

REGRESSION TO BARBARISM IN RECONSTRUCTION TEXAS:  
AN ANALYSIS OF WHITE VIOLENCE AGAINST AFRICAN-AMERICANS  
FROM THE TEXAS FREEDMEN'S BUREAU RECORDS, 1865 – 1868

THESIS

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## PREFACE

The Thirteenth Amendment to the Constitution liberated approximately four million bondsmen from their shackles. But in reality, emancipation meant uncertain freedom for America's newest citizens. Masters who had previously exercised complete control over their human chattel were now forced to recognize the freedom and independence of those who had never known it. White resistance in some form was inevitable; however, the amount and brutality of the violence perpetrated against African-Americans during Reconstruction, was of unimaginable proportions.

Texas offers a unique look at Reconstruction violence. Because the state was not physically devastated by the Civil War, it is understandable that white Texans would be more resistant to post-war changes forced upon them, especially with regard to race relations. But the amount of brutality inflicted upon former slaves in the state indicates that whites were violently opposed to black freedom in any form. An analysis of the types of violence inflicted, and the reasons and circumstances surrounding violent incidents in Reconstruction Texas reveal that, underlying the majority of economically, socially, and politically motivated acts, was a deep-seated racism.

The records of the Bureau of Refugees, Freedmen, and Abandoned Lands (commonly known as the Freedmen's Bureau), particularly the "Record of Criminal Offenses Committed in the State of Texas," show the sheer brutality inflicted upon African-Americans by whites, and have far-reaching implications for the history of race relations in Texas. The Bureau, established in the War Department on March 3, 1865, arrived in Texas that same year. From that time until its withdrawal from the state in 1868, the agency's main responsibility was supervising the affairs of the freedmen, which included recording complaints of their mistreatment by whites. Between 1865 and 1868, agents listed over 2,200 violent incidents throughout the state, 1,698 of which involved injury to blacks. These records are important, not only for statistical reasons, but because they demonstrate that, even with federal protection, blacks were brutally mistreated by whites after emancipation.

The purpose of this study is to document the surprisingly high incidence and brutality of anti-black violence during Reconstruction in Texas. Whites commonly employed sadistic methods against blacks even though the alleged provocations rarely fit the brutality inflicted. In addition, Texas courts refused to apply laws equally, so blacks were regularly incarcerated for trivial offenses while whites were acquitted for the most heinous atrocities. This task required heavy reliance on the "Record of Criminal Offenses Committed in the State of Texas." By copying the entire report onto a database, it was possible to categorize reported incidents according to the type of violence inflicted and the

circumstances surrounding the incidents. The first chapter gives an overview of what has been written about Reconstruction violence in general, and Texas specifically, indicating the necessity for a study of this type. The following two chapters offer a detailed analysis of the Freedmen's Bureau records. The most frequent types of violence and the justifications for such acts are discussed in Chapter 2, while Chapter 3 focuses on the most brutal and senseless incidents. It is in this final chapter that the racism of whites toward blacks and the failure of the Freedmen's Bureau to protect their charges is most evident. Clearly, whites were not hampered by the Bureau's presence, so it is reasonable to assume that violence worsened after the Bureau's departure and the political "Redemption" of the state. Thus, this study is only the first chapter of a long and gruesome story.

## CHAPTER 1

“WANTONLY MALTREATED AND SLAIN,  
SIMPLY BECAUSE THEY ARE FREE”:

### A REVIEW OF RECONSTRUCTION HISTORIOGRAPHY

Reconstruction began in Texas on June 19, 1865, when Federal troops arrived in Galveston. General Gordon Granger issued the order, proclaimed by President Andrew Johnson, that all slaves were free. The majority of Texans, however, refused to recognize that freedom and attempted to hold African-Americans in a condition of virtual slavery through the use of violence and other means. Even the presence of the military could not suppress the violence perpetrated upon African-Americans by their bitter, resentful, and defeated former masters.

When the Texas Reconstruction Convention met in Austin in 1868, they determined the necessity of organizing a committee to investigate lawlessness and violence in the state since the end of the Civil War. After an extensive study of homicides between the races, the Report of the Committee on Lawlessness and Violence declared that the “great disparity between the numbers of the two races killed, the one by the other, shows conclusively that the ‘war of the races’ is all on the part of the whites against the blacks.” The report continued:



When we come to examine the persecutions suffered by the freed people, the mass of testimony is so overwhelming that no man of candor can for a moment question the statement that they are, in very many parts of the state, wantonly maltreated and slain, simply because they are free, and claim to exercise the rights of freemen.<sup>1</sup>

During Reconstruction, blacks and whites “struggled within an atmosphere of bitterness, frustration, and resentment to redefine their roles.”<sup>2</sup> The extent of violence against blacks during the period has normally been minimized by Southern apologists, while revisionists have emphasized it as a significant characteristic of Reconstruction. Through an examination of the secondary literature on Reconstruction in general, and on Texas specifically, this chapter will determine that not only was Texas a violent place for African-Americans during Reconstruction and beyond, but that much more research is necessary to fit Texas into the larger framework of the violent South as a whole during the period and to understand the long-term implications of violence on African-Americans.

Historians have not always acknowledged the role of violence perpetrated by whites in encumbering black progress after emancipation. The earliest influential literature on Reconstruction was written at the turn of this century in

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<sup>1</sup> *Journal of the Texas Reconstruction Convention Which Met in Austin, Texas, 1 June 1868* (Austin, 1870), 194-196.

<sup>2</sup> Barry Crouch, “Hidden Sources of Black History: The Texas Freedmen’s Bureau Records as a Case Study,” *Southwestern Historical Quarterly* 83(hereinafter referred to as *SHQ*) (January 1990), 217.

the tradition of William A. Dunning. A prestigious professor of history and political philosophy at Columbia University, Dunning initiated the scientific and scholarly study of the Reconstruction era. These apologetic Southern historians typically accepted the fact that violence did take place after emancipation, but rather than place blame on conservative Southerners, they blamed the repressive federal government, the military, the Freedmen's Bureau, and the emancipated slaves. Dunning's influence was not limited to a single state. A number of his graduate students, known collectively as the "Dunning School," produced state-level studies which remained authoritative until the 1960s. Almost completely neglecting the role of African-Americans, Dunning and his followers influenced an entire generation of academics to view Reconstruction from the perspective of the defeated white South. Persuaded by Dunning and others, such as James Ford Rhodes, textbook and fiction writers helped to bring the negative scholarly interpretation of Reconstruction, with its "ignorant negroes" and "vulturous adventurers from the North," to mainstream America.<sup>3</sup>

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<sup>3</sup> General accounts of Reconstruction in the Dunning School tradition include William A. Dunning, *Reconstruction: Political and Economic, 1865-1877* (New York: Harper and Brothers, 1907); Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Cambridge: Houghton Mifflin, 1929); E. Merton Coulter, *The South During Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1947); Walter L. Fleming, *The Sequel to Appomattox* (New Haven: Yale University Press, 1919); James W. Garner, *Reconstruction in Mississippi* (New York: McMillan Company, 1901); James Ford Rhodes, *History of the United States Since the Compromise of 1850*, Vol. 7 (New York: The Macmillan Company, 1906), 168 (quotation).

These early perceptions of Reconstruction did not do justice to the important role played by African-Americans in the era. When referring to “the South” or “the people,” Dunning School scholars were no doubt speaking of the *white* South and *white* people. African-Americans were almost completely neglected in the narrations, except when their aspirations or achievements were ridiculed. Scholars writing in the tradition of Dunning embraced the view of “negro incapacity,” describing the freed people as childlike, unprepared for freedom, and incapable of exercising the political rights forced upon them by Northern whites. African-Americans were referred to as “passive victims of white manipulation” or as “unthinking people whose animal natures threatened the stability of civilized society.”<sup>4</sup> Dunning asserted that “intelligence and political capacity were, indeed, almost exclusively in the one race.”<sup>5</sup> Although disturbing in hindsight, this interpretation is not surprising considering the views held by white America at the time. It reflected and legitimized America’s racial order, where blacks were disenfranchised and discriminated against in every integral part of their lives.<sup>6</sup>

Violence perpetrated by white Southerners upon blacks was practically excused by Dunning, who claimed that “actual violence was rare” and the

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<sup>4</sup> Eric Foner, *Reconstruction: America’s Unfinished Revolution* (New York: Harper & Row, 1988), xx.

<sup>5</sup> Dunning, *Reconstruction: Political and Economic*, 213.

<sup>6</sup> Foner, *Reconstruction*, xxii.

“sporadic cases” were simply “massed and exaggerated for partisan purposes.” His personal bias is especially evident in the index of his book entitled *Reconstruction: Political and Economic*, where he includes a subheading of “faked outrages on [negroes].” The Ku Klux Klan is even vindicated as an organization “designed to terrify or coerce the freedmen into conduct that should manifest respect for persons and property of the superior race,” with its main purpose being to “preserve the social and political ascendancy of the white race.”<sup>7</sup> The works of other “Dunningites” reinforced the beliefs of their predecessor. Both James Garner and Walter Fleming argued that the Klan began as a response to the Union League and was simply an understandable and justified response to provocation by northern “aliens” and ignorant blacks undeserving of equality with whites.<sup>8</sup> Along the same lines as Garner and Fleming, but exhibiting a eulogistic tone, is Stanley Horn’s *Invisible Empire*, that describes the organization’s “illegal” activities as “heroic.”<sup>9</sup> J.G. de Roulhac Hamilton justified Klan activities by insisting that “crime and violence of every sort ran unchecked” and the Klan “was called into existence by this state of affairs” to

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<sup>7</sup> Dunning, *Reconstruction*, 279, 80, 371, 122.

<sup>8</sup> Garner, *Reconstruction in Mississippi*, 338, 339; Fleming, *The Sequel to Appomattox*, 653.

<sup>9</sup> Stanley Horn, *Invisible Empire: The Story of the Ku Klux Klan, 1866-1871* (Boston: Houghton Mifflin, 1939), 376.

restore political power “to the hands of the class best fitted to administer.”<sup>10</sup> E. Merton Coulter authored the last general history of Reconstruction in the Dunning tradition. Completely neglecting white violence and focusing primarily on the abhorrence of political participation of the “inferior race,” Coulter believed the fact that blacks took part in government at all was “diabolical . . . to be remembered, shuddered at, and execrated.”<sup>11</sup>

Up until the last few decades, the most influential historical literature on Texas Reconstruction was written in the Dunning tradition as well. Focusing on military dominance, the misrule of Radical Republicans, the inadequacies of the Freedmen’s Bureau, and the inferiority of African-Americans, scholars such as Charles Ramsdell, Claude Elliott, and William C. Nunn mirrored the perceptions of Dunning at the local level.<sup>12</sup> Typically, these Texas historians blamed the Freedmen’s Bureau for violence and disorder, especially during military rule. The Bureau was blamed for freeing blacks arrested by local authorities and encouraging them to break employment contracts. These claims do not agree with the facts in the Freedmen’s Bureau records and the reports of federal

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<sup>10</sup> J.G. de Roulhac Hamilton, *Reconstruction in North Carolina* (New York: Columbia University Press, 1914), 452-454.

<sup>11</sup> Coulter, *The South During Reconstruction*, 352.

<sup>12</sup> See Charles W. Ramsdell, *Reconstruction in Texas* (New York: Columbia University Press, 1910); Claude Elliott, “The Freedmen’s Bureau in Texas,” *SHQ* 56 (July 1952); William C. Nunn, *Texas Under the Carpetbaggers* (Austin: University of Texas Press, 1962).

military commanders which indicate that both the Bureau and the army encouraged labor contracts.<sup>13</sup>

Elliott's writing oozes with stereotypes from the Dunning school. Although he focused primarily on the politics of the Freedmen's Bureau, he did admit that there were instances of violence. He blamed the Freedmen's Bureau, however, for purposefully provoking violence by encouraging Negro idleness and contract disputes with employers. Although admitting that "not all of the illegal, fraudulent, and atrocious acts were committed by the bureau," Elliott claims that the "no less defiant deeds of citizens of Texas" were "exaggerated and colored" and only the partial truth of some were acknowledged in the Freedmen's Bureau reports.<sup>14</sup> Charles Ramsdell, unlike other students of Dunning, at least admits the existence of much violence, but blames most of it on the existing conditions of "lawlessness and outlaws" in Texas among both races.<sup>15</sup> Ramsdell student, William C. Nunn, gives a detailed account of the administration of E.J. Davis in his 1962 work entitled *Texas Under the Carpetbaggers*. What is most disturbing about Nunn's work is the fact that a historian of Texas Reconstruction writing in the 1960s did not take into account the many questions raised by revisionist

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<sup>13</sup> Reports of Operations and Conditions (ROC), Assistant Commissioner (AC), Texas (T), Records of the Bureau of Refugees, Freedmen, and Abandoned Lands (BRFAL), Record Group 105, National Archives (NA).

<sup>14</sup> Elliott, "The Freedmen's Bureau," 3, 21.

<sup>15</sup> Charles W. Ramsdell, "Presidential Reconstruction in Texas," *The Quarterly of the Texas State Historical Association* XII (January 1909), 285-286.

historians who successfully disputed the Dunning school. He is a prime example of an historian accepting and perpetuating the earlier myths of Reconstruction. One of Nunn's justifications is that the Klan seldom resorted to illegal methods or violence. In an attempt to substantiate the Klan's innocence, Nunn stresses that "no record has been found showing that the [Texas] State Police ever arrested any man wearing Ku Klux Klan regalia."<sup>16</sup> Though this may be true, Nunn neglects to explore the existence of other Klan-like groups, such as the Knights of the Rising Sun, or what one historian calls "klanism," or Klan-like violence by unorganized groups or individuals.<sup>17</sup>

Although Dunning's voice was a dominant one, it did not silence black contemporaries and their views of how violence prevented political, economic, and social equality of emancipated slaves and their descendants. Revisionists, such as W.E.B. DuBois and John Hope Franklin concentrated their arguments upon the era's successes and placed the freedmen as principal players in Reconstruction. They challenged the Dunning School position, calling for a reexamination of Reconstruction to focus on the significant contributions made by African-Americans and the central role of violence. Their work helped to destroy the once prevalent idea that "Reconstruction was a time of economic

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<sup>16</sup> Nunn, *Texas Under the Carpetbaggers*, 248-233.

<sup>17</sup> See Everette Swinney, *Suppressing the Ku Klux Klan: The Enforcement of the Reconstruction Amendments, 1870-1874* (New York: Garland Publishing, Inc., 1987).

rape and plunder" by the North.<sup>18</sup>

DuBois' influential article "Reconstruction and Its Benefits" attempted to dispute the views perpetuated by Dunningites that Reconstruction was a failure. On the contrary, DuBois asserted that not only was Reconstruction not a failure, but some good actually came out of the period for African-Americans.

Specifically, blacks received opportunities in education, they experienced the beginnings of political activity, and received some protection of civil rights.<sup>19</sup> In 1935, DuBois authored the first major scholarly work on Reconstruction written after World War I. Exhibiting a quasi-Marxist tinge, *Black Reconstruction* was an angry dissent from the traditional interpretation of the era, asserting that "the treatment of the period of Reconstruction reflects small credit upon American historians as scientists."<sup>20</sup> Focusing primarily on economics, DuBois believed that violence against the African-American community played a critical role in attempts by white conservatives to overthrow Reconstruction. Planters intended to reduce black labor "to a condition of unlimited exploitation" and utilized terror tactics "to deprive the Negroes, by force, of any real weapon for economic

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<sup>18</sup> W.E.B. DuBois, *Black Reconstruction in America* (New York: Antheneum Press, 1935); John Hope Franklin, *Reconstruction: After the Civil War* (Chicago: University of Chicago Press, 1961); Barry Crouch, "Unmannacling Texas Reconstruction: A Twenty-Year Perspective," *SHQ* 93 (January 1990), 275.

<sup>19</sup> W.E.B. DuBois, "Reconstruction and Its Benefits," *American Historical Review* 15 (1909-1918), 781.

<sup>20</sup> DuBois, *Black Reconstruction*, 713.



bargaining.”<sup>21</sup> This perspective of violence, described by DuBois as the “counter-revolution of property,” demonstrates that violence was not provoked, but was a consciously employed instrument used by white property holders to dominate labor.<sup>22</sup>

Both DuBois and Franklin agree on the success and centrality of violence, but Franklin believed violence to be more political in nature, organized specifically to eliminate black threats to white institutions and the Southern way of life.<sup>23</sup> Franklin challenged the traditional belief that vindictive Radicals imposed corrupt rule over the repentant former Confederates, who enthusiastically followed the “compassionate policies” of President Johnson.<sup>24</sup> Devoting an entire chapter to Presidential Reconstruction, Franklin examined the response of Southern whites to national policy and concluded that they failed to meet the expectations of the North. Radical Reconstruction was inflicted on the South as a result of their unwillingness and inability to treat the freedmen with fairness during a period when they were left almost entirely to their own devices.

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<sup>21</sup> Ibid., 670.

<sup>22</sup> Ibid., 670, 674; Michael Perman, “Counter Reconstruction: The Role of Violence in Southern Redemption,” in *The Facts of Reconstruction*, edited by Eric Anderson and Alfred A. Moss (Baton Rouge: Louisiana State University Press, 1991), 126.

<sup>23</sup> Franklin, *Reconstruction*, 153.

<sup>24</sup> Roberta Sue Alexander, “Presidential Reconstruction,” in *The Facts of Reconstruction*, 30.

The questions raised by African-Americans like DuBois and Franklin were seconded by white historians such as Howard K. Beale. He believed the main theme of the Reconstruction era was the economic struggle between rich and poor rather than a struggle between the races. Beale set in motion a new era of revisionism by asserting the view that Reconstruction should be studied “without first assuming that carpetbaggers and Southern white Republicans are wicked, that negroes were illiterate incompetents, and that the whole white South owes a debt of gratitude to the restorers of white supremacy.”<sup>25</sup>

Beginning in the 1960s, historians built on the findings of earlier revisionists and successfully advanced the view that “violence was a major component” of race relations during Reconstruction.<sup>26</sup> Leon Litwack has called enormous attention to the issue with his graphic descriptions of white violence against blacks. He reveals what the statistical records fail to, the “barbaric savagery and depravity -- the severed ears and entrails, the mutilated sex organs, the burnings at the stake, the forced drownings, the open display of skulls and severed limbs as trophies.” His research concludes that there was virtually no way for a freedperson to protect himself from a white man’s wrath if he were suspected of “harboring dangerous tendencies” or accused of being “a

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<sup>25</sup> Howard K. Beale, “On Rewriting Reconstruction History, *American Historical Review* XLV (July 1940); 808.

<sup>26</sup> Barry Crouch, “A Spirit of Lawlessness: White Violence; Texas Blacks, 1865-1868,” *Journal of Social History* 18 (Winter 1984), 217.

'smart-assed nigger' who needed chastisement."<sup>27</sup> Upon close examination, Litwack's findings about the South in general reflect the findings of the Committee on Lawlessness and Violence in Texas one hundred years earlier.

"The major obstacle confronting Texas blacks in their attempt at independence and advancement was the widespread brutality directed at them by the white population."<sup>28</sup> This statement by historian Barry Crouch embodies the view of most recent Texas historians who, through a reexamination of the sources, have determined that violence perpetrated by whites against blacks during Reconstruction was far-reaching and frequent.

From the beginning of Reconstruction violence was effectively used by Texas whites to establish their social, economic, and political hegemony over blacks. It was used to keep blacks on the plantations and working, to keep them in their place, to create disorder in the black community, and to demonstrate that the black populace was generally at the mercy of the whites. The types of outrages traversed the whole gamut from the imaginable to the unimaginable.<sup>29</sup>

Crouch argues that Texas had three distinct factors which set it apart from other Southern states at the end of the war and may have affected its violence record: the location of the state on the frontier, its immunity from the physical

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<sup>27</sup> Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1979), 276-277.

<sup>28</sup> Crouch, "Unmannaciling Texas Reconstruction," 295.

<sup>29</sup> Crouch, "Hidden Sources of Black History," 224.

devastation of the Civil War, and its low population density.<sup>30</sup> These factors combined to give the army, and later the Freedmen's Bureau, a difficult time protecting emancipated slaves in Texas from the violence of whites. Upon close examination, Gilles Vandal's article entitled "Bloody Caddo" reinforces Crouch's findings on Texas. Vandal determines that Caddo Parish was the most violent area of Louisiana during Reconstruction. This parish, bordering northeast Texas along the Red River, was the only one in Louisiana to be spared the devastation of the war. As a result, white residents there did not feel that they had been vanquished, and "firmly resisted changes brought by the war and did not shrink from anything, even murder."<sup>31</sup>

While Dunningites blamed Radical Reconstruction for bringing about "an epidemic of unparalleled violence and lawlessness," recent historical analysis indicates that there were a number of factors and motivations for such "unparalleled" violence.<sup>32</sup> James Smallwood's findings emphasize the need of

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<sup>30</sup> Crouch, "A Spirit of Lawlessness," 225.

<sup>31</sup> Gilles Vandal, "Bloody Caddo: White Violence Against Blacks in a Louisiana Parish, 1865-1875," *Journal of Social History* 25 (1991), 377.

<sup>32</sup> Edgar P. Sneed, "A Historiography of Reconstruction in Texas: Some Myths and Problems," *SHQ* 72 (April 1969), 443. For revisionist scholarship see Crouch, "Spirit of Lawlessness", 217-232; Leon Litwack, *Been in the Storm So Long*, 274-282; William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New Haven: Yale University Press, 1968), 68-69; Carl H. Moneyhon, *Republicanism in Reconstruction Texas* (Austin: University of Texas Press, 1980), 78; Donald G. Nieman, *To Set the Law In Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood: KTO Press, 1979), 14; George Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press,

Southerners to maintain white supremacy as a motivating factor, while Crouch focuses on the overwhelming economic and social causes. Both believe that political motivations for racial violence have been overemphasized by historians.<sup>33</sup>

Gregg Cantrell, however, demonstrates that politically-motivated violence was prevalent throughout the state. Although comparatively few blacks held public office in the Reconstruction South, the small number who did infuriated conservatives. The mere thought of conducting business with black politicians seemed “not only an added humiliation but another evil result of emancipation.”<sup>34</sup> Cantrell places Texas within this perspective and demonstrates that racial violence in the state was “closely associated with political developments.”<sup>35</sup> By examining records of violence against blacks and comparing them with the timing of political events, Cantrell concludes that whenever political events were

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1984), 13; William L. Richter, “The Army and the Negro During Texas Reconstruction, 1865-1870,” *East Texas Historical Journal* 10 (Spring 1972); Robert W. Shook, “The Federal Military in Texas, 1865-1870.” *Texas Military History* 4 (Spring 1967): 3-53; James Smallwood, *Time of Hope, Time of Despair: Black Texans During Reconstruction* (New York: Kennekat Press, 1981), 128-158; Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971), 137-148

<sup>33</sup> See Smallwood, *Time of Hope, Time of Despair* and Crouch, “Spirit of Lawlessness.”

<sup>34</sup> Rable, *But There Was No Peace*, 62.

<sup>35</sup> Gregg Cantrell, “Racial Violence and Reconstruction Politics in Texas, 1867-68,” *SHQ* 93 (January 1990), 337.

beyond white control, blacks received the brunt, usually physically, of white political frustrations.

Beginning in 1867, blacks began taking an active part in the political process and also became aware of the dangers inherent in exercising the vote. Violence was used to keep blacks from the polls and as a method of punishment for supporting Republicans. According to DeWitt C. Brown, Sub-Assistant Commander of the 37th Sub-District of the Texas Freedmen's Bureau (Fannin, Lamar, and Red River counties), "as blacks tried to assert their rights through political participation, things became even worse. Whites constantly made 'most malicious and vindictive' threats to kill 'the first damned nigger' they saw and bragged that they could hardly wait for the bureau to be withdrawn so they could leave the woods 'perfumed with dead niggers.'" <sup>36</sup>

Allen Trelease, author of the most comprehensive study of the Klan during Reconstruction, claims that Texas was one of the most violent of the Southern states after the war. When compared to conditions in Louisiana and Arkansas in 1867, "those states were almost subdued by comparison with Texas; individual violence and mob violence, organized and unorganized, premeditated and unpremeditated, had been endemic" in Texas for years. Freed

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<sup>36</sup> Brown to Acting Assistant Adjutant General (AAAG), Dec. 31, 1867, (ROC), (AC), (T), (BRFAL), Record Group 105, (NA). Quoted in William L. Richter, "The Revolver Rules the Day: Colonel DeWitt C. Brown and the Freedmen's Bureau in Paris, Texas, 1867-1868," *SHQ* 93 (January 1990), 311.

blacks were dragged from their homes, intimidated, robbed, beaten, and murdered throughout the state. Organized violence against blacks was especially prevalent in the northeastern sections of the state near the Louisiana and Arkansas borders. Organized groups, such as the Knights of the Rising Sun, did not create the violent conditions in Texas but gave it a political character. Their crimes not only went unpunished, but “conservatives used them to force a majority of the Negroes to swear allegiance to the Democratic party.”<sup>37</sup>

Trelease and Cantrell present convincing evidence, but focusing on political motivations alone does not give a balanced view of the outrages perpetrated against blacks, since political considerations seldom constituted the only reason for violence. While recognizing these significant factors, the importance of economic and social motivations must also be stressed.

Trelease’s book is rather limited on Texas, but James Smallwood’s 1985 article, “When the Klan Rode,” picks up where Trelease left off. Smallwood maintains that organized terror groups in Texas even preceded the development of the original Tennessee-based Klan. They used violent tactics as early as 1865 to keep black people from seeking employment contracts in certain counties, and even used violence against whites who employed blacks. The Klans in Texas came from every class of Anglo society. They were completely decentralized and known by many names, but their goals were the same: “the

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<sup>37</sup> Trelease, *White Terror*, 103, 105.

political, economic, and social subjugation of freedmen and the persecution of white Unionists.”<sup>38</sup> Klan groups ran teachers of freed people out of town and were especially angered by any black ownership of land. Random groups of outlaws terrorized white Unionists and could even be hired to kill blacks for money, but aside from the notorious Cullen Baker gang, these incidences were relatively few and far between. Smallwood concludes that Klan activity was prevalent in Texas between 1867 and 1872, with 1868 being the most violent year. For every example cited, Smallwood believes that tens went unreported. He concurs with Trelease that the Klan movement in Texas was nothing less than a “mass conspiracy” of “vicious murderers.”<sup>39</sup>

After emancipation most freedmen wanted to evade domination by whites in any form, especially economically. Crouch’s analysis of the Texas Freedmen’s Bureau records indicates that freedmen did not resist work itself, but “work in a form which undermined their independence and freedom.” Because planters did not have the resources to pay workers in cash after the war, contractual labor was the usual arrangement. Freedmen in Texas seemed to have a fear that in signing contracts “they were bartering away their newly won

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<sup>38</sup> James Smallwood, “When the Klan Rode: White Terror in Reconstruction Texas,” *Journal of the West* 25 (1986), 5.

<sup>39</sup> Ibid., 12; For the most recent scholarship on Cullen Baker see Barry Crouch and Donaly Brice, *Cullen Montgomery Baker, Reconstruction Desperado* (Baton Rouge: Louisiana State University Press, 1997).



freedom.”<sup>40</sup> This was an understandable attitude because the contractual relationships that developed between ex-master and ex-slave were meant to keep blacks tied to the land.

Competition for agricultural hands was intense and planters often attempted to lure blacks from one plantation to their own. As a result, the Bureau had to regulate contracts and hiring practices and, Smallwood’s findings indicate that agents found themselves constantly adjudicating conflicts between white employers and black laborers. “Landlords could ‘hold court’ and impose fines on any workers guilty of disobedience and on those who lost work time because of unapproved absence.”<sup>41</sup> Whites often quarreled among themselves over who had the earliest dated contract for a black worker, and as such, the right to utilize his labor. According to Richter, when blacks unknowingly signed more than one contract, they often times found themselves caught between feuding landowners and suffered beatings as a result.<sup>42</sup> The findings of Crouch, Smallwood, and Richter offer a different perspective than that implied in Claude Elliott’s earlier study of the Freedmen’s Bureau in Texas. In keeping with the Dunning School tradition, Elliott saw the main problem in contracting labor was

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<sup>40</sup> Crouch, “Hidden Sources of Black History,” 216, 217.

<sup>41</sup> James Smallwood, “Charles E. Culver, A Reconstruction Agent In Texas: The Work of Local Freedmen’s Bureau Agents and the Black Community,” *Civil War History* 27 (1984), 355.

<sup>42</sup> Richter, “The Revolver Rules the Day,” 307.

getting the freedmen to honor their contracts because “the negro had some difficulty in understanding how he could be free and still have to work.”<sup>43</sup>

Another tool of economic domination used by whites was the convict lease law, part of the Texas Black Codes. This law allowed judges to turn black felons over to white property owners, who, for a fee, could “work the convicts as slaves for the duration of their sentences.”<sup>44</sup> Some states even adjusted their laws so as to build up the convict pool. According to William Cohen, the implementation of these laws was an “integral part of the effort to create a new legal structure to deal with emancipation on white terms.” Convict labor during Reconstruction was, in many respects, worse than slavery. Cohen’s findings demonstrate that chains and shackles, used during slavery by traders and for discipline, were standard equipment for leased prison laborers. It is ironic that some of the worst aspects of the prison labor system in the South were initiated by Republican governments during Reconstruction. Convict leasing became a means of bringing in state revenue while at the same time, relieving the crumbling prison system of custodial responsibilities. The “Redeemer” governments, while compelled by similar motives, used convict leasing as a “means of disciplining the black labor force,” and thus added a more racial

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<sup>43</sup> Elliott, “The Freedmen’s Bureau,” 12.

<sup>44</sup> Smallwood, “Charles E. Culver,” 354; H.P.N. Gammel, *The Laws of Texas, 1822-1897*, Vol. 5 (Austin: The Gammel Book Company, 1898), 119-120.

motive to the law.<sup>45</sup>

Whites in Texas were also hostile towards the efforts of the Bureau to provide education for blacks. They retaliated with overt acts of violence, such as assaulting both black and white teachers and burning down schoolhouses. In Paris, Texas, Sub-Assistant Commissioner Brown reported a rather vile form of retaliation after “a half-dozen ‘young ladies’ entered the vacant schoolhouse and ‘emptied filth from their bodies’ on the floor, upon benches, and in the water bucket.”<sup>46</sup>

Many white Texans were unwilling to accept the freedom of their former slaves, much less the possibility of equality of the races. Whites expected humble obedience reminiscent of the days of slavery and were appalled at the “insolence” of newly-freed blacks. Simply by asserting their freedoms or attempting to learn more about their rights, blacks became targets of violence. In Texas, blacks were subjected to numerous outrages whether “at work or play, while drinking, in an institutional setting, or in circumstances when refusing to sanction old social mores.” It was not uncommon for freedmen to be whipped or even murdered for making insulting noises, speaking disrespectfully or out of turn, talking back or “sassing”, failing to stand at attention when whites passed

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<sup>45</sup> William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest For Racial Control* (Baton Rouge: Louisiana State University Press, 1991), 221, 226, 222.

<sup>46</sup> Brown to AAAG, May 16, 1868, LR, AC,T. Quoted in Richter, “The Revolver Rules the Day,” 314.

by, or failing to address whites properly.<sup>47</sup> Although infrequently, blacks did retaliate against their attackers. Joe Gray Taylor asserts that “most violence inflicted upon black people in Louisiana, and elsewhere for that matter, was inflicted by black people.”<sup>48</sup> Though Taylor’s assertion may be correct for Louisiana, statistics of the Freedmen’s Bureau Records demonstrate that in Texas, the percentage of white violence against blacks was tremendously higher than black violence against whites.

From an examination of the “Report on Lawlessness and Violence in Texas,” Anne Patton Baenziger concludes that crime statistics during the period 1865-1868 indicate that “most of the homicides had been racially and politically motivated.” Furthermore, although a political bias on the part of the committee must be assumed to some degree, the report is substantiated by evidence. In the Committee’s first report on June 30, 1868, there were 939 reported homicides in Texas. Of these there were 460 white on white, 373 white on black, 10 black on white, and 58 black on black homicides.<sup>49</sup>

Public apathy combined with prejudiced officials made it virtually impossible to prosecute whites for crimes against blacks. General Philip

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<sup>47</sup> Crouch, “A Spirit of Lawlessness,” 222, 224.

<sup>48</sup> Joe Gray Taylor, *Louisiana Reconstructed* (Baton Rouge: Louisiana State University Press, 1974), 421.

<sup>49</sup> Ann Patton Baenziger, “The Texas State Police During Reconstruction: A Reexamination,” *SHQ* 72 (April 1969), 472.

Sheridan summed up the situation for Texas when he reported: "My own opinion is that the trial of a white man for the murder of a freedman in Texas would be a farce."<sup>50</sup> Baenziger's findings reinforce General Sheridan's opinion by demonstrating that out of the total number of homicides reported between 1865 and 1869, there were only 279 indictments and only 5 convictions.<sup>51</sup> Often times blacks were arrested for trivial offenses so that they could be leased out to whites, usually their former owners. Unruly blacks were flogged, hung by their thumbs, or chained by their employers for various offenses. "It was regrettable but understandable if one gentleman killed another over a real or imagined personal insult. It was not even regrettable if a white Southerner was forced to take violent action to remind black Southerners of their proper place."<sup>52</sup> Although the exact figures may never be known because many violent crimes were unreported, a sizable number of assaults, rapes, robberies and murders were committed against freed blacks, and "little or no action was taken against the guilty parties."<sup>53</sup>

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<sup>50</sup> Rable, *But There Was No Peace*, 20.

<sup>51</sup> Baenziger, "The Texas State Police," 473.

<sup>52</sup> Dan T. Carter, *When The War Was Over, The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985), 22.

<sup>53</sup> Rable, *But There Was No Peace*, 29.

Although revisionist and post-revisionist historians agree that racial violence existed in Reconstruction Texas, the exact causes are difficult to pinpoint. Many factors, including economic, social, and political conflicts, and the maintenance of antebellum white supremacy, led to numerous instances of violence on the newly-freed black population of Texas in the first years of Reconstruction. Freedmen's Bureau records, specifically the "Records of Criminal Offenses Committed in the State of Texas," offer an important tool for analyzing the instances of reported violence in the state from 1865 through 1868. Although the Bureau was spread too thinly across the state to provide anything close to complete records, and purposeful under- or over-reporting can not be completely ruled out, Bureau documentation provides historians the most objective and systematic account of Reconstruction violence extant. From an analysis of this source, it is possible to determine the social context in which the violence occurred and to make some generalizations about its impact on the development of the black community in Texas.<sup>54</sup>

At first glance, Bureau records depict violent acts against blacks as mere violations of the law. But the listing of criminal acts alone obscures the motives

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<sup>54</sup> "Records of Criminal Offenses Committed in the State of Texas," Assistant Commissioner (AC), Austin, Vols. 11-13 (hereinafter cited as CO), Records of the Bureau of Refugees, Freedmen, and Abandoned Lands (BRFAL), Texas (T), Record Group (RG) 105, roll 32, National Archives (NA). Because Bureau records are not categorized, and the incidents are not broken down into usable statistics, information from the records was compiled in its entirety by the author into a database for purposes of manipulation. Cited as Texas Violence Database.

behind the violence--motives that reveal these acts as more than violations of the law. To say that a particular number of blacks were stabbed, shot, or raped does not reveal the social context within which these acts occurred. Fortunately, Bureau entries describe conditions and contexts in most cases. Careful analysis of these circumstances reveals each incident as part of the larger struggle to suppress black freedoms. This thesis will analyze the circumstances of particular incidents according to the type of violence inflicted, rather than the type of law that was broken. From this perspective, evidence points most strongly to the overwhelming significance of racism as a motivation for violence. Herein lies the deeper story, the substance for understanding the reasons behind the acts themselves.

## CHAPTER 2

### “KNOCKED DOWN AND TREATED INHUMANELY”: THE CONTEXT FOR WHITE ON BLACK VIOLENCE IN TEXAS

Violence, long associated with the control of slaves, escalated after emancipation to become the predominant method of controlling the lives of freed people during the postwar years. Groups and individuals, including men, women, children, the old, and the infirm, were all likely victims of abuse at the hands of whites. The types of violence perpetrated against blacks ranged from homicide to serious assault, from relatively minor assault to robbery and property damage, and various types of threats and intimidation. Blacks were the recipients of this type of violence in 1,698 cases reported to the Texas Bureau between 1865 and 1868. Numbers alone, however, do not prove that the violence inflicted upon freed persons was solely racially motivated. To be sure, blacks were listed as the perpetrators in 226 incidents and there were other non-black victims as well. Whites were listed as injured parties in 477 cases and 26 victims were listed as Mexicans, Germans, Portuguese, or Scots. There were also 13 incidents where the race of the injured party was either not reported or



not listed.<sup>1</sup> Although these numbers indicate that non-blacks were injured during the period, the fact that the overwhelming majority of reported victims were former slaves is significant. This fact demonstrates that blacks were injured and killed in very large numbers, even though many crimes against them probably went unreported for fear of reprisals. An examination of the circumstances surrounding these incidents, however, leaves little doubt that race was the principal cause of post-war violence.

African-Americans received horrifically brutal treatment after emancipation, many times for practically no identifiable reason. There were numerous instances where seemingly trivial offenses committed by blacks were met with the severest kind of vigilante justice at the hands of white perpetrators. This criminality reveals deep-seated feelings of supposed natural superiority and thus their right to be judge, jury, and even executioner for no reason other than the “deserving” party was black and thus, inferior.

Violence against freedpeople took many forms and physical assault seemed to be the preferred method. Individuals were regularly strapped up and whipped, as they had been as slaves, or struck on the head with such objects as

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<sup>1</sup> All tabulations by the author from Texas Violence Database. The total number of incidents recorded by the Bureau is 2,316 but the recorders of the original records skipped from 909 to 1000, from 1111 to 1120, from 1232 to 1234, from 1266 to 1277, from 1765 to 1767, and from 2132 to 2134. In addition, several numbers were used twice, i.e., 452, 682, 752, 860, 1021, 1165, 1170, 1690, and 2170, making the official incident count 2,214.

pistols, chairs, hammers, saws, bricks, metal whip handles, animal bones, and clubs for such offenses as simply asking for their earned wages or asserting that they had been emancipated. Reasons cited for the majority of these violent acts vary in the extreme. On one hand were those few assaults that, not surprisingly, stemmed the Texas frontier mentality. For example, parties involved were drinking heavily while gambling or fighting over a woman and a shoot-out or barroom brawl ensued. These incidents, however, typically involved whites as both perpetrators and victims.<sup>2</sup>

On the other hand, in the majority of incidents involving black victims and white perpetrators, the type of assault rarely fit the alleged provocation. For example, after Julie Gardner, a freed woman in Anderson County, had a “falling out” with her employer, R.H. Wren, he and others whipped her almost to death with a hand saw. In Bastrop County, a freedman named Martin had his life threatened and a white man named Taylor brutally assaulted him with the butt end of a whip, simply because Martin was first in line to fill his wagon at a corn crib and refused to yield to Taylor.<sup>3</sup> In both instances, civil authorities did not confront the perpetrators, sending a clear message to other whites that not only was this type of violence acceptable to the majority of white society, but it was legitimate in the eyes of the law.

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<sup>2</sup> See for example, CO no. 347, 419, 456, 803, 809, 1136, 1511, 1164, 1169, 2237, 2300.

<sup>3</sup> CO no. 430, 1504.

Most of the reported incidents demonstrated white hostility toward the concept of black freedom in any form. As such, violence was used to keep blacks in a white-defined role of subordination and to control their social and economic activities. Evidence makes clear that many white employers assumed the word “employee” was synonymous with the word “slave” when referring to black laborers. This is seen clearly in the many cases in which black women and men were assaulted for the “crime” of leaving, or simply desiring to leave, their white employers. For example, a black woman named Margaret was “knocked down and treated inhumanely” for wishing to leave the employ of E. Morse, who, on another occasion, whipped another black woman for the same reason. When a freedman asked his boss, one Taylor, for his pay and expressed the desire to quit his job, the employer beat him over the head with a monkey wrench. Similarly, in Bowie County, Flood Tyler “was flogged and shot at after expressing his desire to leave Moore’s employ.” In McLennan County, a man named Lockridge was shot in the shoulder by Charles Barlow after having been accused of “persuading another freedman not to work for him.” Barlow also killed two other freedmen for the same reasons. In Montgomery County, one Leton was whipped, chained, and threatened because he would not remain in the employ of a Dr. Phillips. In this case, the freedman arrived at the Bureau office in Houston with the chain still attached to his body. Finally, the Bureau in Rusk County reported the “cold blooded murder” of a mother and her baby whom a white man

shot simply because she left his employ.<sup>4</sup>

Freedom of movement was a new concept for most former slaves and, as such, leaving the plantation became not only “an assertion of independence,” but was “psychologically liberating” as well.<sup>5</sup> Free persons caught leaving without permission, however, even temporarily, were often faced with brutal treatment and sometimes death. In Walker County, a man named Shade was hunted down with dogs and then confined for two days for leaving the Ellmore plantation. A freedman from San Augustine had his testicles cut out for the crime of leaving William Garrett’s plantation without permission. In a similar situation in Nacogdoches, young John Wolfe was killed by Robert Diamond and several other men for leaving the Diamond plantation. His body was found in the Angeline River with a bullet in his brain and his hands tied behind his back. Wolfe’s mother was subsequently taken to a blacksmith shop, stripped of her clothes and beaten with a hand saw until “the blood ran down [her] back like water,” because she failed to report her son’s disappearance. Stephen Bryant and his wife were both handcuffed, whipped, and kicked because of their son’s unauthorized departure from the LeBlanc plantation.<sup>6</sup>

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<sup>4</sup> Ibid., no. 373, 381, 1775, 1191, 1843, 203, 295.

<sup>5</sup> Colin Palmer, *Passageways: An Interpretative History of Black America, Volume II: 1863-1965* (Fort Worth: Harcourt Brace, 1998), 5.

<sup>6</sup> Ibid., no. 208; Albert Metzner to J.T. Kirkman, July 16, 1867, LR, SAC, San Augustine, Texas; Edwin O. Gibson to Lt. Taylor, July 22, 1867, LR, SAC, Nacogdoches, Texas, BRFAL, RG 105, NA; CO no. 200, 201.

Whipping was a common violent outlet used on freed people and the records show numerous incidences, all perpetrated by whites on blacks, except one. Many of the reasons listed for employing the lash are reminiscent of the days of slavery and appear to be responses by whites for what they deemed the unacceptable work habits of former slaves. In Bowie County, Sam Cannady's employer beat him severely because "he could not do better work." In the same county, Warren Hooks whipped his employee, Alex Shook, because he found Shook's work unsatisfactory. A black man in Seguin was striped "to make him pick cotton." Two black women in Upshur County were given one hundred lashes each; one for not hoeing fast enough and the other because "she hoed up a cotton stalk." Frank Waller knocked down and whipped a freedwoman, Ellen, because he considered the bread she baked for one of his meals unsuitable. Aside from whips and straps, other weapons were used. In Brazoria County a man was brutally beaten with a bar of iron "because he was too long eating breakfast" and a woman in Harris County was severely "beaten over the face and head with a paddle" for being lazy.<sup>7</sup> The brutality of these incidents clearly demonstrate the reluctance of many whites to accept the fact that former slaves were free and were no longer to be treated as property.

An incident in Liberty County involved one black man whipping another. Apparently, the two had been working together and when one refused to

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<sup>7</sup> Ibid., no. 229, 222, 380.

continue, the other “sought to make him [work] by whipping - the old style.”<sup>8</sup> This explanation demonstrates how, over generations, whipping as an inducement to work had been ingrained into both blacks and whites.

Because the Bureau in northeast Texas specifically ordered landowners not to whip their former slaves after emancipation, those few who complied simply found other ways of disciplining their workforce. William H. Sinclair, the state inspector for Texas, reported that the new “method of correcting evils on the plantation” was “tying the freedmen up by the thumbs with only their toes touching the ground.” This form of punishment was used just as frequently during Reconstruction as whipping had been during slavery.<sup>9</sup>

Breaking the white-enforced antebellum social code was a prime excuse for violence against blacks. Speaking disrespectful, making “insulting noises,” or failing to allow whites to pass on the street were all reasons given for brutal attacks. While attending church services, P. Stanley was stabbed by Frank Sterling who exhorted his victim, “God damn your black soul, I will learn you to stand in the way of white ladies.” In Polk County, a black man's skull was fractured when a white broke a rifle over his head for “disputing his words.” A woman in Brazoria county was beaten by a group of white men who inflicted blows on her head “with the iron butt of a whip.” After the beating, they “tied her

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<sup>8</sup> Ibid., no. 474, 476, 141, 318, 319, 1790.

<sup>9</sup> W. H. Sinclair to H.A. Ellis, December 23, 1866, Inspection Tour Report, BRFAL, RG 105, NA.

hands together, pulled her clothes over her hips, bucked her, [and] gave her about 200 lashes with a strap.” This treatment was in retaliation for the insulting noises she allegedly made as the wife of one of the group passed. Another woman in Brazoria County was beaten “on her face and shoulders” and had her life threatened by a man who claimed “she spoke disrespectful to his wife.” Likewise, a man named Evans accused a female employee of slandering him and, while in a drunken rage, “beat her with a very large stick” as punishment for the offense. In Hunt County, a black man was shot at for refusing to halt when ordered to do so by a group of whites. Another “was cut in the arm and head” for not giving his name when asked by several whites who stopped him. In Harris County, a white woman shot and killed Peter Blunt because he insulted her in some way.<sup>10</sup> Although the reasons given for these types of outrages often seemed pointless and irrational, civil authorities were reluctant to take action against perpetrators in the majority of cases. This inaction reinforced the notion that, even without slavery, whites remained atop the social hierarchy and, as such, dictated acceptable behavior for both races.

Since many of the incidents of whipping, flogging or dolling out of lashes went unexplained, one can only speculate that perpetrators were motivated by their attachment to the antebellum social order. In Grimes County a man was

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<sup>10</sup> Ibid., no. 220, 245, 199, 241, 2045, 815, 816; L.S. Barnes to L.K. Morton, October 1, 1866, LR, SAC, Crockett, Texas, BRFAL, RG 105, NA.

tied up and given five hundred lashes and a woman, taken into the woods with her hands tied, received one hundred. Samuel Hall was taken out of his house in the middle of the night, stripped naked, and then whipped “insensible,” leaving him “helpless for 6 weeks from the terrible effects.” A freedman in Lavaca County was assaulted with a pistol, tied to a tree, and whipped “with a raw hide until blood ran down his back.” In a most brutal way, his attackers then “tied [him] by his heels and whipped [him] again,” until the blood ran down into his eyes. In Bosque County, A.C. Pearce whipped a former slave almost to death for the offense of “saying he was free as any man.” Unfortunately for these victims, civil authorities failed to take action. In fact, in over fifty percent of the 131 cases of whipping reported to the Bureau, there were no explanations given for the violence and civil authorities did not respond.<sup>11</sup>

Freedpersons of all ages fell victim to brutal whippings and beatings. Mason Jones kicked and flogged a six-year old boy so severely that he suffered a dislocated hip and almost died from his injuries. The child was found in the woods in Bosque County, four days after the beating, and the Bureau recorded no reason for the assault. In Brazoria County, a “young boy” was taken outside of town by a group of white men and given “two- to three-hundred lashes.” In Freestone County, after a seventy-year old woman named Lucy was brutally

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<sup>11</sup> CO no. 682, 570, 2306, 717, 91. Tabulations by author from Texas Violence Database.



beaten with a club for no stated reason, Sub-Assistant Commissioner (SAC) Charles Culver, in utter disgust, wrote only one word in his record of the event: "Chivalry!!!" Similarly, in McLennan County, after seventy-five year old Lotta Brown was pistol whipped and robbed of seventy-five cents, SAC Charles Haughn commented "so much for chivalry." In some instances, free persons suffered whippings so brutal that they resulted in death. Sake Adams, a mere fourteen years of age, and another boy, Henry Wadling, were whipped to death by William Richards. In Titus County, a black woman was whipped to death by a group of white men for no stated reason. The civil authorities failed to take action against the perpetrators in any of these brutal murders.<sup>12</sup>

Because religious and social gatherings demonstrated the growing independence of the black community, church- and party-goers often became targets of physical violence by resentful whites who beat entire congregations and burned down churches and school houses. Several men in Bonham, who threatened to "thin the niggers out a little and drive them back to their holes," killed three and wounded several others when they fired into a group of freedpeople "going to a show." After stating their goal was "to hang a nigger teacher," a group of white men in McLennan County went to Warren Hunter's house at night, ordered him "to make a light," and then shot at him as he crawled out of the chimney and attempted to make an escape. In Anderson County a

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<sup>12</sup> Ibid., no. 1185, 198, 1130, 2076, 66, 67, 1278.

number of blacks were beaten and several crippled when a group of whites “went into a saloon where the freed people had a dance, drove them all out, [and] threw several through windows of [the] upper story.” A party of whites in Panola County, “rode up to a cabin wherein some freed people were dancing and deliberately fired upon them.” Four people died and several were severely wounded as a result of this unprovoked attack. Gatherings of any kind were seen as “incendiary conspiracies,” but church gatherings in particular, were viewed by whites as dangerous opportunities for political discussion and as such, became likely targets. A church service in Washington County was broken up by a group of pistol-wielding white men, who shot randomly at the congregation and beat several members. When an entire church gathering in Clinton was pelted with rocks, the assailants threatened the minister that “[I]f he attempted to preach again . . . his next sermon [would be] in hell.”<sup>13</sup>

After emancipation it became important for the black family unit, suppressed under slavery, to declare itself as a means of eliminating white control over their lives. Where once white owners had exerted total control over entire families, black parents began emerging to take their rightful place at the helm. Black men and women were frequently assaulted, however, for trying to protect family members, particularly children, from whippings by whites. After

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<sup>13</sup> A. Evans to Bureau, September 25, 1866, LS, SAC, Bonham, Texas, BRFAL, RG 105, NA; CO no. 2072, 441; *Journal of the Reconstruction Convention* (Austin, 1870), 196; Trelease, *White Terror*, xxii; CO no. 157, 210.

trying to prevent Robert Lindsay and Ben Curl from whipping her child, Patsey was “struck over the head with a pistol.” Lizzy was assaulted by G.W. Moore simply because she said Moore should not whip her boy for misbehaving on the job. Likewise, Charity received a hundred lashes for asking Baird to spare her child from flogging and “for begging that her daughter might be protected from the constant ravishing of a favorite black man on Baird's place.” Granville White was shot at and wounded for not letting Pendleton whip his child, and Shep was shot at and had his arm broken for “demanding the right to protect his wife” from the constant beatings she received from her employer. In McLennan County, one Wilson was shot and killed for trying to protect his wife from being raped by three drunken whites.<sup>14</sup>

Blacks were not simply passive victims of physical assaults, but in many cases resistance could likely have been more life-threatening than the assault itself. It was not uncommon for beatings or whippings to accompany threats of more severe harm. In Caldwell County, a man was “beaten over the head with a stick while another stood over him with a revolver.” In Dallas County one individual administered a whipping while another held a revolver to the victim's head. In Bastrop County, a man named Wilson was severely beaten by a person who, during the process, held a cocked pistol to his head, threatening

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<sup>14</sup> Ibid., no. 1624, 2140, 369, 1016, 294, 1938.

that if he offered the least resistance, “his brains would be blown out.”<sup>15</sup> These incidents demonstrate that after emancipation, many former slaves continued to find themselves at the mercy of whites. For them, the “freedom” granted in the Thirteenth and Fourteenth Amendments to the Constitution was a far cry from reality.

The Texas Bureau offices were constantly flooded with reports by freedpeople of various types of mistreatment and violence perpetrated by whites. Complaining to the Bureau, however, could very well cost a person his life for it was quite common for whites to retaliate with more extreme violence after being reported. May Oglesby was shot at four times for stating her plans to report Mr. Shaw to the Bureau for “detaining her forcibly” in his service. When one freedman witnessed another being given “15 or 20 licks on the head with a revolver,” he was told he would be shot if the incident was reported. John Balass was shot and severely wounded in the thigh after reporting Henry Frost for a previous assault, and six men in Grimes County threatened to hang a freedwoman if she reported the cruel beating she and her children received at the hands of Dallas Desmond.<sup>16</sup>

Many freedmen began working on plantations after emancipation for either wages or a percentage of the crop. Frequently, these new “free” laborers

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<sup>15</sup> Ibid., no. 143, 375, 544.

<sup>16</sup> Ibid., no. 901, 302, 726, 584.

were forced to report their employers to the Bureau for nonpayment, and in so doing became vulnerable to retribution, especially physical violence. In Nacogdoches, Squire Pettes was shot “through the hand and body” after he reported his employer to the Bureau for refusing to pay his earned wages, and in Harris County, Aaron Brown was assaulted by one Burleson for the same reason. After seeking Bureau assistance for the withholding of wages, a freedman named Gibbon was threatened by a group of white men who came to his house in the middle of the night armed with shotguns and revolvers.<sup>17</sup>

Landowners, used to relying on the discipline of slavery to ensure their own economic welfare, were concerned over the independence their former bondsmen exerted. From their perspective, social and economic independence severely weakened the discipline necessary to control a free labor force. Thus, many landowners resorted to violence to ensure that former slaves remembered their subordinate place in society.

Many white landowners or their hired, extralegal enforcers, would simply threaten laborers and evict them after the harvest with no compensation. Because reasons for this type of behavior were often not listed in the records, it seems reasonable that landowners did it simply to reap the full profit of the crop as they had done under slavery. After harvesting the crop on the Gill plantation in Bastrop County, Scott was struck with an axe and driven off the place. In

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<sup>17</sup> Ibid., no. 1146, 1986, 2043.

Freestone County, three white men armed with shotguns robbed Neal Punches of his crop and then chased him off the property. In Harris County, W. Bennett cocked a shotgun and pointed it at Granville Wood, shouting “leave immediately or be shot.” After an entire family in Marshall, Texas, worked for part of the crop on the Pullen plantation, they were sent packing, and in Robertson County, a freedman was severely beaten, leaving “fearful gashes on his head,” and then forced to leave Anderson's plantation.<sup>18</sup>

In the majority of these incidents, white employers had no intention of paying freedpeople for their work, and their unwillingness to accept their former slaves as employees is strikingly clear. In many cases, landowners used the most trivial excuses to resort to eviction. For example, William Freeman threatened one Charles and drove him off his place in Fort Bend County for “disputing the price of a turkey.” Freeman shot at another former slave named Abe, and forced him to leave. Abe's offense was admonishing Freeman not to whip his brother. For no stated reason, a freedman in Kaufman County was forced to flee his home after the harvest, leaving his six small children behind. The whites then burned all of his property. Sub-Assistant Commissioner Thomas C. Griffen commented that the freedman's willingness to leave everything behind so quickly, even his family, showed “how great his terror must

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<sup>18</sup> Ibid., no. 1147, 1305, 2170, 1797, 741.

have been.”<sup>19</sup>

A majority of Southerners believed that African-Americans were inherently lazy and therefore, would not work, even for wages, without physical coercion. The fact that many former slaves desired to work less after emancipation only confirmed white fears that free labor would destroy the plantation system and their way of life. To help ease their fears, in some instances, planters held their former slaves in bondage far beyond the date of emancipation in Texas. Although this practice was not widespread, “where it did occur, violence supplemented its enforcement.” In Hunt County, a landowner named Lee held an entire family in slavery and threatened to kill them if they tried to leave. In Nueces County, one Bass held several children in slavery and “treated them in a very brutal manner . . . had them clothed in rags and covered with scabs.” One of the more gruesome incidents happened in Brenham when a black man asked his owner, Irving Randall, if he was free. After being told no, the freedman commented that “he could not believe it as all the rest of the blacks were.” Randall then shot him, blowing off his arm. In Anderson County, R.H. Wren whipped all of his slaves before freeing them in March of 1868, telling them that the stripes were “their discharge.”<sup>20</sup> For most planters, the new “free” labor

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<sup>19</sup> Ibid., no. 211, 212, 1731.

<sup>20</sup> Phillip Howard to L.K. Morton, September 25, 1866, LR, SAC, Meridian, Texas; Craig to Ellis, September 6, 1866, LR, SAC, Austin, Texas, BRFAL, RG 105, NA; Barry Crouch, “Women and Children, Too: White Violence; Black Women and Children, 1865-1868,” unpublished paper in author’s possession, 9;

system was simply a form of modified racial slavery, one of coercion, intimidation, and violence.

The Klan appears to have assisted property owners in controlling their former slaves through terrorism and coercion. Although evidence connecting the group with individual landowners is sparse, the Bureau records do indicate many incidents of the Klan and klan-like mobs, robbing freedmen and driving them off the land. In Lamar County, SAC DeWitt C. Brown reported that the “Ku Klux's [sic] make the night hideous with their yells and cries and frightful appearance, robbing and terrifying the freemen to such an extent that many of them have run away from their homes.” Likewise, agent T.M.K. Smith reported an increase in crime and lawlessness by the Klan in Harrison, Upshur, and Marion counties. “Within the last week not less than ten freemen have reported to the SAC for having been driven from their homes and crops.”<sup>21</sup> Gregory Burnett, Smith County SAC, described the violent situation in Starville, Texas:

Men and women are taken out of their houses and flogged till the villains get tired, as many as five hundred lashes being given at a time. Three persons have been wounded there; all their arms and money have been taken from them and seven or eight freedmen are now here (Tyler), driven off from that place (Starville) by the Klan.<sup>22</sup>

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CO no. 906, 904, 127, 429.

<sup>21</sup> C.O. no. 2122, 1918, 1919, 1920.

<sup>22</sup> Ibid., no. 2027, 2028, 2029, 2030, 2031.



Allen Trelease defined any group practicing physical and/or psychological terroristic measures during Reconstruction as the Ku Klux Klan. In addition, whites that either, aided the terrorists outright, or failed to report acts of intimidation and violence, were part of the “Klan Conspiracy,” although they may not have been actual members of a klavern. Seen from this perspective, the Klan was extremely active in Texas between 1865 and 1868. According to Barbara Leah Clayton, “by December of 1868, 39.7 percent, a full fifty-four of the one hundred and thirty six counties of eastern and central Texas, suffered disruption characterized by Klan methodology and tactics.” By that time, the Klan began using violence primarily to keep blacks and white Union men from voting freely. However, circumstances surrounding some of the earlier outrages by the group and its imitators reveal the underlying purpose of keeping blacks economically inferior, while reinforcing the notion of their subordinate place in society.<sup>23</sup>

Many violent gangs “rode under the banner of the Klan,” or wore the recognizable hood to establish for themselves “a psychological edge” over their intended victims. Disguises also served the obvious purpose of making identification by victims and witnesses more difficult. A Bureau agent in Crockett reported in 1866, that “a party of white men who are committing many outrages

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<sup>23</sup> Trelease, *White Terror*, xi-xii; Barbara Leah Clayton, “The Lone Star Conspiracy: Racial Violence and Ku Klux Klan Terror in Post-Civil War Texas, 1865-1877,” (M.A. Thesis, Oklahoma State University, July 1986), 2.

in Cherokee County . . . have killed a number of freedmen and whip and beat others. They black their skin and thus avoid detection.” Similarly, in Washington County, Maria and Green Taylor, and James Mayfield were murdered at night by a group of men whose faces were apparently “blackened” at the time of the outrages. Unfortunately, two black witnesses were unable to identify the perpetrators, saying they “thought they were young men of the neighborhood.” This kind of terrorism became characteristic of early Klan activity in Texas.<sup>24</sup>

Regardless of the number of perpetrators involved, whether in disguise or not, many of the murders described in Bureau records, have no stated reasons for the crimes. In those incidents where a justification was given, the majority of reasons were completely irrational and absurd, seemingly motivated by nothing more than hatred toward African-Americans.

Jackson Northweather was paralyzed and later died from the wounds he received when Henry bullock shot him. Bullock was “fooling carelessly with his revolver, threatening to shoot somebody.” After seeing Northweather passing, Bullock shouted “there goes a God Damned Nigger . . . I’ll shoot him just to see him kick.” Similarly, in Fort Bend County, Dan Davis shot and killed John Pickett “for fun.” When he succeeded he declared, “I have shot one at last.” In Bastrop County, William Scobey killed a fourteen year old boy for “disputing the word” of

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<sup>24</sup> Clayton, “The Lone Star Conspiracy,” 35; L.S. Barnes to Lemuel K. Morton, October 1, 1866, LR, SAC, Crockett, Texas; M.E. Davis to Colonel \_\_\_\_, October 13, 1866, LR, SAC, Brenham, Texas, BRFAL, RG 105, NA.

his sister, and Robert Durreld shot and killed an unnamed black man for not removing his hat in his presence.<sup>25</sup> These incidents demonstrate unequivocally that many whites, not only placed little if any value on the lives of African-Americans, but that it was clearly acceptable behavior to kill them indiscriminately for no reason whatsoever.

Many black people were killed and robbed of what little money and materials they possessed. In Fannin County, a group of outlaws went to the house of one William “to rob him - they set [his] house on fire” and shot and killed him as he tried to escape. In Grimes County, Samuel Foster was murdered “for his money” and in Nueces County, Charles Withrine was killed for his money and his clothes.<sup>26</sup> The perpetrators of these crimes were more than likely desperado types, but because most former slaves possessed almost nothing of material value after emancipation, racism can not be ruled out as a prime motivation. It is also likely that these desperados were well aware, as the records indicate most citizens were, that the chance of legal action for any crime against blacks was almost nil in Reconstruction Texas. This condition helps explain why blacks were often faced with extremely brutal treatment at the hands of whites.

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<sup>25</sup> Frank Holinger to W.H. Sinclair, March 19, 1866, LR, SAC, Beaumont, Texas, BRFAL, RG 105, NA; CO no. 727, 1614, 1189.

<sup>26</sup> CO no. 269, 725, 446. It is interesting to note that the perpetrator of incident no. 446 was named Jose Maria Narvez, listed in the records as “white.”

## CHAPTER 3

### “A MASS OF FLESH AND BROKEN BONES”: EXTREME WHITE ON BLACK VIOLENCE IN TEXAS

When faced with the responsibility of reconstructing the South and the question of what rights, if any, should be given the newly freed population, President Andrew Johnson proclaimed that blacks demonstrated

less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, whenever they have been left to their own devices they have shown a constant tendency to relapse into barbarism.<sup>1</sup>

The feeling that blacks were inferior beings, incapable of participating in government and innately barbaric, was a commonly held view among Southern whites before and after the Civil War. Many whites also believed that former slaves needed to be controlled to prevent them from rising up in violent retaliation for the generations of inhumanity suffered at the hands of their oppressors. From this perspective, white fear takes on a degree of legitimacy.

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<sup>1</sup> Andrew Johnson, *Annual Message to Congress, December 1867*. As quoted in Foner, *Reconstruction*, 180.

Freedmen's Bureau records, however, indicate the opposite. Former slaves did not collectively seek violent revenge on their former captors; on the contrary, whites initiated more brutal and seemingly senseless violence toward blacks in Reconstruction Texas than was the case in the days of slavery.

During Reconstruction black men were brutally beaten and murdered for trivial offenses or in retaliation for alleged crimes, the most heinous being the rape of white women. After the Texas Legislature amended the penal code in 1866, blacks were more easily incarcerated, while white criminals who violated blacks remained free. Black women were not immune from brutality either but were regular objects of physical and sexual assault, torture, and murder. The inaction of civil authorities in responding to these types of crimes demonstrated the insignificant place black women held in the eyes of the law. Black children were especially vulnerable in Texas during Reconstruction. They were murdered as regularly as adults, and their small bodies were similarly abused. Not only did civil authorities condone the violence by their outright failure to protect the former slaves, but they frequently participated in atrocities.

The Freedmen's Bureau was the only agency specifically created to help former slaves in their transition to freedom. In Texas, the Bureau was understaffed, spread thinly across a huge area, and not supported by local citizens and civil authorities. As a result, the Bureau was unable to perform its job, although, most agents probably did the best they could. They found themselves in a difficult position; most were threatened on a daily basis and

some even murdered in the line of duty. It is reasonable to suspect, therefore, that many agents may have wondered if protecting their charges was worth the risk. Although there is some disagreement on whether or not the Bureau's performance was adequate, an analysis of the most brutal incidents inflicted upon freedpeople make it clear that black Texans would have suffered considerably more without it.<sup>2</sup>

Many violent acts were extremely brutal, characterized by apparent frustration and suggesting intense hostility of the white population toward the former bondsmen. Bureau records indicate that most of these incidents were perpetrated without provocation, or, perhaps, the sheer savagery of the incident left recorders bewildered as to a reason. Descriptions reveal, in the words of one historian, numerous "grisly episodes of psychotic and sadistic violence." From 1865 through 1868, whites dragged, castrated, hanged, dismembered, and otherwise gruesomely treated black people by the hundreds, most often with impunity.<sup>3</sup>

For instance, death by dragging was not uncommon in Texas. In some incidents, the dragging appears to have been a prelude to murder, simply added for spectacle. In most cases, however, the clear intent was to insure an

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<sup>2</sup> See Crouch, *The Freedmen's Bureau and Black Texans* (Austin: University of Texas Press, 1992), 129.

<sup>3</sup> Crouch, "Women and Children Too," 14; Rable, *But There Was No Peace*, 22 (quotation).

excessively painful death. In Anderson County, a group of whites whipped Henry Childers severely; then, after tying him to a horse's tail, "dragged him through [the] woods [un]til dead." Similarly, a freedman named John barely escaped after being tied to a horse's tail and dragged for three miles by someone listed as "Pres. Buchanan." Apparently neither of these incidents compelled civil authorities to punish the perpetrators.<sup>4</sup>

It was common for various forms of mutilation to accompany white attacks on blacks. Mutilation not only prolonged suffering prior to death, but allowed whites to reassert the social control to which, they believed, they were inherently entitled. Cutting off ears, burning body parts, eye gouging, disembowelment, and castration had been legally sanctioned forms of punishment for slaves and lower class freemen, as far back as ancient Greece and Rome. Historically, torture was justified on grounds that, slaves, who owned nothing, paid with their bodies, while property owners saw their holdings diminished. These notions were transplanted to what would become the United States, and, as Bureau records reveal, were inflicted upon former slaves during Reconstruction.<sup>5</sup>

In Caldwell County, one McMahan, in killing a black man, stabbed him and cut out his entrails. D.S. Coleman was called out of his house in Grayson

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<sup>4</sup> CO no. 422, 359.

<sup>5</sup> J. Thorsten Sellin, *Slavery and the Penal System* (Westport: Greenwood Press, 1976), 177.

County, by J.S. Robert, who “drew a bowie knife and attempted to rip out [Coleman’s] entrails.” Luckily, bystanders prevented the murder, and Robert had to be content with beating Coleman “brutally over [his] head and face.” In Lamar County, Holmes, a white man, attempted to disembowel Charles Anderson. He was unsuccessful in his attempt, however, but left a severe wound in Anderson’s back. Three whites in Brazoria County killed a freedman named Lem, whose body they apparently threw in the Brazos River. Lem’s head and genitals had been cut off. County authorities refused to investigate and no charges were filed. In Fayette County, G. Robinson’s headless body was found in a well. Bureau officials indicated that he was supposedly murdered for less than thirty dollars. In Burleson County, a party of unknown white men hung, stabbed, scalped, and then dumped one Wilson’s mutilated body into the Brazos River. Civil authorities refused to launch an investigation into the killing, and no reason for the murder was recorded. Eight days after freedman Godfree Robinson failed to return from tending his sheep in La Grange, Texas, authorities discovered his body in a well. He had been shot and decapitated; his head was never found. An unidentified freedman was found in Clear Creek, in Columbus, Texas, with “his bowels all taken out and the body filled with stones.”<sup>6</sup>

Burning was another form of cruelty. Many blacks were killed and their

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<sup>6</sup> Ibid., no. 1733, 900, 1544, 62, 281, 1865; Harris to Kirkman, March 19, 1867, LR, SAC, Columbus, Texas, BRFAL, RG 105, NA.



bodies subsequently set afire, probably as much to psychologically intimidate others, as to destroy evidence. It was also clear, however, that whites repeatedly used fire on living victims. In Fort Bend County, G.C. Harrison shot and then burned one William. The records are unclear if he died from the gunshot wound or perished in the flames. In Trinity County, a “gang of desperados” tortured a freedman by holding him over a fire until he was scorched. In Walker County, one Calib was seriously injured when Joseph Rhodes “kicked him into the fireplace, jumped on him, and tried to mash him into the fire.” The perpetrator faced no legal consequences for his actions. In a particularly vicious incident in Leon County, a black child was burned to death when a group of white men purposely set fire to his house.<sup>7</sup>

Another category of cruelty -- violence against children -- was also rampant and took many forms. While rape, murder, and refusal to emancipate constituted a majority of offenses, whites also beat and maimed children, and, in many instances, gave no reason for such brutality.<sup>8</sup> In Austin County, thirteen-year-old Willis Chambers killed a nine-year-old black girl after his mother told him to bring the child to her “dead or alive.” He “tied her braids behind her, dragged her to his horse, tied a rope around her waist and the other to the horse.” The child died after the horse took off running and left her “a mass of flesh and

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<sup>7</sup> CO no. 1914, 596, 214, 526.

<sup>8</sup> Crouch, “Women and Children,” 10.

broken bones.” Young Chambers was tried and acquitted of any wrongdoing. In Travis County, a group of young boys was acquitted after assaulting a young black child by “putting turpentine on his fundamentals.” In Grayson County, after Jenny’s eye was put out by a white man, civil authorities did not even question the perpetrator. A black child in Guadalupe County was hit in the head with a bullet that slightly grazed her forehead. The cause? A gang of outlaws saw her crying through the window of her house and decided to shoot her. A group of white men hung a black boy named Tom in Kaufman County for no reason other than “they constituted themselves a court” and applied the noose to him.<sup>9</sup> The amount and type of white brutality perpetrated on black children only reinforces the notion that resentful, violent whites were motivated by deep-seated feelings of racism. Not only did this type of violence control black children, but it sent a clear message to black parents.

Women, too, were not immune from this brand of savagery. White men rarely gave reasons for brutal attacks on black women and were almost never charged or prosecuted, regardless of the degree of barbarity. Black women suffered beatings, mutilation, rape, and murder by white men very frequently in Reconstruction Texas. One could reasonably conclude that, because black women represented a more elusive threat to the social order than black men, due to the place of women in general, sexual and physical violence was used to

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<sup>9</sup> CO no. 178, 1548, 271, 1020, 1101.

reaffirm white control over them.<sup>10</sup>

In Houston County, James Wise whipped and gouged out the eye of Emily Granes for no reason. In Limestone, John Fogarty cut Minerva Ward's ears off and then burned her arms "to a crisp." Bureau officials recorded no explanation for the brutal incident and civil authorities failed to act. In Upshur County, one Anderson shot and killed a woman named Mary in the last stages of her pregnancy. Apparently, her child was born alive minutes after her death, and the perpetrator buried them both, "so near the surface that buzzards ate them." It is unclear whether the baby was buried alive or not, but what was clear was that charges were not levied.<sup>11</sup>

The sexual exploitation and rape of black women and girls, considered the basis of white male power during slavery, was just as widespread after emancipation. As before, white perpetrators were most unlikely to be charged or convicted of these crimes. On the rare occasions that white men were convicted, the racist stereotype of black female promiscuity was likely the main justification for their relatively lighter sentences.<sup>12</sup>

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<sup>10</sup> See Jacquelyn Dowd Hall, "The Mind That Burns in Each Body": Women, Rape, and Racial Violence," in *Powers of Desire: the Politics of Sexuality*, edited by Ann Snitow, Christine Stansell, and Sharon Thompson (New York: Monthly Review Press, 1983), 62.

<sup>11</sup> CO no. 107, 838, 1133.

<sup>12</sup> Hall, "The Mind that Burns in Each Body," 62.

In Davis County, Susan Goosely was dragged out of bed, raped, pistol-whipped so severely that her teeth were knocked out, strung up by her thumbs, and choked with a halter around her neck. This torture was to “extort a confession” for something she knew nothing about. Afterward, Ms. Goosely was forced to leave the county for the sake of her life because authorities refused to take any action. Rose Campbell was raped by Deputy Sheriff Warnell, of Harrison County, who took her from her home illegally claiming that she was being arrested. Since he was “the law” in that county, he submitted to no legal action. Three women in McLennan County were raped, beaten, and robbed by William Killum, J. Tubbs, and Parish Johnson. These same men sexually assaulted a seven-year-old child and robbed her of twenty-five cents! They were never questioned about, or charged with, these crimes. In Panola County, Lucinda Manning was taken into the woods and threatened with a pistol by several men who forced her to lie face down, then “threw up her clothes, and beat her on her bare parts.” There were two reported incidents where black women were murdered for refusing white sexual advances. In Bowie County, Tilman Curloo threatened and then murdered Virginia Harrison, because “she wouldn’t yield to his desires.” Similarly, in Anderson, John Cautly shot and killed an unnamed black woman because she “wouldn’t commit adultery with him.” Not only did these unpunished crimes indicate that this brutal, inexcusable behavior was legitimate in the eyes of the law, but it reinforced the notion that

black women were insignificant and disposable.<sup>13</sup>

The only incident in the records of a white man being charged and convicted of the rape of a black woman was in Red River County. E.A. Bingham was fined two hundred dollars for the assault, battery, and rape of Emily Reed. But, because he was financially unable to make this court-ordered payment, his fine was reduced to a mere thirty-five dollars. It was quite a different story for black men, however, who received the harshest sentences, usually without trial, simply for the accusation of such a crime against white women.<sup>14</sup>

Alleged black rapists inspired white supremacy in its extreme. In response to white fears of innate black male lustfulness, the 1866 Texas Legislature amended the Penal Code so that black men could be easily incarcerated, while white criminals who violated blacks remained free. Of particular importance was Article 529 which was amended to ensure that rapists, insinuated to all be black, were given the severest punishments. The amended article read:

Whoever shall be guilty of rape, shall be punished by death, or by confinement in the penitentiary for life, or for any term of years not less than five, in the discretion of the jury.<sup>15</sup>

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<sup>13</sup> CO no. 308, 1653, 2073, 2074, 2075, 2077, 1588, 1331, 406.

<sup>14</sup> Ibid., no. 1893.

<sup>15</sup> Gammel, *Laws of Texas*, Chapter CXXXVII, 161.

The wording appears nondiscriminatory, but in practice became something quite different. This supposedly color-blind law obviously was not applied equally to black and white men. Black men suspected of rape were regularly charged but rarely served the sanctioned prison terms because they were typically taken from the hands of civil authorities and lynched. The law reflected the popular feeling of the time, that, as one historian has written, “the ruin of innocent women by the bestial black” was “a horror that justified lynching.” In only six cases was rape specifically the reported reason for the assault and murder of black men. At first glance, these few may appear insignificant when compared to the total number of violent incidents in the records. Upon closer scrutiny, however, and especially when compared to the number of white men accused of raping black women, one could reasonably conclude that when black men were suspected of rape, they were turned over to extralegal entities, rather than given a day in civil court. Even the tiniest infraction of social mores by black men toward white women constituted a sexual threat because white women were seen, not only as inviolable property, but as the definitive symbol of white male power.<sup>16</sup>

In Grayson County, William Wimberly was whipped so severely that he almost died “after having been falsely accused” of attempting to “seduce a white

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<sup>16</sup> Catherine Clinton, “Bloody Terrain: Freedwomen, Sexuality, and Violence During Reconstruction,” in *Half Sisters of History: Southern Women and the American Past*, edited by Catherine Clinton (Durham: Duke University Press, 1994), 148 (quotation); Hall, “The Mind That Burns,” 64.

girl.” One Daniel received a thousand lashes from A.C. Pearce for allegedly attempting to commit rape. These two were luckier than most. From Millican, Texas, Agent Samuel C. Sloan reported the case of one Seaton who was arrested for an attempted rape “of which there was not the slightest evidence.” Seaton was released by civil authorities into the hands of a mob who hung him that same night. In Bosque County, Tony McCrany was castrated by a doctor and several others for the alleged rape of a white girl. Albert Curtinday was arrested in Fort Bend County for attempted rape, then taken from jail and hung. The entire Brent family lynched a black man in Walker County because they believed he raped a white woman. Authorities took no action against the family for the hanging. Although laws had been amended so that it was relatively easy to use legal means to convict and incarcerate alleged black rapists, in the majority of cases, legal justice was not swift enough to suit the dominant race. White men believed that only direct and swift violence could keep black male beastiality in check.<sup>17</sup>

Retaliatory violence against blacks for alleged crimes, other than rape, against whites, was also frequent. For the most part, individuals and groups responsible for this type of outrage simply used an alleged crime as an excuse for assault or murder. In Austin County, after a white man shot at a group of

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<sup>17</sup> CO no. 270, 90, Samuel C. Sloan to W.H. Sinclair, Spetember 9, 1866, Millican, Texas, BRFAL, RG, 105, NA; CO no. 70, 252, 10, 2129; Hall, “The Mind That Burns,” 64.

freemen and was later accidentally shot and killed by another white, a white mob “imputed it to the negroes” and attempted to lynch them. In Millican, after the Klan spent several weeks intimidating the black community, freedmen mobilized. They assembled at their settlement and “proceeded to the Brazos Bottom” in search of the body of a black man, allegedly a Klan murder victim. When fearful whites assembled to face the blacks, shots were fired and a riot ensued that resulted in numerous injuries and the death of six blacks. A black preacher, supposedly the leader of the group, was hung by the white rioters. A freedman named Hickman was “pursued by a white mob and shot down” in Harrison County after being accused of theft. In Robertson County, an unnamed freedman accused of murdering a white man successfully evaded the law but was caught by a mob of whites who cut off his ears before hanging him on the side of the road.<sup>18</sup>

Evidence clearly reveals that civil authorities contributed to the violence against former slaves by their outright failure to protect them. Not only did they submit to landowners’ influence, but many officials actively participated in brutal violence. In San Antonio, Judge Thomas Ford, along with a minister and two doctors, castrated a teenage boy who allegedly attempted to rape a white girl. Castration was decided upon after the three declared the alleged rapist too

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<sup>18</sup> CO no. 677, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1416, 1787.



young for hanging. A mob in Bastrop, assisted by the local sheriff, tied up Charles Thompson and built “a fire of dry grass and cedar bark on his bare feet, burning them so that the flesh came off in wads.” Because this torture was not enough to elicit the confession he wanted, the sheriff whipped Thompson's children to force them to implicate their father in the alleged crime.<sup>19</sup>

Civil authorities also maintained white supremacy by keeping freedmen off juries and created a situation whereby all-white juries refused to convict whites when the victims were black. The Bureau issued Circular Order 13 in an effort to enforce the Civil Rights Act of 1866 and compel authorities to allow African-Americans to serve on juries. The order required potential jurors to take the “iron clad oath,” which disqualified anyone who had given “aid, countenance, counsel or encouragement to the Confederacy.” By eliminating enough former white Confederates, the Bureau believed the chances of blacks serving would be increased. Local courts, though, used a variety of means to keep blacks from the jury box. In Bastrop, after a number of blacks were placed on the jury list, whites were ultimately chosen, even though “a few of the jurors could not understand or speak the English language.” The judge decided that “white skin, was a more necessary qualification in the jury box than the ability to understand

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<sup>19</sup> Phillip Howard to L.K. Morton, September 25, 1866, LR and Testimony of Freedman, SAC, Meridian, Texas; Byron Porter to J.T. Kirkman, March 4, 1867, LR, SAC, Bastrop, Texas, BRFAL, RG 105, NA.

what the Judge, Lawyers, and witnesses might say.”<sup>20</sup> The Bureau’s order could not be enforced and whites continued to go unpunished for violence and other crimes against blacks, who were incarcerated for trivial offenses with little or no evidence against them.

With regard to sentencing, a great disparity existed between blacks and whites convicted of similar crimes. According to a report filed by State Inspector, W.H. Sinclair, “. . . the treatment of the freedpeople . . . by the civil authorities is partial and unfair. They arrest and imprison them without a shadow of authority, for the most trivial offenses,” they are “persecuted most unmercifully before the civil courts, and for the slightest offense are sent to the penitentiary.”<sup>21</sup>

When the criminal procedures and penal code was revised in 1866, laws were worded so as not to distinguish between blacks and whites. In application, however, they actually increased the punishment for criminal activities in which, “it was commonly believed,” the former slaves “were most likely to engage.”

Blacks were not allowed to carry weapons; for theft of any property not exceeding twenty dollars, the jail term was “not to exceed one year,” in addition to a maximum fine of one hundred dollars. For stealing livestock valued at twenty dollars or more, penitentiary sentences were to be no more than five

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<sup>20</sup> Byron Porter to J.T. Kirkman, July 5, 1867, LR, SAC, Bastrop, Texas, BRFAL, RG 105, NA.

<sup>21</sup> W.H. Sinclair to General Joseph Kiddoo, December 23, 1866, Inspection Tour, BRFAL, RG 105, NA.

years and no less than two. It would seem likely that the imprecise wording of the laws and the stiffer penalties for “black” crimes would diminish the need for vigilantism. But the records indicate that whites’ preference to take the law into their own hands for any offense by a former slave persisted well after the statutory changes. In Travis County, Elijah Stencer was shot and killed by three white men “for wearing a six-shooter.” Gary Holt was “taken out of his bed by a party of whites about 30 or 40 of them in all and hung.” The reason for Holt’s murder was that he slaughtered an injured steer “that he believed was going to die anyway.” In Liberty County, Jack Dudd and Gibson Pane were caught “butchering a beef” by four white men who forced them to return the carcass to its proper owners. The men were found dead the next day, about a mile from the owner’s house.<sup>22</sup>

When disputes between whites and blacks were decided through appropriate legal channels, sentences for blacks were blatantly biased. In Seguin, W. Wilson assaulted freedman James Wilcox with an axe, and the matter was brought to the attention of civil authorities, who fined Wilson one cent. Although at first glance, this incident seemed deserving of a stiffer penalty simply because of the weapon used, the token fine is even more astounding when compared with similar incidents. For example, when one Moore assaulted

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<sup>22</sup> Winnell Albrecht, “The Black Codes of Texas” (M.A. Thesis, Southwest Texas State University, August, 1969), 99; Gamel, *Laws of Texas*, Chapter XCII, 90, Chapter XLIX, 200-201; CO no. 1996, 1641, 1642.

a freedman, G. Massey and became angered at his one cent fine, Moore had Massey arrested for stealing four pounds of bacon. For this offense, Massey was sentenced to two years in the penitentiary. Conversely, in DeWitt County, Alexander Hamilton was acquitted for an assault on the freedman, Brown, simply “in consideration of the insulting language used by Brown.” These disparities in sentencing were clear evidence of a dual judicial standard.<sup>23</sup>

Disparities were also evident regarding incidents of murder. In Harris County, after one freedman allegedly murdered another, the perpetrator was sentenced to five years in the penitentiary. Similarly, in Cameron County a black man was sentenced to ten years in jail for murdering his wife's lover. But when desperados, including the infamous Bickerstaff gang, terrorized, robbed, and murdered several blacks in Spring, Hill, and Navarro counties, the presiding judge refused to try them because “they were good soldiers.” The harshest sentences the Bureau recorded were the result of an incident in Travis County. A group of black men, “coon hunting at night,” stumbled upon two white men skinning a steer. When the white men were found dead the next morning, the four black hunters were charged with murder, despite the lack of concrete evidence. Charles Thompson, Thomas Ake, and a man listed only as “Oats,” were sentenced to ninety-nine, twenty, and twenty years, respectively. The

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<sup>23</sup> CO no. 1980, 272, 58.

fourth man died before sentencing.<sup>24</sup>

Skewed justice was also obvious in cases in which the mostly black victims were criminally charged for defending themselves. In Harris County, after being robbed and clubbed by a group of white men, Duncan was taken into custody by police for defending himself. A group of armed whites, led by one Foster, surrounded the house of a freedman named Britton, broke down the door and shot him, wounding him in the hip. When, in self defense, Britton shot and killed Foster, Britton was arrested for the murder. When a group of whites assaulted Edwards and nearly beat him to death, the freedman was “indicted for assault with intent to kill,” while the assailants were not charged. In Walker County, after a white man spit in a freedman's face, drew his revolver and threatened him, the freedman was fined twelve dollars. In the same county, a black woman was fined ten dollars and court costs after she brought charges against a white woman for assault.<sup>25</sup>

Theft was another example of inequality before the bench. Since whites kept former slaves in an economically inferior position, day to day survival was difficult for many black families. As a result, theft became fairly common, and when blacks were caught stealing, they were typically treated with extreme violence, no matter how minor the offense. In Bastrop County, Polly Gambel

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<sup>24</sup> Ibid., no. 2180, 792, 1837, 1838, 1839, 1840, 1931, 1592, 1593.

<sup>25</sup> Ibid., no. 246, 2172, 1543, 691, 14.

was shot in the thigh for allegedly stealing peaches from Taylor's orchard, and a freedman named Lewis was shot and wounded for suspected horse stealing. In Hill County, while one Mack was working away from his regular job, a horse was stolen from his employer, who then accused Mack of the theft and shot at him twice. After an elderly freedman, Howard, came in from the field to break up a fight between his wife and a white woman, he was met by a man who "beat him severely with his pistol and knocked his teeth out" for being involved in the brawl.<sup>26</sup>

In general, then, because civil authorities regularly failed to prosecute whites, blacks looked for protection to the underfunded Bureau, which could do little. After two freedmen were whipped and then forced to leave McLennan County without their crops, Sub-Assistant Commissioner Charles Haughn summed up the state-wide problem when he described the difficulties he faced trying to help the two. He simply "had no one to carry out my orders."<sup>27</sup>

Clearly, frustrated and disappointed local Bureau agents could not protect African-Americans from white violence. Crockett Bureau agent, L.S. Barnes wrote: "It is at the least most unsatisfactory to be harassed as I have been and at the same time be compelled to feel that I am accomplishing nothing." Because so few civil authorities were willing to enforce the law, federal troops were

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<sup>26</sup> Ibid., no. 1975, 1681, 2141.

<sup>27</sup> Ibid., no. 1828.

frequently the local agents' only recourse. In that regard, however, the shortage of available military personnel and the enormity of the state magnified the problems. Inspector W.H. Sinclair summed up the situation in Texas when he reported with only "an isolated agent" responsible for a huge area, "and troops farther apart . . . the freed people hardly know what an agent of the Bureau is for." Change in command added to the problems agents faced. In 1867, Major General Winfield Scott Hancock replaced General Philip Sheridan as commander of the Fifth Military District, which included Texas and Louisiana. When Hancock decided to subordinate military, and thus the Bureau's, authority to state and local power, he undermined the agency's already limited ability to deal with corrupt and noncompliant civil entities. In effect, Hancock's actions removed any recourse the freedmen may have had to obtain justice. In late 1868, with the termination of Bureau activity in Texas on the horizon, a disappointed agent in Liberty wrote that "he never had any troops and it would be useless anyway," since civil authorities "will never deal with the freed people as they should, so therefore, we had as well let the colored people learn now as later."<sup>28</sup>

The demise of the Freedmen's Bureau in Texas resulted from its internal limitations and constant white hostility. It had come to embody, writes a foremost

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<sup>28</sup> L.S. Barnes to W.H. Sinclair, September 1, 1866, LR, SAC, Crockett, Texas; W.H. Sinclair, August 18, 1868, Inspection Tour; A.H. Cox to Charles Vernou, November 30, 1868, LR, SAC, Liberty, Texas, BRFAL, RG 105, NA.

student of the Texas Bureau, all “that Southerners resented most . . . yankee domination and the guardianship of civil rights for freed people by Radical Republican rule.” From its arrival in 1865 to its withdrawal in 1869, the Bureau attempted a herculean task; that of maintaining peaceful relations between those who exercised complete authority and those who had never known freedom. The fact that a record of violent offenses perpetrated against former slaves was even necessary during the period had far reaching implications for the history of race relations in Texas. In just over four years, the number of violent offenses reported to local agents was so great and the brutality so vicious, it is difficult to imagine what the transition to freedom would have been like for former slaves without the Freedmen’s Bureau.<sup>29</sup>

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<sup>29</sup> Clayton, “The Lone Star Conspiracy,” 10; Crouch, *The Freedmen's Bureau*, 130.



## CONCLUSION

Although the records of the Freedmen's Bureau give a relatively objective and systematic account of racial violence in Reconstruction Texas, they are far from complete. Not only were there probably hundreds of incidents not reported for one reason or another, but, as has already been discussed, the Bureau was underfunded and lacked sufficient personnel for a state the size of Texas. There are, however, important conclusions that can be drawn from these materials.

The records indicate that violence perpetrated by whites against blacks was epidemic during the early years of Reconstruction. Although the methods varied, in the majority of incidents, the alleged provocations rarely fit the brutality inflicted. One thing is certain: in Texas, black men, women, and children faced the wrath of resentful whites in their everyday lives. Civil courts failed to protect the former slaves and refused to apply laws equally. While blacks were regularly incarcerated for trivial offenses, whites remained untouched by the law for acts of astonishing brutality.

Although not exhaustive, this thesis reveals some underlying causes of Reconstruction violence in Texas, primarily that there were deeper, less obvious motives. By focusing on the type of violence inflicted rather than the laws that

were broken, or the behaviors that were objectionable, this study reveals the overwhelming significance of racism as the essential motivation for the violence. Historiography has generally minimized the existence of racial violence during Reconstruction, instead focusing on the period as a failure brought on by, among other things, corrupt Republicans and ignorant former slaves. Recent Texas Reconstruction historians, such as Barry Crouch, James Smallwood, and Gregg Cantrell, have revised these outdated interpretations, arguing that racial violence was a significant factor which was either socially, economically, or politically motivated. Though they are not disputed here, their findings do not explore the underlying motive of racism, which would help explain why this type of violence persisted during Reconstruction and beyond.

The amount of brutality inflicted upon former slaves in Texas indicates that whites were bitterly opposed to black freedom in any form. Whites expected humble obedience and regularly employed the lash to remind blacks that, although free, they were not equal. Various forms of violence were used to maintain white control over black lives. Men and women were beaten for such “offenses” as desiring to change employers, leaving the plantation without permission, protecting their children from white attacks, or simply asserting that they were no longer slaves. The sheer brutality inflicted on many freed people suggests the intense hostility many whites felt toward them. Dragging, burning, castration, and rape were common and civil authorities rarely charged the white perpetrators. This brutal, seemingly pointless, and irrational behavior indicates

the trivial value whites placed on African-American lives in Reconstruction Texas. These findings demonstrate that the use of violence to keep African-Americans economically and politically subordinate was only part of the much larger equation. Although, in fact, violence was used ostensibly to meet these ends, maintaining dominance over blacks by any means necessary justified white feelings about race and their own superiority.

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