of the inevitable incidents would involve insults followed by shooting.⁷ The most serious single

⁵ Ibid., pp. 231-32, 237.

⁶ Ibid., pp. 232, 235, 452.

⁷ Texas Republican, May 5, 1866.

incident occurred at Brenham in the late summer of 1866, and involved black soldiers in a shooting incident that led to a fire which burned part of the town. In the uproar of conservative protest that predictably followed, General Philip Sheridan dispatched his own investigator, Lieutenant Colonel C.E. Mason, to Brenham. Mason found that there had been drunken soldiers in town that night, a Negro dance, and a fight. In the confusion and apparently without provocation, two soldiers were shot and wounded in the street. The soldiers were armed only with their bayonets. Fire of a suspicious nature followed. Mason reported that he was unable to determine any direct culpability and that he was satisfied with the efforts of the post commander. Later, Sheridan made a personal visit to Brenham and concluded that, although the extent of damage had been exaggerated, there was federal guilt in the matter.⁸ The Brenham incident inspired a Flake editorial that questioned the leadership of Andrew Johnson. Flake reasoned that the only difference between Congress and the President was that Congress desired military rule in the South while Johnson allowed it at the military's discretion. Given Johnson's selfish and impulsive

⁸Flake's Bulletin, September 27, 1866; Shook, "Federal Occupation," pp. 454-55.

vacillations, Flake concluded that Congress provided more reliable leadership.⁹ Because of the acerbic hatred of the uniform and the hysteria of racism, the frequent conservative complaints of potential "trouble with colored troops" became a self-fulfilling prophecy.

Despite southern apocrypha, the records of the military and of the Freedman's Bureau lend little credence to charges of military abuse in Texas. Officers and men deported themselves correctly, with restraint under difficult conditions. There were occasional incidents of improper conduct, and soldiers were punished. Military tribunals that tried civilians appeared to have been conducted properly, with regard for the rights of defendants. There were fringe benefits from the military presence. Railways, roads, and telegraph lines were repaired, and bridges and water storage facilities were constructed. The military performed public services in health, sanitation, agriculture, and animal husbandry. The procurement needs of the military and its payrolls were a source of needed cash for the Texas economy.¹⁰ The Freedman's Bureau provided direct aid to newly freed

⁹Flake's Bulletin, October 2, 1866.

¹⁰Shook, "Federal Occupation," pp. 451-89.

slaves, and its officials aided in the transformation of slave to free labor by providing guidelines for labor contracts and their enforcement. Their intervention often aided the white population; for example, a proclamation from General J.B. Kiddoo outlawed tampering with laborers under contract and provided fines for violations.¹¹

More importantly, the Freedman's Bureau was the cutting edge of social change in the South. The Bureau was the only effective military force in Texas during presidential reconstruction, despite a sad lack of personnel, motivation, funds, and cooperation. The Bureau organized churches and schools for blacks, tried to prevent the exploitation of black labor, and attempted to insure justice for freedmen. As with the assignment to black military units, the posting of an officer to the Freedmen's Bureau was viewed as less than desirable as a career move, but the agents of the Bureau generally labored fairly and diligently at their difficult and thankless task. Their efforts to elevate blacks often met with violence and intimidation, and their attempts to bring whites to trial for offenses against blacks in civil courts were so unsuccessful that the Bureau

¹¹Dallas Herald, February 16, 1866.

established its own military tribunals. During presidential reconstruction the Bureau had three subcommissioners for Texas: Generals E.M. Gregory, Joseph B. Kiddoo, and Charles Griffin.¹²

Hostility to the Bureau ran high in Texas because it combined Texas' hatred for both the uniform and the blacks. Violence limited Bureau schools to such a degree that they had to "follow the flag" to exist, and even with protection Bureau officials often found it impossible to rent or acquire any sort of building for a school.¹³ By the summer of 1866 the Bureau listed 90 schools with about 4590 pupils, drawn from a school-age population of 74,000. In addition to Bureau funds there was black financial support, and white planters made donations of land, money, supplies, and buildings. Bureau teachers from the North were subject to social ostracism and intimidation. White teachers incurred special resentment for their "mixing." Sadly, the fledgling educational system was decimated by a cholera outbreak in the fall of 1866 and a yellow fever epidemic the following summer.¹⁴

¹²Shook, "Federal Occupation," pp. 171, 240, 261-89.

¹³Elliott, "Freedman's Bureau," pp. 8-9.

¹⁴Shook, "Federal Occupation," pp. 400-412.

The education of newly freed blacks must have been a strange concept to the people of a state where public education was rare. Despite opposition to the Bureau's efforts, black education per se was received rather even-handedly. The Southern Intelligencer editorialized that there was nothing wrong about teaching blacks, but the paper did think that the designation of the educators posed a question. This editorial proposed that the South provide its own teachers instead of the North.¹⁵ The Texas Republican reminded its readers that it had favored black education during slavery, but it declared that Texas should educate its impoverished whites before it aided an inferior race. Regarding teachers, the Texas Republican admitted that if the state did not educate its blacks, then the radicals would, but it pontificated that white men and ladies of the South would find the job repugnant. The paper's solution to this social dilemma was for Texas to hire black teachers from the North, adding that they would soon grow to love and to appreciate the South.¹⁶

Despite A.J. Hamilton's appeal to President Johnson to maintain troop levels and despite the ongoing violence,

¹⁵Southern Intelligencer, March 29, 1866.

¹⁶Texas Republican, June 8, 1867.

the army was steadily reduced and confined in its role. Nevertheless, civil government and the military maintained cooperation and dialogue while Hamilton was governor. When J.W. Throckmorton became governor, the relationship quickly became an adversary one. On 20 August 1866 Andrew Johnson issued a proclamation declaring an official end to the rebellion in Texas.¹⁷ Governor Throckmorton interpreted this document to mean a formal return to full civil government and the establishment of his civil authority over the military. One of Throckmorton's chief aims became to secure acknowledgement from the military of their subordination to him.¹⁸ On 25 August 1866 Throckmorton wrote Johnson and complained of Indian attacks on the frontier. He informed Johnson that he had first carried his complaints to General H.G. Wright, the military commander for Texas, and he had been rebuffed with the explanation that the general did not have the authority to establish additional frontier posts. Throckmorton pointed out to the President the availability of troops for frontier service from interior posts where

¹⁷Richardson, Messages and Papers, 6:434-38.

¹⁸Elliott, Leathercoat, p. 147.

there was no longer any need for troops, as the population was now loyal.¹⁹

Although the Indian raids were used by the conservatives as a rationale for eliminating interior posts, they were a legitimate issue, and for Throckmorton, with personal and political roots deep in the frontier, it was a very impassioned issue indeed. However, the evidence is that the number of whites killed by Indians on the frontier in no way approached the extent of the killing of blacks in the interior. In Throckmorton's final administrative report to E.M. Stanton, the toll from Indian attacks from May of 1865 until August of 1867 is listed as 162 killed, 24 wounded, 43 captured, and 29 reclaimed from capture. The figures did not include the month of July 1867, for which there were an estimated 18 fatalities for the frontier counties of Wise and Younger.²⁰ General Sheridan answered Throckmorton's complaints in January of 1867 by stating flatly that there were more

¹⁹Executive Record Book of the Messages and Proclamations of Governor James W. Throckmorton, Texas State Archives, Austin, pp. 60-62 (Washington: Library of Congress, Microfilm Collection of Early State Records, 1950) (hereafter cited as Executive Record JWT).

²⁰Throckmorton to Stanton in transcript of Throckmorton Correspondence, University of Texas Library Archives cited in Elliott, Leathercoat, p. 146.

casualties from outrages against freedmen and Unionists than from Indian attacks. Sheridan charged that violence in the interior was induced by the old rebellious spirit; Throckmorton denied it and implied that Sheridan's sources were liars and provocateurs.²¹ Tactically, the real problem was that there were simply not enough troops to keep order in Texas, but Throckmorton and the conservatives did not wish the military to keep order in the interior, only on the frontier. Throckmorton's personal sympathy was with the whites on the frontier, and he had only scorn for the blacks and Unionists suffering in the interior. Politically, Throckmorton and the conservatives had no desire for a military presence in the interior, because they wanted their own people in control so that their own definitions of justice could prevail.

Political confrontation with the military became the hallmark of Throckmorton's administration. He petitioned incessantly about the needs of frontier protection, the insulting and useless existence of interior posts, and the military's disrespect for civil authority. Although two thousand troops were dispatched to the frontier during the

²¹Elliott, Leathercoat, p. 158.

first six months of Throckmorton's term, the Governor endeavored to raise state troops to supplement them. Undoubtedly, nervous federal authorities vetoed the project, but the legislature authorized three battalions of Texas Rangers for frontier protection, specifying that while the battalions were to be governed by the rules and regulations of the United States army, they were to be subject only to the authority of Texas.²² Throckmorton soon earned the enmity of federal officers in Texas by his criticisms, and by going outside of channels with his complaints, including direct appeals to the President. As governor, Throckmorton wrote that the North's best course was to leave the South alone and to cease its interference with the blacks. Certainly his contrary leadership in law enforcement, freedmen's rights, political restoration, and military relations indicate that Throckmorton was part of the bitter backlash against emancipation, and that his intention was to make only the most perfunctory and cosmetic changes in the pre-war system, while attempting to deny the military any role except countering the convenient threat

²²Ibid., pp. 133-46; H.P.N. Gammel, ed., The Laws of Texas 1822-1897, 14 vols. (Austin: The Gammel Book Company, 1898), 5:928-30 (hereafter cited as Gammel, Laws of Texas).

of Indians on the remote frontier.²³ Even given Throckmorton's vehement xenophobia and extreme racism, his willful disregard of political acumen and his actions as governor question not only his competence, but his reason as well.

Throckmorton's disdain for the military offered at least his tacit approval for the public, his administration, and the legislature to follow suit, and to its list of woes the military added harassment by civil authority. Officials of the Bureau were arrested in the performance of their duty, and the legislature censored General J.B. Kiddoo because of his criticism of Texas for the murder and persecution of freedmen. Nowhere was the problem more in evidence than in the Huntsville prison controversy. General William H. Sinclair visited the state prison early in 1867, and in his report to military headquarters in Galveston he concluded that three-quarters of the black convicts deserved pardons. As examples, Sinclair included a two-year sentence for the theft of a dollar and an entire family confined in lieu of payment of a hundred-dollar fine for cohabitation. The latter is particularly sardonic, given the pre-war laws that forbade slave marriages. Sinclair reported a total of 209 such cases, and General Charles Griffin asked Throckmorton

²³Shook, "Federal Occupation," pp. 163-67.

for pardons. Throckmorton refused. Although most of the cases eventually received pardons or reduced sentences, the Huntsville controversy graphically illustrated the conflict between military and civil authority, as well as the larger conflict between two very different cultures. The military exercised its authority for reforms that seemed reasonable, but its opinions were rejected by civil government and most of the white population. The military was extending social justice to blacks while the civil government was tightening its subjugation of them. The South was clinging fiercely to a way of life that a bloodied but victorious North found repugnant and alien.²⁴

Into the dark waters of Texas politics again entered a persevering John H. Reagan in the fall of 1866. Reagan wrote Throckmorton a public letter from Fort Houston, Texas, on 12 October 1866. He told the Governor that Texas had only partially fulfilled the North's wishes, and he reminded Throckmorton that the state had not yet made provisions for blacks as witnesses in all cases, nor had Texas granted any sort of suffrage to blacks. Reagan questioned whether Texans understood that they risked the loss of their rights, continued territorial status, and the rejection of their

²⁴Ibid., pp. 170-91.

elected representatives in Washington. He also reminded Throckmorton of his 11 August 1865 letter from Fort Warren, and observed that his predictions were coming to pass, adding that the continued existence of the Freedman's Bureau and the passage of the Civil Rights Act were the result of the South's failure to act judiciously. Reagan warned that state government might be terminated at any time, and that some black suffrage was a sine qua non for retaining it and for avoiding universal suffrage. Recalling the public uproar over his first letter, Reagan assured the governor that only duty compelled him to send another, and he asked that his service and sacrifice to Texas be accepted as proof of his sincerity and credibility. Reagan earnestly suggested that Texas grant full black civil rights, with equal protection for all in the same courtrooms, equal status to blacks as witnesses in all trials, qualified black suffrage, and equal taxation for all, with separate educational facilities for the races.²⁵

The equivocating Flake's Bulletin generally agreed with Reagan's proposals, but it drew the line on limited black suffrage because it feared the disenfranchisement of illiterate whites and because it believed that the North ultimately

²⁵Flake's Bulletin, October 30, 1866.

opposed any black suffrage.²⁶ The conservative press was anything but benign toward this maverick, former Confederate hero. The Texas Republican professed that it knew of no southern paper that had commented favorably on Reagan's advice. If Reagan believed that Texas and the South must yield to reasonable Northern prejudice, the paper asked rhetorically, then which of the country's two and only two parties did he favor? The question and the unspoken answer are a measure of the degree of polarization that Texas was experiencing. A week later the paper reprinted an even more unkind editorial from the Henderson Times. This rebuke questioned Reagan's personal courage, pronounced him haunted by his imprisonment, and instructed him not to "write any more letters, and if you will write, let them be in a manly style—not backing down or pandering to the demands of the radicals."²⁷

Behind the insistent claims of loyalty from Throckmorton and the assurance afforded by Johnson's policies, conservative Texans were striving desperately to maintain their absolute control of blacks by fearful violence and new, rigorous laws.

²⁶ Ibid., October 31, 1866.

²⁷ Texas Republican, November 10, 17, 1866.

On Halloween of 1866, Throckmorton delivered a message to the state legislature that denied both the rebelliousness of Texans and any danger to Unionists that might require federal troops. He asked the legislature for a resolution pledging law and order without racial distinctions, and he urged the legislators to extend the witness provision laws to cover blacks in all cases. He also asked that a portion of black taxes be set aside for black education, explaining that it would be to the advantage of the white population.²⁸

Throckmorton's address was in the same conciliatory Johnsonian vein as his speech as president of the constitutional convention, but it had been that largely conservative body that had failed to provide for full black witness rights or to permit any taxes to be allocated for black education. The Eleventh Texas legislature was far more heavily conservative; only two of its thirty-three senators and five of its ninety representatives were not conservative.²⁹

The Eleventh legislature authored laws governing apprentice regulation, vagrancy punishment, and labor contracts that were designed to regulate the black population more

²⁸ Flake's Bulletin, November 7, 1866.

²⁹ American Annual, 5:994-97.

stringently. The apprentice laws provided that any minor could be apprenticed by a county judge, with his parent's consent or without it, and the term was until the age of twenty-one or until marriage. The law required that masters treat their apprentices well, under the threat of contract nullification, but the law also permitted masters to employ moderate corporal punishment. Refusals and runaways were to be jailed as vagrants, and civil officers were required to apprentice indigent or vagrant minors. Enticing or harboring a runaway was subject to a fine of five dollars a day payable to the master. The vagrancy laws defined vagrants as those who strolled the streets of towns and cities. The law stipulated a maximum fine of ten dollars for vagrancy, and fines could be worked off at the rate of a dollar a day. Those who refused to work were subject to close confinement on bread and water until they worked, and time in prison did not count toward their debt.³⁰ The regulations governing labor contracts were exacting. Barring mistreatment, a laborer could not leave his place of employment without permission under pain of forfeiting all wages earned up until that point. Contracts made with heads of family encompassed the labor of all family members able to work, including

³⁰ Gammel, Laws of Texas, 5:979-81, 1020-22.

minors. As additional controls, there were provisions for wage deductions to compensate the contractor for damages, disobedience, neglect, impudence, and leaving without permission. Swearing and fighting on the job were defined as disobedience and were punishable by a dollar fine. Lost work was penalized at the rate of twenty-five cents a day, and abandonment levied a fine of two dollars a day. Theft or willful destruction of property was punishable by a fine of double the property's value. Workers were not permitted to keep their own livestock or to receive visitors during working hours. Workers were required to obey all orders at all hours, day and night, on or off the job, and of course any refusal was disobedience and thus subject to fines.³¹

The intention of these regulations was to control the black population and to insure that they would remain a cheap, docile, and disciplined source of labor. It was simply de facto slavery with full legal sanctions and safeguards. The apprenticeship, vagrancy, labor contract, and fines systems placed blacks on a treadmill without option that was completely controlled by whites. Beyond the system there were whatever additional coercions that any individual might be able to apply to a politically powerless, physically

³¹Ibid., 5:994-97.

defenseless people. While slavery had been legally abolished, the economic, cultural, biblical, historical, and scientific arguments and supports for the slavery of blacks remained, and white political supremacy was inextricable from the weave of this social milieu. For the whites these laws served to re-orient blacks to their new de facto condition of servitude, and violence was an effective tool against any resistance.³² The legislature made other provisions delineating a black's place in society. Every passenger train was required to carry a car for freedmen, and funds were appropriated to purchase land for a black insane asylum. Racial intermarriage was forbidden, and only whites were permitted to hold office, serve on juries, or vote in any election. Despite Throckmorton's request, the legislature continued the proviso that blacks could testify only in cases against a black or where a black was a crime victim.³³

In addition to black codes, the legislature authored two other decisions that were sure to anger the North. The Fourteenth Amendment to the Constitution was defeated in

³²Barry A. Crouch and L.J. Schultz, "Crisis in Color: Racial Separation in Texas During Reconstruction," Civil War History 16(March 1970):38-49.

³³Gammel, Laws of Texas, 5:1015, 1125, 1049-51, 977.

the Texas house by 70-5 count. Among the five Radical advocates were Daniel Murchison, Fritz Tegener, and Reading Black of Uvalde. Speaker N.M. Burford, speaking for the majority, argued that as the former Confederate states were excluded from proposing the amendment, it was a nullity, and that as the amendment instructed the states whom to allow to vote, it was a violation of states' rights. Burford noted that sections two and three of the amendment forced black suffrage and created a sweeping disenfranchisement of whites. He retorted that a state government at that cost was not worth having at all, and he urged the representatives not to turn the government of the "master race" over to Africans.³⁴ The members of the state senate had the task of nominating two men for seats in the United States Senate, knowing that their choices would be subject to the closest scrutiny in Washington. It is not surprising that they chose O.M. Roberts for one seat; but for the other seat they picked David G. Burnett, the aged former president of the Texas Republic. It is also not surprising that when Roberts and Burnett arrived in Washington, their credentials were refused, and they were denied their seats.³⁵

³⁴House Journal, pp. 577-84.

³⁵For a personal account see Roberts, "Unrecognized Senator," pp. 87-147.

The nomination of Burnett must have come as a profound and personal shock to the political aspirations of Ben H. Epperson and John Hancock. Each had aided the conservative cause at the expense of his own Union sympathies, and each had coveted a Senate seat. The Southern Intelligencer attributed the nominations solely to the inability and unwillingness of Roberts and Burnett to take the oath of office and to Hancock's and Epperson's being able to do so.³⁶ However, the Texas Republican ascribed Hancock's defeat to an allegation made by a Major Longly of the First United States Texas Cavalry that Hancock had made application to the federal authorities in New Orleans for authority to raise a command to invade Texas in 1864. The newspaper petulantly commented that if the charge was true, then Hancock should have been defeated.³⁷ It is quite evident that the conservative leadership was only going to appoint men who had their complete trust who had solid secessionist backgrounds.

The violence that had raged in Texas since the war's end continued during Throckmorton's administration. There is some evidence that Throckmorton tried to stem the tide

³⁶ Southern Intelligencer, August 30, 1866.

³⁷ Texas Republican, September 8, 1866.

of violent crime. He made the rather incredible proposal that Texas control ownership of firearms by requiring licenses for all the guns in the state, and by seizing all untaxed firearms; travellers and frontiersmen were to be exempt. The legislature ignored his proposal.³⁸ There is a convincing amount of evidence that there was no reduction in violent crime during the 1866-1867 period. Military and Bureau records show that racism, sadism, and hostility toward Unionists and federal troops were basic causes of violent crime, and they were compounded by the lack of law enforcement and the natural propensity of Texans to settle their grudges outside the law.³⁹ Ferdinand Flake wrote that it was customary for a man's friends to settle with his killer, and that disloyalty was not the complete problem.⁴⁰ However, "frontier lawlessness" was not sufficient explanation for the continued violence directed at Unionists. Citing an incident in La Grange, where armed men broke up a loyal Unionist meeting, the San Antonio Express charged that the "few lawless men" explanation was a dodge for the systematic slayings of black and white Unionists. The editorial claimed

³⁸ Elliott, Leathercoat, pp. 147-49, 164-65.

³⁹ Shook, "Federal Occupation," pp. 169, 419.

⁴⁰ Flake's Bulletin, July 12, 1867.

that the number of murders in Texas since the surrender exceeded the number of Union men killed at First Bull Run. The paper charged that the killers went unpunished and were protected and encouraged, and it called on General Philip Sheridan to fine rebel citizens in counties and towns that allowed killers to escape, and to try crimes before military commissions.⁴¹

Beyond the deaths of helpless blacks, many of them unrecorded, and the countless episodes of intimidation, there were incidents of record that were purposeful acts, political rather than wanton in nature. An affidavit from Chief Justice W. Sheriff of Refugio County stated that death threats had been made against all Union men and blacks in his county, that two blacks had been murdered, and that his own brother-in-law had been beaten.⁴² Another incident involved the shooting and wounding of two voting registrars in Washington, Texas.⁴³ William Alexander, Hamilton's attorney general, held the same post under Throckmorton's successor, and in that capacity, on 2 November 1867, he presented a report on violent crime for 1867. Alexander

⁴¹Express, July 17, 1867.

⁴²Flake's Bulletin, May 15, 1866.

⁴³Express, July 16, 1867.

commented on the unsatisfactory nature of statistics as a true measure of determining the real extent of violence in Texas, but he reported that he perceived a great mass of unindicted crime. He reported that no one had yet been indicted for the torture of freedmen, and that convicting a white for the murder of a black was an impossibility. The difficulty of getting indictments and convictions was that local sheriffs packed juries. Alexander related the account of a military officer of "high character" who reported 140 murders, chiefly of freedmen, in the county in which he had served from the surrender until July 1867. In his report Alexander included a list of "pretended" laws passed by the legislature in 1866 that regulated freedmen, and he offered his legal opinion that the laws were incompatible with the Constitution.⁴⁴

By the summer of 1867, presidential reconstruction had run its course. An indiscreet South had abused the vacillating and erratic policies of the now politically isolated Andrew Johnson, and the North was outraged and radicalized. As violence continued in the South, together with the indifference and

⁴⁴Report of the Attorney General for Texas 1867, (Austin, Southern Intelligencer Office, 1867), pp. 3, 4 (Washington: Library of Congress, Microfilm Collection of Early State Records, 1950).

ineffectiveness of its elected officials, the Congress, the people of the North, and southern Unionists increasingly regarded the words and actions of the President and of the South's reconstructed leaders as sophistry. In Washington Congress was voting its own reconstruction measures over the vetoes of Johnson and the protests of conservatives. In Texas the Unionists were stirring in ways now Radical and Republican.

On the Fourth of July 1867 a crowd of two or three thousand blacks gathered in the east Texas town of Marshall to celebrate the holiday and to hear speeches by local conservative leaders Mayor James Turner and Judge C.A. Frazier. The speakers reminded their audience of their inferiority and of their own white superiority, and they warned them to beware of Radicals who would use them. At that point, reported the Texas Republican, a former citizen of the town, George W. Whitmore, emerged from the crowd and, uninvited, delivered a "radical bombast" with black "tools" standing at his side. The paper peremptorily dismissed Whitmore as a "fifth-rate lawyer."⁴⁵ That same day the Republicans held a convention in Houston that resolved to

⁴⁵Texas Republican, July 13, 1867.

abandon the conciliatory policies of the past.⁴⁶ Texas Unionists now clearly realized the necessity of Radicalism, and that realization seems to have swept the state. Just before the Fourth, an unsigned appeal urged Mexican-Americans in Cameron County to register as freeborn white citizens and to unite with conservatives to defeat the Radical "fanatics." Evidently this appeal was in answer to another circular that urged Mexican-Americans to organize along Radical lines.⁴⁷

James P. Newcomb, the pre-war editor of the Alamo Express, returned to Texas after his California exile in 1867 and bought a third of the Unionist San Antonio Express. Newcomb admitted his own racial bias, but he declared that black suffrage was a question that could not be left unsettled without greater trouble in the future. Editor Newcomb personally favored exclusivity in the franchise, but he realized that blacks could have few hopes beyond slavery without the vote. Therefore the politically Radical Newcomb favored universal suffrage.⁴⁸ Reading Black, the

⁴⁶Express, August 7, 1867.

⁴⁷Daily Rancho, July 2, 3, 1867.

⁴⁸Somers, "Newcomb," pp. 463-64.

founder of Uvalde, moved to Mexico during the war, repulsed by the Nueces massacre, and he did not return to Texas until July, 1866. Prior to his return, however, he was elected to the state house of representatives, defeating prominent San Antonian Samuel A. Maverick. Black spoke in favor of the Fourteenth Amendment in Austin, and he was one of five who voted for it. In late September 1867, he asked Newcomb for assistance in forming a Loyal League in Uvalde to protect his fellow Unionists. Five days later, Black was shot to death, allegedly over a debt, but quite possibly for his political beliefs.⁴⁹ A.B. Norton, who had favored the Conservative Union party after the constitutional convention, eventually returned to active Unionism; he founded the Union Intelligencer at Jefferson. A mob attacked his press there by night, and the resolute and hirsute Norton was forced to flee on foot for his life.⁵⁰ Another sign of change in the political winds was apparent when Judge James H. Bell addressed a Republican meeting in Galveston in July 1867, and matter-of-factly explained that presidential

⁴⁹ Ike Moore, ed., The Life and Diary of Reading Black: A History of Early Uvalde (Uvalde: El Progreso Club through Calithump Press, 1934), pp. 27-33.

⁵⁰ Knight, Fort Worth, pp. 63-64.

policies had been abused and that the abuse had spurred harsher terms. Bell noted the presence of blacks at the meeting for the first time, and he explained that they were there at his invitation, adding that he had drawn criticism from his friends for inviting them. Bell told his fellow Republicans that a great struggle was beginning and that their party would win.⁵¹

There were Unionists who still tried to urge a course of conciliation and common sense upon their conservative neighbors. Expatriate George W. Paschal sent letters from Washington to Texas newspapers filled with patient advice, but he noted in one epistle that he was sure his advice would be ignored.⁵² Although his daily paper had been reduced to a semi-weekly, Ferdinand Flake continued his vacillating editorials. He hailed Pease's return to Texas in the summer of 1867, after a long political sojourn in the North, but he criticized Pease for favoring the unification of moderates and Radicals within the Republican party. Flake favored a policy of moderate Unionism in combination with publicly financed expansion of railroads and immigration.

⁵¹ Flake's Bulletin, July 16, 1867.

⁵² Ibid., April 10, 1867; Texas Republican, January 5, 1867.

Flake criticized the Houston convention, which Pease attended, because of the small number of white delegates and counties represented. Flake had to admit that Johnson's leadership was bankrupt, he lamented that the South was drawing harsher treatment because of the President's policies, and he declared that those who had blindly followed Johnson were unfit to lead. Flake suggested that Johnson's kindest, most constructive act in his last months in office would be to do nothing.⁵³

There had been rumors as early as July 1866 that Throckmorton would be removed as governor and replaced by Pease as provisional governor.⁵⁴ Pease himself had traveled to the North late that same year, and he wrote from Washington on 14 December 1866 that the people of the North were in a more radical mood than Congress itself. He predicted that all existing state governments in the South would be replaced and that Roberts and Burnett would not be seated in the Senate. Typically, Flake doubted Pease's assessment in his paper.⁵⁵ Throckmorton was in trouble, both because of

⁵³Flake's Bulletin, July 3, 10, 24, 1867.

⁵⁴Southern Intelligencer, July 19, 1866.

⁵⁵Flake's Bulletin, December 26, 1866.

national politics and his own performance. His own racism, alienation, and hostilities aside, Throckmorton's termination as governor was certain because Johnson's program was being swept away by the radical upsurge in Congress. Certainly Throckmorton made his own contribution toward this upsurge by his unpalatable and embittered performance in office. Indeed, there was a report that Throckmorton defiantly hung portraits of Lee and Davis in the executive mansion in Austin.⁵⁶ Throckmorton seems to have had a great deal of the self-made-man pride that Andrew Johnson had, and there are some parallels in their actions; seemingly, they were seeking a martyrdom chiefly recognizable only to themselves. Also, Throckmorton seems to have had a penchant for former Confederates, perhaps out of pride in his own service, and some conservatives thought that Confederates exercised their "power of political control as they had done of old" under Governor Throckmorton.⁵⁷ The power and influence of O.M. Roberts certainly sustains this opinion. In a way Throckmorton was a forerunner in southern politics. After

⁵⁶ Weekly Austin Republican, July 11, 1867 cited in Greene, "Austin," p. 499.

⁵⁷ W.D. Wood, Reminiscences of Reconstruction in Texas (San Marcos, Texas, 1902), p. 165 quoted in Baggett, "Texas Radicals," p. 72.

the war, for a time, the white planter leadership tried to capture black political support with concessions, because of its own economic needs and its desire to insure control of any nascent black votes. Any political or economic gains by blacks were a threat to the small farmers, who hated blacks and planters, and who were represented on the political scene by Throckmorton. When the planters failed in their effort to capture the blacks' support politically on mutual economic grounds, they turned to the poor whites and insured their support, with racism as common ground.⁵⁸ Within this context of class conflict, Throckmorton may be viewed both as a late Jacksonian and as a forerunner of the racist politicians of the Jim Crow era.

On 2 April 1867 General Philip Sheridan forwarded General Charles Griffin's request for Throckmorton's removal, with his own recommendation for approval, to his superior officer, General U.S. Grant. The following day the politically cautious Grant advised Sheridan to suspend action pending further consideration. On 19 July 1867 Congress passed supplementary legislation to the 2 March 1867 act that defined political reconstruction, and this additional

⁵⁸Williams, "Reconstruction Attitudes," pp. 483-86.

legislation widened the authority and powers of the military in occupation. The next day General Griffin again requested the removal of Throckmorton. Griffin had already offered the post of provincial governor to John H. Reagan, without success, and in his 20 July request he recommended E.M. Pease. On 25 July Sheridan told Grant that the crime rate in Texas was up and that he wanted Throckmorton removed.⁵⁹ In his memoirs Sheridan wrote that he found Hamilton an "able, determined, and fearless" man who tried to curb terrorism and to maintain order. Sheridan believed that only the military kept the peace and that the situation changed drastically when Throckmorton came to power. He wrote that the prospect of black suffrage led to acts of intimidation, state-wide and that Johnson's directives to the military left Throckmorton's government unhampered, led to oppressive legislature, and increased lawlessness.⁶⁰ Sheridan's concept of his responsibilities appears to have been firmly moderate. He testified before Congress that he tried to support Hamilton and Throckmorton without political

⁵⁹ Shook, "Federal Occupation," pp. 300, 323-24.

⁶⁰ Philip H. Sheridan, Personal Memoirs of P.H. Sheridan General U.S. Army, 2 vols. (London: Chatto and Windus, 1888), 2:230-32.

influence on his actions. He personally favored as little legislation as possible, but he felt that military power was necessary to protect the freedmen, who were without political rights.⁶¹

From his headquarters in New Orleans, on 30 July 1867, Sheridan issued special order 105 and succinctly ended Throckmorton's term as governor of Texas after less than a year. The simple order read:

A careful consideration of the reports of Major General Charles Griffin U.S. Army shows that J.W. Throckmorton, Governor of Texas, is an impediment to reconstruction of that state, under the law; he is therefore removed from that office, E.M. Pease is hereby appointed as governor of Texas in place of J.W. Throckmorton removed.⁶²

Somewhat understandably, Throckmorton was more verbose than Sheridan in venting his anger. Of Sheridan he wrote,

He has some reason for taking a lick at me. I have denounced his course in my correspondence to Washington. In one of my letters I said that the great misfortune that the South labored under was being cursed by military satraps who had not the sense to appreciate the condition of the country, and whose hearts never had a patriotic pulsation.⁶³

⁶¹Shook, "Federal Occupation," p. 296.

⁶²Executive Journal (JWT), p. 365.

⁶³Throckmorton to Charles R. Breedlove, incomplete citation quoted in Elliott, Leathercoat, p. 173.

Throckmorton had stronger words for General Griffin: "He is a dog—mangy—full of fleas, and as mean as the meanest radical in Texas, and that is saying as mean a thing of a man as can be said."⁶⁴

"Military law is supreme," the Daily Rancho wailed. The paper baldly stated that all civil functions were gone forever unless one regarded the function of freedmen as civil. The editor added that he had always liked Pease and thought him a good governor, but now he was Sheridan's tool. The Daily Rancho predicted that a Negro would succeed Pease as governor.⁶⁵ The Express explained to its readers that as the extinction of slavery required radical methods, so did the reconstruction of liberty. Conservatism, concession, and conciliation had brought severe consequences, and Texas under Throckmorton saw murder, outrage, and rebel arrogance. The paper declared that Radicalism with no compromise was a necessity.⁶⁶ On the night of 3 August 1867 a procession of 600 Unionists marched through Austin by torchlight to the Amos Morrill home where Pease was

⁶⁴Throckmorton to Ben H. Epperson, September 5, 1867, Epperson Papers quoted in Shook, "Federal Occupation," p. 300.

⁶⁵Daily Rancho, August 10, 1867.

⁶⁶Express, August 29, 1867.

staying.⁶⁷ Presidential reconstruction in Texas was over.

There can be no doubt that the manner in which the Radicals terminated presidential reconstruction drew even greater resentment from the southern conservatives and contributed to their eventual restoration, any more than there can be doubt that the conservatives necessitated that termination by their actions. It was part of the tragedy of Reconstruction. Nearly thirteen years after that torchlit evening in Austin, after the force of reconstruction was spent and after the "redemption," E.M. Pease spoke before his fellow Republicans in Galveston. By 1880 the question of who would rule in Texas had been settled, and the winners had begun to resolve the status of the Negro to their own satisfaction, but Pease spoke to the Texas Republicans as one whose ideals were intact in spite of failure, and he spoke unsparingly about his old opponents, confident in the inherent rightness of his cause:

They meant to test the question, whether the government which had suppressed the rebellion could carry out, in good faith, the promises it

⁶⁷Pease to daughter Carrie, August 3, 1867, Pease Collection cited in Baggett, "Texas Radicals," p. 72.

had made to those who had aided and encouraged that government in the South. They meant to test the question, whether the government had the power to make citizens of four millions of slaves who had been emancipated as a result of the rebellion. They meant to test the question whether these freedmen were to live . . . without taking any part in the operations of the government. They were meant to test the question, whether these freedmen should be educated and raised to a condition that they could become useful to themselves and aid in sustaining the government of the future.⁶⁸

The greatest tragedy of Reconstruction was the failure to emancipate the blacks from the socio-economic system of the South. Without this measure, another century of subjugation passed before blacks secured their full rights as American citizens. Texas Unionists had been but a small minority struggling in an antediluvian sea, guilty of being right before their time. Perhaps, that long delayed moment provided a measure of redemption for their unflinching faith.

⁶⁸Pease Speech, p. 4 quoted in Baggett, "Texas Radicals," pp. 63-64.

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