RACIAL TURMOIL IN TEXAS, 1865-1874

THESIS

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By

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The primary concern of this work is to present a clearer picture of the Reconstruction period in Texas, particularly as it relates to the black. Little consideration is given to those blacks elected to public office; rather, concern is placed on those outside the then "Establishment." To view the black in terms of those elected to public office only presents a distorted picture and negates the influence blacks had on electoral politics.

Source material was both primary and secondary, making use of material available in the Texas State Library Archives in Austin. Of particular importance was evidence unearthed by Robert W. Shook in his Ph.D. Dissertation, "Federal Occupation and Administration of Texas, 1865-1870." A major problem is the absence of letters, diaries, newspapers, etc., written by the blacks themselves. For this reason, much of the history is, by necessity, really a white man's view of the period.

This thesis is basically chronologically organized, progressing from the close of the Civil War to the "redemption" of Texas. The first chapter is concerned with Presidential Reconstruction as applied in Texas. An attempt is made
to prove Texas was not "reconstructed" in the intended sense of the word. Chapter two acknowledges the results of this failure--Congressional Reconstruction. Here the black becomes a participant in the electoral process. The third and fourth chapters deal with problems in Texas, with special emphasis on law enforcement and education. Through all of this is the thread of violence directed against blacks by whites. Finally, it is posited that the use of violence must be viewed as a viable alternative for blacks in their efforts to achieve social, political, and economic equity.

In the main, evidence presented by most historians writing on this period has tended to ignore a major factor which has influenced Texas politics, namely violence. Those who acknowledged the presence of this violence tended to "understand" the southern white and thus justify the use of this violence. The influence of violence is massive and some attempt must be made to understand the actual way in which it was directed. Here it is only established that violence was racial with some political overtones. There is no doubt that further research will prove very valuable in understanding this period.
PREFACE

From its earliest beginnings to the present day, America has been confronted with a problem of great magnitude which it has been both unwilling and unable to resolve effectively. This problem is, as it always has been, the proper role of the black man in this predominantly white society. The Great Truths of liberty proclaimed in the Declaration of Independence are, in reality, the Great Lies of American daily practice. Today's blacks are still seeking an effective means to end their existence as blacks in America and become, as other immigrants, simply Americans. In order for the assimilation process to take place differences must be eliminated, and it is here that blacks find themselves in a difficult position. Their high visibility of difference clearly marks them unlike others in this country. Skin colors are not easily changed. Judging from the violence perpetrated against this minority, and despite miscegenation, it may be speculated that some members of the majority society have sought to eliminate the black presence itself, rather than the problem of color, from American society.

It is suggested that sound and objective historical studies may serve as a means of understanding the past and its problems and possibly as a guide toward future understanding. Unfortunately problems concerned with race and
racial inequities are charged with emotion, and this emotion has greatly influenced scholarly activities. The overwhelming majority of historians who have studied these problems have been white, and their studies have reflected their prejudices. Nowhere is this more apparent than in histories of the South, wherein bias has generally prevailed over truth. The history of the South and the history of blacks are closely intertwined. In writing such history, the greater numbers of white historians have chosen to give justification for the abnormalities of the South's "peculiar institution" and for the region's pathological refusal to accept the destruction of that institution. Paying homage to the Muse of Mendacity, these "scholars" have written "A White Man's History of the South, Complete with Justification, Explanation and Automatic Absolution for All Its Atrocities."

Such refusal to observe objectively and interpret the facts is, perhaps, understandable in light of the magnitude of the fundamental question of "good versus evil"--the morality of the South, of America itself. To investigate morality necessitates an investigation of institutions charged with determining morality; for example, the question of the Church as a valid institution is opened. A paradox arises in explaining the use of a doctrine of love taught by the martyred Jew to enslave Africans for the benefit of anti-Semitic whites. A truism of Southern Christianity was "Blessed are the Meek" blacks. With the heritage of
"heathen" Africa destroyed by the "blessings" of slavery, today's black faces the future with a legacy of the welfare check. Perhaps future historians will seek an understanding of the dichotomy which exists in a society which blithely balances a love for one's fellow man on the one hand and the enslavement of blacks on the other. This study is designed to investigate only a small part of Southern history--the period of post-Civil War adjustment with its attendant problems of race adjustment.
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CHAPTER I

"THE GENERAL CARNAGE"

At the time of Lee's surrender, Texas was the only Southern state wholly untouched by successful invasion. Upon hearing of the end of the conflict, troops began returning to their homes, looting along the way. Even the state treasury at Austin fell victim to looters, and "bands of robbers and jayhawkers" controlled all the roads in South Texas. Lawlessness generally prevailed throughout the state.¹ This "widespread murder and robbery" had been present in Texas since 1864 and would continue to plague the state. Not only blacks, but Unionist elements in Texas, strongly antipathetic to the Negro, were themselves the victims of violence. This disrespect for the law and disregard for both human and property rights was found in both urban and rural areas.² In terms of the economy, Texas had not suffered greatly during the war. Indeed, Texas had prospered. Many slaves had been sent to the state for safekeeping and to assist in furnishing food and raw


materials for the Confederacy. The state had also served as an avenue of trade with Europe via Mexico, and although there were many losses, high prices had offset this disadvantage.\(^3\) The end of the war, however, saw panic develop among the planter element because of the anticipated effect on the labor system.\(^4\) In this chaotic atmosphere Reconstruction efforts began.

Bearing a commission from President Andrew Johnson, on June 19, 1865, General Gordon Granger arrived at Galveston and read the Emancipation Proclamation to the citizenry. Granger then took command of all military forces in Texas and declared illegal all gubernatorial and legislative acts performed since the advent of secession. He announced parole for all officers and men of the Confederate army and demanded the return of all public property to the United States government.\(^5\) Two days prior to Granger's arrival in Galveston, President Johnson appointed Andrew Jackson Hamilton as Provisional Governor of Texas. Hamilton came to Texas from Alabama prior to the war and gained prominence in state politics, serving as attorney-general and later as congressman. A strong unionist, Hamilton left...


\(^5\)Ramsdell, p. 40.
the state in 1862 under threat of military arrest, making his way to New Orleans, where he served in the federal army. 6

Arriving in Galveston July 21, 1865, Hamilton carried instructions and authority from President Johnson directing the establishment of a republican form of government, the calling of a constitutional convention, and the exercising of the necessary and proper power for restoration of Texas to the Union. It was clearly stipulated that only loyalists could participate in the constitutional convention, and all delegates were required to take an oath of amnesty in addition to qualifying as a voter under state law prior to secession. 7 This provision effectively withheld the franchise from the black population.

Many Texans were unwilling to accept the end of slavery. Charles DeMorse, newspaperman and former Confederate officer, demanded the retention of slavery in some modified form. 8 The Texas Republican bemoaned "the ruinous effect of freeing four million of ignorant and helpless blacks' and predicted that resultant profit losses would cause the North to welcome a return to the old order. 9 The Houston Telegraph conceded emancipation but demanded that compulsory labor replace slavery.

6 Ibid., p. 55.
7 Ibid., p. 56.
8 Shook, p. 35.
9 Du Bois, p. 553.
The agricultural resources must not be weakened. White Texans cared little that the millions of "ignorant and helpless blacks" had been made so by the South's agricultural economy and resultant social structure.

Hamilton found it necessary to submit a protest to President Johnson, informing him of the tendency of some farmers to maintain slavery. The Provisional Governor refused to accept any suggestion of gradual emancipation, and he made civil equality of blacks the focus of his reconstruction policy. Hamilton solemnly warned that Texas would not gain admission to the Union should the black be treated as less than free. He urged Texans to renounce secession, outlaw slavery in the new constitution, and end racial discrimination in the courts. Obviously the question of the black would dominate Texas politics.

In addition to the basic questions of the abolition of slavery and the status of freedmen, action had to be taken concerning the repudiation of the war debt and nullification of the 1861 secession act. Governor Hamilton called an election for convention delegates to be held on January 8, 1866, and he directed the elected delegates to meet in

10 Ibid., p. 143.


Austin on the seventh of February. Texas Democrats, happy with Andrew Johnson's dislike for the Negro, pledged themselves to unite behind the President and to adopt his reconstruction plan as a primary line of defense against even the "bare idea of Negro equality." Newspaper comment generally favored the conservative view, and one editor urged convention delegates to make only those changes which were "absolutely necessary to bring our constitution within the demands of the general government." Candidates for election had divided along lines of varying degrees of conservatism. None expressed concern for the welfare of the black; the conservative demanded "the perpetuation of a white man's government . . . ," while the moderate expressed a fear of establishing a compulsory labor system which might cause Texas to be continued under military rule indefinitely. The elections passed quietly, with less than half the voters exercising their franchise. Perhaps this was due to apathy, the lack of real opposition candidates, or an expectation that there would be little significant change. The San Antonio Daily Herald proclaimed

13 San Antonio Daily Herald, 20 November 1864.
14 Ibid., 31 August 1865.
15 Dallas Herald, 17 February 1866.
that the candidates "were all of one mind." Whatever the reason, this refusal to participate in government established a pattern which subsequently beclouded the entire issue of responsibility during Congressional Reconstruction.

The delegates met in Austin on the appointed day and began the process of reconstruction. Prominent among the assembled delegates was a large contingent of ex-Confederate state politicians and veterans of the rebel army. This clear violation of Hamilton's instructions on loyalist participation served as a bellwether of Texas' recalcitrance toward political reconstruction. One convention officer assumed office dressed in his Confederate uniform. The restoration of Texas to loyalty within the Union was in the hands of unrepentant rebels who had dragged her from the Union. One newspaper boasted that "... the one essential qualification was, has he been a soldier?" The convention elected as its president James W. Throckmorton, originally a Unionist, but who later had abandoned these principles to fight for the Confederacy.

17San Antonio Daily Herald, 20 February 1866.

18Carrier, pp. 15-16.

19San Antonio Daily Herald, 19 February 1866.

The convention's small contingent of "unconditional union men," led by I.A. Paschal and Edward Degener of San Antonio, demanded that the convention members take an oath of loyalty to the Constitution of the United States. The unrepentant secessionists were led by Oran Milo Roberts, past-president to the Secession Convention, ex-governors J. W. Henderson, John Ireland, and Hardin R. Runnels, along with others prominent in the state's Confederate politics. This element argued that they were not serving as United States officials, and therefore such an oath was unnecessary. A compromise was worked out which allowed all members to take the oath of amnesty only.21 This compromise carried by only a two vote majority. The next day, in a surprise move, the conservatives backed down and agreed to take the Constitutional oath, perhaps fearful that their first act "had been an expression of hostility" toward the United States. Runnels and Ireland, among others, remained in opposition.22

With the question of loyalty suppressed, Governor Hamilton came before the convention on February 10 to deliver his message. He began by explaining the delay in calling the convention, confessed his disappointment about the apathy shown in electing delegates, and soundly condemned

21San Antonio Daily Herald, 21 February 1866; Convention Journal, 1866, pp. 11-12.

22Ramsdell, p. 91.
the presence of the unpardoned rebels who had been elected. Hamilton then pointed out the changes that he felt were demanded by the President and Congress, as well as by the people of the North. Hamilton outlined four basic essentials: there must be a "formal and solemn recantation" of the "political heresy" of secession; a "cheerful acquiescence" in abolishing slavery; repudiation of the war debt; and, most importantly, civil equality for blacks. The governor acknowledged that his views were not popular, and he personally challenged the intelligence of the black to exercise the franchise. But Hamilton declared there could be no "white man's government," and that the Negro must receive full civil rights. Blacks must receive equality in the courts, protection in life and property, and eventual suffrage. Failure to act favorably on these points, Hamilton warned, would defeat orderly transition into the Union and cause "radical opposition and drastic action by the Congress of the United States."24

Beginning work on the governor's proposals, the delegates soon bogged down on the question of the secession ordinance. Secessionists were not ready to admit defeat or error, while Unionists were determined to test the state's loyalty.25 The Austin Tri-Weekly Gazette lambasted the

23 Convention Journal, 1866, pp. 46-47.
24 Ibid., pp. 25-27.
25 Carrier, p. 22.
convention for the inordinate attention shown to secession. After debating more than a month, the convention declared secession null and void and affirmed that "the right heretofore claimed by the state of Texas to secede from the Union is hereby distinctly renounced." As for the war debt, the convention quickly repudiated all expenses even remotely associated with operating the Confederate government.

Texas having been defeated in the war and the Thirteenth Amendment having been ratified in December, 1865, the convention had little choice in the formal abolition of slavery. There was little debate over an amendment to the state constitution acknowledging that African slavery had been "terminated within this state by the government of the United States, by force of arms, and its re-establishment being prohibited by the amendment to the Constitution of the United States." Although further involuntary servitude, except as punishment for criminal acts, was eliminated, it was obvious that the attitude of the convention was not "cheerful acquiescence."

The Committee on General Provisions recommended that blacks should have full rights of testifying in any court case "involving rights or injury" to themselves.

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26 Austin Tri-Weekly Gazette, 22 February 1866.
27 Convention Journal, 1866, p. 158.
28 Ibid., p. 117.
29 Ibid., p. 52.
provided that, in all cases in which they may be heard as witnesses against a white person, it shall be in open court and the latter shall have the right to testify in his own behalf, and they shall have the same right when testified against by a white person. 30

This brought forth a torrent of protest from the old secessionists. Countering this protest, active Unionists, though in the minority, blasted any restrictions on Negro testimony in the courts. This element expressed their concern for basic rights for Negroes, 31 as well as fear that the Congress of the United States would reject these restrictions. Despite efforts to broaden or limit restrictions on Negro rights in the courts, the committee adopted the report with relatively minor changes. 32

The question of Negro suffrage was doomed from the start. The President of the United States himself did not favor suffrage for blacks. Johnson stated, "it is not competent for the General Government to extend the elective franchise in the several States . . . ." He noted that his main concern was eliminating slavery and replacing it with gainful employment for the black with "freedom of choice in his pursuits and the certainty of his recovering his stipulated wages." 33 To some, it appeared that Johnson

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30 Ibid.
31 Ibid., p. 97.
32 Dallas Herald, 30 September 1865.
was trying "to secure a second lease of office" by opposing Negro suffrage. The Democratic newspaper New York World boasted that the President was opposed to the vote for blacks whether conferred by the federal government or by the state. The New York Times, spokesman for conservative Republican elements, avowed that northern opinion did not demand Negro suffrage as a condition for readmission into the Union.\textsuperscript{34}

Governor Hamilton, Johnson's appointee as Provisional Governor, had earlier doubted the wisdom of allowing blacks to vote and stated, "I do not desire to see this privilege conferred upon them."\textsuperscript{35} In electing delegates to the constitutional convention which would discuss this question, Texans overwhelmingly supported candidates such as W. C. Dalrymple, who declared:

\begin{quote}
My opponents . . . each and all, concede something to the negroes; some more, some less, approximating to equality with the white race. I concede them nothing but the station of "hewers of wood and drawers of water . . . ." If a republican form of government is to be sustained, the white race must do it without any negro alloy.\textsuperscript{36}
\end{quote}

Sentiments such as the above reflected the general attitude of whites toward the Negro in Texas. In August, 1865, Hamilton wrote Andrew Johnson about his concern for the


\textsuperscript{35}Convention Journal, 1866, p. 27.

\textsuperscript{36}Quoted in Ramsdell, p. 86.
physical safety of blacks. Hamilton expressed his fears that most white Texans desired to inflict grave injuries upon blacks. This group apparently elected to hold the black responsible for the defeat of the South and for emancipation. It was common knowledge that Texans in the more remote areas refused to accept Lincoln's proclamation. Efforts by such leading Texans as John H. Reagan, former Postmaster-General in the Confederacy, who suggested limited Negro suffrage, were "received in Texas with derision." Hamilton found himself forced to urge that military forces move "constantly" throughout the country to provide protection for freedmen. The northeast section of the state, heavily populated with blacks, contained many slave owners still "defiant" and "in the most cruel manner forcing their late slaves to obedience." One author states that during this period Ku Klux Klan operations "seemed practically unnoticed in the general carnage." It was in this atmosphere that the constitutional convention

37 Shook, p. 155.


"considered" the question of Negro suffrage—a right deemed vital for white men to protect their rights, freedoms, and privileges.

Edmund J. Davis, destined to become governor during Congressional Reconstruction, proposed a motion that the constitution provide for suffrage without regard to race or color. Edward Degener moved that the convention extend suffrage to blacks, with literacy qualifications attached to the privileges. Davis' proposal was "laid on the table without much ceremony."41 Degener's motion fared no better.42 One author quotes President Johnson's observer Ben Truman as noting that only seven members could be found who favored suffrage for blacks, and only four voted in favor of it.43 The conservative bloc found a spokesman in Oran M. Roberts, an ardent secessionist, who introduced an ordinance noting that the "paramount object of the people of Texas" was the permanent preservation of the white race. Therefore, the legislature should be empowered "to pass all such laws, relating especially to the African race within her limits, as may be necessary to secure their ultimate removal or colonization so as to give place to an unmixed white race."44 This

41 San Antonio Daily Herald, 20 February 1866.
42 Convention Journal, 1866, p. 81.
43 Report of the Joint Committee on Reconstruction, p. 136.
44 Conventional Journal, 1866, p. 119.
proposal met defeat and "Africans and descendants of Africans" were excluded from suffrage in "reconstructed" Texas.  

Supporters of civil rights for blacks were blamed by secession apologists for being "serenely unconscious of negro incapacity." Closer to the truth was the fact that Texas whites were motivated by an intense hatred of blacks and a "bitterness" against them for being freed. The post-war white Southerner must be viewed as pathetic as well as dangerous. His society had been constructed upon the labors of others, his love of liberty reflected in the enslavement of Africans, his chivalrous, noble order defeated by the "clerks" of the North. Southern whites needed someone to be superior to. They chose the "four million of ignorant and helpless blacks." To insure the continuance of their "superiority," white Texans excluded these "ignorant" blacks from the public schools, but generously stipulated that special education taxes might be levied on the "helpless" blacks to "encourage schools among these people." Perhaps in anticipation of the Fourteenth Amendment, the convention then voted that legislative apportionment would be based on the white population only.

46 Ramsdell, p. 48.
47 Sayles, pp. 328-329.
Quickly clearing up other matters relating to state taxes, frontier protection, appropriation of expense money for delegates, and other activities not directly related to reconstruction, the convention adjourned on April 2, 1866.\textsuperscript{49} Slavery and secession had been "repealed but not repented," and the black had been accorded a minimum of civil rights. Blacks were denied public school education, suffrage, and officeholding privileges. They could testify in court in matters concerning "any of them" and they were free, though "by force of arms." There were no guarantees against a compulsory labor system. The secessionist element had dominated the proceedings from the start, encouraged by the growing animosity between Andrew Johnson and Congressional Republicans, and led by their own intentions of maintaining as nearly as possible the same socio-economic-political structure Texas had previously enjoyed.

The convention set June 26, 1866, as the date for election of new state officials and adoption of the revised state constitution.\textsuperscript{50} Prior to the adjournment of the convention the two major factions met to select gubernatorial candidates. A. J. Hamilton, offered the standard of the self-styled "Union Republicans," declined to accept, pleading financial disabilities. This group then selected

\textsuperscript{49} Carrier, p. 38.

\textsuperscript{50} Ramsdell, p. 107.
Elisha M. Pease, an ex-governor, who had enjoyed a high degree of popularity during his tenure. The secessionist element chose the name "Conservative Union Party" and nominated convention president James W. Throckmorton for governor. They wrapped themselves in the cloak of Johnson's reconstruction policies and declared that if Congressional Reconstruction was allowed "the last hope of the white race in the South is extinguished." 51

Before leaving office, Hamilton sounded the alarm once more against the "slave oligarchy" which he believed to be attempting to widen the split between the President and Congress. He found Johnson's reconstruction policy "insufficient and impractical" and doubted that even the proposed Fourteenth Amendment to the United States Constitution could sufficiently guarantee Negro equality or the loyalty of Texans. 52 Violence remained a major factor in Texas politics, and Federal occupation forces had failed in their attempts to ban firearms. One observer notes the importance of the "nature of Texans who had perfected individual rather than institutional law enforcement." 53

51 San Antonio Daily Herald, 9 April 1866.
52 Circular letter of A. J. Hamilton, quoted in Carrier, p. 41.
53 Shook, p. 421.
The press was extremely active during the campaign. The *Dallas Herald*, a conservative newspaper, proudly carried comments from other such organs in the State. Such comment portrayed the usual pattern of supporting white supremacy. For example, the *Galveston Daily News* conceded that slavery had produced "indolence, extravagance and luxury" among some, but that there should be a mass immigration of whites to "neutralize the influence of the Negro." The *San Antonio Herald*, sounding more like victor than vanquished, accused radicals of desiring that Texans "get down on their knees" and forget all about the "maimed soldier in favor of Sambo." The *Crockett Sentinel* declared "Pease is a Hamilton man and Hamilton is a Negro equality man," and none will "swallow this damnable doctrine." In answer to those radicals who urged basic equality for blacks, the *Houston Telegraph* invoked the Holy Scriptures and asked them to repent. Pledging its support for Throckmorton, the *Clarksville Standard* called for a "blow that will strike terror" to the radical ranks and "forever prohibit their rallying again." Reconstructed, humble, dedicated, loyal Texans were once more enjoying their Constitutional rights.

Texans responded to campaign rhetoric by electing the Throckmorton ticket by an overwhelming majority, 49,277 to 12,168. The revised constitution was less

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54 *Dallas Herald*, 5 March 1866.
successful, but carried by a vote of 28,119 to 23,400. In early August, 1866, the Eleventh Legislature assembled in Austin and witnessed the inauguration of Throckmorton as governor. On August 20, President Johnson issued a proclamation declaring peace restored and Texas once again a member of the Union. According to Johnson's proclamation, Texans are "well and loyally disposed" to support the Constitution of the United States and in Texas, as in other states, "peace, order, tranquility, and civil authority now exist." This proclamation marked the end of Presidential reconstruction in Texas. As for "peace, order, tranquility, and civil authority" the facts dictate an opposite conclusion.

Recent findings indicate that the period 1865-1867 was indeed a most violent period in Texas' long history of lawlessness. There were apparently some 761 murders during this time. Of this figure, 464 were Negroes killed by whites and an additional 214 blacks suffered wounds by gunfire or stabbing. This era of "peace, order and tranquility" also saw 158 blacks beaten by whites and six Freedmen's Bureau agents murdered. Only one conviction was obtained--that of a black. Over a broader period, 1865-1869, covering Presidential reconstruction and the "white man's

55Ramsdell, pp. 112-113.

56Richardson, Messages and Papers, 6:438.
government" of Throckmorton, some 900 murders occurred in Texas. There were five convictions and one execution (the Negro). Military records provide extensive detail on a total of 2,316 crimes. Blacks were the common victims of whites from the more serious crimes of murder, attempted murder, and assault.\textsuperscript{57} Despite the insistence of apologist historians such as Ramsdell that "military officials overrode the civil authority in true cavalier fashion,"\textsuperscript{58} a more objective study reveals the "impotency of the occupation forces to maintain law and order."\textsuperscript{59}

Not all were in agreement with President Johnson in accepting the idea that domestic tranquility prevailed throughout the land. Some two months before Johnson's August proclamation, the Joint Reconstruction Committee of Congress issued a scathing report on conditions in the South. This report had been received with interest by Texans.\textsuperscript{60} Drunk with the apparent success of Presidential reconstruction, Texas and the South virtually ignored the rumblings in the North. They were soon sobered.

\textsuperscript{57}Shook pp. 420-421.

\textsuperscript{58}Ramsdell, p. 132.

\textsuperscript{59}Shook, p. 421. Shook basically concludes that the military was used ineffectively and too sparingly and thus contributed to the downfall of Reconstruction.

In Texas, at least, the propensity for "individial" law enforcement contributed as much as anything toward the establishing of Congressional reconstruction. Throckmorton's attempts at establishing a stable government, one capable of protecting the lives and property of all its citizens, were feeble as well as futile. Reports from Texas continuously streamed North to Congress describing the atrocities perpetrated against both Union men and blacks. At least one observer believed that a race war would result if federal troops were withdrawn.\(^\text{61}\) To refer to violence between races as "war," however, requires a most imaginative mind. Blacks were without arms, organization or desire to revenge themselves for slavery. The most biased of reconstruction historians are in agreement on the generally docile nature of the freedman. If one accepts these historians' findings, as well as the reports of continuous attacks upon freedmen, one can only conclude that the unchecked lawless nature of the whites themselves made such a war possible.

Reflecting this nature, Texas has been found to be perhaps the most actively hostile of the former Confederate states in relation to the assistance programs of the Freedmen's Bureau.\(^\text{62}\) The Bureau reflected a humanitarian concern for the newly freed black. Yet, following the charge of Bureau

\(^{61}\)Report of the Joint Committee on Reconstruction, p. 123.

\(^{62}\)Shook, p. 240.
Commissioner Oliver O. Howard to foster peace and understanding between the races, Bureau sub-commissioners in Texas were forced to concede they were unable to get justice for the newly freed blacks. After generations of slavery, their former masters rewarded these decades of toil with death and degradation. Typical of Texas comments, the Dallas Herald noted that "the freedmen and their evil genius the Freedmen's Bureau are a failure. The first can be improved by means of State legislation, the latter by leaving the Southern country."

Despite calculated recalcitrance, the Bureaus' successes proved worthy. By the end of January, 1866, there was a total of twenty-six day and night schools with an enrollment of 1,600 black pupils. Eighteen months later, the Freedmen's Bureau boasted a total of thirty-four day, ten night, and twenty-two Sunday schools with a total of thirty-six white and five black teachers and an enrollment of some 5,026 pupils. By June, 1867, nearly one tenth of the blacks in Texas had learned the fundamentals of the "Three R's."

In addition to education, relief, and guaranteeing justice for the freedmen, the Bureau held the responsibility of supervising labor contracts. Perhaps it is here more than any other place that strong white opposition occurred. The

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63Dallas Herald, 6 October 1866.
64Shook, p. 242.
65Galveston Daily News, 26 June 1867.
Bureau eventually established a ten hour work day and a six day working week for the males with a less strenuous schedule for females. It also insured cash payment or correct share division and the keeping of a written record of the transactions.66

Countering these efforts of the Bureau were continued acts of hostility toward Texas' black population. Accounts of beatings, murder, rape, unpaid labor contracts, and, most inhumanly, denial of basic human rights to children continued to flourish. Attacks launched against Bureau school teachers, and burnings of Bureau schools served to discourage potential teachers from service. Even federal troops reflected their hostility to blacks, and in many instances were openly hostile to Bureau efforts. Civil authorities offered no cooperation whatsoever.67 General Gregory begged Texans to "treat your laborers with liberality and on a basis of justice." He urged Texans to "give them a chance to secure themselves from fraud and inequality before the law . . . not with any attempts at serfdom under a new form, and permit them to run without a load the race of life."68 Answering for white Texans, O. M. Roberts "boasted that only moral restraint precluded

66 Shook, pp. 239-290.
68 E. M. Gregory to Benjamin G. Harris, 20 January 1866, quoted in Shook, p. 256.
Federal officers and soldiers from being massacred, negroes and their white allies . . . hunted down . . . . We would never submit to negro equality."  

In order to improve freedmen by "means of State legislation," the Eleventh Legislature passed stringent labor laws which established compulsory labor. These laws covered apprenticeship, vagrancy, labor contracts, and enticement of laborers. They did not specify application according to color, but there could be no doubt they were designed to apply only to blacks. This despite the fact that "the legislature had before it, as a warning, evidences of the deep resentment of the North at the 'black codes' enacted by the states reorganized during the previous year."  

The labor laws provided that minors, with consent of parent or "guardian," could be bound out until twenty-one years of age unless married sooner; a runaway could be recovered, brought before a magistrate and punished; vagrancy was defined as idle persons without means of support, and who were making no effort to secure employment. A further provision called for all "common laborers" to enter into a written contract for the entire year on or before January 20, 1867. Laborers could choose employers but could not terminate employment without "just cause or by permission," and they  

69Quoted in Shook, p. 257.  
70Ramsdell, p. 122.
could not leave home without permission or have visiting during their working hours. Wages would consist of a share of the crop. In addition, those who enticed a freedman from his contract and the freedman who left his job were both subject to fines. Newspapers published lists of freedmen who left their employment, asking that they not be hired.\textsuperscript{71} Through all this, Governor Throckmorton continued to protest that his administration was not receiving proper respect from military authorities.\textsuperscript{72} Yet it was Throckmorton, as much as anyone, who contributed to his removal.

Throckmorton and the Eleventh Legislature "proceeded to handle, or mishandle, the basic issues of reconstruction" in a manner designed to insure Congressional intervention.\textsuperscript{73} Showing their distaste for the freedmen, the Eleventh Legislature refused to ratify the Fourteenth Amendment. Throckmorton had earlier advised the Legislature to ignore the Thirteenth Amendment and now advised rejection of the Fourteenth.\textsuperscript{74} Provisions calling for loyalty to the Union were especially distasteful, and the Legislature received the wholehearted backing of the conservative press.\textsuperscript{75} Another

\textsuperscript{72}Carrier, p. 55.
\textsuperscript{73}Ibid., p. 56.
\textsuperscript{75}San Antonio Daily Herald, 28 October 1866.
reason for refusal stemmed from the fact that Texans had selected diehard secessionists such as O. M. Roberts and David G. Burnett to represent the state in the United States Senate and House of Representatives. Such an action "simply supplied the President's opposition with additional ammunition for the supplanting of the very state government they were endeavoring to protect."\(^7^6\)

Congressional action, in opposition to the presidential plan, "was not wholly unexpected by well-informed people in any part of the South." Charles W. Ramsdell reflects the obvious difficulty in early writing of southern history. Professor Ramsdell insists that "never, perhaps, was punitive legislation founded upon a worse misrepresentation as to facts." Though "the people of Texas were not wholly surprised . . . they were not prepared to receive it with perfect equanimity."\(^7^7\) The people of Texas thus far accepted nothing with "perfect equanimity."

Indeed the people of the South, and particularly of Texas, had no cause for surprise at congressional action. Texans had shown that they considered submission "an unavoidable necessity." They reflected only "hostility to the general government." Texans were "haughtily" demanding to participate "at once" in a government "they had for four.

\(^7^6\)Carrier, pp. 57-58.

\(^7^7\)Ramsdell, pp. 145, 148.
years been fighting to overthrow." Led by "rebels, unrepentant and unpardoned," they thought of Unionists with "contempt" and "glori[ed]" in "the crime they had committed." Adhering "to the pernicious doctrine of secession," Texans boasted that they would "submit to no conditions whatever," but simply resume "power under that Constitution which they still claim the right to repudiate." The evidence against Texas eloquently pronounces her guilty as charged. The "punitive legislation" which resulted was far more than the result of a "distorted array of evidence" and "misrepresentation as to facts." Testimony given to the Congressional Joint Committee on Reconstruction carried the clarion ring of truth.

In establishing presidential reconstruction as a failure and proving Texas still recalcitrant, no less an observer than Benjamin C. Truman, correspondent for the conservative Republican New York Times and friend to Andrew Johnson, attested to the dangers in Texas for blacks and Union men. Testifying on the composition of the 1866 constitutional convention, Truman noted that "counting judges, officers, and private soldiers, I think half certainly, and I presume two-thirds; had loyally served the Confederacy." This figure includes "eleven who had been colonels, and seven who had been generals in the rebel army." He also reported that he secretary pro tem of the convention took his seat clothed

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78 Report of the Joint Committee on Reconstruction, p. xvi.
in his Confederate uniform! According to General W. E. Strong of the Freedmen's Bureau, on a limited tour of the state, only in those areas where Union troops were located could safety be declared. Planters still held slaves in the eastern portion of the state. He added "Two thirds of the freedmen in the section of country which I travelled over have never received one cent of wages since they were declared free." Strong noted the blatant carrying of weapons by white Texans and the provocative boasts about renewed war with the United States. Strong testified as to the contempt shown his party and to the belief by both loyalists and Union forces that removal of the troops would mean immediate danger. In regard to the blacks, he warned that it would be impossible to "do justice to the freedmen and be popular with the people." 

Major General David S. Stanley observed Texans as "insolent and overbearing . . . not afraid of military punishment, cursing the government and the Yankees . . . ." In the event of war between the United States and a foreign power "Texas would go over to our enemies." In areas near military posts the newly freed blacks enjoyed relative safety. In the more remote areas, "the former owners tried to constrain the negroes to remain on the plantations. They

80 Ibid.
threatened them, and sometimes used violence; killing them in some instances." In some cases "negroes were killed for trying to leave their masters." If the blacks were left to the ministrations of their former masters, "they would hold them in a bondage more galling than they were ever held before and they would be in a worse condition." 81 Lieutenant Wilson Miller testified that while their lives might possibly be spared, neither blacks nor Union men would be allowed to settle and farm in the country around the Nueces river. He felt the Freedmen's Bureau vitally necessary to assist and protect the helpless black who was being held "accountable" for the rebels' defeat. 82

In answer to the charge of "anonymous complaints" 83 lodged by critics of this committee, the testimony of Lieutenant Colonel H. S. Hall, commander of black troops in Marshall, Harrison County, provides an effective reply. He stated:

One case I can cite was that of a negro woman named Lucy Grimes. She was taken into the woods in the month of December last, by two men, and there stripped and beaten until she died. These men--named Anderson and Simpson--were well known in the county. On the case being presented to the chief

81 Ibid., pp. 39-40.
82 Ibid., pp. 44-45.
83 Ramsdell, p. 148.
justice of the county . . . he stated that he could not issue a warrant for their arrest on the evidence of a negro, as there was no other evidence but that of the son of the murdered woman . . . .

Lucy Grimes' offense was failing to whip her child when ordered to do so by a white woman! For this she was stripped naked and beaten with a strap and club. A month earlier, a young white man named Webster had shot a black woman in the back of her head "for some language which he considered impudent." Hall presented further damning evidence. In Novara, two white men, in open defiance of the law, had taken an unknown black man into the woods and flogged him to death. His crime was asking for work. In Upshur County, Judge Simpson was unable to collect the wages of "defrauded blacks." Outside Panola County, four U. S. soldiers were "murdered in cold blood." A military unit sent to investigate the matter and to apprehend the murders was driven off by the citizenry armed "with brickbats and . . . with revolvers."

Colonel Hall further testified to the successful platforms on which candidates for the convention ran---platforms upholding secession, slavery, and the war debt.

84 Report of the Joint Committee on Reconstruction, p. 46.
85 Ibid., p. 47.
86 Ibid.
87 Ibid., p. 48.
He informed the committee of the arrest of the U.S. Treasury agent by civil authorities at Jefferson, in Marion County. Hall stated also that during the Christmas holidays, 1865, armed patrols, under the pretence of suppressing "insurrection" around Marshall had invaded the homes of blacks and "robbed them of money, household furniture, and anything that they could make of any use." As to the blacks' right of recourse under the law, Hall answered they had "none whatever." Endless testimony reflects the same lawless, murderous conditions in Texas. Major General George Armstrong Custer was among those who advised against the withdrawal of troops. The testimony of Caleb G. Forshey, founder and commander of the Texas Military Institute, provided the comic relief so necessary to proceedings filled with details of savagery and animalism. Forshey indicated that the people of Texas were sincerely repentant, loyal, contrite, and filled with love for their Northern brethren. When asked of his awareness of violence perpetrated against blacks and Union men, Forshey knew "not a single case of that kind."

Governor Throckmorton is pictured by one writer as a sincere individual who desired to bring peace to the state.

88 Ibid., pp. 49-50.  
89 Ibid., p. 72.  
90 Ibid., p. 130.
and justice to all its citizens. A closer and more serious examination of this "reluctant rebel" reveals him to be a figure of dubious honor. While protesting his sincerity to the North, he actively busied himself in fighting against Negro suffrage and for the removal of federal troops. He desired the North to repeal all oaths, leave the blacks to be dealt with by Texans, and grant universal pardons. To a friend he remarked, "I wish to see no Yankee in my neighborhood--I desire no foreigners of any class" in the Lone Star State. In an effort to remove federal troops to the western frontier, thus leaving Unionists and blacks at the mercy of hostile slaveholders and secessionists, Throckmorton engaged in a series of maneuvers which are remarkable in their audacity. The governor continuously ignored the military chain of command in demanding the withdrawal of troops. He also ignored the directions of President Johnson in appealing to various military commanders for their acquiescence. In the face of contrary evidence, Throckmorton "entered a prompt and vigorous denial" of violence against Union men and blacks.

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91 Carrier, p. 54.

92 J. W. Throckmorton to B. H. Epperson, 6, 27, August 1865, 21 January 1866, 30 May 1866, 10 December 1866, quoted in Shook, pp. 163-164.

93 Ramsdell, pp. 136-137.

94 Ibid., p. 135.
Still further, the governor insisted on bypassing assigned federal officials on nearly all matters. In filling appointments to federal office "Confederate service counted for much more in Throckmorton's mind . . . ."95

Overwhelming evidence supports the conclusion that Texas was neither loyal nor repentant under the Johnson program. By no stretch of the imagination could the state be considered reconstructed. Texas had stepped up violence against the freedmen, rejected the Thirteenth and Fourteenth Amendments and all other efforts to improve the freedmen's lot, elected boastful ex-rebels to high office, imposed a barely modified form of slavery, shown no remorse over the "heresy" of secession, proved unable to maintain law and order, and refused cooperation with military authorities. In rejecting the "bare idea of negro equality" and in perpetuating a "white man's government," Texans had damned themselves. Congress had little choice in demanding new terms for readmission.

95Shook, p. 166.
CHAPTER II

"OUT AND OUT REPUBLICAN"

Under the provisions of the new Reconstruction act, which came into existence in the spring of 1867, Texas received a new provisional state government subject to the supervision of the military commander of the Fifth Military District. The act declared that legal state governments and adequate protection for life or property did not exist in the former Confederate states; that the district commander was charged with protecting the rights of all persons and property, suppressing insurrections, disorders, violence, and punishing criminals and disturbers of the peace. The military commander at his discretion, could allow military tribunals to try offenders or provide trial by civil courts. There could be no interference under color of state law; however, no sentence of a military commission could be carried out until approved by the district commander. A new constitution was to be drawn up by delegates chosen by universal manhood suffrage, including blacks, but excepting such persons who were disfranchised for rebellion or felony, or barred from holding office by the Fourteenth Amendment. The constitution would be
ratified by the registered voters and then approved by Congress. Readmission to the Union was also contingent upon adoption of the Fourteenth Amendment.\textsuperscript{1}

To the embarrassment of Congress, the act failed to provide machinery for calling constitutional conventions. The passage of the Supplementary Act on March 23, 1867, rectified this mistake.\textsuperscript{2} This act directed the commanding general in each district to conduct registration of all qualified citizens in each state. In the election to be held, voters would determine for or against a constitutional convention and choose delegates to the same. Of special note, the act provided that a majority of the registered voters had to participate in the election and approve the new convention. Congress required only that there be free elections, with blacks and whites participating, and that it be determined if a convention was desired. If the voters favored a constitutional convention, then and only then would the constitution be submitted to Congress, after it had been ratified in an election wherein one-half the voters participated. Once these steps were completed, then the state could be readmitted.\textsuperscript{3} Although Texas historians, apparently writing more from emotion

\textsuperscript{1}U. S., Congressional Globe, 39th Cong., 2d sess., 1867, pt. 2:1037.


\textsuperscript{3}Ibid.
than fact, tend to insist that the Radicals wrested control from the people, nothing is further from the truth. Texas conservatives could have obeyed the rules, numerically dominated the election, the convention, and constitution writing. Instead, their attempts at evasion and their unwillingness to exercise "good faith" resulted in the establishment of a Radical government. Ingenious ineptness thus became the Conservatives downfall.

The First Reconstruction Act divided the "rebel governments" into five military districts, of which Texas and Louisiana comprised the Fifth. At the time of the order, Philip Henry Sheridan commanded the Division of the Southwest, Department of the Gulf, and Fifth Military District. General Sheridan remained in this position until his removal by Andrew Johnson for political reasons in September, 1867. Sheridan tended to support Congress rather than the President and perhaps, more than any other District Commander, he gave strictest interpretation to the various provisions of the Reconstruction Acts. For this reason, if no other, General Sheridan was hated by the majority of Texas whites.4

Sheridan's command moved quickly to implement the provisions of congressional reconstruction. On May 1, 1867, Circular Number 14 was issued, which declared that "full

and perfect liberty" must be afforded to blacks in registering. Further, labor contract wording or any other device could not be used to refuse either the "colored or white voter the time to secure registration." Despite this written assurance of the protection of rights for both black and white voters, conservative reaction was gloomy. The Galveston Daily News lamented, "we are absolutely upon our own resources. The question is not whether we of the South will have negro suffrage or not, for that is already determined by our conquerors." With little concern for the freedmen and with unconcealed duplicity, the editor prayed that the "inevitable" black suffrage "may by prompt and kind cooperation be used to aid us . . . ." The editor urged conservatives to campaign for the black vote. Former slaves, once thought too savage and stupid for suffrage, found themselves ardently wooed. Blacks were now fully capable of comprehending that their old masters and enemies were, in reality, their true friends. The late war was a sort of "white folks" squabble. Blacks must now understand that their freedom was simply the way of the vicious north, bent on revenge, to cause "injury of the [Southern] white."6

Although Governor Throckmorton had been kept on as provisional governor, his position steadily eroded. His

5Galveston Daily News, 1 May 1867.
6Ibid., 20 March, 3 April 1867.
efforts to restore law and order remained half-hearted and ineffective. Lynchings of blacks and Union men continued unabated, and Throckmorton still engaged in his efforts to avoid dealings with the proper military authorities. Texas courts proved extremely biased in their relations with freedmen, assessing severe sentences for minor offenses. The governor continued his efforts to thwart the work of the Freedmen's Bureau. At a time when military authority was in the ascendancy, Throckmorton, displaying an inspired lack of political acumen, sought to place the military under civil control. Final disillusionment with the governor came following a series of incidents which proved "the last straw." In Parker and Jack counties, Union men were subjected to mob violence. A certain Happler and son, whom the governor defended as "gentlemen of the highest responsibility," murdered two Union soldiers at Prairie Lea. In a final burst of opposition, the governor defied military orders from Washington and published a notice calling for volunteers for a frontier defense force. In addition, he issued orders to local authorities to ignore military orders concerning jury composition. Unfortunately, his efforts went unappreciated, and on July 30, 1867, General Sheridan removed Throckmorton from office as an

7 Shook, pp. 170-191. This passage provides a thorough analysis of Throckmorton's administration.
"impediment to reconstruction . . . ." He appointed in his place Elisha M. Pease.\(^8\)

Alarmed by the slow registration of whites, in July, 1867, the conservative Democrats were warned by the press that they "did not regard the matter seriously enough . . . . False pride will not do in this case. You are entitled to vote and you should claim it manfully."\(^9\) Conservative Republicans, no more eager than the Democrats to see blacks achieve suffrage, urged the blacks to use common sense and decency at the polls. Voicing criticisms of Radical leadership, one journal remarked that blacks enlisted in the Radical cause were burdened with "asses for officers."\(^10\)

The registration process had been scheduled to proceed from May through August, 1867.\(^11\) There has been considerable disagreement over the actual number of whites disfranchised, and estimates range from 7,500 to 10,000.\(^12\) The correct figure may never be ascertained. However,

\(^8\)Ramsdell, p. 169.

\(^9\)Galveston Daily News, 1 July 1867. On this subject, it is of particular interest to note that during the early registration period there is no concern about disfranchisement. Conservatives accepted without question that they were "entitled" to vote. Only when whites do not respond to conservative pleas to register does the myth of disfranchisement begin.


\(^12\)Richardson, et al., Texas, p. 214.
the Democrats, apparently afflicted with a Throckmorton type of "inspiration," engaged in a series of maneuvers which resulted in depletion of their ranks. In a desperate effort to prevent congressional reconstruction the Democrats urged their potential voters not to register. A more pragmatic element prevailed which urged their followers to register, but not vote. Finally it was decided to register, vote against a constitution, but to vote for Democrat delegates. The whole scheme assumed such farcical proportions that it became difficult to determine who was "burdened with asses for officers."

The Republicans, showing greater political sophistication, began immediately organizing for the coming elections. Austin Republicans met on April 27, 1867, and in the same month, the National Republican Association of Galveston was formed, with Major O. F. Hunsaker of the Freedmen's Bureau named as president. Independence Day, 1867, saw Republicans in convention in Houston for the purpose of organizing the state party. Elisha M. Pease, defeated candidate for governor, won the election for convention


14Flake's Daily Galveston Bulletin, 5 May, 30 April, 1867.
president. George T. Ruby, a black, received one of the several vice-presidential positions. ¹⁵

In the main, the Houston convention limited itself to passing several resolutions, the main thrust of each declaring support for Negro suffrage and support of the Reconstruction Acts. Although numerically able to dominate the convention, few of the offices and little of the policy came under the control of blacks. ¹⁶ Indeed, beginning with the Houston convention and continuing throughout congressional reconstruction, one truth stands out: the black did not dominate Radical politics. Whether this was because he lacked leadership or ability, or because

¹⁵Ibid., 6 July 1867. Ruby became one of the few blacks to achieve any real importance in Texas reconstruction politics. He was born in New York City and moved to Portland, Maine, when he became ten years of age. At age twenty he went to Haiti, where he worked as a newspaperman. In 1864, he came to New Orleans as a teacher and principal of a grade school. He quickly advanced to a state position and travelled throughout the state of Louisiana establishing schools for blacks. In 1866, he came to Texas to continue his work in education. Walter Prescott Webb, editor, The Handbook of Texas, 2 vols. (Austin: Texas State Historical Association, 1952), 2:513; Paul Casdorph, A History of the Republican Party in Texas, 1865-1965 (Austin: Pemberton Press, 1965), pp. 5-6. White southern historians are careful to point out that Ruby was educated and intelligent but also a mulatto. Ramsdell, p. 201; Nunn, p. 23n; Carrier, p. 84. Perhaps this infusion of Caucasian ancestry supports their concept of white superiority. We may thus assume that those white men who forced black women into illicit sexual congress were, in reality, engaged in the benevolent process of increasing the intellectual stature of blacks.

he wished to work in peace with the whites, the freedman remained a sleeping giant. But to his credit, the black defied the murderous elements in lawless Texas and responded in force to his chance to vote. The "superior" whites would have been better served to show the same respect for orderly participation in government.

Much of the violence which accompanied the registration process and upcoming election was due to the policies of General Winfield B. Hancock. Hancock, who replaced Sheridan as Fifth Military District Commander, was described as a "loyal supporter"\(^{17}\) of Andrew Johnson. Louisiana Governor Warmouth described Hancock's wife as a "rebel."\(^{18}\) The *Dallas Herald* warmly greeted Hancock's appointment as "beneficial."\(^{19}\) While on his way to assume command, Hancock drastically revised the military program, returning as much control as possible to civil authorities. Although the General viewed his main duty as suppressing insurrection, he ordered that accused criminals be tried in civil courts. This removed crime deterrence and enforcement from the supervision of the military, the only agency which had enjoyed any degree of success.\(^{20}\)

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\(^{18}\)Shook, p. 337.

\(^{19}\)Dallas Herald, 21 September 1867.

\(^{20}\)Ibid.
his attention to the upcoming elections, Hancock set the period February 10-14, 1868, as the time for determining for or against a convention and electing delegates to the same.\textsuperscript{21}

By September, 1867, it became apparent that many whites had not availed themselves of the opportunity to register for voting. In an effort to encourage participation, the registration rolls were reopened from September 23rd to 28th "to enable any who had been neglectful of the privilege to avail themselves of a last opportunity."\textsuperscript{22} At the close of this period, registration totalled 104,259--of which 56,678 were white and 47,581 black. The figure for white voters fell more than 23,000 short of the 80,000 registered voters in 1866.\textsuperscript{23} Reflecting his conservative sympathies, Hancock decided Sheridan had applied the law too "vigorously" and on January 11, 1867, he ordered the registration rolls re-opened once more for an additional five day period.\textsuperscript{24} This did little for the Democrat cause, as only some 5,000 additional voters registered. When the rolls were finally closed, the total registered voters came to 109,130. This


\textsuperscript{22}Ramsdell, p. 193.

\textsuperscript{23}\textit{American Annual Cyclopedia}, 8:729.

\textsuperscript{24}Carrier, pp. 78-79.
reflected 59,633 white voters and 49,497 blacks. When Hancock had ordered the rolls be re-opened, his conservative friends had greeted this with enthusiasm, recognizing their opportunity to control the convention. However, in true rebel fashion, when few voters were added, they soon accused him of issuing "secret instructions" to disfranchise whites.

Rather than actively canvassing the state and meeting the Republicans head on, Democrats preferred to commiserate on their fate and bemoan the coming "black domination." The new convention was described as sounding a "death knell" for Texans. Refusing to face reality, several prominent newspapers such as the Galveston Civilian, Marshall Republican, Henderson Times, Jefferson Times, and the Houston Telegraph wasted their efforts in denouncing the convention. The "enlightened" conservative opinion was reflected by the Galveston Daily News and the Daily State Gazette, which preferred to see the results of registration before taking a position. Finally, the conservatives belatedly held a convention in Houston in early January, 1868, and could muster only forty-three persons in attendance.

25 Ramsdell, p. 196n.
26 San Antonio Daily Herald, 14 January 1866.
27 Dallas Herald, 1 February 1868.
28 Daily State Gazette, 23 October 1867.
Most of these came from Harris County, of which Houston was the county seat. Another group, calling themselves "Unionist Conservatives," met also in Houston in January 26, 1868, in hopes of arresting "the threatened Africani- zation of the state." The Tri-Weekly State Gazette described their program as "hazy" and accused them of splitting Democrat ranks.

In other parts of the state, blacks and Republicans continued their bold efforts to enter the political arena. Their efforts were rewarded with the now typical Texas response—violence. An example of this period in Texas politics is the treatment given a Republican speaker in Marshall. Gunfire interrupted a speech by Judge C. Caldwell when he tried to address a meeting of blacks in this town. The civil authorities, who under Hancock's order were charged with maintaining peace, failed to take action. Black voters, now organizing into the Loyal Leagues, found themselves confronted with the Ku Klux Klan, an organization founded by the South's hero, General Nathan Bedford Forrest.

Although believed not affiliated with the order found in the

29Tri-Weekly State Gazette, 27 January 1868.
30Ibid.
Old South, the Texas Klan enjoyed the same inspiration, that of destroying the political ambition and influence of blacks by means of threats, intimidation, and murder.\textsuperscript{33} One such victim of Klan violence was Meshack Roberts, a black man from Marshall, Texas, who was beaten and left for dead. Roberts survived this mob action and was later elected to the Twelfth Legislature.\textsuperscript{34} Attempts have been made to describe these atrocities as "harmless pranks" and "fantastic foolery."\textsuperscript{35} One Klan sympathizer, however, conceded that "like all such organizations, the Klan at times got beyond the control of responsible leaders and there was violence."\textsuperscript{36}

Against this setting of "harmless pranks" and "fantastic foolery," the elections for the convention were held. The convention carried by a vote of 44,689 to 11,440. Breaking down this figure, 7,757 whites and 36,932 blacks voted affirmatively; 10,626 whites and 818 blacks voted against the convention. The total vote case was 56,129. Of the 109,130 registered voters, 41,234 whites and 11,730 blacks--a total of 52,964 voters--failed to participate in the election.\textsuperscript{37} In response to accusations

\begin{itemize}
\item \textsuperscript{33}Richardson, \textit{et al}, \textit{Texas}, p. 214.
\item \textsuperscript{34}Brewer, p. 66.
\item \textsuperscript{35}Ramsdell, p. 232-233.
\item \textsuperscript{36}Richardson, \textit{et al}, \textit{Texas}, p. 214.
\item \textsuperscript{37}Ramsdell, p. 199n
\end{itemize}
of "disfranchisement," it should be pointed out that in the Pease-Throckmorton election where there existed no disfranchisement provision, only 61,445 white voters participated. Thus, the white voter registration of 59,633 fell only 1,812 short of that figure. Thus, it is apparent that white voter apathy alone was the sole cause for the Democratic defeat. Typical of their apathy, was Galveston, Texas. Of 1,000 registered blacks, 878 voted, all for the convention. Of the more than 2,000 whites eligible to register, 830 did so, but only 319 voted--202 for the convention, 107 against. Another example is Harris County where there were at least 3,000 whites eligible to register while only 1,191 availed themselves of the privilege, and only 692 troubled themselves to vote. Of the 1,559 blacks registered, 1,273 voted.

It cannot be denied that the overwhelming numbers of blacks in support of the convention carried the day for the Radicals. Neither can it be denied that in matters concerning his own interest, the black, thought savage and stupid, proved far more intelligent than his "superiors."

During this period of registration and election, the governor's office was occupied by Elisha M. Pease. Described

38Ibid., p. 112.
as a "moderate," Pease had lived in Texas since 1835, originally hailing from Connecticut. Active in Texas politics in the ante bellum period, Pease served two terms as governor of the state. He was "uncompromising" on the question of secession, but unlike most Unionists, he did not leave the state during the war. As a result of his views, he had declined in popularity. Pease firmly opposed Negro suffrage based on literacy qualifications. To the chagrin of the Radicals, Pease issued a proclamation that the constitution of 1866 was valid, except in those instances when it was repugnant to the Constitution of the United States.  

Although influenced to some extent by the military in his appointments, Pease seems to have chosen qualified men for public office. His greatest difficulties seem to have arisen from General Hancock, who extended little cooperation in maintaining law and order.

Another figure newly involved in the maelstrom of Texas politics was Brevet Major General Joseph J. Reynolds, who assumed command of the Department of Texas following the death of General Griffin. Reynolds, a former teacher of Bureau Commissioner General O. O. Howard, and a veteran of Texas service under Zachary Taylor, proved far less sympathetic to the rebels than his superior, General Hancock.

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40 Ramsdell, pp. 111, 171-172, 178.
41 Shook pp. 326, 355-362.
42 Ibid., pp. 345-346.
With an eye to restoring some sense of stability to Texas, Reynolds removed several ex-rebels from public office. However, because of his insistence on dealing fairly with all factions, Reynolds proved popular with none. Reynolds had the thankless task of supervising the convention elections, and although there were complaints from both sides, he received a favorable assessment.43

When the ninety delegates elected to the constitutional convention assembled in Austin on June 1, 1868, nine blacks comprised part of the representatives. They were George T. Ruby, Galveston, Brazoria and Matagorda Counties; W. Johnson, Harrison County; J. McWashington, Montgomery County; Ben O. Watrous, Washington County; B. F. Williams, Colorado County; C. W. Bryant, Harris County; Stephen Curtis, Brazos County; Mitchell Kendall, Harris and Panola Counties; and Ralph Long, Limestone County.44 These blacks, described as "alert," accepted the leadership of G. T. Ruby. Ruby was the most active of the black delegates and served as a member of the Political and Legislative Committees. Other assignments included J. McWashington, Finance Committee; B. F. Williams, Executive Committee; W. Johnson, Public Debt Committee; Mitchell Kendall, Public

43Ibid., pp. 351-353.

44Brewer, p. 125.
Lands Committee; Stephen Curtis, Committee on Immigration; and Ben O. Watrous, Committee on State Affairs.45

Upon convening, the delegates immediately engaged in battle over organization. There were three distinct factions present, the Radicals, led by Edmund J. Davis; moderate Republicans, led by A. J. Hamilton; and the conservative Democrats under the leadership of L. D. Evans and James Armstrong. Because conservatives were in the minority, they allied themselves with the Hamilton wing. Blacks, representing one-tenth of the convention strength, were generally Davis men.46 Carpetbagger influence proved negligible.47 Combatants for the presidency of the convention were E. J. Davis and Judge C. Caldwell, the candidate of the Hamilton faction. Supported by the entire black delegation, Davis won the office 43-33.48 As would prove so often true throughout the convention, black support was vital to white candidates, but the blacks were passed over time after time for important offices. This caused no small amount of unrest among blacks and heralded a schism in Radical ranks.49

46American Annual Cyclopedia, 8:729.
47Ramsdell, pp. 200-201.
48Ibid.
Press reaction to the presence of blacks followed party lines. The Houston Telegraph on December 16, 1868, warned black delegates that should they confer suffrage on themselves the whites "would deprive you of it forever."\(^{50}\) In a stinging answer printed in the Austin Republican, the black representative from Houston, C. W. Bryant, marveled that "free men" should abandon the right of suffrage. Why, he asked were whites "crying daily, 'Let us vote?' If a free man can live so well in a free country without a voice in the Government, why not try it yourself for awhile?"\(^{51}\) The Dallas Herald, disturbed by the upsetting of social mores, declared the blacks were "very forward . . . not even modest, Ruby is making himself quite conspicuous."\(^{52}\) In defense of Ruby, the Austin Republican commended him for his speeches and his efforts to promote "harmony" within the convention.\(^{53}\)

Provisional Governor Pease submitted several basic items for consideration by the delegates. He requested that the state pay all indebtedness owed at the beginning of the war, but that the war debt be repudiated. He requested that equal political and civil rights be granted to all regardless of race or color, and that discriminatory

\(^{50}\)Quoted in Brewer, p. 23.

\(^{51}\)Ibid., pp. 23-24.

\(^{52}\)Dallas Herald, 13 June 1868.

\(^{53}\)Fennel, pp. 48-49.
laws based on race, color, or previous condition of servitude be repealed. Governor Pease suggested the convention declare null and void the act of secession and also any laws not in consonance with the United States Constitution. He advised temporary disfranchisement of those who had participated in the rebellion and called for free public schools for all children of the state. He further suggested that a homestead be granted from the public domain to any individual without one. Pease outlined his opposition to proposals calling for division of the state and offered, instead, his proposal that the United States be allowed to purchase that land comprising the southeast corner of the Panhandle. Pease paid special attention to the increase in lawlessness in Texas and severely criticized the military for failure to protect the citizenry.  

During the course of the registration and election, Pease had received correspondence from all over the state attesting to violence against freedmen and Unionists. In an affadavit, D. W. Scroggin swore that whites in Kaufman County threatened to assassinate all blacks who "voted Radical." In a letter written September 27, 1867, J. Bentley, president of the Board of Registration for Kaufman County,  


55 Affadavit, W. D. Smith, n.d., Secretary of State Election Returns, 1867, 1870, Texas State Library Archives.
informed the governor of his difficulties with the rebel
element and the lack of effective law enforcement. He
noted that "persons have shot down Colored Persons in
Cold Blood, and when the Parties were put on trial in
the Civil Court with a selected jury and witnesses for the
occasion, they have universally been cleared ... ."56
William Truett, sheriff of Jasper County, was accused of
murdering freedman John Smith but no action was taken.57

With full awareness of the need for restoring confidence
in the state government, satisfying the requirements of the
Reconstruction Acts, and most of all, restoring the state
to a law abiding condition, the delegates immediately
attacked the pressing question of per diem allowance for
themselves. On the question of a test oath for validating
membership, the oath passed by the convention proved so
prohibitive that it barred many of the radicals and, as
a result of "further consideration," "action was postponed
indefinitely."58 On the question of violence, Judge C.
Caldwell, who had been attacked earlier at Marshall, Texas,
called for the appointment of a select committee to report
on the lawlessness in the state.59

56 J. Bentley to E. M. Pease, 27 September 1867, Secretary of State Election Returns, 1867, 1870.
57 Unsigned letter to E. M. Pease, 27 September 1867, Secretary of State Election Returns, 1867, 1870.
59 Ibid., pp. 30, 34.
was offered calling for "loyal men" to organize to assist General Reynolds "in the suppression of crime and the protection of life and property and the enforcement of the laws." However, a substitute motion carried which requested permission from the United States Congress to allow organization of a militia force in each county for this purpose.60 Conservatives immediately attacked both resolutions, claiming reports of violence were greatly exaggerated, and that these efforts to assist the military would "produce conflicts of races."61 The select committee on lawlessness did not make its report until July 2nd.62

In the meantime, as Texans anxiously awaited changes in their organic law, the convention debated the question of allocation of newspaper and printing patronage. In headed debate, it decided that only those publications which were staunchly Republican were worthy of printing contracts. Exercising its mandate from the people, the convention beat back a proposal that the delegates restrict themselves to constitution making. A resolution was adopted to the effect that the convention alone could determine what steps should be taken to "carry out the expressed will of Congress."63

60Ibid., pp. 108, 111.
61Ibid., pp. 124, 132, 134, 136.
62Ibid., p. 510.
63Ibid., pp. 19, 54-55.
The most controversial issue considered during the convention was *ab initio*. The Radical faction fought to get all legislation since the beginning of the war declared null and void. After heated debate, including a temporary walkout by convention president Davis and his supporters, the moderate faction prevailed. Secession was renounced, the war debt repudiated, those legislative acts not in violation of the United States Constitution were deemed enforceable, and acts of the Eleventh Legislature were declared provisional. These acts of the Legislature were considered valid when they did not contradict U. S. law, support the rebel cause, or discriminate against any particular class of citizens. A major fight arose over efforts to divide the state into five new states. The moderates, assisted by Conservative Democrats, as on the *ab initio* question, proved successful in defeating these efforts. There is reason for strong suspicions surrounding the convention's efforts to provide relief to the railroads. One delegate, aware of the involvement of his fellows, was prompted to offer a proposal "to amend by adding the remaining members of the convention as incorporators."

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64 Ibid., pp. 193-198.
65 Ibid., pp. 758-761.
66 Reconstruction Convention Journal, 1868, 2d sess., p. 163.
The report on violence was based on three primary sources of information—the records of the state department, including the official reports of the various district courts; Freedmen's Bureau records; and sworn testimony of witnesses from different parts of the state. This report showed conclusively, although information was incomplete, that from the close of the war through May, 1868, some 1,035 murders had occurred in Texas. Of these, 429 blacks were killed, 48 by other blacks, and the remaining 381 by whites. Forty bodies were in such condition that race could not be determined. Freedmen, in turn, had murdered 10 whites. When this report was later presented to the United States Congress it was remarked that a race war existed in Texas, and evidence showed "conclusively that the 'war of the races' is all on the part of the whites against the blacks." Ramsdell concedes that ". . . nothing is more certain than that Radicals were not popular in many sections of Texas . . . ," and that these murders constituted the whites' response to " . . . an aggressive activity in the Union League."

In essence, the report noted several organizations of "disloyal, desperate men" throughout the state. Their

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69 Ramsdell, p. 221.
purpose was stated as eliminating Union men and freedmen through intimidation and murder. Civil authorities were accused of being in league with the murderers, and the military was charged with aiding and abetting their cause. In part, the report stated:

Moreover, fuller reports show that since the policy of General Hancock was inaugurated, sustained as it is by President Johnson, the homicides in Texas have averaged fifty-five per month; and for the last five months they have averaged sixty per month. It is for the Commander of the Fifth Military District to answer to the public for at least two-thirds of the 330, or more, homicides committed in Texas since the first of December, 1867. Charged by law to keep the peace and afford protection to life and property, and having the army of the United States to assist him in so doing, he has failed. He has persistently refused to try criminals... and turned a deaf ear to the cry of tried and persecuted loyalists.  

Upon receiving the report, E. J. Davis offered a resolution that Morgan, Hamilton and Judge Caldwell should proceed to Washington without delay to seek relief from the Congress. One part of the resolution called for "the organization of a loyal militia, to be placed under the direction and control of the loyal provisional authorities of Texas."  

Irate conservatives lost no time in vehemently responding to the accusations made in the report and to the prospects

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of blacks participating in a militia to defend themselves.

In a rabid editorial, the Houston Telegraph raved:

> No man ever hung in Texas by lynch law was ever half such a criminal in the sight of God or man as the man who seeks to plunge his country into a war of races, the most savage of all wars, which would result in the extermination of the blacks and in the ruin of the state. We say it solemnly, such men [including Hamilton and Caldwell] ought to die.\(^\text{72}\)

The resolution passed the convention and the delegates left immediately for Washington, D. C.

Eight weeks after the convention came into session, the Committee on the Bill of Rights made its report. Radical influence was obvious in many sections of the report. Among other provisions, the report renounced "the heresies of nullification and secession;" demanded equal rights without regard to race or color; forbade importation of men of "inferior races" for the purpose of reducing them to peonage; prohibited the suspension of habeas corpus; and prohibited any law which allowed for breach of contract.\(^\text{73}\)

Surprisingly, G. T. Ruby supported these efforts to bar blacks, and all subsequent efforts to encourage African immigration to Texas.\(^\text{74}\) Funds allocated for the convention were entirely exhausted and the convention, far from executing its charge of constitution

\(^{72}\text{Ibid., p. 435; Quoted in Austin Daily Republican, 21 July 1868.}\)

\(^{73}\text{Reconstruction Convention Journal, 1868, 1st sess., pp. 235-237.}\)

\(^{74}\text{Texas, Legislature, Senate, Journal, 12th Leg., 1st sess. (Austin: Tracy, Siemering and Company, 1871), pp. 785-786, 805.}\)
writing, had served, ineffectively, more as a legislative body. The constitution remained unwritten. The delegates solved this problem by levying a special tax on the public and voted to adjourn on August 31, 1868, and to reconvene on December 7, 1868. The convention session had lasted 85 days and had spent more than $100,000. In fairness to the conservatives, the Radicals had spent nearly twice as much money and sat several weeks longer than the 1866 Convention which completed its work.

Texans of all kinds, white, black, Democrat and Republican, found little to exult over in the work of the convention thus far. The San Antonio Herald insisted the delegates had accomplished "absolutely nothing." The convention was "an incubus to the people and a burning disgrace to the State." Additional criticism came from the Freedman's Press, a journalistic effort of blacks and whites, which had begun publishing in Austin on July 18, 1868. The editor stated the convention had done much which "might have been left alone, and much that is done badly." This newspaper identified itself as "devoted mostly to politics" and declared it was "out and out Republican--

76 Ramsdell, p. 229.
77 San Antonio Daily Herald, 30 August 1868.
Radical if you please." Blacks were highly dissatisfied with the work of the delegates, and the complaint was aired that Negroes were "being used for certain folks to ride into office." Responding to slurs on his ancestry made by fellow Republican R. K. Smith, also from Galveston, G. T. Ruby settled the matter with his fists. The Austin Republic chided Smith for his words, cautioning "these personal attacks will do no good to the Republican party in this state." This newspaper continued its praise of Ruby.

While the convention met, several riots and outbreaks of violence, generally directed against Negroes, broke out in the state. The Union League was held responsible by Democrats for inciting these acts. This prompted the Freedmen's Press to answer that no one could "point to a single act of violence in this State which has originated from the Union League." So far, the editor stated, the League had been successful in preventing blacks "from taking the law into their own hands and wreaking a bloody venegance upon those who have followed them with such relentless persecution." Such acts of

78Freedman's Press, 5 September, 18 July 1868.
79Fennel, p. 50.
80Brewer, p. 26; Fennel, pp. 52-53.
81Quoted in Brewer, p. 27.
82Freedman's Press, 15 August 1868.
"relentless persecution" included the murder of Union men in Hunt County and the subsequent order for all blacks to leave the area immediately. In Milliken, Texas, twenty-five blacks were killed in an "insurrection" which was so blatantly murder that the *San Antonio Daily Express* wryly noted that "in every 'Negro insurrection' there are none killed but negroes."83

Violence mounted during the recess. Ramsdell notes that "bands of Ku Klux made their appearance in nearly all parts of the state, especially where the Loyal Union League had produced restlessness among the blacks." These bands attacked "negroes and Radical whites, whose political activity made them particularly obnoxious . . . ."84 Tyler was the scene of "obnoxious political activity" by Radical G. W. Smith, a member of the convention who had come to the area to organize the blacks. Smith succeeded in arousing the "bitter enmity" of the whites who responded by lynching him. The *Jefferson Times* remarked, "the sanctity of the home, the peace and safety of society, the prosperity of the country, and the security of life itself demanded the removal of so base a villain."85

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83 *San Antonio Daily Express*, 17 June, 19 July 1868.
84 Ramsdell, pp. 232-233.
85 Quoted in Ramsdell, pp. 230-231.
Under the guise of offering friendship, the Democrats offered blacks the opportunity of organizing into Negro Democratic clubs. Such inducements ran:

If the colored voters will organize into Democratic clubs along with their old true friends, the white Democrats, they will have such full and ample protection as they cannot get by relying on the Loyal League conspirators. This is, protection for your persons and your property and lives. They will protect you by giving you the preference when they have labor to dispense. This will insure you against starvation . . . . They will protect your lives by invoking the strong arm of the law. This will insure you against the lawlessness of the midnight assassin and murderer.86

According to the Freedman's Press, few blacks availed themselves of this opportunity.87

Against this backdrop of turmoil, confusion, disorder and lawlessness, the second session of the constitutional convention met in Austin on December 7, 1868. During the recess period, one member had died, another had been lynched, four tendered their resignation, four others never reported, and several were so late in arriving that they had little voice in the proceedings.88 In the opening sessions, the convention differed little from the first. A move to restrict the delegates to the business of constitution making was defeated, and the question of newspaper and printing patronage flared anew. An effort

86Brenham Banner, n.d., quoted in Fennel, p. 43.
87Freedman's Press, 2 August 1868.
88Ramsdell, p. 242.
to reduce convention employees as an economy move brought heated debate. The question of the awarding of printing contracts caused such a furor that eventually B. F. Williams and G. T. Ruby resigned in disgust. Ruby declared that the convention had "lost all dignity and honor as a legislative assembly and that its continued session will only terminate in disgrace to the entire country." Finally, in late January, 1869, a motion was adopted to the effect that the convention not adjourn until the constitution was completed and an ordinance passed for its submission to the people.

On the question of suffrage for blacks, Democrats launched an attempt to exclude "Africans and descendants of Africans." This move was decisively defeated. An attempt to extend the franchise to women met defeat, and the convention with a coalition of Radicals and moderates, placed only those restrictions on suffrage as outlined in the United States Constitution, with the usual insanity and felony disabilities. This action rescued the franchise for a large number of the white population and disproved effectively charges of "disfranchisement."

89Reconstruction Convention Journal, 1868, 2d sess., pp. 13-16.

90Brewer, p. 26; Reconstruction Convention Journal, 1868, 2d sess., pp. 527-528.

The convention changed the provision which called for apportionment by counting "white citizens" only, and eliminated sections in the old constitution which had prevented blacks from holding public office. Negroes received a guarantee of "equality of all persons before the law . . . ," and it was provided that no citizen could be deprived of any right, privilege or immunity on account of race, color, or previous condition of servitude. For the first time in Texas history, blacks had clearly defined legal, judicial, and political rights.\(^\text{92}\)

Of great importance to the freedmen, the Committee on Education favorably reported, and the convention adopted, a proposal that the permanent school fund be increased by adding all sums received from sale of lands in the public domain and be applied to the education of all children of school age--six to eighteen years--without regard to race or color.\(^\text{93}\) The convention eliminated all race distinctions in education where they previously existed. In other actions, the convention removed restrictions which prevented legitimizing the marriage of former slaves or allowing recognition of heirs of slaves, and removed a prohibition against ministers of the gospel from holding office. In a final burst of morality, a prohibition on

\(^\text{92}\)Ibid., pp. 412-413, 483-484.

\(^\text{93}\)Gammel, 7:417-418; Sayles, 440-443.
lotteries was also established. The convention ended on a note of chaos when whatever unity had prevailed finally disintegrated. Fights over principles, as well as patronage, proved the convention's undoing. On July 15, 1868, President Grant issued a call for a referendum to consider adoption of the constitution and for an election of state officers.

Unlike some southern states, Texas placed no restrictions on suffrage for either freedmen or former rebels. Like many southern states, Texas began constitutional reform with a measure of theoretical equality for its citizens. The Republicans had worked under trying circumstances, amid confusion, disorder, chaos, and charges and counter-charges of refusal to cooperate. Violence and lawlessness increased and factions clearly existed within the ranks of Republicans. In the end, the Republicans responded to the needs of freedmen and made significant changes within the organic law designed to

94 Carrier, p. 121.
95 Ramsdell, p. 258. The Fifth Military District Commander appointed a committee to assemble the constitution for printing. Ibid., 260.
96 Carrier, p. 129.
97 Ibid., 123.
extend full privileges of citizenship to blacks. Unfortunately, the Republicans wasted much of their time and effort in petty wrangling over such questions as division of the state, _ab initio_, disfranchisement, railroad legislation, constant adjournment, patronage and _per diem_. 
CHAPTER III

"THE KILLING GOES BRAVELY ON"

The election of new state officials and ratification of the new constitution was held from November 30 through December 3, 1869. Again, complaints against Negro voting and charges of fraud followed the voting. The outcome of the election produced charges that blacks had been "driven like cattle to the polls and made through fear, to deposit their votes for Davis."\(^1\) The standard view of Texas historians alleged that "only Davis men were appointed registrars in most of the counties." Charges of disfranchisement and military interference were reflected in such statements as "voting began with troops stationed at all polling places, and any disturbance was considered a just cause for closing the polls." As a result, "of the registered whites in the state only about one-half cast ballots."\(^2\) Atrocities and outrages perpetrated against blacks were, apparently, of little historical significance.

A close and objective examination of the evidence firmly establishes conservative bias. The registration

\(^1\)San Antonio Daily Herald, 20 December 1869.

rolls were ordered reopened two weeks prior to the election to allow interested citizens another opportunity to participate in the election process.\(^3\) Instructions to local registration boards were firm in denying opportunities for fraud and coercion, and records were maintained to identify not only those registered but those rejected, as well as the appeals from rejection.\(^4\) The presence of troops at polling places was forbidden; instead, troops were to be "quartered in close proximity."\(^5\) In the 125 counties organized for the election "a total of eleven officers and 600 troops were detached . . ." including nearly 100 restricted to duty in Texas' frontier counties.\(^6\) General Reynolds proved fair in applying registration procedures, as exemplified in the case of his overruling the rejection of some 100 registrants by the Radical-dominated Bexar County board.\(^7\) At the close of registration, Texas had a total of 135,553 voters, including some 56,905 blacks and 78,648 whites.\(^8\) As for the election itself, insufficient evidence was produced to justify "unqualified charges" of dishonesty on the part of election and military officials.

\(^3\)Galveston Daily News, 25 November 1869.
\(^4\)Shook, pp. 401-402.
\(^5\)Ibid., p. 399.
\(^6\)Ibid., pp. 399, 401.
\(^7\)Ibid., p. 402.
\(^8\)Ramsdell, p. 283.
Evidence does exist which shows Conservative threats and intimidations to have been effective against blacks, as in the case of Davis County (now Cass County) where of some "900 freedmen present not one voted in 1869."9

The results of the election reflected overwhelming approval of the new constitution, which carried by a vote of 72,366 to 4,928.10 In electing new state officers, Texans split almost evenly between the moderate Republican ticket, headed by ex-Governor A. J. Hamilton, and the Radical ticket, led by E. J. Davis. Davis proved the victor in an uncomfortably close vote of 39,901 to 39,092.11 Some 51 per cent of the registered white voters and 65 per cent of the blacks cast their ballots.12 Once again, the whites lost an election by default.13

9Shook, p. 405. Shook provides a thorough study of the actions of the military and the problems experienced in the occupation of Texas. Ibid., pp. 393-499. Apparently blacks did not always receive the aid and support of the federal soldiers and there is much to indicate that some troops were hostile to blacks. Apparently "once introduced to Southern ways . . .," they "lost their zeal." Ibid., p. 493.

10Carrier, p. 134.

11Ramsdell, p. 286.

12Carrier, p. 134.

13Ibid. Election results and percentages of participation seem to strengthen this impression. Carrier maintains some 30,000 whites stayed home, thereby insuring victory for Davis and his Republican supporters, including blacks. Ibid. The Republican party itself split over various issues and it appears that there was some collusion between the moderate Republicans and Conservative Democrats. Ramsdell, pp. 277-278. "So great was the repugnance of the average Democrat to Radical rule, that . . . most of them were willing to support [Hamilton]." Ibid., p. 279.
The election of a Radical ticket prompted jubilation among blacks. Matthew Gaines, newly elected to the state Senate, rejoiced at the death of "the old state of affairs," welcoming the coming of a "new day" for blacks in Texas, long victims of oppression. To another black, the Radical victory was nothing less than a "great revolution." A total of eleven blacks was elected to the Twelfth Legislature, all representing districts with sizeable black populations, with the exception of G. T. Ruby of Galveston. Of these, Ruby and Gaines became the most prominent. Conservatives viewed Gaines as an "ignorant and arrogant ass," and "an uneducated cornfield" black. This attack was no doubt inspired by his unrelenting fight against southern conservatism and the hypocrisy of northern whites. Thus, he incurred the wrath of both Radicals and Conservatives.

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15Ibid., p. 91.

16Brewer, pp. 125, 39-41.

17Ibid., pp. 47-57.

18Flake's Daily Galveston Bulletin, 1, 6 August 1871.

19A study of speeches by Senator Gaines in the Debates and Proceedings, especially the Senate Journal of 1871, 1st sess., confirms this information. For newspaper comment, see the Brenham Banner, 15 August, 26 September 1871; Dallas Herald 23 September 1871. A biographical sketch is found in Brewer, pp. 51-52.
Responding to a special call issued by the military commander, the newly elected members of the state legislature met in Austin on February 8, 1870. They quickly ratified the Reconstruction Amendments and elected United States senators. The legislature adjourned two weeks later, and on March 30, 1870, Texas was readmitted to the Union. General Reynolds transferred civil authority to the elected officials of Texas, and Governor Davis then called the legislature into session beginning April 26, 1870. In his message to the legislature, the governor took immediate notice of the prevailing violence and lawlessness still rampant in the state. The governor expressed his concern about the Klan and noted the possible need for "some provision for the temporary establishment of martial law under certain contingencies, and within limited districts . . . ." The need for restrictions on firearms was pointed out since these contributed greatly to the high number of homicides in Texas.

In a remarkable flight from truth, conservative newspapers denied the existence of extensive violence against

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21 Shook, p. 414.

22 San Antonio Daily Express, 1, 7, 10 May 1870.
This contention has been bravely supported by later chroniclers who maintain it was blacks themselves who had a "tendency" to be criminal. Reports of Ku Klux Klan violence were simple "exaggerated," and it was, instead, the Freedmen's Bureau which created turmoil by "arousing within the Negro a distrust for his former master..."\(^\text{24}\) The Ku Klux Klan did not deserve a "sinister reputation," but instead should be commended in its work of preventing "political control through the black vote."\(^\text{25}\)

Reports available to Governor Davis of conditions in the state preceding the installation of the new government bore out the governor's contention that controls were badly and desperately needed. One observer noted that "the killing goes bravely on."\(^\text{26}\) In Titus County, Lum Kinchin was killed for his "sassiness."\(^\text{27}\) At Prairie Lea, another black was beaten after failing to address a white man as "Mas Tom," rather than "Tom." This town achieved an infamy of sorts as mounting violence became a daily occurrence.\(^\text{28}\) A black youth at Marshall was shot for "failing to stand at

\(^{23}\)Galveston Daily News, 7 January 1869.

\(^{24}\)Nunn, pp. 246, 252; Ramsdell, p. 130.

\(^{25}\)Ramsdell, p. 192.

\(^{26}\)D. C. to A. Grigsby, 10 July 1868, quoted in Shook, p. 437.

\(^{27}\)Ibid., p. 423.

\(^{28}\)Ibid.
attention." In McLennan County, J. C. McCrarey, assisted by Drs. Bell and Irving, two members of the medical profession, castrated a Negro boy. Blacks and whites in Fayette County who supported the Radical ticket were hanged by the Klan and warning notes pinned to their bodies.

The Official Records of the Fifth Military District provide detailed information of "2,316 crimes, and of these the most serious, murder, attempted murder, and assault, were committed in the main, by whites on blacks." These records reveal that "whips, sticks, clubs, iron bars, canes, gun butts, knives, fists, and feet were applied to blacks, male, female, young, and old." Provocations for these atrocities stemmed from black offenses ranging from "laziness to discourtesy." Kaufmann County whites proved especially active in relentless persecution of blacks. James Taylor positively identified the sheriff as leader of several armed whites who forcibly removed him from his home.

29 Ibid., p. 424.

30 Ibid., p. 425.

31 Clyde V. Jones, "Fayette County, Texas, During the Civil War and Reconstruction" (M. A. thesis, Saint Mary's University, 1948), 74-75.

32 Shook, p. 421.

33 Ibid., p. 424.

34 Ibid.
and inflicted 300 lashes. Joseph Burns was warned against supporting the Radicals. Conservative whites warned Burns that if he persisted he and all other freedmen in the county would be killed or run out of the area, and David Burns received notice that he personally would be killed. Hence Hardin testified that he had been confronted by armed whites at the polls and told he could not support the Radical candidate. Hardin's informants told him he would be given protection papers if he voted Democratic.

Extensive efforts abounded to negate the influence of black presence. In Lockhart, Texas, federal troops were required to provide protection to blacks engaged in electing a representative to the constitutional convention. Such, also, was the case in Tarrant County where federal troops were needed following the politically inspired shootings of several blacks by whites. Apparently such violence was not restricted to efforts by "poor white trash." George W. Chilton, a resident of Smith County and former member of the Texas Legislature, although formally charged with

35 Affidavit, James Taylor, n.d., Secretary of State Election Returns, 1867, 1870.

36 Affidavit, Joseph Burns, 12 April 1870, Secretary of State Election Returns, 1867, 1870.

37 Affidavit, David Burns, 12 April 1870, Secretary of State Election Returns, 1867, 1870.

38 Affidavit, Hence Hardin, 12 April 1870, Secretary of State Election Returns, 1867, 1870.
wantonly murdering a black resident, was never arrested. Thomas Holliman and other black sharecroppers of Leon County were burned out because of their prosperity. Holliman's dog was shot, apparently as further warning.

Three major reports concerned themselves with violence in the Lone Star State. The Reconstruction Convention had made a major effort to determine the extent of such violence. In a report issued on June 30, 1868, and in a supplement to that report issued on July 21, 1868, the committee's findings revealed the extensive homicide within the state. The following statistics were compiled:

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The assumption that much of the violence was racially inspired was verified by the fact that 373 of the blacks had

40 Ibid., p. 426.
been killed by whites, and only 58 blacks by other blacks. In addition, blacks were responsible for only ten white murders.\textsuperscript{42} Although whites outnumbered blacks by a more than two to one ratio,\textsuperscript{43} the Negro constituted nearly fifty percent of the death by violence statistics. Professor Ramsdell suggests that some of this violence was non-political and possibly stemmed from private disagreements and labor disputes, and this is indicated by the large number of white homicides. Ramsdell does not, however, dispute the committee's findings.\textsuperscript{44} An inescapable conclusion was that this violence had severe racial overtones and was pointedly directed toward the black man.

Stronger evidence on the extent of lawlessness in Texas was introduced in the United States Congress. In the fourteen months preceding the Davis administration, incomplete findings showed some 928 murders in Texas. Incomplete reports of law officials on criminals evading arrest revealed some 702 persons charged with murder and 413 for assault with intent to till still at large in the state. This report charged that during this period "crime ran riot over the State . . . ." Contributing to this report

\textsuperscript{42} Ibid., pp. 193-194.

\textsuperscript{43} Ramsdell, pp. 221-224.

was the fact that "sheriffs and local police were unable or unwilling" to enforce the law. Most of these killings "had been for political reasons." Other official reports verified these findings. Professor W. C. Nunn, despite this evidence, doubts the "necessity" for creating the state militia and state police. He declares that these agencies were manned by persons of "irresponsible or even criminal character" who used their "wide and unrestricted powers" to inflict "manifold abuses" on the "peaceful, law-abiding people."

In an effort to alleviate conditions so prevalent in Texas, the legislature considered an arms control act and creation of a state police, a militia, and a state guard. The militia act and the State Police act provoked sharp debate along party lines. Conservatives, who only a short

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47 Nunn, p. 43.
48 Ibid., p. 45.
49 Ibid., p. 54. Two chapters are devoted to the police and militia. Professor Nunn has carefully selected material in order to build a negative case against these two agencies. Much of the "evidence" is undocumented. Typical of the "irresponsibility" of black policemen is an incident he describes where several blacks "promiscuously" fired into a group of "unarmed whites." The reader is not told how several blacks were, in turn, themselves shot. Ibid., pp. 51-52.
50 Gammel, 6:185-190.
time before had seceded from and warred with the Union, now denounced such legislation as unconstitutional. These men insisted that law enforcement should remain under the control of local civil authorities. The fact that both forces would be racially integrated was an equal cause for the acrimonious session. Matt Gaines clearly perceived this as the root of the problem and charged that the opposition had far less concern for the "great power in the hands of the executive" as for "the idea of gentlemen of my color being armed and riding around after desperadoes." 

After stormy debate, the militia bill was passed with special provisions which allowed the governor to declare martial law where necessary, to suspend *habeas corpus* rights, and to assess local citizenry for the cost of law enforcement. A short time later a state police force was created, which automatically placed local law officers in auxiliary status within the state police and the entire state police force under the direction and control of the governor. Anyone proving a hindrance to law and order could be summarily removed from office by the governor. The legislature also passed strict gun control laws.

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51Debates and Proceedings, p. 84.
52Ibid., pp. 82-84.
53Gammel, 6:185-190.
54Ibid., pp. 193-195.
55Ibid., p. 237.
While the debate on the bills had raged, additional information continued to pour into the governor's office reflecting the extent of violence in Texas. In Fairfield, Texas, one black was murdered, threats of death were made against blacks attending Republican meetings, and the sheriff was identified as the local marshall of the Ku Klux Klan. "Loyal" men were the victims of outrages in Polk County. The District Judge in Beaumont reported it was impossible to hold court because of violent conditions. General Reynolds reported the murder of several black teamsters by members of the Klan in the Nacogdoches areas. In Victoria, Texas, a freedman was released by the sheriff to a lynch mob after being "tortured all night" in jail. In the state capital, Matt Gaines, one of the two black senators, was forced at one point to sleep in Senate President Don Campbell's office because of threats of assassination. That such threats existed and the

56 James King to E. J. Davis, 10 April 1870, Executive Letters of 1870-1874, Texas State Library Archives.

57 John R. Johnson to E. J. Davis, 12 April 1870, Executive Letters of 1870-1874.

58 Seymour White to E. J. Davis, 9 May 1870, Executive Record Book No. 87, pp. 144-145, Texas State Library Archives.


60 I. W. Fry to E. J. Davis, 9 May 1870; J. M. Morse and Charles H. Porter to E. J. Davis, 10 May 1870, Executive Record Book No. 87, pp. 120, 133-134.

61 Galveston Daily News, 18 June 1870.
idea of Gaines being killed proved very amusing to B. J. Pridgen, a Conservative Republican.62

Taking the field on July 1, 1870, the State Police reflected a strange combination of citizens. Not only included were former Unionists and ex-Rebels, but blacks, Mexican-Americans, and whites as well. The average age was in the mid-twenties, with extremes ranging from eighteen to fifty-nine. Most claimed the Republican party as their political affiliation.63 By December, although there had been recruiting difficulties, the force numbered some 196 men, with a racial composition of about 60 per cent white and 40 percent black.64 The presence of blacks on the force no doubt contributed to much of the criticism of that body, which came to be identified as "the damned negro police."65

In several instances the policemen undoubtedly acted to the detriment of law; however, every effort was made to weed out the undesirable elements of the force.66 Indeed, much credit is due them for their zeal in enforcing the law and


63Ann Patton Baenziger, "The Texas State Police During Reconstruction," Southwestern Historical Quarterly 72(1969): 474. In studying this agency, Miss Baenziger has presented much new evidence which corrects previously held erroneous opinions concerning the lawmen.

64Ibid., p. 475.

65Ibid., p. 482.

66Ibid., p. 476.
in apprehending criminals. By October 1, 1871, some 301 murderers had been caught. In addition, arrest figures reveal as captured: 418 for attempting to kill; 471 for assault and battery; 288 for horse theft; and 206 for cattle rustling. In addition, more than $200,000 worth of stolen property was recovered. Blacks proved enthusiastic in bringing law and order to Texas, as evidenced by the participation of six black members of the State Militia who helped in capturing a band of outlaws in Williamson County. This band of thieves were reputed to be "murderers as well, but the inhabitants of that area were afraid to betray them." Faced with battle against these balck militia men and a lone white policeman, the half-dozen desperadoes chose to surrender after a "short struggle." The police themselves, both black and white, often proved the victims of violence. The infamous John Wesley Hardin, whose "gruesome record" chronicles his murderous career in frontier Texas, cheerfully relates his encounter with two black state policemen. In his autobiography, Life of John Wesley Hardin, this murderer relates how a "big black negro" tried to arrest him. Pretending to give up his weapons, Hardin states that "one of the pistols turned

68 Nunn, p. 59.
a somerset in my hand and went off." Green Paramoor, a black lawman of Gonzales, was left "sprawling on the floor with a bullet through his head, quivering in blood."

When another black policeman tried to aid Paramoor, Hardin stated, "I turned my Colts 45 [sic] on him and knocked him off his mule the first shot." Irate at this insolence shown by black policemen, Hardin gathered his friends, some "twenty-five men, good and true," and "declared openly against negro or Yankee mob rule and misrule in general." He boasted that "from that time on we had no negro police in Gonzales. This happened in September, 1871."70 One author concedes that Hardin "was scarcely a reputable character" although "men of honor shared his dislike of the State Police."71 Such men openly attacked this effort at law enforcement through newspaper articles and public ridicule.72

Several instances abound wherein the police were subjected to mob rule in an effort to prevent their enforcing the law.73 To his credit, Davis proclaimed martial law on only three occasions. In each case, the call came in response to vicious attacks upon helpless blacks or the

70Quoted in Nunn, p. 65.
71Ibid., p. 66.
72Ibid., pp. 66-67.
73Bainziger, pp. 481-482.
state police. For example, Sam Jenkins, a Walker County black, victim of a brutal beating by whites testified against his assailants before the grand jury. A few days later Jenkins was murdered. Those accused by Jenkins in his earlier testimony were brought to court. During the trial, chaos prevailed as two of the prisoners, supplied with weapons, shot down their guards. Aided by the townsman in their escape, the prisoners remained at large because the sheriff could find "only two citizens . . . who were willing to aid in their capture." A later attempt was made to assassinate the judge trying the case. There are several instances where law-abiding citizens were quick in requesting the assistance of the state police and militia, and these citizens proved lavish in their praise of the black and white lawmen. Davis' use of martial law three times in his four years in office has been termed his "favorite weapon." Such an obvious distortion of facts obviates the need for rebuttal. In the end, the Democratic Thirteenth Legislature proved

74Ibid.; Nunn, pp. 76-92. For an interesting contrast in interpretations of the use of martial law in Hill County, see Baenziger, pp. 479-483, and Nunn, pp. 76-80.

75Nunn, pp. 80-82.

76Baenziger, pp. 484-486.

77Nunn, p. 251. Professor Nunn suggests that the only criminal element in Texas was the black. He states that "the transition from slavery to citizenship seemed to be more than the Negro, whose experience was certainly limited, could easily make." Ibid., p. 245-6. To support this contention, Nunn cites as his "authority" H. H. Bancroft who offers a discussion on the "debased" nature of blacks. Apparently the original source for both Nunn and Bancroft is a work by Hepworth Dixon entitled White Conquest. Mr. Hepworth cited as "good authority" his contention that blacks were, by nature, a violent people. This appears to be the sole evidence
successful in destroying this one effective tool against crime and violence.\textsuperscript{78}

Whatever the degree of their concern for the political and civil rights of blacks, the Radicals quickly showed their acceptance of \textit{ante bellum} social patterns. Following the inaugural address of Governor Davis, a huge barbecue was held to celebrate the Radical victory, but black leaders found they had to wait until all the whites were served before they themselves could eat.\textsuperscript{79} In May, 1870, a Grand State Ball was held with some 600 invitations being issued, but, once again, the blacks were excluded. One black, Representative Richard Allen of Houston, wryly noted that when their "votes were wanted they were sure not to be forgotten."\textsuperscript{80}

During the entire Radical regime, the black played no important part in Republican politics. Numerically, his presence was strongly felt, and must legislative debate centered around this presence. But no black received statewide office either through election or appointment. The two black senators, Ruby and Gaines, soon split in

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Professor Nunn can muster in presenting his case. However, he does suspect this evidence "seems . . . greatly exaggerated." Peonage, that if not slavery, appears the best condition for blacks. Former slaveowners were the "true friends of the Negroes." \textit{Ibid.} The Freedmen's Bureau was merely "a tool of the ultrapartisan Republicans of the North." \textit{Ibid.}, p. 5.\textsuperscript{78}

\textit{Gammel}, 7:493.

\textit{Galveston Daily News}, 29 April 1870.\textsuperscript{79}

\textit{Ibid.}, 7 June 1870.\textsuperscript{80}
their allegiance to the Republican party. As early as April, 1870, Gaines fought the Davis administration in an effort to block the readmission of Texas into the Union. He argued that Texans were "not reconstructed" and refused to recognize "color being equal before the law." Too many Texans desired to deny blacks their right to vote and to equal educational opportunities. Gaines severely criticized the Davis administration for by-passing blacks and remaining "lily-white" in political preference. The senator had higher political ambitions for himself and resented not being given an opportunity to seek a congressional seat.

At lower levels in the state government, blacks fared little better. Walter Burton, elected sheriff of Fort Bend County, received warning that "the consequences will be serious, as opposition to a black sheriff is determined as well as openly avowed." After assuming office, Burton urgently reported to Governor Davis that "deadly weapons are generally carried and lawlessness prevails in Fort

81 Debates and Proceedings, p. 83.


83 Debates and Proceedings, p. 92. Two widely divergent views of Burton and other black office holders in Fort Bend County are presented by Pauline Yelderman, "The Jaybird Democratic Association of Fort Bend County" (M. A. thesis, University of Texas, 1938); and Lawrence Delbert Rice, "The Negro in Texas, 1874-1900" (Ph.D. diss., Texas Technological University, 1967), pp. 176-177.
Bend County." He requested the governor to declare martial law. In Brazoria County, a black, Edward Hee, elected inspector of hides and animals, found himself the victim of mob attack. Black appointees experienced similar problems. The appointment of Thomas Ford of Waco as supervisor of education was termed "an insult to the people of the whole state." Reverend Monroe Wilson, registrar of Burleson County, though circumspect in the performance of his duties, was forced to resign under threats of intimidation.

Governor Davis did appoint blacks as local judges and minor officials such as city aldermen and commissioners in the black-belt counties, but even these were met with hostility. A Galveston election for the district clerkship reveals the extent of white opposition. On election eve, the field for the position had narrowed down to Johnson Reed, nominee of the Loyal League, and two whites, R. L. Fulton, W. M. Burton to E. J. Davis, 7 February 1871, Calendar of Military Correspondence, Texas State Library Archives.

Justice of the Peace J. S. Rogers to E. J. Davis, 13 August 1872, Texas State Police Letters, Texas State Library Archives.

Waco Semi-Weekly Examiner, 5 December 1871.

Ed T. Randle to E. J. Davis, 6 October 1871, Secretary of State Election Returns, 1871, Texas State Library Archives.

nominee of the Knights of the White Camellia, along with Royall Wheeler, candidate of the Bar Association. When it appeared that Reed would place third, the Galveston Tri-Weekly News indicated the only important candidate was "Mr. Concentration, Mr. Strong Man to Beat the Nigger." Flake's Bulletin derided Reed's efforts to "offensively intrude himself into the white man's . . . house, the white man's carriage, the white man's social enjoyment" and, one presumes, the white man's public offices.

On the last day of the election, Reed began pulling ahead and the newspapers became hysterical in their tone. The Tri-Weekly News gloomily noted: "In a few hours . . . the fate of our country will be sealed, either with an intelligent citizen or with a carpet-bag ignorant negro filling the most important office we have." Appealing to civic pride, the newspaper demanded that citizens realize that "the reputation of Galveston county is at stake. The first city of Texas must not be cursed with this prowling vagabond from Oberlin . . . . It would . . . justly expose us to the ridicule . . . of the whole state." Reed handily

89 Flake's Daily Galveston Bulletin, 29 November 1869; Galveston Daily Civilian, 29 November 1869.
90 Galveston Tri-Weekly News, 3 December 1869.
92 Galveston Tri-Weekly News, 3 December 1869.
93 Ibid.
won the election, and his victory was quietly noted in the city's newspapers. The Galveston Daily Civilian warned him that "the value of this office . . . has been greatly exaggerated." 94

The split between Matt Gaines, who desired to run for the Congress of the United States, and E. J. Davis became more pronounced following the Republican convention of 1871. Predetermining their strategy, the governor and his supporters came to Houston with the firm intention of securing the nomination of William T. Clark, a white, as the representative from Gaines' congressional district. Black delegates, who were avid and enthusiastic in their support for Gaines, found their entrance into the convention blocked. This resulted in heated argument, and the blacks were finally admitted. Another black, Richard Nelson, was denied the opportunity to have his name placed in nomination. 95 To counter charges of blatant racism, the name of George T. Ruby was placed in nomination. As was expected of him, Ruby declined. Black delegates were able, through adroit parliamentary maneuvering, to force the name of Richard Allen into nomination. Allen was overwhelmingly defeated

94Galveston Daily Civilian, 10 December 1869.

by the Clark forces. Gaines, extremely disillusioned with his party, left the convention followed by other black delegates. The senator lambasted the Republicans for their arbitrary proceedings and their refusal to recognize the merits of black candidates.

Later speaking at a political rally in Washington County, Gaines launched an attack on the Republicans. Sought by Clark forces for his endorsement of the ticket, Gaines boldly declared "My people say a colored man and so do I." He mercilessly attacked both Democrats and Republicans for their exploitations of blacks and announced he would organize his district to end "any more bought up and packed conventions." To the tumultous shouts of his audience, Gaines declared "We are entitled to the candidate . . . . " "Shall we turn the mill forever and somebody else eat the meal?"

Davis, fearful of defections from his camp, went to Washington County to straighten out the party's affairs. His fears proved of little consequence, for while Democrats heckled his speech, blacks responded to the magic of the

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96Ibid., 3 August 1871. One author notes that "quite a strong bond of friendship existed between Mr. Ruby . . . and Governor E. J. Davis." Brewer, p. 55. Brewer contends that Ruby would have received the nomination for Lieutenant-Governor on the Davis ticket in 1869 had he not been too young to qualify for the office. Ibid., p. 30.


98Brenham Banner, 4 August 1871.
governor. "Throngs of blacks of all ages pressed forward to see and touch their hero."99 Travelling to Galveston, Davis soon faced a reversal among blacks. Endorsing Clark as the party nominee, the governor was interrupted by vociferous protests from the black gallery. Responding to Davis' request to "vote for Clark," Frank Webb, a black newspaper editor, shouted a loud "No!" from the gallery. The governor's man, G. T. Ruby, ordered Webb arrested, but Davis wisely over-ruled the order.100

Matt Gaines continued his relentless attacks on the Davis Republicans. Speaking on the eve of the October elections, Gaines accused the Radicals of being as "dishonest as they are powerful" and of "using their official positions to enslave the blacks through their ignorance of politics and their faith in the Republican party." Davis and his clique, according to Gaines, expected from blacks "worship, offices, money and power." Deep "in their hearts, they despise us." Still rankled over the failure to nominate blacks for high office, Gaines noted that blacks were necessary only at the ballot box. If they sought high office, the Radicals feared a "split in the Republican party which [could] only be healed by throwing the black man overboard . . . ."101 Following the election, Davis

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99 Ibid., 18 August 1871.
100 Flake's Daily Galveston Bulletin, 17 August 1871.
101 Brenham Banner, 26 September 1871.
declared Clark the winner, but the results were contested and the Democrat candidate, D. W. Giddings, was awarded the seat by the House Committee on Elections. Thus ended the best and last chance for blacks to achieve state-wide office.

Gaines' open attack on politicians of both parties was courageous. In his home county, the Democratic party was accused of openly intimidating voters during the election and stuffing the ballot box. One observer noted that the Democrats "voted Blind Men, idiots, insane, and tried to vote one 'penitentiary bird' who had served his full term, who was known and detected in the act." In Shelby County, E. M. Mitchell swore in an affadavit that blacks who sought to vote the Republican ticket were intimidated by threats of losing their land and of having their homes burned. It was noted that no jury in that county had ever found a white guilty of any crime against blacks. James P. Newcombe, Secretary of State, received a letter from George Smith, Jr., of Navarro County in which Smith stated blacks did not vote for fear of being hanged, while some 25 or 30 whites were allowed to vote without registration certificates.

102Webb, 2:686.
103Robert A. Smith to E. J. Davis, 8 October 1871, Secretary of State Election Returns, 1871.
104Affadavit, E. M. Mitchell, 2 December 1871, Secretary of State Election Returns, 1871.
105George Smith, Jr., to James P. Newcombe, 6 October 1871, Secretary of State Election Returns, 1871.
H. A. Moore of Bryan, Texas, noted that foreigners who could not produce their naturalization papers were allowed to vote if they voted the Democratic ticket. A "sizeable number" did so.106 According to Charles W. Hocker, blacks in Smith County were told to work until Saturday, and the polls would be kept open for them. The polls, however, were closed on time. Those blacks who did vote were threatened with the loss of their homes, threats which were carried out after the election.107

In Red River County, some 200 to 300 blacks were intimidated by threats of violence.108 George Wilson, a black, was threatened with hanging if he did not "vote a Democratic ticket."109 To insure the County for the Democrats, ballots were printed to resemble the Republican ballots. Freedmen who voted were threatened with "perjury" and hanging.110

In one instance, John Coleman, white, told James Coleman, a former slave, that he would take away his name and his land if he voted the Radical ticket. Other freedmen living on their own land would be forced to move if they supported the Republican party. John Coleman insured James Coleman's

106 J. A. Moore to James P. Newcombe, 26 October 1871, Secretary of State Election Returns, 1871.
107 Charles W. Hocker to Honorable George H. Slaughter, 10 October 1871, Secretary of State Election Returns, 1871.
108 Affadavit, H. M. White, 5 October 1871, Secretary of State Election Returns, 1871.
109 Affadavit, George Wilson, 25 September, 1871, Secretary of State Election Returns, 1871.
110 Registrar, Red River County to E. J. Davis, 7 October 1871, Secretary of State Election Returns, 1871.
vote by accompanying him to the polls and supervising the vote. Rusk County was no different. Blacks there were threatened with higher rents, murder, loss of property, and being forced from the county. Klan violence was prevalent, and the whites "hung around the polls constantly and exercised the most rigid surveillance over them." 

One action of the Twelfth Legislature cheered by the black populace was the establishment of free public schools. The bill came none too soon, as Texas was as plagued with ignorance as with violence. Figures from the 1870 census reported some 229,568 school age children in the state. In addition, some 70,895 whites and 150,617 blacks over ten years of age were reported as illiterate. This included 17,505 white males over 21 years of age, a figure which represented nearly twenty-five percent of the white registered voters in the 1870 election. Control of the schools was placed with the county courts, who in turn had power to levy school taxes, erect buildings, enforce attendance, and appoint directors. The county court was also empowered to appoint

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111 Affadavit, James Coleman, October 1871, Secretary of State Election Returns, 1871.
112 John J. Cary to James P. Newcomb, 9 October 1871; Affadavits, James Doyle, 19 November 1871; Matthew Polk, 19 November 1871 and Monroe Hill, 19 November 1871, Secretary of State Election Returns, 1871.
113 Gammel, 6:287-292.
114 American Annual Cyclopedia, 10:733-734.
boards of school examiners to determine those persons qualified to teach. Children were required to attend school at least four months of the year, and no mention was made of race and/or color.\textsuperscript{115}

The absence of racial designations in no way denied lack of concern over the question of mixed schools. The question of race-mixing received prominent attention in the controversy centering around the nomination of Joseph W. Talbot as Superintendent of Public Instruction.\textsuperscript{116} Talbot declared he did not wish to see "white or black named in any law whatsoever."\textsuperscript{117} Blacks found themselves split over the issue, with the more moderate willing to accept second class schools and segregation, while the militants demanded true equality.\textsuperscript{118} After lengthy debate, four Radicals defected to the ranks of the conservatives and Talbot was rejected for the position, apparently "because that gentleman would not clearly and irrevocably define his position on the question of mixed schools."\textsuperscript{119} The successful nominee, Jacob De Gress, indicated his belief that local directors would be supported by his office in exercising their "exclusive

\textsuperscript{115}Gammel, 6:287-291.
\textsuperscript{116}Flake's Daily Galveston Bulletin, 13 May 1870.
\textsuperscript{117}Ibid.
\textsuperscript{118}Ibid., 10 May 1870.
\textsuperscript{119}Ibid., 15 May 1870.
right to separate . . . pupils."\(^{120}\) The law itself provided for segregation if "the peace and success of the school and the good of the whole may require."\(^{121}\) Predictably, such segregation came under attack by Senator Matt Gaines who urged parents to exercise their rights and to place their children in "any of the free schools you want to."\(^{122}\)

As early as 1865, blacks in Texas were eagerly availing themselves of every opportunity for education. In Houston, three black churches, Antioch, Mount Zion Baptist, and Trinity Methodist, were quickly converted into classrooms. Non-discriminating in their educational offerings, the blacks were generous in allowing white children to attend classes.\(^{123}\) Schools established by the Twelfth Legislature opened in the fall of 1871 with an enrollment of 137,298 white children and 49,597 black pupils.\(^{124}\) Black children had severe obstacles to overcome in their quest for education. Many whites, Radical and Conservative, were opposed to any form of education for blacks.\(^{125}\)

\(^{120}\) Brenham Banner, 1 September 1871.

\(^{121}\) Gammel, 6:57-60.

\(^{122}\) Brenham Banner, 15 August 1871.


resented paying taxes for the education of black children. De Gress noted that "schools for colored children have been opened all over the State and are crowded to overflowing . . . ." De Gress reported the absence of "any of the defects in mental capacity, which have been attributed to them . . . ." and asserted that instead, the black children "evince retentiveness of memory, quickness of perception, and ability to understand, fully equal to any other race . . . ." Blacks were eager to cooperate in the school system, and when prejudice prevented the erecting of schools for them, quickly offered their meager funds and humble churches for the education of their children.

Texas whites were not content with passive resistance to black education. Nearly insurmountable problems were experienced in finding and retaining teachers for black children. Newly hired teachers upon reaching their assignments, found they could not "procure board, often not even lodging." Many teachers were taken out and "whipped by disguised men." Schools were burned, and threats of personal injury and death were common against teachers. De Gress correctly noted that local citizens could prevent such disgraces, "but it is not to be expected they will do it . . . ." He suggested that the legislature force

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126 Eby, p. 164.
127 Superintendent's Annual Report, 1871, pp. 50-51.
communities to rebuild each burned school and to pay damages to individuals suffering whippings and injury.\textsuperscript{128} De Gress pleaded for education as a means of reducing the homicide rate in Texas, which in 1870 was more than double that of any other state.\textsuperscript{129} Under threat from such severe pressures, many black schools were forced to close.\textsuperscript{130}

In other legislation, the Radicals created the Texas Rangers for the purpose of providing the badly needed frontier relief. Ironically, many men who later served in the Rangers and gained praise came from Davis' hated police force.\textsuperscript{131} The Radical legislature enacted a Voter Registration Act which centralized election control in the office of the governor. The Act provided severe penalties for registrars who abused their power. The governor was granted power to appoint men to fill "vacancies" both state and local, including district attorneys, hide inspectors, county treasurers, district clerks, surveyors, sheriffs, mayors, aldermen, and others. These appointments lasted only until the next general election, casting some doubt on accusations that Radicals were building a lasting regime.\textsuperscript{132}

\textsuperscript{128}Ibid., pp. 51-52.
\textsuperscript{129}Ibid., p. 19.
\textsuperscript{130}Ibid., p. 51.
\textsuperscript{131}Gammel, 6:179-182; Baenziger, p. 490.
\textsuperscript{132}Gammel, 6:198-205, 191-192; Ramsdell, p. 298; Nunn, p. 30.
By comparing new developments with the past, the black was able to see "progress" under the Republicans. However, those blacks, who like Matt Gaines, envisioned things as they should be, suffered serious disappointments. Radicals proved unwilling to risk their tenuous hold on state politics by carrying black equality to its logical conclusions. For this reason, if no other, such men of vision as Senator Matt Gaines were forced to realize that blacks had traded old masters for new ones. Masters a little kinder, perhaps more generous, but masters still. Citizenship and equality remained a dream.
CHAPTER IV

"MASTERS OF THE SITUATION"

Early during the Davis administration, forces opposed to the Radicals began their plans for recapturing state government. The Democrat party, once confused and demoralized, found new life and a means for uniting all white men under a single banner. Moderate or Conservative Republicans, united with Democrats, could work together to bring about a return of white man's government. To accomplish this end, several Texans of both political persuasions came together in Austin in September, 1871, to hold a "Taxpayer's Convention." They were led by such men as E. M. Pease, former governor, Major George B. Erath, and the disgruntled ex-Radical, Morgan C. Hamilton. The surface issue was not race but money.¹

This convention accused Davis of leading the state into bankruptcy and of bringing about "enormous" increases in taxation and expenditures. The school tax bill was termed unconstitutional and the people were urged to refuse payment. For good measure, an attack was made upon the State Police Act, and newspapers sympathetic to the Democrats' cause pointed Davis as a "pied piper" of the black masses. Black gatherings addressed by Davis were reported

¹Nunn, p. 93.
as "mobs" and Davis was the "priest and prophet" of "... the most ignorant, superstitious, and servile... rabble."\(^2\) Such tactics, along with continued threats, intimidation, and violence, were successful in electing Democrat Congressmen in the election of 1871.\(^3\) The stage was set for 1872.

The national election of 1872 highlighted the split in Republican ranks. Candidates were Ulysses S. Grant, representing the regular forces, and Horace Greeley, standard bearer for the Liberal Republicans. The Democrats chose not to field a candidate but instead to give their support to Greeley.\(^4\) Grant, after all, represented the forces of corruption, while Greeley was the champion of reform. With such men as George W. Julian now referring to the Republican party as a party of "political prostitution," filled with "roguery and plunder" and led by "base men,"\(^5\) the Democrats were able to suppress old hatreds and support Horace Greeley. Greeley had indicated his position on the black with his famous statement "Root hog, or die!"\(^6\)

\(^2\)Ibid., pp. 94, 96-97.

\(^3\)Ramsdell, p. 310.

\(^4\)Ibid., p. 312.


\(^6\)Quoted in Ramsdell, p. 269.
By August, 1872, many organizations of Democrats for Greeley were in existence throughout the state, and conservative newspapers carried stories of every meeting and announced all meetings to come. There were notices of endorsements and editorials on the corruptness of the Grant administration. Democrats who could not bring themselves to support a Republican no matter what the situation nominated their own candidate, but they came under heavy attack. The *San Antonio Daily Herald* carried an editorial entitled "Democrats Beware," wherein it cautioned against a "third party" and the move for a "purer Democracy." In particular, the editor of the *State Gazette* was attacked for not joining the swing to Greeley. He was pointedly reminded that his position had insured the Davis victory in 1870.

The National Colored Convention of Liberal Republicans held its convention in Louisville, Kentucky, in September, 1872, and while he did not attend, Greeley sent a telegram hoping they would achieve their equality "someday." The blacks responded by submitting to ardent wooing and attacking the Grant regime for "unblushing cupidity" and for reducing the "people of both races to poverty." These blacks were especially concerned for the economic fortunes of their...
white brethren in the South. In Texas, reports circulated in praise of "The Democratic negro orator L. D. Miller [who] is still on the warpath." This Republican scalp seeker was pictured as an "eloquent speaker." At least one black soldier came out for Greeley in a public speech calling for "honest government." He was arrested by the authorities but later released.

A correspondent from Menardville, Texas, wrote of the rejoicing among rebels in that area, noting that the "gallant Confederate soldiers" would unite in defeating the Radicals.

The split in Radical ranks, so apparent in 1871, had not healed in time for the election of 1872. Blacks, whether aware or not of Gaines' speeches attacking the administration or the Davis debacle in Galveston, apparently withheld their support of the Republican ticket. In Galveston, for example, only 255 blacks voted in the election in 1872 in contrast to a vote of 878 in 1868. Nearly 70 percent refused to participate. "Many Radicals supported the Democratic candidate for the State Senate" in Boerne, Texas. To remind black voters in San Antonio of their

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10 Ibid., 27 September 1872.
11 Ibid., 24 October 1872.
12 Ibid., 1 October 1872.
13 Ibid., 8 November 1872; Tri-Weekly State Gazette, 21 February 1868. Galveston could not be determined as one of those counties which barred blacks from politics. George T. Ruby, the Negro State Senator, was returned to a seat in the Democratic Thirteenth Legislature.
14 San Antonio Daily Herald, 5 December 1872.
loyalty, a giant effigy of a Ku Klux Klansman was erected on Main Street. The figure held two "Radicals" under his arms and was depicted as taking bites from each. In Clarksville, blacks were able to vote but only with the help of special deputies.

To insure the desired result, total victory, Democrats called upon their favorite methods of intimidation and deception. According to B. F. Barkley, blacks in Tarrant County were kept from voting through "fear." The deputy sheriff, ordered to provide protection, was threatened with murder and consequently declined. "Bribery, intimidation and corrupt influences" kept plantation workers away from the polls in Cass County. Voters there were not told when the election was to be held and, that if they did vote, they would be driven from the plantation.

The same pattern held true in Guadalupe County. Election judge P. S. Hopkins complained that blacks unanimously supported the Republican ticket, but black votes were counted out. The county sheriff drove State police and election registrars away from the polls. In

15 Ibid., 7 November 1872.
16 Clarksville Standard, 9 November 1872.
17 B. F. Buckley to E. J. Davis, 16 November 1872, Secretary of State Election Returns, 1872, Texas State Library Archives.
18 Affadavits, Leroy Johnson, 12 November 1872; Jacob Hodges, 13 November 1872, Secretary of State Election Returns, 1872.
this heavily Republican County, the Democrats "expressed surprise that they won." In Jefferson, Texas, promises, if not rewards, were much in abundance for black voters. In return for a vote for the Democrat candidate, each black voter was promised a horse. Those who insisted on the right to vote the Republican ticket were warned they would be driven from their lands or fired from their employment. Planters vowed they would "keep no damn nigger politicians on their plantations." After the election, Daniel Jones of Jefferson swore that there were some 360 Republican votes tallied. A crowd entered the room where the count was taking place, and the new tally showed only some 120 Republican votes. A majority of the stolen votes were those of the blacks.

When the election ended, the Democrats were elated. As Professor Ramsdell states, "there should have been no doubt of the result." Democrats had won the Congressional election in 1871, the Republican party had suffered a schism, whites had come together to protect themselves from "black domination." The state went for Horace Greeley,

19 P. S. Hopkins to E. J. Davis, 16 November 1872; James F. McKee to James P. Newcombe, 19 November 1872, Secretary of State Election Returns, 1872.

20 James W. Isaih to James P. Newcombe, 19 November 1872, Secretary of State Election Returns, 1872.

21 Affadavit, David Jones, 25 November 1872, Secretary of State Election Returns, 1872.

22 Ramsdell, p. 313.
giving him a majority of 19,020 over the incumbent Grant. Every Democratic candidate nominated for Congress was successful. Most important, the Democrats had captured the majority position in the state Legislature.23

Conservatives and their supporters could barely contain their elation over the new state of Texas politics. In January, 1873, as the Thirteenth Legislature awaited the governor's annual message, the Austin correspondent of the Galveston Daily News excitedly reported that E. J. Davis was "rumored" to be in a conciliatory mood. If so, the correspondent noted, he had an excellent opportunity to conform to the wishes of the majority. Davis must join the Democrats in repealing the hated and "obnoxious" acts passed by the Twelfth Legislature. If he did, then he would prove himself; if not, the Democrats in the Legislature could overpower him.24 The governor seemingly was "damned if he did and damned if he didn't."

When Davis read his message before the assembled legislators he appeared, indeed, conciliatory. The governor requested that his program be judged on its merits rather than in a political context. He acknowledged the imperfections of some acts of the previous Legislature, but insisted that these imperfections be amended rather than repealed. The governor cited a need for an amendment to the school

23Ibid.

law which would allow local autonomy for each individual school district. Under the Davis plan, each district would elect its own school boards, control the employment of personnel, and supervise their own financing, building, and maintenance programs.25

Addressing himself to the question of law enforcement, Davis acknowledged the immense powers of his office. The governor pointed out that these powers had been granted by the legislature. Davis emphasized that the Legislature had not seen fit to remove his law enforcement authority. The governor defended himself against critics of his use of martial law, pointing out that he had exercised this power on only three occasions during his time in office. Presenting the controversial law enforcement agencies in a favorable light, Davis noted the following successes in apprehending wanted persons: 581 charged with murder; 760 charged with attempt to kill; 1748 charged with "other felonies;" "several thousand charged with lesser offenses;" and several hundred thousand dollars in stolen property returned to its rightful owners. In accomplishing this noteworthy record, some eight policemen had been killed, and "a number" wounded. Police morale had recently sustained a sereve blow inasmuch as policemen were paid in state warrants, and these warrants had, of late, depreciated considerably.26

25Ibid., 17 February 1873.
26Ibid.
Governor Davis criticized the jail facilities of Texas and noted that more than four-fifths of Texas' jails could not be determined secure. This inadequacy was primarily the reason a mob was successful in lynching several prisoners in Erath County. The governor termed this action "wholesale murder." Davis pointed out that there had been an appreciable increase in penitentiary occupants and attributed this to an increase in the effectiveness of law enforcement. There is some support for the governor's contention that his administration had brought a degree of law and order to Texas. During the reign of the Democrats in the years 1865-1868, the number of murdered blacks was approximately 45 per cent of the total homicides recorded. During the Republicans' first year in office, 1870, the ratio declined to 38 per cent. The number of murders, although showing a decline for the year 1870, still remained highly disproportionate, as blacks represented a much lower percentage of the population. By the following year, the

27 Ibid.
28 Ibid.
31 Ibid., pp. 64-65.
intensity of violence directed against blacks caused one newspaper to deplore the "long array of names of murdered men whose offence was their color."³²

One conservative newspaper, the Galveston Daily News, praised the governor for his "mild," remarks, noting that such "moderation" would be "the harbinger of a better era." The Legislature did not share these sentiments. On the afternoon of the governor's speech, the Democrats quickly moved to wipe out the "obnoxious" Republican legislation.³³ They eliminated the special patronage printing acts established by the Republicans. Next, the conservatives turned their attention to the militia law, removing the hated provisions which allowed martial law but retaining other features of the bill. The State Police were disbanded. All three actions were accomplished despite Davis' veto. The Legislature reapportioned the state, creating new districts and curtailing terms of state offices. New elections for all state offices were ordered for December, 1873.³⁴

In an effort to remove every vestige of Radical influence from the state, the Democrats set out to destroy the public school system established by the Republicans of the Twelfth Legislature. Attention centered on Colonel J. W. De Gress, Superintendent of Public Instruction. The Democrats charged

³²San Antonio Daily Express, 15 March 1871.
³³Galveston Daily News, 19 February 1873.
De Gress with all manner of crimes, including fraud, favoritism in hiring, using his office for political gain, and paying higher salaries to teachers in black schools than to those in white schools. It was charged that the black Public School in Palestine, Texas, built by public funds, was being used as a meeting house for a black church and the Loyal League.35

In the eyes of the investigating committee, the most damaging testimony against De Gress came from Thomas J. Lockett and Reverend L. P. Rucker, member and president of the Washington County Board of Education respectively. Both of these gentlemen highlighted the discrepancies in pay and specified instances wherein teachers in black schools were paid a higher salary. It was noted that many of the teachers in the black schools were "ladies from the North."36 Testimony disclosed that Texas teachers received pay based on the class of teaching certificate held. The classes and their pay were first, second, third and fourth, receiving amounts of $90.00, $75.00, $50.00, and $35.00 respectively per month.37 There were twenty-


36Ibid., pp. 4-5, 45-52.

37Ibid., pp. 49-50.
five white teachers in white schools and twenty-one teachers in black schools, three of whom were black teachers. The report submitted in the testimony reflected that there were no teachers holding a first class certificate in any school. All fourth class certificate teachers were assigned in black schools. Of the black teachers, two held a fourth class certificate and one held a third class certificate. Although Lockett testified he had paid several teachers above the rate, the report showed only one teacher had received such pay, a C. W. Washburn. Washburn had received the increase in salary during the month of December, 1871, only.

Reverend Rucker admitted that Washburn was responsible for teaching 150-200 children in a one room schoolhouse. Lockett conceded that he had paid the salary because "it would have been a difficult matter to have gotten enough white residents of Washington county to teach the colored schools at $90.00 a month," the highest pay possible under the law. Reverend Rucker very lightly passed over several interesting aspects which possibly had some bearing on his

38 Ibid., p. 52.
39 Ibid., p. 48.
40 Ibid., p. 46.
41 Ibid., p. 53.
testimony. As president of the Board of Education, Rucker apparently saw no conflict of interest in the fact that he had hired himself as a teacher with a second class certificate. There was little significance in the fact that he had raised his pay to that of a first class certificate, although his report did not reflect his having such.42

Reverend Rucker offered no explanation of the fact that a W. Pfeug, a third class certificate holder in a white school, received pay at the rate of a second class certificate holder. The minister attached little, if any, significance to the fact that he had missed some forty-six days from his teaching duties, inasmuch as he had replaced himself with his son as substitute. Instead, he determined that these forty-six days were spent on business of the State of Texas, as he subsequently billed the state at the rate of $4.00 per day for each day he was absent, a total of $184.00. In describing these official duties performed for the people of Texas, the Reverend explained "I rode about the county assembling the people in the various neighborhoods, getting them to agree among themselves to carry out the intentions of the free schools."43

Not as understanding as Reverend Rucker would have him be, Colonel De Gress had refused to honor such a voucher.

42Ibid., p. 46.
43Ibid., pp. 47-48.
Under cross-examination, the circuit riding preacher admitted that Colonel De Gress was indeed empowered to raise the pay of employees "in special interests.""\textsuperscript{44} Apparently, in a school of 150-200 students, Mr. Washburn did not fit this category. None of the indignant Democrats expressed concern for the plight of the black children of Washington County.

According to the U. S. Census of 1870, Washington County had a population of 23,104. These figures reflected a total of 10,863 whites and 12,241 blacks. Of these, there were 7,561 children, white and black, between the ages of five and eighteen years. Although the Census Report gives no complete breakdown, it may be safely assumed that since blacks represented approximately 53 per cent of the total population, black children would constitute at least fifty per cent of the school population. To accommodate these children, in September, 1871, the citizens of Washington County opened some forty-three schools for white students. Several weeks later, the Board managed to provide ten schools for the large percentage of black children. By April, 1873, there remained twenty-five schools for white children, and only three available to children of black parents.\textsuperscript{45}

The conclusion of Rucker's testimony did not end Colonel De Gress' conflict with ministers of the gospel.

\textsuperscript{44}Ibid., p. 48.

\textsuperscript{45}Ninth U. S. Census Report, 1:65-66, 636; Special Joint Committee Report, Thirteenth Legislature, p. 137.
A Warren North, who described himself as a "minister of the gospel" who had "left Dallas" because he was forbidden to read the Bible to his students, testified to the machinations, chicanery, mendacity and peccadilloes of Degress and his cohorts. Reverend North underwent a change of heart, however, when under cross-examination the fact emerged that he was a chronic accuser of such evil doings. When this information came to light, Reverend North insisted he only meant to "reform" such sinners, not to remove them.46

The source of North's disgruntlement stemmed from the fact that the local supervisor, who North testified had too much fondness for drink, denied him the right to read the Bible and pray over his black charges. North was told to appeal to Colonel De Gress but decided the two, De Gress and the supervisor, were of the same stripe. The preacher declared that such a denial constituted a grave injustice since all black people loved "to have the Bible read to them." He did not say whether this religious training was more important than teaching them to read for themselves. The minister did state, however, that because of such prohibitions against the faith, his own "religious rights [were] trampled upon."47 Upon such testimony, the

46 Special Joint Committee Report, Thirteenth Legislature, pp. 67-68.

47 Ibid.
Democrats of the Thirteenth Legislature condemned the Superintendent. Much of the power of the office was removed by legislation.  

Not all reaction to the actions taken by the Thirteenth Legislature, particularly in regard to the public school, was favorable. The German language newspaper Freie Presse castigated the Legislature for severely altering the educational system of the State. The Galveston Daily News, a newspaper normally sympathetic to the Democrat party, expressed alarm and concern over the action of the Legislature. The San Antonio Daily Express, a newspaper of decidedly Radical leanings, was severe in its criticism of the Legislature. The editor later pointed out that as late as November, 1873, after the Democrats had erected their own structure, teachers in Bexar County had not received their salaries. Bexar County was reported as being $40,000.00 in arrears of unpaid school taxes.

Blacks watched with growing fears as Democrats, in a seemingly bacchanalian exercise of power, blatantly displayed their contempt for Negroes. One bill passed by the Senate, which did not become law, ordered all those removed from jury lists who could not read and write the English language. Not only black citizens, but the heavy

48 Gammel, 6:536-546.
49 San Antonio Daily Express, 28 May 1873.
50 Galveston Daily News, 22 April 1873; San Antonio Daily Express, 16 May, 12 November 1873.
German population was upset by the possibilities of such legislation. In a far bolder expression of white attitudes toward blacks, the Galveston Daily News openly discussed the possibility of a "race war" in Texas. The editor paid special attention to those blacks who were guilty of "insolence and gratuitous malice," warning they could not possible win. The next day, the editor published an excerpt from the Texas Presbyterian which suggested that immigrants be brought into the state to engage in "fierce competition" with the blacks. It was not desired to chase all blacks from the state but to force them to accept the work contracts offered them or starve to death.

On April 20, 1873, the Radical Republicans of Texas, led by Governor Edmund J. Davis, assembled in Texas to select their candidates for the upcoming election. Davis was chosen to once more head the slate. Colonel De Gress was dropped from the ticket. Davis attacked the work of the Thirteenth Legislature in its "practical abolition" of the school system and enumerated the Democrats "bad acts and omissions . . . ." Aware of the dissatisfaction and disillusionment of certain black elements within the party, the Radicals pledged themselves to oppose any attempts to enact laws which reflected "unequally upon citizens on

51 San Antonio Daily Express, 23 May 1873.
52 Galveston Daily News, 22 April 1873.
53 Ibid., 23 April 1873.
account of their race; nativity; or belief . . . ." In a sweeping gesture, they vowed to oppose discrimination "of the rich against the poor whites."54

Unfortunately for the Radicals, such attempts at harmony did not always pay off. According to the Clarksville Standard, the Republicans of Grimes County held a meeting in mid-August of 1873 with results somewhat less than desirable. In nominating candidates for the state Senate race there was a dispute over who should be the candidate, one of two white men or "a negro named Washington." The delegates tried to peacefully settle the issue but to no avail. From the very first, there was controversy as to who should preside over the meeting. To settle the issue, the delegates made use of sticks, chairs, clubs, and any other handy weapon to decide the issue. Finally the melee ended when one black, who had not committed himself to either aspirant, gained control long enough to adjourn the convention until a later date.55 A similar situation occurred in Houston when Richard Allen, one of the black members of the Twelfth Legislature, took exception of the obeisance paid President Grant. Allen moved to table the resolution in prise of Grant and offered instead a resolution for his friend, J. G. Tracy. The meeting ended in chaos.56

54 American Annual Cyclopedia, 12:737-738.
55 Clarksville Standard, 28 August 1873.
56 Ibid.
Republicans of Texas, in the campaign of 1873, hoisted the "Bloody Shirt" as their campaign banner. A vote for Judge Richard Coke, nominee of the Democrat party, was to "endorse secession with all its evil results and reflect upon the memory of the old patriot hero Sam Houston." 

The Radical candidate for Lieutenant Governor, R. H. Taylor, spoke at a Republican rally in Austin defending his party's stand on the question of black suffrage and Negro social equality. He reminded his audience that he was a true Southerner, not a carpetbagger as was his opponent who had come to Texas in charge of "nigger" troops. The Democrats in turn accused Davis of having participated in the Secession Convention and thus of hiding behind false colors. At this, the Radicals declared Coke was the tool of the International Railroad, and that he had pledged to support legislation favoring this corporation and to appoint its men to public office. The San Antonio Daily Express carried a story of Ku Klux Klan activity in the Bexar County area which had resulted in a lynching.

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57 San Antonio Daily Express, 6 November 1873.
58 Ibid.
59 Ibid., 10 November 1873.
60 Ibid., 12 November 1873.
61 Ibid., 13 November 1873.
Leaving nothing to chance, the Democrats urged their supporters to register and vote in the upcoming election. The Clarksville Standard carried an editorial entitled "Registration--The Negro Candidates." The editor was disturbed that Radicals in Red River County had nominated a black over a white candidate and warned his white readers that these "deluded" creatures were making the election a question of race. The editor proclaimed that no black would be accepted in the county as a legislator. The county would not tolerate such "creatures" who had no more comprehension of "public policy" than "bushmen of Australia." He further appealed to the "last unregistered white man in the county [to] present himself, resent the insult and repel the degradation." The editor then prayed that the "Good Lord deliver us" from such black domination.62

Not at all alarmed at the strength of the Democrats, the San Antonio Daily Express carried a special wire report from Crockett, Texas, where the two candidates, Davis and Coke, had engaged in debate. Describing this contest in epic style, the editor declared that the forces of good had placed the villain on the run. It was reported that Coke was forced to admit he had not paid his school taxes and that he had demanded $1,000.00 for his fee in defending the citizens of Limestone County in their lawsuit against a martial law proclamation. Coke confirmed that he had

62 Clarksville Standard, 15 November 1873.
"rejoiced" upon hearing of the assassination of a state policeman in his hometown of Waco. The Republicans accused Democrats of desiring to entirely eliminate black suffrage. The charge was not denied.

Soon, news of a different sort was coming into Republican headquarters. It was reported that in the city elections held in Austin, blacks had deserted the Radical party and voted overwhelmingly for Democratic candidates. The number of black defectors was sufficient to "put our ticket through straight." Upon learning of the nomination of a black Democratic candidate for the position of alderman in the Alamo City, the Republicans charged that the Democrats were trying to split the black vote. The Democrats were charged with bribing blacks with booze. The State Gazette reported blacks were in a steady swing away from the Radical party. The San Antonio Daily Express was forced to admit that all was not harmony within Republican ranks in Senator Matt Gaines' district, embracing Washington County. The editor predicted, however, that all would be healed in time for the election.

63San Antonio Daily Express, 14 November 1873.
64Ibid., 7 November 1873.
65Clarksville Standard, 15 November 1873.
66San Antonio Daily Express, 8 November 1873.
67Ibid., 15 November 1873.
68Tri-Weekly State Gazette, 9 November 1873.
69San Antonio Daily Express, 9 November 1873.
When the polls closed and votes were counted there was "no shadow of a doubt of fraud and intimidation at this election."\textsuperscript{70} No attempt was made to deny the "fraud and intimidation"\textsuperscript{71} which took place. Professor Ramsdell justifies Democratic activity on the grounds that "negro Democrats were threatened by Loyal Leaguers."\textsuperscript{72} For this reason, blacks were "in many communities ordered to keep away from the polling places, while white men under age voted."\textsuperscript{73} The final tabulation showed Coke received 85,549 votes over Davis, who polled only 42,663. The Democrats won all state offices, most county elections and a substantial majority in the state Legislature.\textsuperscript{74} Thus was "honest" government returned to Texas.

Professing to be stunned by the outcome of the election, Republicans immediately sought reasons for their loss. Fellow party members were accused of not campaigning hard enough and candidates were criticized for having campaigned as individuals rather than as members of the ticket. The Mexican-American population came in for severe criticism, and the Republicans accused these citizens of voting

\textsuperscript{70}Ramsdell, p. 315

\textsuperscript{71}Nunn, p. 119.

\textsuperscript{72}Ramsdell, p. 315. Professor Ramsdell admits he has used evidence best described as "hearsay."

\textsuperscript{73}Ibid.

\textsuperscript{74}Nunn, p. 119.
against their own interests in supporting Democrats. Charges of fraud appeared and Mexican immigrants without citizenship papers were said to have participated heavily in the election.75

Davis announced he would hold his seat until April 28, 1874, four years from the date of his inauguration, and appealed the election on a technicality to the Texas Supreme Court. The court ruled in his favor, but Democrats were determined to ignore the ruling. Texas approached a small-scale civil war.76 The Democrats first unleashed a verbal barrage designed to point out the sins of Republicans. The Austin Daily Statesman warned "radicals black and white" to cease and desist in their attacks on the "perverse prejudice of the old pro-slavery aristocracy . . . ." It must be realized, according to the Statesman, that "great changes have occurred in the views of these gentlemen." The newspaper reminded Republicans that among their own heroes, such men as Abraham Lincoln, Senator Oliver P. Morton, and Judge James Hughes had each adamantly opposed black suffrage.77

An attack was then launched on the "civil wrongs" bill. Blacks were told they must forever remain separate

75San Antonio Daily Express, 4, 5, 7 December 1873.
76Ramsdell, p. 336.
77Austin Daily Statesman, 13 January 1874.
from whites as was desired by the "Creator, in His unlimited wisdom." The State Journal, a newspaper in support of Davis, was told that the Democrats' patience was running out. The actions of "crazy men and outlaws" could no longer be tolerated. The Democrats claimed they had been peaceful and law-abiding "ever since the overthrow of civil government in Texas by federal bayonets." The "endurance, patience, and forbearance" of these good Texans was now exhausted.78

On the night of January 12, 1874, Democrat partisans surreptitiously entered the upper stories of the capitol building. White and black supporters of Davis held the lower levels of the statehouse. The Travis Rifles, ordered by Davis to assist him in case of armed conflict, chose to support the Democrat nominee. On January 15, the Legislature met, officially counted the votes and inaugurated the victor, Coke, as governor.79

In a last-ditch effort to retain the state in Republican hands, Davis telegraphed President Grant requesting urgent assistance. Grant replied immediately, gently suggesting to the governor that it would be "prudent as well as right to yield to the verdict of the people as expressed by their ballots."80 This Governor Davis did.

78Ibid.
79Ramsdell, pp. 316-317; Austin Daily Statesman, 15, 16 January 1874.
80San Antonio Daily Express, 18 January 1874.
Davis supporters were quietly withdrawn from the capitol and bloodshed was averted, much to the credit of partisans from each side. In commenting on the Democrat victory, the San Antonio Daily Express quietly noted that "the rebellion has been accomplished and the old Secessionists are masters of the situation."\(^81\)

\(^81\)Ibid.
CHAPTER V

TOWARD A NEW RECONSTRUCTION

In searching for a central theme in the "Reconstruction" of Texas, one is overwhelmed by the magnitude of violence directed against blacks. Whether for reasons political or other, one fact remains--this violence was racially inspired. As surely as did the Northern army bring defeat to the Southern rebels, so did in turn the disgraced traitors bring death to freedmen. The main concern of the conquered white South was the maintenance of superiority over the Negro. The depths of such pathological white hatred directed against the defenseless black may, perhaps, never be understood by sane individuals.

Early attempts at "reconstructing" Texas saw no fundamental change from the old slaveocracy. White men, insecure in their own apparently limited abilities, once more sought to insure their liberties through an insidious denial of the same freedoms to black men. The single thread which united virtually all whites in Texas was their pathetic need to be superior to their former slaves. Through acts of savagery unworthy of barbarians, white Texans unleashed debased attacks designed to decimate the black population. These efforts were sanctioned by leading figures
in the state who acted in consonance with the nation's chief executive. "Nigger domination" gave way to Negro elimination.

When a shocked and dismayed Congress determined to provide protection for all citizens, their efforts in Texas were greeted with the vilest curses. Federal troops, themselves hostile to blacks in many instances, were able to render only a modicum of assistance to freedmen. These soldiers were like the blacks, subjected to murderous attacks. The Freedmen's Bureau, acting out of the humanitarian concern of insistent northern whites, was effectively prevented from performing the arduous task of bringing relief to the destitute. Blacks were forced to mortgage their lives and honor to the white man in return for the basic essentials of food, clothing and shelter. Former slaves, hated for their freedom, quickly learned that the newly bestowed suffrage was additional provocation for further attacks. The political efforts of black men in Texas brought little return for their fight against white savagery. Blacks who aligned themselves with white Republicans came to recognize that they had, indeed, traded old masters for new ones. In far too many instances, the "Radical" considered the black as simply another rung on the ladder to power. Those intrepid blacks who protested this state of affairs were quickly shuffled aside, and only the Negro sycophant was safe in his sinecure.
Although Republicans granted little equality to blacks, white Democrats steadfastly maintained their murderous lust for power. Even the pitiable attempts to educate these former slaves were met with hostility beyond human reason. Efforts to make the freedmen self-reliant were greeted with calculated violence which manifested itself in the burnings of schools and beatings of teachers. These actions served to underline the whites' determination to keep the blacks in a state of eternal bondage. Once returned to power, the white Democrats soon stripped the blacks of even the most basic rights.

These violent patterns in Texas were common through the South. From the ashes of their defeat, whites rose phoenix-like to establish a new feudalism designed to restore the values of the *ante bellum* period. Three basic concepts prevailed: the Negro must not become a free laborer; blacks must not be educated; freedmen must be denied political power. Whites themselves were ruled by a bitter, vicious jealousy that dictated the complete suppression of the blacks. Once an alliance was formed with northern capitalists, the black man was doomed. Civil rights were destroyed for the sake of economic stability.

Some 100 years following the "reconstruction," the nation is still haltingly moving toward a measure of equality for all its citizens. The oft-expressed "dream" of Martin Luther King remains a poignant memory. The change
that has occurred has come in spite of the white society. White America sustains itself in the universal lie that social change in accomplished only through legislative means. This principle is thus applied in urging blacks to seek equality through "non-violent" means. The violence used by whites has proved highly effective in securing liberties for whites only. Few blacks have come to realize that this same violence has played a major part in their own lives. Blacks were violently enslaved, freed by use of violence, returned to a "new" slavery through violence, and entered this "Second Reconstruction" through violent means. Yet, such violence is basically American and, perhaps in this manner, militant blacks do indeed become exaggerated Americans.

History has many uses, among them problem solving. Black people who seek to end their bondage must not only be aware of the black experience in America, but of the American experience itself. This study presents certain principles of performance, successfully employed by whites, which, in turn, may guide blacks in achieving equity within the American Society. Blacks in America must not succumb to a racism which blinds them to the wisdom of America's Founding Fathers. The black too, must hold certain truths to be self evident. The same principles which succeeded in achieving liberties for white men must be viewed as viable alternatives for blacks. As much as did white Americans, black men in America must know "That whenever any Form of Government becomes destructive . . . it is the
Right of the People to alter or to abolish it . . . ." The Declaration of Independence does not specify color in denouncing "a long train of abuses and usurpations . . ." designed to reduce free men " . . . under absolute Despotism . . . ." Thomas Jefferson proclaimed to all men that "it is their right, it is their duty to throw off such Government . . . ."

Beyond doubt Americans can, through honest effort and sincere willingness, solve all their differences. But, it must be firmly understood by white America that black people have no obligation to allow continued enjoyment of freedoms for whites only while blacks themselves remain forced to beg for dignity. In all this, the role of the historian is clear. He must relentlessly search for truth and objectivity and present these findings to a torn nation. Most white historians have failed in this. Instead, these historians have choked on such truth and regurgitated their foulest prejudices. In too many instances, academic prostitution has been substituted for historical scholarship, and the talents of able men are violated in a lust for "The Lost Cause." For these same reasons did Marc Anthony lament upon the death of his friend Caesar:

O judgement, thou art fled to brutish beasts,
And men have lost their reason!
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