

**“SOMETHING BETWEEN SLAVERY AND FREEDOM”:  
THE EVOLUTION OF JIM CROW IN TEXAS,  
A CULTURAL HISTORY**

**THESIS**

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By

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## **DEDICATION**

This thesis is warmly dedicated to my wife, Victoria—a scholar in her own right. She is my personal librarian, chief critic, best friend, and life partner. Without her I would never have had the mental fortitude and enduring commitment to reach this stage in my education.

This thesis is also dedicated to my parents, Jerry and Pat Drake. After putting in seventy hour weeks working and raising a family, they still had enough energy left to write checks for undergraduate school. Without their support when I needed it most I would have never come this far.

## PREFACE

As a child, my mother's stepfather told me tales of his life growing up around rural Greenville, Texas in the 1910's and '20's. One of his remembrances that has remained in my mind for all of these years is about a sign that once stood outside the town limits that read: "Welcome to Greenville. Home of the Blackest Land and the Whitest People." Even at an early age it struck me as odd that as a matter of civic pride an entire community could advance such a horribly divisive and openly racist sentiment.

At the outset I want to make it clear that I am a Southerner. My maternal ancestry is derived from a line of Tory Scots who fled their homeland, escaping the wrath of their kinsmen. This family settled in old Virginia and with time, became members of the emerging "slaveocracy." Staying true to their English loyalties, they stood with the British in the American Revolution. When the Appalachian Country opened up they made their way into Alabama. In the Civil War they were officers and soldiers of the Confederacy. The Great Depression—not the Civil War and Reconstruction—and the availability of opportunity in Texas finally fractured the family, pulling them away from the farm and into the factories of the rapidly industrializing Lone Star State.

For the elder generations of my family, as I grew up, racism was second nature. These otherwise kind, altruistic, and God-fearing citizens, nevertheless believed deeply that African Americans were *inherently* second-class citizens. Only in the lifetime of my parents, who came of age in the tumult of the 1960's, was this cycle broken. I have my

parents to thank, ultimately, for my ability to look at the dark side of Southern culture through the lens of objectivity.

At times, in writing this thesis, I felt a stirring of emotions that perhaps only the grandchild of a Nazi officer ruminating on World War II could feel. The “Lost Cause” remains a source of Southern pride in the United States, yet for Southerners like myself that have achieved education and exposure to the benefits of a multi-ethnic society, the accoutrement of the Confederacy and its legacy of hatred is a source of shame—hence, this thesis. As a young historian, beginning my career, I want to show that Southerners, even those whose ancestors held their fellow man in bondage, could look back on their own history with an objective pair of eyes. Hopefully, gone now are the days of the “Dunning School” in which Southern history was little more than long winded public apology for the crimes of old.

This thesis could have taken several directions but I chose to keep it focused largely upon the story of white hegemony in Texas—how it took root and how it was maintained. As my “case study” for this I looked at the early development of the Jim Crow system in our state. It must be made clear that the history of Texas is replete with other case studies that could tell this story equally well. However, for the purpose of a graduate thesis, I chose to limit my writing to the specific black-white dynamic. Separate chapters, indeed separate works, could be written on the role of women, Hispanics, Native Americans, and the other “minorities” that make up the tapestry of Texas history and culture in this relationship. Their absence from this work, except in an ancillary role, is not an afterthought on my part, but a conscious attempt to create a cultural history that

also functions as a tightly focused narrative covering some four centuries of Texas history.

## ACKNOWLEDGEMENTS

I would very much like to thank my wife, Victoria, for her assistance in the preparation of this manuscript. Without her help and patience this work would have never been completed. I would also like to thank my parents, not only for their moral and financial support as an undergraduate student, but also for helping me find “the right path.”

I owe a debt of gratitude to the members of my thesis committee. As a student with a fulltime career away from the campus, they were very patient and helpful in letting me write this manuscript by “remote control.” I am especially grateful to my committee chair, Dr. J.F. de la Teja, who indulged me not only in terms of my schedule but also in my predilection for theoretical interpretation. I have always believed that theory is the tool that gives history *meaning*. I greatly appreciate Dr. De la Teja’s indulgence with my passion.

My staff and co-workers at the Texas General Land Office—too numerous to list here in full—deserve an especial note of thanks. They have been patient with me dashing out at 5:00 p.m. on school nights and they have provided helpful guidance and an ever-willing sounding board for my ideas.

The following persons I would like to thank by name for their overall contribution to this work: Susan Smith Dorsey, who gave me a career when I was just looking for a job. Randolph B. “Mike” Campbell of the University of North Texas, whose 9:00 a.m.

classes got me interested in the nineteenth century. Galen D. Greaser, Spanish Translator of the Texas General Land Office, for helping me interpret some of the documents in Chapter One. Jerry Patterson, Commissioner of the General Land Office, for inspiring a passion for history among his entire staff.

Finally, the following deserve recognition for help, conversation, and inspiration: John Molleston, Kevin Klaus, Carol Finney, Bobby Santiesteban, Cheryl MacBride, Judge Robert Jones, Ezra Brooks, Thomas Ricks Lindley, William S. Osborn, Walter Nass, and everyone else who helped make this thesis possible.

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## TABLE OF CONTENTS

	<b>Page</b>
<b>Chapter</b>	
I. INTRODUCTION: MYTH, MEMORY, AND FACT: A NEW MODEL FOR UNDERSTANDING THE CULTURAL HISTORY OF TEXAS.....	1
II. CHAPTER ONE: THE TYRANNY OF KING COTTON: SLAVERY AND SEGREGATION IN ANTEBELLUM TEXAS.....	11
III. CHAPTER TWO: THE MEMETICS OF POWER: SLAVERY, SECESSION, AND CIVIL WAR IN TEXAS .....	38
IV. CHAPTER THREE: THE SLOW CIVIL WAR: RECONSTRUCTION AND REDEMPTION IN TEXAS .....	66
V. CHAPTER FOUR: I JUMP JIM CROW: THE EMERGENCE OF LEGALIZED SEGREGATION IN TEXAS ...	94
VI. CONCLUSION .....	118
BIBLIOGRAPHY .....	121

## INTRODUCTION

### MYTH, MEMORY, AND FACT: A NEW MODEL FOR UNDERSTANDING THE CULTURAL HISTORY OF TEXAS

*To embody passing history is at all times a difficult task. The rapidity with which the Texan republic—Minerva-like—has come forth to challenge the admiration of the world, renders such a task in her case impossible.*

Mary Austin Holley,  
Texas, 1836

It is the purpose of the following manuscript to create an understanding of how the system of racial segregation known as “Jim Crow” emerged and became entrenched in the state of Texas. The historiography of segregation in Texas is woefully incomplete. While the current literature provides an ample understanding of how Jim Crow met its end in Texas, little research into how that system arose has been attempted.

The legal codification of the Jim Crow system largely came about in the years following the Civil War, during a time period in which so-called “Bourbons” or “Redeemers” recaptured the state from the federally upheld Reconstructionists. Historians of this time period have typically narrowed their research focus on the Civil War and its immediate aftermath, with very little consideration given towards a significant analysis of antebellum or late nineteenth century Texas.

In reality, segregation in Texas has a considerable antebellum component. It was born in the culture of Southern whites (who came to dominate Texas in the years leading up to the revolution of 1836) who viewed their African slave property as chattel. In

essence, antebellum Texas was a segregated society in chrysalis. Slavery was a racist institution founded on the notion that blacks were a degenerate race pre-ordained to subservience. The abolition of that institution forced the dominate white Southern society to confront the human veracity of their former property. Rather than do this, the Anglos reacted by attempting to recreate the antebellum *status quo*, reducing the black population to the status of second-class citizens.

This manuscript approaches the topic as “cultural history.” A mere analysis of Jim Crow as a social, legal, and economic system is unsatisfactory. Segregation in Texas was born out of the conflict between two cultures and subsequently codified into law. In order to gain a broad appreciation of how this system of inequality came to exist, it is first necessary to understand how a culture conducive to the promotion of racial oppression evolved. Both “freedom” and “oppression” are cultural conditions prescribed by a series of norms enforced by custom and law. Thus it is necessary to consider the institution of Jim Crow as more than just a body of laws, but as a systemic mechanism consciously designed to maintain deeply engrained cultural norms. To understand this system as it arose, one must first approach the culture that caused it to come about.

In short, Jim Crow was born out of a conflict between two divergent “sub-cultures,” one former master and the other former slave.<sup>1</sup> What emerged in the years following the American Civil War was a challenge to the antebellum hegemony and the “racial” *status quo*. As the freedmen attempted to “cut their edge” against the old power

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<sup>1</sup>For many postmodern anthropologists, among them Larry Naylor, whose work has influenced the present paper, the notion of “sub-culture” has fallen out of favor. Naylor himself prefers the term “contingent culture,” but this author tends to favor “sub-culture” as a more familiar and explanatory term.

structure a new system—Jim Crow, America’s *apartheid*—emerged to maintain the pre-war norm.

It is hard to imagine a more problematic circumstance for human interaction, for the notion of freedom and equality for blacks to the majority of whites in Texas and throughout the South, was anathema. Cultural systems are taught from earliest childhood as “truth.” And if, as a matter of ultimate “truth,” generations of children are raised to believe that blacks are second-class citizens, born for no purpose other than bondage, and when one’s forebears fight and die to protect this system of norms, it is difficult, if not impossible, to redefine this perception. Anthropologist Larry Naylor writes:

...people learn the right beliefs and behaviors as they become members of groups. They learn the social structure and the organizational system used to meet the needs of the group. Their view of the world is structured, and their values and attitudes are provided. Proposed change in any of this learned pattern comes in one of two forms: it can be a change of kind, as with something totally new to the culture, or it can be one of degree, more or less of some things with which the group is already familiar. In either case it comes into direct conflict with a learned way and produces oppositions or conflicts.<sup>2</sup>

Thus, in the language of anthropology, the Jim Crow system evolved as the result of “oppositions or conflicts.” Furthermore, the problems presented by conflicts in cultures are complicated when the cultures (or in this case “subcultures”) that come into contact with one another do not stand on an equal social footing, as were the circumstances following the manumission of slaves in the American South. On this matter Naylor writes:

Questions of the status, power, dominance, or subservience of the cultures represented in the interaction will inevitably arise... This brings to the forefront the ethnocentric attitudes that are given to people during the acquisition of culture, and these will clash. The pride and dignity of participants, the value they place on tradition, norms of right and wrong, motor habits, and all the other things

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<sup>2</sup>Larry L. Naylor, *Culture Change: An Introduction* (Westport: Bergin and Garbey, 1996), 153.

that make up their own culture will surface and become significant forces in the dynamics of interactions and the ultimate outcomes.<sup>3</sup>

This situation creates unique difficulties for the historian attempting to understand the history of his/her *own* culture. The historian's personal perceptions, prejudices, and, and even his/her education are a product of that cultural system and doom his/her work to some position of bias. As a result, history, as it is written, is a product of the very culture that seeks to chronicle it.

Historians are subject to their own battery of culturally engrained perceptions, ideals, and prejudices. Thus the historian intent on understanding the evolution of culture, in utilizing the work of his/her intellectual forebears, must be aware of the conditions under which his/her antecedents produced their work. As well, he/she must also attempt to keep his/her own preconceived (and, perhaps, misconceived) notions held in check.

The post-modern axiom that "there are no facts, only interpretations," has, to some extent, become the *dernier cri* of the historian.<sup>4</sup> However, one must realize that objectivity in recounting history, even filtered through the lens of interpretation, is the ultimate goal. In 1907 William Archibald Dunning wrote regarding the advent of the Black Codes during Reconstruction: "The freedmen were not, and in the nature of the case could not be, on the same social, moral, and intellectual plane with the whites; and this fact was recognized by constituting them a separate class in the civil order...The restrictions in respect to bearing arms, testifying in court, and keeping labor contracts were justified by well-established traits and habits of the negro." It must be understood

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<sup>3</sup>Ibid.

that this “interpretation” was as much a part of the historian’s own bias, indicative of the time and circumstances in which it was written, as it is a point of fact.<sup>5</sup>

Walter L. Buenger and Robert A. Calvert argue that the infusion of historians’ personal biases into their work can lead to the creation and perpetuation of social myths.

Buenger and Calvert write:

The word “myth” troubles professional historians who see their mission as stripping away myth and exposing unvarnished “truth.” The difficulty, however, is that historians are as bound by their cultural biases as is the society at large. As purveyors of written culture, they may arrive at only the near-truth—a truth arrived at by the best methods and evidence, but still a truth relevant to current problems.<sup>6</sup>

Buenger and Calvert recognize the value of myth in culture. Rather than condemn myths and myth making out of hand, they acknowledge that myths play an important role in how humans understand themselves.<sup>7</sup> Joseph Campbell states that a “function of mythology is to support the current social order, to integrate the individual organically with his group.”<sup>8</sup> Myth serves that exact function in American society as well. Naylor states Americans’ “rituals and ceremonies reaffirm and play out American beliefs and practices, just as they do for people in every other culture.”<sup>9</sup>

Buenger and Calvert, while acknowledging the value of myth in culture, point out that some historical myths can be detrimental, stating, “myths that exclude groups

<sup>4</sup>David H. Hirsch, *The Deconstruction of Literature. Criticism After Auschwitz* (Providence: Brown University Press, 1991), 17; This concept was conceived by Friedrich Nietzsche and expanded upon by Martin Heidegger. For a concise discussion see the above.

<sup>5</sup>William A. Dunning, *Reconstruction: Political and Economic, 1865-1877* (New York: Harper and Brothers, 1907), 58.

<sup>6</sup>Walter L. Buenger and Robert A. Calvert, *Texas History and the Move into the Twenty-first Century* (Austin: Texas Committee for the Humanities, 1990), 3.

<sup>7</sup>Buenger and Calvert, *Texas History*, 2-4.

<sup>8</sup>Joseph Campbell, *The Masks of God: Occidental Mythology* (New York: Viking Press, 1965), 530.

because of ethnicity, gender, or race should be rooted out and tossed aside for the planting of new ideas that aid society in understanding its culture and heritage.”<sup>10</sup> In terms of Texas history, Buenger and Calvert insist, “the myths of Texas are particularly overdue for thinning and replanting.”<sup>11</sup>

Buenger and Calvert argue that our modern view of the “Texas myth” has, in large part, grown out of the work of two major scholars of United States history, writing a century ago: Frederick Jackson Turner and the aforementioned William Archibald Dunning.<sup>12</sup> Turner’s contribution to the interpretation of Texas history is the “frontier thesis.” In a form of social Darwinism, Turner envisioned the “frontier” as the primary engine for the development of American culture. Turner writes:

Line by line as we read this continental page from West to East we find the record of social evolution. It begins with the Indian and the hunter; it goes on to tell of the disintegration of savagery by the entrance of the trader, the pathfinder of civilization; we read the annals of the pastoral stage in ranch life; the exploitation of the soil by the raising of unrotated crops of corn and wheat in sparsely settled farming communities; the intensive culture of the denser farm settlement; and finally the manufacturing organization with city and factory system.<sup>13</sup>

Early historians and folklorists of Texas, chief among them being George P. Garrison, Eugene C. Barker, Walter Prescott Webb, and J. Frank Dobie, adopted Turner’s frontier thesis and applied it to the history of their state. Buenger and Calvert argue that this cadre created an over-romanticized view of Texas history, drawn in large part from their reliance on Turner’s ideas. They viewed the movement from “savagery” to

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<sup>9</sup>Larry L. Naylor, *American Culture: Myth and Reality of a Culture of Diversity* (Westport: Bergin and Garvey, 1998), 67-68.

<sup>10</sup> Buenger and Calvert, *Texas History*, 4.

<sup>11</sup> Ibid.

<sup>12</sup> Buenger and Calvert, *Texas History*, 10.

<sup>13</sup> Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, Rhinehart, and Winston, 1962), 11.

“civilization” as progress and “saw the frontier as a source of positive values which were relevant to modern life and continued to be needed. They feared that the loss of the frontier heritage of Texas would weaken the state and make it like all others.”<sup>14</sup>

According to Buenger and Calvert, Dunning’s chief contribution to the writing of Texas history was manifested through academic support for “sympathy for the Confederacy and southern whites.”<sup>15</sup> The primary doctrine of the “Dunning School” was an interpretation of so-called “Radical Reconstruction” as being an unjust subversion of the United States Constitution. Reconstruction was interpreted as “tyrannical” and “illegal,” the end result being “racial animosity, brought on by irresponsible northern politicians, [that] led to the disfranchisement and eventual segregation of African Americans.”<sup>16</sup>

Dunning’s preeminent disciple, in terms of Texas history, was Charles William Ramsdell. Although not as vehement as other members of the Dunning School, his 1910 work *Reconstruction in Texas*, nonetheless, explained “Reconstruction in terms of assumed innate inferiority of African Americans.”<sup>17</sup> Ramsdell’s attitudes are quite clear. In writing on the subject of “The Negro Question and Labor Conditions,” Ramsdell summarizes the problem as follows: “that the [federal] army officials failed to keep the negroes from vagrancy is not surprising. The army posts were too far apart to keep all communities under surveillance, and the freedmen themselves were too ignorant to understand that their new freedom did not mean immunity from work, and that they could

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<sup>14</sup>Buenger and Calvert, *Texas History*, 11.

<sup>15</sup>*Ibid.*, 12.

<sup>16</sup>*Ibid.*

<sup>17</sup>*Ibid.*

not be fed and clothed forever by their liberators.”<sup>18</sup> He goes on to describe the former slaves as “child-like” and “doing very many foolish and vexatious things.”<sup>19</sup>

Rather than being the *disjecta membra* of historiography, the twin legacies of Turner and Dunning provide the scholarly foundation for the modern Texas Zeitgeist. Buenger and Calvert point out that the preservation of that Zeitgeist—the very culture of Texas, itself—relies on a conservative interpretation of the state’s past. They state, “the more numerous traditionalists glorified the historic past to deter the onslaught of technocratic and cultural vandals and proclaimed that frontier individualism explained the present economic accomplishments and social stability of the state.”<sup>20</sup>

The historian of racial segregation in Texas is confronted with a difficult conundrum. By engaging in, as Dunning himself describes it, “the absorbing and relentless pursuit of the objective fact—of the thing that actually happened” the historian is faced with a collection of “facts” and a written historiography that are *not* mutually exclusive.<sup>21</sup> Rather, the writing of history and its contribution to the “Texas myth” has served to shape the course of events. What, in reality, exists is a nexus of “history” and “cultural memory”—in essence, the way history “actually happened” and the way in which we choose to remember it. In attempting to achieve the former, the historian is doomed to contribute to the latter. Therefore, rather than looking at the mere events of history, the historian must take into account the overall significance of the culture and the historians’ role in creating it.

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<sup>18</sup>Charles William Ramsdell, *Reconstruction in Texas* (Austin: University of Texas Press, 1910), 48-49.

<sup>19</sup>*Ibid.*, 49, 50.

<sup>20</sup>Buenger and Calvert, *Texas History*, 16.

Anthropologist Richard R. Flores confronted a similar situation during his examination of the “master symbol” of Texas, the Alamo. Flores examines the problem as follows:

How then do we evaluate narratives of the past—cultural memory from history in this case—when the narratives are entangled from the start?...It is here that memory-place, as a means of scrutinizing the semantic dimensions of the site of public history and culture, serves a critical interpretive purpose...Memory-place is critically linked to practice, emerging from within the concrete relations of social power that inform the social constructs of meaning...Unraveling the relationship between cultural memory and history...requires that we cast a glance in two directions at once: toward the past and the narrative entwinement of memory and history and toward the present, so as to examine the construction of place in terms of discursive formation and physical representation.<sup>22</sup>

In terms of a cultural history of Jim Crow in Texas, the historian is faced with a “discursive formation” in the manner of a modern body of historiography—a cultural product—that must be reconciled with “the thing that actually happened.” While this task may seem daunting, it is not impossible. Buenger and Calvert provide a working set of guidelines whereby a new inquiry can be made. They break this methodology into four key components:

First, to avoid the stifling effects of synthesis, work should be confined to subfields of Texas history. Second, studies in these subfields should be related to the whole of Texas and U.S. history...Third, the attempt to put the pieces of the puzzle together demands that historians consider longer time periods, or at least divide the time periods at new points...Fourth, some attempt must be made to relate the inner life, the life of a religion or an ideology...to the public life and culture. How did a personal worldview, perhaps a unique worldview, shape the activities of groups and individuals in the public arena?<sup>23</sup>

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<sup>21</sup>William A. Dunning, *Truth in History and Other Essays by William A. Dunning* (New York: Columbia University Press, 1937), 6.

<sup>22</sup>Richard A. Flores, *Remembering the Alamo: Memory, Modernity, and the Master Symbol* (Austin: The University of Texas Press, 2002), 17-18.

<sup>23</sup>Buenger and Calvert, *Texas History*, 72.

The story of Jim Crow in Texas is interpretable through the Buenger and Calvert model. The study of racial segregation is a “subfield” of Texas history that is part of the broader dialectic of the history of the United States. Further, its story transcends the commonly held “timeline” of Texas history (e.g. Spanish Period, Mexican Texas, Republic Period, Civil War, Reconstruction, etc.) The culture that brought about racial segregation in post-emancipation Texas has deep roots, with each “chapter” in the evolution of Texas history playing a role. Finally, far from being merely a legal institution, Jim Crow in Texas was the embodiment of deeply held “personal” cultural ideologies transformed into systemic governing policy.

In 1959 Stetson Kennedy defined how the Jim Crow system was created and enforced: “The privileges and immunities of first-class citizenship, and the penalties and restrictions of second-class citizenship, are established by an ensemble of national dispositions, state statutes, municipal ordinances, judicial findings, police practices, private regulations, social pressures, and mob violence.”<sup>24</sup> As a result it is impossible to look at only one aspect of the system and gain a complete understanding of it. From “state statutes” to “mob violence” each aspect of Texan culture was brought to bear upon blacks in order to maintain their segregated status. In the final analysis, a complete sketch of how this notorious system arose in the Lone Star State will be created.

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<sup>24</sup>Stetson Kennedy, *Jim Crow Guide to the U.S.A.: The Laws, Customs and Etiquette Governing the Conduct of Nonwhites and Other Minorities as Second-Class Citizens* (London: Lawrence & Wishart, Ltd., 1959), 7.

## CHAPTER ONE

### THE TYRANNY OF KING COTTON: SLAVERY AND SEGREGATION IN ANTEBELLUM TEXAS

*Texas must be a slave country. Circumstances and unavoidable necessity compels it. It is the wish of the people there, and it is my duty to do all I can, prudently, in favor of it. I will do so.*

Stephen F. Austin to Wiley Martin, May 30, 1833

The beginning of Jim Crow in Texas certainly occurs in the years following the American Civil War. Historians of various predilections have chosen to employ Jim Crow—the “catch all” phrase for American segregation—at various stages in their respective analyses. However, no one has yet plumbed the penultimate origins of the institution as it manifested itself in Texas. In order to do this one must begin by looking at the culture of Texas and Texans. Jim Crow has a biography with a significant *a priori* cultural component that lies in the antebellum history of the state. Walter Buenger and Robert A. Calvert provide a model (described at length in the Introduction of this manuscript) that will be helpful in discerning Jim Crow’s origins in Texas.

In utilizing the Buenger and Calvert model as a starting point for the analysis of Jim Crow’s “biography” in Texas, it is necessary to begin with the earliest manifestations of the culture that brought the system into being. Jerrold M. Packard argues that a cultural history of Jim Crow must begin with the Hebrew-Christian Bible. He finds in the

biblical account of Noah and his three sons Shem, Japheth, and Ham, the earliest “theological ideas on how racial division began.”<sup>1</sup>

Packard argues that as matter of very loose biblical interpretation, whites have been able to find a religious justification for the institution of slavery. For committing a sin against his father Ham and his children were condemned to subservience. Packard writes: “one unto perpetuity, and further declared that Ham’s descendents would forever be the servants of the descendents of Shem and Japheth.”<sup>2</sup> Packard further states that in popular Western mythology, it was the descendents of Ham who went on to populate the continent of Africa.<sup>3</sup>

Although nothing of the story of Noah and his sons can be said to be based on empirical historical fact, Packard, the cultural historian, engages in this expository exercise in order to demonstrate that, ultimately, “throughout modern Western societies whites have willingly, indeed eagerly, adopted religious mythology as the moral grounding for their beliefs in white superiority and its corresponding certainty of black inferiority.”<sup>4</sup> While it is not the purpose of the present study to deconstruct the origins of Jim Crow to their penultimate extremes, it is necessary to keep in mind that the “Westerners” that ultimately peopled the geography of Texas brought with them the exact cultural baggage which Packard describes, requiring us to understand that their deeply held prejudices far predate their arrival in Texas.

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<sup>1</sup>Jerrold M. Packard, *American Nightmare: The History of Jim Crow* (New York: St. Martin’s Press, 2002), 17.

<sup>2</sup>Ibid., 18.

<sup>3</sup>Ibid.; For a complete discussion of the mythology of the sons of Noah and its justification for slavery and white supremacy in the American South, see: Thomas Virgil Peterson, *Ham and Japheth: The Mythic World of Whites in the Antebellum South* (Metuchen: The Scarecrow Press, Inc. and the American Theological Library Association, 1978).

<sup>4</sup>Ibid.

The *a priori* culture of racial segregation in Texas, as it evolved after the Civil War, has deep roots in the history of North America. It is the product of long-held cultural ideologies that were endemic throughout the United States. However, Texas, as a piece of geography formerly a part of Spain and Mexico, came to inherit the culture that led to Jim Crow in a fashion different from the remainder of the United States. Thus, it is during the Spanish colonial period in Texas history, when the region was ruled as a component of a European empire, that the story of the rise of Jim Crow begins.

The earliest known European contact with the land that would ultimately be called Texas occurred in the summer of 1519 when the expedition of Alonso Alvarez de Pineda, consisting of 270 men loaded aboard four ships, cruised the coastline of the Gulf of Mexico from the Florida Keys to Veracruz.<sup>5</sup> The story of blacks in the timeline of Texas history began only a few years later when the remnants of the expedition of Pánfilo de Narvaez's expedition came ashore in Texas in the fall of 1528. Among the survivors were Alvar Núñez Cabeza de Vaca, Alonso Castillo Maldonado, Andrés Dorantes de Carranza, and his slave, Estevanico.<sup>6</sup> Of those shipwrecked, only these four men survived, ultimately making their way to Spanish held territory on foot; a journey filled with considerable travail that lasted some eight years.<sup>7</sup>

During his life as one of the "Four Ragged Castaways" Estevanico appears to have transcended the master-slave relationship. On several occasions he was separated from the Spaniards and could have easily stayed with the Indians. However, he chose to remain with the white men, ultimately returning with them to Mexico—and back into

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<sup>5</sup>Donald E. Chipman, *Spanish Texas: 1519-1821* (Austin: University of Texas Press, 1992), 24.

<sup>6</sup>*Ibid.*, 28-29.

<sup>7</sup>*Ibid.*, 33.

bondage. After his purchase by Viceroy Antonio de Mendoza and assignment to assist Friar Marcos de Niza in an exploration of what is today the Pueblo country of eastern Arizona, Estevanico perished at the hands of the Zunis at the town of Hawikuh in 1539.<sup>8</sup>

Although he was the first person of African birth to enter Texas, Estevanico cannot claim the legacy of being the *avant garde* of black settlement in the region. Rather, that distinction belongs to the black settlers of the various missions and small villas that began to spring up in Texas during the early eighteenth century. Many of these were freemen who emigrated to Texas or runaway slaves from Louisiana, while others were bondsmen from the Canary Islands and various regions of New Spain.<sup>9</sup>

African slavery in colonial Mexico was a largely moribund institution by the time Texas was settled in the early eighteenth century. Large numbers of Africans were imported in the late sixteenth through early seventeenth centuries, when population decline among the Indians seemed to warrant the expense of importing slaves. As the Indian population rebounded, and as mechanisms for employing native labor became better adjusted to existing conditions, the importation of Africans quickly declined. Except for pockets of settlement in the lowlands of southeastern Mexico, where the African-origin population was most concentrated, African Mexicans quickly melded into the general Mexican population. Miscegenation played an important role, with Africans and Indians producing lighter skin tones among their descendents, who along with the

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<sup>8</sup> Sue Clark Wortham, "The Role of the Negro on the Texas Frontier, 1821-1836" (M.A. thesis, Southwest Texas State University, 1970): 5; Chipman, *Spanish Texas*, 34-35.

<sup>9</sup>Wortham, "The Role of the Negro on the Texas Frontier," 6.

product of European-African mixing resulted in the mulatto population of northern Mexico.<sup>10</sup>

Estimating the African-origin population of Texas throughout the Spanish period is quite difficult, as the terminology used to describe non-Spaniard ethnic types was not consistent in the Spanish census data. Tina Laurel Meacham was able to determine, however, that the ethnicity described as “Spaniard,” a restrictive classification that was difficult for a dark-skinned person to achieve, ranged from 54 percent to 64 percent of the total population of Texas between the years 1783 and 1790, with Indians, Mestizos, persons of “broken color,” and slaves making up the remainder of the population. The slave population remained an extremely minor part of the overall demographic of Spanish Texas, in Meacham’s study ranging between 1 and 2 percent of the total.<sup>11</sup>

By 1809 there were only 33 slaves in Nacogdoches, with the slave population almost completely vanished in San Antonio de Béxar, the province’s largest villa, and La Bahía (modern Goliad.)<sup>12</sup> Sue Clark Wortham argues that the disappearance of the slave caste, which appears to have been made up almost exclusively of blacks, from the census roles may be attributed to intermarriage and other factors that transformed these persons into “free Mexican citizens who had Spanish names and spoke the Spanish language.

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<sup>10</sup>Nicolás Kanellos with Cristela Pérez, *Chronology of Hispanic American History: From Pre-Columbian Times to the Present* (New York: Gale Research Inc., 1995), 22, 58; Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989), 10-11; John Tutino *From Insurrection to Revolution in Mexico: Social Bases of Agrarian Violence, 1750-1940* (Princeton: Princeton University Press, 1986), 69.

<sup>11</sup>Tina Laurel Meacham, “The Population of Spanish and Mexican Texas, 1716-1836” (Ph.D. diss., University of Texas at Austin, 2000): 171-172.

<sup>12</sup>Campbell, *Empire for Slavery*, 11; Harold Schoen, “The Free Negro in the Republic of Texas: Chapter I,” *Southwestern Historical Quarterly* XXXIX (April 1936): 292-293.

These people were hybrids with a mixture of Spanish, Indian, and Negro blood, who considered themselves to be Mexicans.”<sup>13</sup>

The difficulties of frontier life in Spanish Texas appear to have suspended much of the rigor of Spain’s New World caste system (*sistema de castas*). In evaluating the population of San Antonio de Béxar throughout the Spanish period, Jesús F. de la Teja found that “Indian hostilities tended to draw communities together, as did physical isolation. The scarcity of potential mates within one’s own caste also weakened ethnic barriers. The state of racial mixing at Béxar at the time of Fray Agustín Morfi’s visit in 1778 was such that he described the town council—Béxar’s most prominent men—as ‘a ragged band of men of all colors.’”<sup>14</sup>

As has been previously mentioned, a number of the blacks that lived in Texas under Spain actually came as runaway slaves from the United States. This indicates that the Spanish did not consider slavery to be a perpetual condition. Quite to the contrary, the Spanish encouraged runaway slaves from the United States to make their way to Texas. A royal decree of April 14, 1789 provided freedom for any foreign slave that could find their way into Spanish territory.<sup>15</sup> This decree created considerable animosity between Spanish officialdom and their Anglo neighbors in the United States. The Spanish hoped that this policy would help to keep their territory free of interloping Americans, while many Southern slaveholders became convinced that the Spanish law was actually causing their slaves to desert.<sup>16</sup>

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<sup>13</sup>Wortham, “The Role of the Negro on the Texas Frontier,” 7.

<sup>14</sup>Jesús F. de la Teja, *San Antonio de Béxar: A Community on New Spain’s Northern Frontier* (Albuquerque: University of New Mexico Press, 1995), 24.

<sup>15</sup>Wortham, “The Role of the Negro on the Texas Frontier, 1821-1836,” 8.

<sup>16</sup>*Ibid.*, 9.

The Spanish, by 1801, already had reason to fear territorial aggression from the United States. Famed filibusterer Philip Nolan, in company of a party of armed men, was killed along the Brazos River on March 21, 1801. Between that time and the end of their dominion over Mexico in 1821, the Spanish were constantly plagued by the illegal incursion of Americans into Texas. As a result, in order to maintain harmony, they often broke their own rules and returned emigrant slaves to their owners in U.S. territory.<sup>17</sup>

Despite the fact that there was limited slavery in Texas under Spain, it was not the Spanish that provided Texas with the forerunner of a culture conducive to racial segregation in later years. In the words of Campbell, “although Negro slavery existed, the number of bondsmen was always far too small to give the institution a significant hold in the province.”<sup>18</sup> It was the subsequent arrival of an Anglo population from the United States that served to create a racially divided society in Texas.

According to Wortham, “these [Anglo] emigrants brought with them not only their slaves, but also their traditions and philosophies about Negroes and slavery which had been developed in the Southern United States in an economy based on cotton and tobacco plantations.”<sup>19</sup> The worldview of these Anglo emigrants from the “Old South”—their traditions and philosophies—is arguably best described by W.J. Cash, who in 1941, attempted to quantify the “mind” of the South:

Proud, brave, and honorable by its lights, courteous, personally generous, loyal, swift to act, often too swift, but signally effective, sometimes terrible, in its action—such was the South at its best... Violence, intolerance, aversion and

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<sup>17</sup>Ibid., 8-10; Mattie Austin Hatcher, “The Opening of Texas to Foreign Settlement, 1801-1821” *Bulletin of the University of Texas* 2714 (April 8, 1927): 50-54, 270-273; Jack Jackson, “Philip Nolan,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/NN/fno2.html>>, December 4, 2002; Harris Gaylord Warren, “Long Expedition,” *The Handbook of Texas Online*, <[www.tsha.utexas.edu/handbook/online/articles/view/LL/qyl1.html](http://www.tsha.utexas.edu/handbook/online/articles/view/LL/qyl1.html)>, December 4, 2002.

<sup>18</sup>Campbell, *An Empire for Slavery*, 11.

<sup>19</sup>Wortham, “The Role of the Negro on the Texas Frontier,” 14.

suspicion toward new ideas, an incapacity for analysis, an inclination to act from feeling rather than from thought, an exaggerated individualism and a too narrow concept of social responsibility, attachment to fictions and false values, above all too great attachment to racial values and a tendency to justify cruelty and injustice in the name of those values, sentimentality and a lack of realism—these have been its characteristic vices of the past.<sup>20</sup>

The “peculiar institution” of slavery essentially began its long march across the American cotton belt with Eli Whitney’s patent of the cotton gin in 1794. Cash argues that the cultural mindset of the Old South developed along with the advance of cotton plantation agriculture through southern U.S. territory during the early part of the nineteenth century. He points out that the march of the plantation did not fully begin until 1800 and did not hit its stride until 1820 the year Moses Austin pled his case to bring American colonists to Spanish Texas.<sup>21</sup> Cash writes, “The whole period from the invention of the cotton gin to the outbreak of the Civil War is less than seventy years—the lifetime of a single man. Yet it was wholly within the longer of these periods, and mainly within the shorter, that the development and growth of the great South took place.”<sup>22</sup>

Slavery and cotton culture marched quickly across the American Southland, arriving in Texas almost at the beginning of its post-Eli Whitney era. It was, indeed, the Southern Anglo that inflicted a culture conducive to deep segregation upon the

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<sup>20</sup>W J Cash, *The Mind of the South* (New York: Alfred A. Knopf, 1941), 428-429; In recent years, Cash has been criticized for “over-generalizing” the Southern mindset. It has been pointed out by authors such as Victoria Bynum and Bruce Collins that in the South there were actually “many Souths.” However, in terms of describing the majority viewpoint, the beliefs and practices that shaped slaveholding society, Cash’s “generalization” remains valid. Although there may have been exceptions to this rule, it was not the viewpoint of the minority, as epitomized by these exceptions, that ultimately won the day. For an in-depth discussion of the many faces of antebellum Southern culture see: Victoria E. Bynum, *The Free State of Jones: Mississippi’s Longest Civil War* (Chapel Hill: University of North Carolina Press, 2001) and Bruce Collins, *White Society in the Antebellum South* (New York: Longman Group, 1985).

<sup>21</sup>Cash, *The Mind of the South*, 10.

<sup>22</sup>Ibid.

topography of Texas. As De la Teja has illustrated, for multitudinous reasons the Spanish frontier province of Texas, although a tentative slave holding society, was largely integrated. However, Anglo Texas, almost from the beginning, structured itself as a segregated society, importing its attitudes from the United States. By and large, Anglos from the U.S. viewed blacks as an inferior race.<sup>23</sup> This attitude could be found, ever how reluctantly, even among the American intelligentsia. In 1781, the forward-thinking Thomas Jefferson, in his *Notes on the State of Virginia* concluded “as a suspicion only...that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to whites in the endowments both of body and mind.”<sup>24</sup>

Stanley M. Elkins explains that a fundamental difference existed between Spanish/Hispanic (in his words “Latin American”) views on slavery and blacks in general, and those of their Anglo American counterparts. Elkins argues that continual tension between the cultural institutions of “church, crown, and plantation agriculture” moderated the most pernicious aspects of slavery in Latin America. Latin American slavery was not necessarily pinned upon the belief in the inherent inferiority of the enslaved. Elkins writes, “For the slave, in terms of the space thus allowed for the development of men and women as moral beings, the result was an ‘open system’: a system of contacts with free society through which ultimate absorption into that society

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<sup>23</sup>It is not the purpose of this paper to track the development of slavery and segregated society within the United States prior to Texas becoming a part of the political equation. However, some brief argument must be given for the contention that Anglos imported attitudes from the U.S. conducive to a culture of segregation. The following resources were most heavily utilized in developing this author’s understanding of slavery in the United States: Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, 3 ed. (Chicago: University of Chicago Press, 1976) and Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976). Jerrold M. Packard’s *American Nightmare* (previously cited) provides an excellent outline of the development of segregationist culture in America, focusing heavily on the transition from slavery to Jim Crow.

<sup>24</sup>Thomas Jefferson, *Notes on the State of Virginia*, William Peden, ed. (Chapel Hill: University of North Carolina Press, 1955), 143.

could and did occur with great frequency.”<sup>25</sup> This once again brings to mind Wortham’s and De la Teja’s observations regarding the decidedly *desegregated* nature of Spanish Texas. In Spanish Texas, as in the rest of “Latin America,” even those formerly enslaved blacks were able to make the transition into mainstream society.

Elkins is quick to point out, however that within the United States slavery developed “unchecked” with virtually nothing to balance the harsher aspects of the institution. A hegemonic system of laws developed that conferred little in the way of human dignity upon the slave, enforcing their status as chattel. In Elkins words, the slave as a “moral individual was left in the vaguest of legal obscurity.”<sup>26</sup> Further, slavery in the U.S. was “a closed system—one in which, for the generality of slaves in their nature as men and women, *sub specie aeternitatis*, contacts with free society could occur only on the most narrowly circumscribed of terms.”<sup>27</sup>

Elkins’ overall thesis in comparing slavery in Latin America and the United States has been challenged over the past several years from many quarters. However, at its heart the notion that Spanish slave society was a more “open system” than that found in the American South appears to be true in at least the case of Texas, in which there existed a means for blacks, even those of the slave caste, to pass into mainstream society. This was never the case in the American South, despite any justifiable revisions of Elkins’ overall work.<sup>28</sup> An Anglo-American culture of segregation existed *a priori* the manumission of slaves within the United States. And, it was precisely that culture that was first legally introduced into Texas in 1821.

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<sup>25</sup>Elkins, *Slavery*, 81.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid., 81-81.

The birth of Anglo Texas and the death of Spanish Texas occurred almost synchronically. A filibustering expedition under the leadership of Southerner James Long in 1819 led to Spain's desire to populate the Texas frontier as a means of maintaining its claim upon the territory. The Adams-Onís Treaty clarified Spain's hold over Texas and successful colonization would help to enforce that claim. Spanish officials reasoned that Anglo-American colonists, if sufficiently loyal, could help to deter further filibustering and provide a buffer against the Indians of Texas.<sup>29</sup>

On December 23, 1820, Moses Austin, an Anglo entrepreneur whose finances had fallen on hard times, arrived in San Antonio de Béxar with a plan to revive his sagging fortunes by bringing three hundred American colonists into Spanish Texas. After first being rebuked, Austin succeeded, with the help of an old acquaintance, the self-styled Felipe Enrique Neri, Baron de Bastrop (born without title, Philip Hendrik Nering Vögel), in convincing Governor Antonio María Martínez to endorse the project. Austin argued that the chief enterprise of the American colonists would be agriculture—cultivation of sugar and cotton.

After making his case, Austin returned home to Missouri to await a final decision on the "Texas Project" from Spanish officialdom. The would-be *empresario* contracted pneumonia on the return trip and lived barely long enough to hear word that the venture was approved, succumbing on June 10, 1821. It then became the responsibility of

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<sup>28</sup>Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 1993), 134-137.

<sup>29</sup>Hatcher, "Opening of Texas to Foreign Settlement," 271-285; Harris Gaylord Warren, "Long Expedition," *The Handbook of Texas Online*, <[www.tsha.utexas.edu/handbook/online/articles/view/LL/qy11.html](http://www.tsha.utexas.edu/handbook/online/articles/view/LL/qy11.html)>, December 4, 2002.

Austin's son, a man whose name has become synonymous with Texas, Stephen Fuller Austin, to carry on the colonization project in his father's stead.<sup>30</sup>

During the summer of 1821, Mexico finally achieved its independence from the mother country of Spain, transferring ownership of the province of Texas into the hands of a new sovereign.<sup>31</sup> The conversion from one government to the next served to complicate the Austin enterprise. Most strikingly, from the outset Mexican law opposed the institution of slavery.<sup>32</sup> Abolishing slavery had long been a part of the Mexican revolutionary spirit. Father Miguel Hidalgo y Costilla proclaimed the abolition of slavery at the initiation of his revolt against Spain in 1810.<sup>33</sup>

Stephen F. Austin made his initial visit to Texas while the transition from Spanish to Mexican rule was still taking place. Austin, believing his father's contract was still intact, began bringing Anglo colonists into Texas early in 1822. In March, just as the settlers were sowing their crops for spring, Austin made his way to San Antonio to appear before Governor Antonio Martínez. The Governor reported that the revolution had thrown all of Mexico into disarray and that it would be wise for Austin to personally travel to Mexico City in order to secure assurances from Augustín de Iturbide's government that the colonization project could continue. Although reluctant to leave the fledgling Texas settlement, Austin was soon on his way to the capital city.<sup>34</sup>

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<sup>30</sup>David B. Gracy, II, *Moses Austin: His Life* (San Antonio: Trinity University Press, 1987), 189-215; Richard W. Moore, "Baron de Bastrop," *The Handbook of Texas Online*, [www.tasha.utexas.edu/handbook/online/articles/view/BB/fbaae.html](http://www.tasha.utexas.edu/handbook/online/articles/view/BB/fbaae.html), December 4, 2002.

<sup>31</sup>Chipman, *Spanish Texas*, 240.

<sup>32</sup>Wortham, "The Role of the Negro on the Texas Frontier," 15.

<sup>33</sup>Tutino, *From Insurrection to Revolution*, 134.

<sup>34</sup>Gregg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale University Press, 1999), 109-110.

On May 19, 1822, not even a week after Austin's arrival in Mexico City, Iturbide was proclaimed emperor of the newly independent Mexican state. With the government still in flux, Austin immediately went to work attempting to secure the provisions of his grant.<sup>35</sup> The issue of slavery was heavily debated among the members of the committee attempting to organize a new government. Many believed that the institution should endure and that the inflow of Anglo colonists should be allowed to keep their slaves. However, in October Iturbide abolished this organizing committee and replaced it with forty-five handpicked deputies, creating the *Junta Nacional Instituyente*.<sup>36</sup>

Throughout this crucial time period the members of Austin's colony were anxious about the slave question. Clearly a debate was taking place on whether or not slavery was appropriate for Texas. On September 13, 1822 Hugh McGuffin wrote to Austin: "A great many is very anxious to know the system of government which now exists and whether slavery is abolished or not a good many appear to wish that it may be a free country from slavery others in favor of slavery"<sup>37</sup>

Iturbide's *Junta* seemed to settle the question on November 26, when it passed the colonization law under which Austin would be allowed to organize the emigration of Anglo settlers.<sup>38</sup> Article 30 of the colonization law greatly limited slavery but it did not abolish the institution, stating: "After the publication of this law, there can be no sale or purchase of slaves which may be introduced into the empire. The children of slaves born

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<sup>35</sup>Cantrell, *Stephen F. Austin*, 113-114.

<sup>36</sup>Eugene C. Barker, "The Influence of Slavery in the Colonization of Texas," *Southwestern Historical Quarterly* XXVII (July 1924): 4-5.

<sup>37</sup>Hugh McGuffin, "McGuffin to Stephen F. Austin, September 13, 1822," in Eugene C. Barker, ed., *The Austin Papers*, by Moses and Stephen F. Austin (Washington: Government Printing Office, 1924-1928), I, 546.

<sup>38</sup>Barker, "The Influence of Slavery in the Colonization of Texas," 5-6.

in the empire, shall be free at fourteen years of age.”<sup>39</sup> On January 4, 1823 Iturbide signed this bill into law.<sup>40</sup>

Although Iturbide was overthrown in February 1823, Austin was allowed to continue his work under the auspices of the January 4 provisions. There were those in the Mexican government that wished to go further than Article 30, freeing all slaves after ten years, but Austin lobbied heavily for a colonization contract friendly to slaveholders.<sup>41</sup> Austin biographer Gregg Cantrell has argued that the *empresario* personally knew slavery to be morally wrong, but in practice he gave in to its expedience. Austin was himself a slave owner and had employed slave labor in his lead mines in Missouri.<sup>42</sup>

It would be unfair to state that Austin did not have misgivings regarding slavery, especially as it began to emerge in Texas. However, Austin’s antislavery tendencies were more motivated by an outright fear of blacks than by any sense of moral outrage. In a letter to Thomas F. Leaming, dated June 14, 1830, Austin expressed these fears as follows:

It is in vain to tell a North American that the white population will be destroyed some fifty or eighty years hence by the negros, and that his daughters will be violated and Butched [sic] by them. ‘It is too far off to think of’—‘they can do as I have, take care of themselves’—‘something will turn up to keep off the evil’ etc, etc. Such are the silly answers of the slave holder. To say anything to them as to the justice of slavery, or its demoralizing effects on society, is only to draw down ridicule upon the person who attempts it.<sup>43</sup>

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<sup>39</sup>Junta Nacional Instituyente, “Article 30,” *Colonization Law, 1823*, in Stephen F. Austin, *Establishing Austin’s Colony. The First Book Printed in Texas, With the Laws, Orders, and Contracts of Colonization*, edited with an introduction by David B. Gracy, II (Austin: Pemberton Press, 1970), 38.

<sup>40</sup>Barker, “The Influence of Slavery in the Colonization of Texas,” 5-6.

<sup>41</sup>Campbell, *An Empire for Slavery*, 16.

<sup>42</sup>Cantrell, *Stephen F. Austin*, 189.

<sup>43</sup>Stephen F. Austin, “Austin to Thomas F. Leaming, June 14, 1830,” in Barker, ed., *The Austin Papers*, II, 415.

The following year, in writing to his cousin Mary Austin Holley, Austin provided his beliefs regarding racial segregation. He wrote, “color forms a line of demarkation [sic] between [blacks] and the whites. The law must assign their station, fix their rights and their disabilities and obligations—something between slavery and freedom, but neither one nor the other.”<sup>44</sup> These comments are particularly uncanny, for Austin’s description of a status for blacks “between slavery and freedom” is an eerie foreshadow of the segregated Jim Crow society that would arise in the United States following the Civil War.

The institution of the Colonization Law of 1823 began a political dialectic regarding slavery between the inflowing Anglo settlers and their Mexican hosts that would last until the “Texians” declared their independence from the mother country. Throughout the Mexican Period, the central government made attempts at abolishing slavery in Texas, but were continually forced by the Anglos to either restrict their policy or grant the province an exception.<sup>45</sup> And despite any personal misgivings he might have held, in the words of Campbell, Stephen F. Austin did “more than any other individual” to guarantee the right of settlers to hold slaves in Texas.<sup>46</sup>

At various times throughout the Mexican Period, threats to slavery in Texas sent the Anglo colonists into a panic, so deeply ingrained was their perceived need for the institution. On September 15, 1829, Mexican President Vicente Guerrero, commemorating independence, issued an emancipation proclamation. Fearing rebellion

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<sup>44</sup>Stephen F. Austin, “Austin to Mary Austin Holley, July 19, 1831,” in Barker, ed., *The Austin Papers*, II, 676.

<sup>45</sup>Wortham, “The Role of the Negro on the Texas Frontier,” 29.

<sup>46</sup>Campbell, *Empire for Slavery*, 16.

on the part of the colonists, Ramón Músquiz, *Jefe Politico* of Texas, moved to suppress the order. On November 14, 1829 Governor J.M. Viesca petitioned President Guerrero to exempt Texas from the decree.<sup>47</sup>

Despite the best efforts of Mexican officialdom to keep the news from the Anglo colonists, word quickly spread. Colonel José de las Piedras, stationed in Nacogdoches, reported to his superiors that the Anglo settlers would not go along with the law. In an astute demonstration of prescience, Piedras predicated that the slave owners would ultimately revolt against Mexico, utilizing the emancipation of slaves as a justification for revolution.<sup>48</sup>

In his report, Piedras made the statement that *all* of the foreigners in the region owned slaves.<sup>49</sup> The impetus for the importation of slaves and the widespread use of slave labor was the cultivation of cotton. The estimated cotton production for the area of Austin's colony was 600 bales in 1827. By 1833 the amount had grown to 2,000 bales. In 1834, the Nacogdoches District alone produced some 2,000 bales. In the words of Campbell, "slave labor was the key to this cotton culture."<sup>50</sup>

The Mexican government, throughout this period of Anglo colonization, openly opposed slavery, but continually granted Texas exemptions to the laws and decrees of the central government that sought to abolish the peculiar institution. President Guerrero

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<sup>47</sup>Ibid., 25; Wortham, "The Role of the Negro on the Texas Frontier," 26.

<sup>48</sup>Antonio Elozúa to Ramón Músquiz, November 23, 1828, box 129, folder 12, page 129, Spanish Collection, Texas General Land Office, Austin.

<sup>49</sup>Ibid.

<sup>50</sup>Campbell, *Empire for Slavery*, 34.

exempted Texas from his September 15 decree on December 2, 1829, following a long series of compromises Mexican officials made on behalf of slaveholders in Texas.<sup>51</sup>

In reality the Constitution of the State of Coahuila and Texas had already outlawed slavery on March 11, 1827. Article 13 of the Constitution states: “From and after the promulgation of the Constitution in the capital of each district, no one shall be born a slave in the state, and after six months the introduction of slaves under any pretext shall not be permitted.”<sup>52</sup> On September 15, 1827 a decree was issued by the congress of the state to enact the provisions of Article 13.<sup>53</sup> However, on May 5, 1828, the congress, bowing to pressure from the Texans and conceding their need for cheap agricultural labor, issued a further decree that would allow for the use of indentured servitude in place of slavery. Under the provisions of this decree, a slaveholder simply had to have a contract drawn up between himself and the slave that, essentially, “bonded” the former slave to his master.<sup>54</sup> Although by virtue of his residency on Mexican soil, the slave was free before the law, the exemption of May 5, 1828 caused the slave to remain in bondage to the tyrant cotton by nothing more than a technicality.

On April 6, 1830, Mexico took strident action against the flow of slaves and illegal Anglo immigrants into Texas. With a decree issued on that day, President Anastacio Bustamante severely curtailed immigration from the United States into Texas. The initial plan behind the colonization of Texas was to encourage settlement through the immigration of Anglos that would remain loyal to Mexico. Illegal immigration had

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<sup>51</sup>Ibid., 26.

<sup>52</sup>State of Coahuila and Texas, “Constitution of the State of Coahuila and Texas,” March 11, 1827, in H.P.N. Gammel, comp. *The Laws of Texas, 1822-1897* (Austin: Gammel Books, 1898-1902), I, 424.

<sup>53</sup>State of Coahuila and Texas, “Decree of September 15, 1827,” September 15, 1827, in Gammel, *The Laws of Texas*, I, 188-189.

confounded this goal. As well, the law called for strict enforcement of all prior acts outlawing slavery. It did not provide emancipation for those held in bondage but it was designed to stem the tide of slaves being brought into the state illegally.<sup>55</sup>

The laws that Mexico implemented to curb slavery in Texas did little. The decree of April 6, 1830, could not even halt the slave trade. On December 21, 1830, Francisco Pizarro Martínez, Mexican consul in New Orleans, reported to General Manuel Mier y Terán that a ship called the *María* was loaded with white settlers and slaves and bound for the Texas port of Brazoria. Martínez wrote that he denied passports to all those (both black and white) who sought permission to settle in Texas. However, he also made it clear that he could not stop the ship.<sup>56</sup>

Stephen F. Austin's reaction to the decree of April 6, 1830, was conciliatory. As has been previously stated, he had personal misgivings about slavery in Texas, largely motivated by his own fear of black insurrection. In writing to a group of potential settlers from Alabama on June 16, 1830, Austin stated, "I am of the opinion that Texas will never become a Slave state or country."<sup>57</sup> However, subsequent political events would quickly change the *empresario's* mind.

On April 28, 1832, a new colonization law was introduced that dealt a serious blow to the system of indentured servitude on which the Texans had come to depend. The law stated that no bondsman could be held in servitude for more than ten years.<sup>58</sup> By

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<sup>54</sup>Campbell, *Empire for Slavery*, 22-24.

<sup>55</sup>*Ibid.*, 27.

<sup>56</sup>Francisco Pizarro Martínez to Manuel Mier y Terán, December 21, 1830, box 120, folder 13, page 135, Spanish Collection, Texas General Land Office, Austin.

<sup>57</sup>Stephen F. Austin, "Austin to Richard Ellis, et. al., June 16, 1830," in Barker, ed., *The Austin Papers*, II, 421-423.

<sup>58</sup>Campbell, *Empire for Slavery*, 29.

this time, the eve of the Texas revolution, slavery seemed penned in by the laws of Mexico, an institution that, on paper at any rate, was on its way to abolition. In practice, however, the peculiar institution was alive and well in Anglo Texas. In 1834 General Juan Almonte, on an inspection tour of Texas, found some 2,000 blacks living in a total population (excluding Indians) of only 21,000, with blacks representing 9.52 percent of the population, and the vast majority held as slaves.<sup>59</sup>

The trend toward a more centralized government in Mexico provided a direct challenge not only to the “bastardized” system of slavery that evolved in Texas but also to the lenient home rule the Anglo colonists enjoyed via a loose federal government. Settlers in southeast Texas, by late October 1832, began demanding “reforms,” including the repeal of the law of April 6, 1830, and separate statehood for Texas.<sup>60</sup> By this time, even Austin had recanted his opposition to slavery in Texas. Writing to Wiley Martin on May 30, 1833, Austin stated:

I have been adverse to the principle of slavery in Texas. I have now, and for the last six months, changed my views of that matter; though my ideas are the same as to the abstract principle. Texas *must be* a slave country. Circumstances and unavoidable necessity compels it. It is the wish of the people there, and it is my duty to do all I can, prudently, in favor of it. I will do so.<sup>61</sup>

Only recently have historians begun to look seriously at the role slavery played in the Texans’ revolt against Mexico and the Republic of Texas’ subsequent annexation into the United States. By 1835, Colonel Piedras’ fear of an Anglo insurrection in Texas became a reality. Writing in 1924, Eugene C. Barker made the statement that “it does not

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<sup>59</sup>Ibid., 31-32; Campbell utilizes the observations of early visitors to Texas along with claims made by the Mexican government as evidence that the Anglo settlers in Texas were holding blacks in servitude despite the written laws of the land.

<sup>60</sup>Ibid., 29.

<sup>61</sup>Stephen F. Austin, “Austin to Wiley Martin, May 30, 1833,” in Barker, ed., *The Austin Papers*, II, 918.

appear that anxiety concerning the status of slavery played any appreciable part in producing the Texas revolution.”<sup>62</sup> Until very recently, in the words of Paul D. Lack, Barker’s interpretation “has gone virtually unchallenged.”<sup>63</sup>

Lack concludes that slavery was not the only cause of the Texans’ insurrection against Mexico, but that it did play a significant role. He writes, “whatever doubts they express about the significance of slavery as a causative factor in 1835-1836, historians have acknowledged that disputes over the institution served as a long-standing irritant in relations between Anglo settlers and Mexico.”<sup>64</sup> Taking this thesis one step further, Neil Foley states, “in 1836, the famous trio of southern-born whites, Jim Bowie, Davy Crockett, and William Barrett Travis, gave their lives at the Alamo for the freedom of white men to own slaves.”<sup>65</sup> Even Campbell, who is conservative in his estimation of the role of slavery as a cause of the Revolution, concedes, “protecting slavery was not the primary cause of the Texas Revolution, but it certainly was a major result.”<sup>66</sup>

Despite Barker’s dismissal of slavery as a contributor to the Texas Revolution, there were those, even in 1836, that attempted to build a *prima facie* case for slavery as the chief cause of the revolt. Benjamin Lundy, an abolitionist from the United States who had spent some time traveling in Mexican Texas, attempted to show that a conspiracy of “slaveocrats” was behind the “War in Texas.” Lundy further made the case that it was the ultimate goal of these conspirators to have Texas annexed into the United

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<sup>62</sup>Barker, “The Influence of Slavery on the Colonization of Texas,” 33.

<sup>63</sup>Paul D. Lack, “Slavery and the Texas Revolution,” *Southwestern Historical Quarterly* LXXXIX (October 1985): 183.

<sup>64</sup>*Ibid.*, 183.

<sup>65</sup>Neil Foley *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997), 18-19.

<sup>66</sup>Campbell, *Empire for Slavery*, 48-49.

States. Whether correct about motivation, Lundy was certainly prescient in his ability to predict the ultimate outcome of the Texas Revolution.<sup>67</sup> Lundy summarized his views as follows:

It is susceptible of the clearest demonstration, that the immediate cause and the leading object of this contest [the Texas Revolution] originated in a settled design, among the slaveholders of this country (with land-speculators and slave-traders,) to wrest the large and valuable territory of Texas from the Mexican Republic, in order to re-establish the SYSTEM OF SLAVERY to open a vast and profitable SLAVE MARKET therein; and ultimately, to annex it to the United States.<sup>68</sup>

Certainly, not all those who took up arms against Mexico were motivated by slavery or even by the influences of Southern culture. David P. Cummings, a “Yankee” from Lewiston, Pennsylvania, seemed far more interested in the “bread and butter” issues of cheap land and building a successful life in Texas than in nebulous political arguments. Shortly before his death at the Alamo, Cummings wrote to his father: “I say come on, there is a fine field open to you all no matter how you are situated or what may be your circumstances. At least come and see the country, as a farmer, mechanic, or Soldier you will do well—I believe no country offers such strong inducements to Emmigration”<sup>69</sup>

No matter to what degree slavery played a role in causing the Texas Revolution, the defeat of Mexican forces by the Texans and the formation of the republic led to the immediate and full legalization of the peculiar institution in Texas. Further, the

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<sup>67</sup>Benjamin Lundy (as “A Citizen of the United States”), *The War in Texas: A Review of Facts and Circumstances, Showing That This Contest is the Result of a Long Premeditated Crusade Against the Government, Set on Foot by Slaveholders, Land Speculators, &c. With the View of Re-Establishing, Extending, and Perpetuating the System of Slavery and the Slave Trade in the Republic of Mexico* (Philadelphia: Merrihew and Gunn, 1836), passim.

<sup>68</sup>Ibid., 1.

<sup>69</sup>D.P. Cummings to Father, February 14, 1836, Texas Court of Claims File 1936, Texas Court of Claims Papers, Texas General Land Office, Austin; Bill Groneman, “David P. Cummings,” *The Handbook of Texas Online*, [www.tasha.utexas.edu/handbook/online/articles/view/CC/fau60.html](http://www.tasha.utexas.edu/handbook/online/articles/view/CC/fau60.html), December 4, 2002.

ascendant hegemony of Southern culture in the region caused Texas to become a completely segregated society by the dawn of the Civil War. The very document that founded the infant Republic of Texas, its constitution, established the new nation as a segregated, slave holding society:

[General Provisions] Sec. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude: *provided*, the said slave shall be the bona fide property of the person so holding said slave aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same tenure by which slaves were held in the United States; nor shall congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slave or slaves without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or Negroes into this republic, excepting from the United States of America, is forever prohibited, and declared to be piracy.<sup>70</sup>

Through their constitution the Texans sought a society in which the only blacks allowed to live in the new republic were held in bondage. The establishment of the Republic of Texas as a slaveholding nation caused a rapid growth in the number of slaves in Texas as well as the full development of a cotton-based economy. Between 1836 and 1847, two years after the annexation of Texas into the United States, slaves grew from 13 percent to 27 percent of the overall population. By 1860 slaves made up some 30.2 percent of the state's total population.<sup>71</sup>

The majority of the slaves held in Texas were isolated in a relatively small part of the region's expansive geography, the southeast and east. Slaves made up over 50 percent of the total population in several of these "Black Belt" counties by 1860.

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<sup>70</sup>Republic of Texas, "Constitution of the Republic of Texas," in Gammel, *Laws of Texas*, I, 1079.

<sup>71</sup>Campbell, *Empire for Slavery*, 55-56.

Campbell recognizes the significance of slave culture to the overall economy of the state. The slave population expanded in Texas at a greater rate than that of whites due to the need for cheap labor for cotton production. Campbell writes: "Slavery was the key to an agricultural economy in ante-bellum Texas that was profitable, self-sufficient in food production, and growing. The institution may have helped retard commercialization, urbanization, and industrialization, but it was satisfactory to a great majority of the state's economic leaders."<sup>72</sup>

Despite the fact that slave ownership was largely isolated in Texas, it was the culture of slave holding whites that established the hegemony of Texas after the conclusion of the revolution. Free blacks remained a part of the population of Texas throughout the intervening period between the revolution and the Civil War, despite the fact that the law specifically forbade their residency. Harold Schoen, one of the first historians to analyze the condition of free blacks in early Texas, found that on occasion the Texans were willing to allow blacks to remain in Texas despite the laws preventing it. Through special act of congress or through the judicial system, a number of blacks were either manumitted or granted the right to remain as free citizens in Texas.<sup>73</sup> However, this did not represent a trend toward equal treatment of blacks under Texas law.

In analyzing the social causes and ramifications of the early Texas legal system, Mark M. Carroll finds that, "after independence in 1836, Anglo-Texans grew intolerant of free African-Americans, and legislation to meet these exigencies quickly followed. New statutory law subjected African-Americans to unusually harsh punishments for

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<sup>72</sup>Ibid., 55-56, 210-211, (quotation), 95.

<sup>73</sup>Harold Schoen, "The Free Negro in the Republic of Texas, III" *Southwestern Historical Quarterly* XL (October 1936): 101-113.

criminal offenses Anglo-Texans associated with efforts to liberate slaves and for other conduct that more directly challenged slavery and white supremacy.”<sup>74</sup>

The transition of Texas from an independent nation to a member of the United States did little to alter the institution of slavery or the culture of segregation that emerged in Texas. Many Texas politicians came to the conclusion, shortly after independence, that the survival of Texas depended upon its joining the United States. Texas was rejected in its initial attempt to join the U.S., but ultimately managed to negotiate a means by which it could unify with its neighbor to the north. Once again, the perceived need to join the United States was motivated, in part, by a desire to preserve the peculiar institution.<sup>75</sup>

David E. Narrett found that the move toward annexation on the part of Texans was motivated by the fear that an inrush of antislavery European colonists, as well as the greater influence of Britain over the affairs of Texas, would help to dismantle slavery in the independent republic. Whether this scenario could have ever come about is irrelevant, as it clearly motivated Texans toward annexation. Even Mirabeau B. Lamar, second elected president of the republic, who had initially been opposed to annexation, came to see Texas and the U.S. Southland as sharing a mutual destiny through slavery.<sup>76</sup> Narrett writes, “the popular consensus in favor of annexation was unshakeable by early 1845 because it was based on Texans’ deep-seated fears and hopes... No government official, even one of the highest rank, had any realistic chance of dispelling the idea that

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<sup>74</sup>Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001), 64.

<sup>75</sup>David E. Narrett, “A Choice of Destiny: Immigration, Slavery, and the Annexation of Texas” *Southwestern Historical Quarterly* C (January: 1997): 302.

<sup>76</sup>*Ibid.*, 295, 298

an independent Texas would fall victim to British dominance, un-controllable European immigration, and the onset of an antislavery conspiracy.”<sup>77</sup>

The constitution of the newly born state of Texas upheld the segregationist stipulations of its republican antecedent. Summarizing Texas’ white supremacist views of blacks, on the eve of the Civil War, Texas Supreme Court Justice Oran M. Roberts wrote in his opinion on the case of *Boulware vs. Hendricks*: “Negroes are, in this country, *prima facie* slaves. While held as such, they are slaves *de facto*, whether *de jure* or not. If they are dissatisfied with their condition, and have a right to be free, our courts are open to them...to assert their right. As long as they fail to do so, they recognize the *status* as slaves.”<sup>78</sup>

At the advent of the American Civil War in 1861, the prevailing cultural norm of pro-slavery elites in Texas was one of both slavery *and* racial segregation. The slaveholding class in Texas, while representing a minority of the population, was clearly in control of the state’s destiny. In 1860, 27 percent of all heads of households owned slaves, but this class provided 68 percent of all federal, state, and local political office holders for Texas. Campbell points out that “slaveholders did not control politics in the sense of having to overcome opposition from nonslaveholders; yet they did hold office in greatly disproportionate numbers and, it may be assumed, made political decisions in the interests of their special form of property.”<sup>79</sup>

As Lamar predicted, by 1861 Texas had linked its destiny with that of the South. Texas was now tied to that region not only by geography, but by culture as well.

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<sup>77</sup>Ibid., 298.

<sup>78</sup>*Boulware v. Hendricks*, 23 Tex. 667 (1859), quoted in Campbell, *Empire for Slavery*, 112.

<sup>79</sup>Campbell, *Empire for Slavery*, 210.

Southern culture was dominant in Texas by the dawn of the Civil War. Buenger points out that historians have often exempted the extremities of far South and West Texas from the influence of American Southern culture, but he concludes that this assumption is in error. Texas, by the mid-nineteenth century, had evolved as a Southern state. Buenger writes: "Most historians of the South include the eastern third of the state in their work but exclude South Texas and West Texas. Having become an article of faith, historian after historian unquestioningly accepts this division. More accurately political, social, cultural, and most especially economic characteristics entwined the most southern and the least southern counties of Texas."<sup>80</sup>

It has become a matter of common knowledge amongst the majority of historians that slavery played the leading role in causing the Civil War. The conservative Southern desire to preserve itself and its social and economic institutions was manifest in the conflict. The complete unification of the dominant, slaveholding culture of Texas with that of the South by 1861 set the stage for the secession of the Lone Star State. Buenger concludes, "in their attitude toward slavery Texans were in consensus with the Lower South...Texans' conception of their future prosperity, the future of slavery, and the awful potential of freedom for the blacks bound Texas to Alabama. These changes in interests and dreams altered traditional politics and set the stage for secession."<sup>81</sup>

The periods of Civil War, Reconstruction, and Redemption in Texas represent an emerging cultural dialectic whereby attempts would be made to institute, in the aforementioned words of Naylor, a culture change "of kind." However, between the

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<sup>80</sup>Walter L. Buenger, "Texas and the South," *Southwestern Historical Quarterly* CIII (January 2000): 310.

<sup>81</sup>Walter L. Buneger, *Secession and Union in Texas* (Austin: University of Texas Press, 1984), 21.

beginning of Anglo colonial settlement in Texas in 1821 and the beginning of the Civil War in 1861 a slaveholding, racially segregated society emerged that had not been present during the preceding years of Spanish dominion over the region. And this new culture would not yield easily to perceived threats to its hegemony.

Although early historians of Texas, such as Barker, failed to grasp the importance of the impact slave culture had on such pivotal events as the Texas Revolution, utilizing the analytical model provided by Buenger and Calvert, it is possible to “de-mythologize” antebellum Texas and reach some new conclusions about the significance the establishment of Southern culture had on race relations in the state in the years following the Civil War. Indeed, the seeds of post-bellum Jim Crow were sown at the instant slave holding Southerners arrived on Texas’ shores. Thus the mechanism for postwar attitudes toward blacks had a significant *a priori* cultural component rooted in antebellum Anglo-Texan slave culture. Ultimately, the advent of Jim Crow in Texas would represent little more than the desire to reinvent the dominate culture of white supremacy in a world where slaves were free and technically guaranteed the same constitutional rights as whites.

## CHAPTER TWO

### **THE MEMETICS OF POWER: SLAVERY, SECESSION, AND CIVIL WAR IN TEXAS**

*We regard any effort by the Black Republican party to disturb the happily existing subordinate condition of the negro race in the South as violative of the organic act guaranteeing the supremacy of the white race...as an infraction of those wise and wholesome distinctions of nature which as testified by all experience were established to insure the prosperity and happiness of each race.*

Resolution of the Texas Democratic Party,  
*True Issue*, April 13, 1860

In terms of the average African American in Texas, the outcome of the events of Secession and Civil War represented a drastic change in every aspect of their daily lives, their culture, and their faith. Out of the crucible of war emerged a newly enfranchised class of people whose very presence among their former masters served to turn all the institutions of their world on their head. Defeated in war and, at first, defeated in peace, the slaveholding whites of the antebellum South were forced to recognize the veracity of their former chattel within the community of humanity.

Although the specific goal of the Civil War may not have been to bring an end to slavery, that was certainly its consequence. And further, although the preeminent goal of the various phases of the subsequent Reconstruction was to restore the states of the former Confederacy to a position of loyalty to the Federal Union, an additional aim was to determine how the newly freed slaves would now be treated. What ultimately transpired was a dialectic whereby the first generation of manumitted blacks, in the wake

of Union victory, had the full rights of the law bestowed upon them only to have those rights squelched by a “Redeemer” South once Yankee troops retreated from Dixie.<sup>1</sup>

Nevertheless, the seeds of culture change were sown and blacks, from this point forward, sought to become “actors” in the world around them rather than those who were simply “acted upon.” African-American Texans were willing to exercise their newfound freedoms, but a powerfully reemerged New South immediately confronted them. Old guard whites, upon retaking control of the state, sought to recreate the antebellum racial and social *status quo*. It is the purpose of the ensuing chapters to explain how this antebellum, white supremacist culture could survive the travails of war, military and political occupation, and finally reestablish itself to the detriment of those who were newly freed.

Over the past three decades a radical new theory of how cultural institutions are created and propagated has gradually been gaining momentum amongst anthropologists and sociobiologists. Based on the pioneering work of Oxford zoologist and evolutionist Richard Dawkins, this theory, known as “memetics,” proposes that powerful cultural institutions, ideals, and practices, once they have emerged, can actually propagate “themselves” in much the same way that successful genes propagate themselves in the natural world. Dawkins has dubbed these successful, self-replicating cultural components “memes,” from the Greek word for “imitation,” *mimeme*.<sup>2</sup>

As a simple example of a prevalent meme, Susan Blackmore states:

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<sup>1</sup>Randolph B. Campbell, *Grass-roots Reconstruction in Texas, 1865-1880* (Baton Rouge: Louisiana State University Press, 1997), 1-2.

<sup>2</sup>Susan Blackmore, *The Meme Machine*, (Oxford: Oxford University Press, 1999), 5-6; Richard Dawkins, *The Selfish Gene*. (Oxford: Oxford University Press, 1976), *passim*.

Take the song ‘Happy Birthday to You’. Millions of people—probably thousands of millions of people the world over—know this tune. Indeed, I only have to write down those four words to have a pretty good idea that you may soon start humming it to yourself. Those words affect you, probably quite without any conscious intention on your part, by stirring up a memory you already possess. And where did that come from? Like millions of other people you have acquired it by imitation. Something, some kind of information, some kind of instruction, has become lodged in all those brains so that now we all do the same thing at birthday parties. *That something is what we call a meme [emphasis mine].*<sup>3</sup>

In essence, a meme is a cultural algorithm, the “instructions” by which we learn our social patterns and life ways; the social “toolkit” we carry around with us to help us interact with others and survive. Some memes are quite beneficial, some are simply neutral, and others are detrimental. No matter which, they are all substrate-neutral, they survive and propagate because they are successful, not because they are “true” or “false,” “right” or “wrong.” A meme, in short, is everything one has ever learned from another person through some form of imitation, whether from a parent, a teacher, a book, the television, etc. For memes to be passed along they merely require a “vehicle,” a person (or some other medium like a book) to “carry” them, and they must be “replicators,” that is they must be able to be copied.<sup>4</sup>

Some memes are actually “active replicators,” that is components of their algorithm encourage that they be copied. Religion is an excellent example of an active replicator. At the core of almost every world religion is the notion that “conversion” and subsequent proselytizing are positive things, ensuring that the religious meme is propagated. Further, religions possess “self defense mechanisms” that prevent their being undermined by external forces (i.e. other faiths, science, evolution.)<sup>5</sup>

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<sup>3</sup>Blackmore, *Meme Machine*, 7.

<sup>4</sup>Ibid., 1-9.

<sup>5</sup>Ibid., 187-203

The theory of memetics provides tantalizing insight to the historian. As W.J. Cash suggested, many of the archetypal institutions of the Old South arose in a protracted period of time.<sup>6</sup> These institutions were quickly adopted in Texas—in a time span of less than two decades—much to the detriment of the Mexican government that ruled the region. Further, Southern ideas such as white supremacy and a belief in black subservience survived even the triple threats of Secession, Civil War, and Reconstruction. Why, one is forced to ask, were Southerners who had no stake in the “Slaveocracy” so eager to fight for the Confederacy? And above all else, why did white supremacy survive the defeat of the Civil War and become so aggressive in the years following Reconstruction? Memetics may provide some means of answering these questions.

In short, many of the social attitudes and cultural institutions that emerged so rapidly in the Old South (and in Texas) were highly successful memes—that is they emerged in such a way that they could propagate rapidly.<sup>7</sup> In the end, these memes were spread so far and had become so well defended that they could not be easily challenged. And further, even during the harshest “Radical” Reconstruction, few policy makers offered new alternatives to the old patterns of behavior. Thus these successful memes and those who carried them lived on—and in many respects they live on to this day.

Roger Wilkins, in looking at how the slave-owning Founding Fathers reconciled their economic life with their belief that “*all* men” are created equal, found evidence that supports this memetic theory as it applies to the concept of white supremacy in the American South. In short, he concluded that culture—the “devil you know”—trumped

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<sup>6</sup>W.J. Cash, *The Mind of the South* (New York: Alfred A. Knopf, 1941), 10.

<sup>7</sup>“Successful” here does not mean “good” or “positive.” This use of successful should be interpreted in the Darwinian sense, as Dawkins has intended it to be. As has been stated, the memes

idealism even among the *most* idealistic, such as Thomas Jefferson and Patrick Henry.

Wilkins writes:

These founders understood that they had been shaped, like all of us, by inherited culture. Under the tutelage of their fathers, Virginia youngsters born into the aristocracy in the early to mid-eighteenth century were groomed from birth to accept the privileges they had inherited. In the end this inheritance would engulf them. Nothing illuminates the problem better than Patrick Henry's reaction to an antislavery book sent to him by [antislavery advocate Anthony] Benezet: "Every thinking honest man rejects it [slavery] in Speculation, how few in practice? Would any one believe that I am Master of slaves of my own purchase? I am drawn along by ye general Inconvenience of living without them; I will not, I cannot justify it." Privilege is addictive.<sup>8</sup>

The notion of cultural superiority over idealism—and even law, for that matter—would flower fully under the system of *apartheid* that became known as Jim Crow.

When Homer Plessy's appeal arrived before the United States Supreme Court in 1896 Justice Henry B. Brown, writing for the majority, found that "custom" (accepted culture) trumped the rule of law (idealism). Under such an interpretation, the court ruled that laws that departed from accepted norms could never be just, essentially, eliminating the ability of the state to set a higher standard of social mores, engendering the notion of "culture over idealism" as veritable canon in American jurisprudence.<sup>9</sup>

By the year 1861, in the wake of the cotton gin, the meme of slavery and the associated meme of white supremacy became fully entrenched in Southern culture.

These memes were transferred into the Mexican territory of Texas by their Anglo "vehicles," where they thrived, surviving many early challenges, chiefly the laws of the

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themselves are substrate-neutral and will propagate given the proper conditions no matter how detrimental or negative they actually are.

<sup>8</sup>Roger Wilkins, *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism* (Boston: Beacon Press, 2001), 137-138.

<sup>9</sup>*Plessy v. Ferguson*, 163 U.S. 537 at 550 (1896); Barton J. Bernstein, "Plessy v. Ferguson: Conservative Sociological Jurisprudence," in *Black Southerners and the Law, 1865-1900*, Donald G. Nieman, ed. (New York: Garland Publishing, Inc., 1994): 2-11.

Mexican government. Although a successful revolution and subsequent statehood quelled these early challenges, by the 1850's new challenges to the *status quo* emerged, forcing Texans, in the minds of many, to sever their relationship with the Federal Union in order to preserve this very successful meme—the peculiar institution of slavery.

By the dawn of the sectional crisis that led to the dissolution of the Union, Texas had become an ethnically diverse place. In 1850, the date of the first United States census in Texas, Anglo Southerners were the majority of the Texas population, but at 53 percent, just barely. Profligate importation of black slaves, a large Mexican and Tejano population, and European colonization projects all contributed to the diversification of the Texas population. Further, the institution of slavery was largely isolated in the southeastern quarter of the state, on the east side of a line connecting Texarkana to San Antonio.<sup>10</sup> Nevertheless, it was the agenda of the planter that dominated the political landscape of the day.

Richard Lowe and Randolph Campbell discovered that in 1850, although 30.1 percent of the population was slaveholding, 58.3 percent of political leaders owned slaves, and further, were much wealthier than the average citizen. By 1860, the eve of the Civil War, 68.3 percent of political leaders were slave owners. This led Campbell and Lowe to conclude that “a wealthy slaveholding aristocracy dominated political leadership in antebellum Texas.” Campbell and Lowe do not believe, however, that this was a subversion of republican-style democracy. They found that elsewhere in the United States, even in the North, a wealthy minority dominated the political landscape.<sup>11</sup>

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<sup>10</sup>Terry G. Jordan, “A Century and a Half of Ethnic Change in Texas, 1836-1986,” *Southwestern Historical Quarterly* LXXXIX (April 1986): 386-388.

<sup>11</sup>Richard Lowe and Randolph Campbell, “Wealthholding and Political Power in Antebellum Texas,” *Southwestern Historical Quarterly* LXXIX (July 1975): 28-30.

Thus, if Texas was democratic then the general views of the minority political leadership were likely held by a majority of the population at large.

Ultimately it was this planter class that actually performed the work that brought about Texas' secession from the Union in January of 1861. Some 71.8 percent of the 177 members of the Texas Secession Convention were slaveholders, more than double the percentage of slaveholders in the overall population.<sup>12</sup> In spite of this data, its compiler, Ralph A. Wooster, concludes that "except for the large percentage of lawyers and slaveholders present, the Texas [Secession] convention seems to have been a rather typical cross-section of Texas society in 1860...thus, the theory of a great planter 'conspiracy' for secession would certainly not seem valid in regard to the Texas convention."<sup>13</sup> Wooster's conclusion is logically fallacious. While the "great planters" may have been absent from the Secession Convention, certainly the interests of slaveholders in general were well represented—in fact, *over represented*, based on the makeup of the general population. Yet, non-slave owning Texans shared enough in common with this elite to follow them into the disaster of Civil War.

Slavery was certainly the key issue that led to Southern secession from the Union in 1861. While grandiose, revisionist cases have been made to place the blame on more intangible causes such as "states rights" or the "election of Lincoln," it is, indeed, slavery that rests at the root of the Civil War. To affirm that "states' rights" was the cause of the conflict is analogous to making the argument that "wet streets cause rain." What right were Southerners so intent on preserving? Slavery. Further, the election of Lincoln,

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<sup>12</sup>Ralph A. Wooster, "An Analysis of the Membership of the Texas Secession Convention," *Southwestern Historical Quarterly* LXII (January 1959): 326; Lowe and Campbell, "Wealthholding and Political Power," 25.

<sup>13</sup>Wooster, "An Analysis," 327.

which was made in accordance with constitutional law (he did not seize power in a coup, for example), was merely another, tangible threat to the peculiar institution. Abraham Lincoln, himself, was savvy to this reality. In his debate with Stephen A. Douglas in Alton, Illinois on October 15, 1858, Lincoln made the impassioned argument that slavery was the cause of the present sectional crisis:

How many times have we had danger from this [slavery] question? Go back to the day of the Missouri Compromise. Go back to the Nullification question, at the bottom of which was this same slavery question. Go back to the time of the annexation of Texas. Go back to the troubles that led to the Compromise of 1850. You will find that every time, with the single exception of the Nullification question, they sprung from an endeavor to spread this institution.<sup>14</sup>

Texans were not unilateral in their desire to secede from the Union. Indeed, they came to this conclusion after some considerable public debate. Much ink has been spilled over the issue of Texas Unionism in the years between 1850 and 1861. Suffice it to say, however, that there was no single, united pro-Union “fifth column” present in Texas at any time. Various groups and individuals supported the Union for their own reasons, often out of nothing more than loyalty to their personal economic situation. However, Walter Buenger argues that secession in Texas was not inevitable *even after* other Southern states began to leave the Union. Texas possessed a number of constituencies—opponents of the Democratic Party, Germans, Hispanics, natives of the Upper South, and frontiersmen, for example, that all had historically demonstrated loyalty to the United States. Buenger even goes so far to make the claim that if these

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<sup>14</sup>Abraham Lincoln, debate of October 15, 1858 at Alton, Illinois, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick: Rutgers University Press, 1953), 3, 310-311.

groups had acted in concert they could have prevented the secession of Texas from the Federal Union.<sup>15</sup>

Many of those that supported the Union in Texas did so out of genuine, patriotic sentiment, while others did so out of economic necessity. Economic ties to the north were powerful and many Texans benefited from this situation.<sup>16</sup> Wheat growers and cattle raisers of North Central Texas fell strongly into this category. They did not directly gain from the peculiar institution and were not willing to sever their ties to the Union solely on the basis of supporting it. James W. Throckmorton, who eventually fought for the Confederacy, represented a portion of this region at the Session Convention and voted against leaving the Union. Many North Texans maintained their pro-Union sentiment throughout the war and fell victim to a brutal campaign of suppression while the war was being waged.<sup>17</sup>

The case of Angelina County demonstrates the power of economic circumstances in stimulating Unionism in Texas. Angelina was the only east Texas “Black Belt” county to vote against secession when the issue was submitted to a plebiscite. In researching this apparent anomaly Richard B. McCaslin found that it was the economy that drove the vote. Like the Unionists of North Texas, for many in Angelina County slavery was not a part of their own personal financial situation thus they were unwilling to vote to destroy the Union in support of it. Angelina County turns out to be the exception that proves the

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<sup>15</sup>Walter L. Buenger Jr., “‘Stilling the Voice of Reason’: Texans and the Union, 1854-1861” (Ph.D. diss., Rice University, 1979): iii.

<sup>16</sup>Frank H. Smyrl, “Unionism in Texas, 1856-1861,” *Southwestern Historical Quarterly* LXVIII (October 1964): 172.

<sup>17</sup>Richard B. McCaslin, “Wheat Growers in the Cotton Confederacy: The Suppression of Dissent in Collin County, Texas, During the Civil War,” *Southwestern Historical Quarterly* XCVI (April 1983): 327-339.

rule—Angelina’s vote against secession was in no way a vote against the institution itself, but the disunion it engendered. McCaslin writes:

Despite its obvious progress, the economic development of Angelina remained behind that of its neighbors. Because most of the advances that did take place were the achievements of a small clique of slaveholders, a majority of the county’s free heads of households remained uninvolved in the plantation system during the antebellum period. They expressed their indifference politically by providing consistent electoral support for those who opposed the planter-dominated Democratic Party. This schism prevented the slaveholders in Angelina County from converting economic preeminence into political dominance on the issue of secession.<sup>18</sup>

The earliest political manifestation of pro-Union sentiment in Texas came in the stance of the American Party, the so-called “Know Nothings.” Founded as ardently anti-Catholic and anti-immigration this party was initially a secret society. However, by 1856 they were abandoning their secretive ways in an attempt to create a real political movement. The Know-Nothings were opposed to the formation of sectional political parties and were strict constructionists of the Constitution, making them, almost by default, a pro-Union party.<sup>19</sup>

Prominent pro-Unionists such as R.E.B. Baylor, D.C. Dickson, John S. Ford, and Sam Houston all found themselves affiliated with the Know-Nothings for a time.<sup>20</sup> The Know-Nothings were able to achieve a strong party machine rather quickly. By January 1856 some nineteen Texas newspapers were in American Party hands. As well, the party managed to achieve some success at the ballot box, electing Stephen Crosby as Land Commissioner, Lemuel D. Evans to Congress, and a handful of legislators. Despite this,

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<sup>18</sup>Richard B. McCaslin, “Voices of Reason: Opposition to Secession in Angelina County, Texas,” *Locus* 3 (Spring 1991): 189-190.

<sup>19</sup>Smyrl, “Unionism in Texas,” 172-173; Anna Irene Sandbo, “Beginnings of the Secession Movement in Texas,” *Southwestern Historical Quarterly* XVIII (July 1914): 50.

<sup>20</sup>*Ibid.*

the defeat of their presidential candidate, former incumbent Millard Fillmore, brought about an end of the party by 1857. However, the Know-Nothings short life forced the Texas Democrats to organize their own party machinery.<sup>21</sup>

Despite the pro-Union sentiments of the American Party, they were by no means an abolitionist organization. Quite to the contrary, they affirmed slavery as part of their platform. Texas Know-Nothings decreed at their January 1856 convention: "Congress has no power under the Constitution to legislate upon slavery in the States where it does or may exist."<sup>22</sup> The Know-Nothings, by their very nature, were unable to unify a pro-Union base in Texas. Know-Nothingism represented a "loyal opposition," in reality harming Unionism by equating nationalism with nativism. Foreign immigrants who supported the Union, especially Texas' large German, Tejano, and Mexican communities, had no home in the American Party.<sup>23</sup>

Texas Germans and Hispanics, for the most part, rejected both slavery and secession. Their communities, however, like all of Texas, were divided over the issue. Buenger argues that Texas Hispanics and Germans who remained relatively unassimilated into mainstream Anglo Texas society tended to oppose secession, although there were quite notable exceptions. He writes: "the net result was that Germans and Mexicans, balancing orthodoxy with ethnicity, became as fragmented as Texans from the Upper South. They accepted secession unenthusiastically after the election of Abraham

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<sup>21</sup>Smyrl, "Unionism in Texas," 174-175; Roger A.Griffin, "American Party," *The Handbook of Texas Online*, <<http://wwwtsha.utexas.edu/handbook/online.articles/view/AA/waa1.html>>, December 4, 2002.

<sup>22</sup>Ernest William Winkler, ed., "Platforms of Political Parties in Texas," *Bulletin of the University of Texas* 53 (September 1916): 70.

<sup>23</sup>Roger A.Griffin, "American Party," *The Handbook of Texas Online*, <<http://wwwtsha.utexas.edu/handbook/online.articles/view/AA/waa1.html>>, December 4, 2002; Buenger, "Stilling the Voice of Reason," 59.

Lincoln, or they accepted secession only after the referendum of 23 February 1861, or they never accepted secession at all.”<sup>24</sup>

In 1857 the South appeared to be in charge of the national agenda regarding slavery. President James Buchanan owed a debt to his Southern supporters, who numbered among his advisors. The U.S. Supreme Court was clearly in the hands of pro-slavery Northerners and Southerners alike, culminating in the Dred Scott decision. As well, the pro-slavery faction was in command of the Senate. Wielding this power, the pro-slavery establishment sought to expand the peculiar institution. Under the guise of the bogus Lecompton constitution, they attempted to bring Kansas into the Union as a slave state and even proposed legislation that would reopen the African slave trade.<sup>25</sup> Slavery was looking west; expansion meant survival while containment meant abolition.

By 1857 Texas Senator Sam Houston was being criticized over his pro-Union sentiment. His opposition to the Kansas-Nebraska Act placed him in the same camp as the hated Stephen A. Douglas. No doubt sensing a looming end to his political career, Houston sought the Texas governorship in 1857. Running as an independent and campaigning like a man half his age of 64, Houston was narrowly defeated for the office. In the aftermath of this defeat the Texas Legislature made it clear that he would not be reappointed to the Senate. Houston returned to Washington a lame duck, but kept up his pro-Union stance. In debate, however, he made it clear that this stance was not based on a repudiation of slavery.<sup>26</sup>

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<sup>24</sup> Walter L. Buenger, *Secession and the Union in Texas* (Austin: University of Texas Press, 1984), 80-81.

<sup>25</sup> Dale Baum, *The Shattering of Texas Unionism: Politics in the Lone Star State During the Civil War Era* (Baton Rouge: Louisiana State University Press, 1998), 7-8.

<sup>26</sup> Randolph B. Campbell, *Sam Houston and the American Southwest* (New York: Harper Collins, 1993), 135-140.

In 1859, pro-Union democrats managed to piece together a coalition of candidates to stand against the growing secession crisis. These so-called National Democrats were opposed to issues of disunion and also stood against a proposed plank in the Texas Democratic platform that would revise the African slave trade. The Old Dragon—Sam Houston—would head the ticket. Houston ran without the formal backing of the state party and won, defeating the incumbent Hardin R. Runnels by a narrow margin.<sup>27</sup> Campbell summarizes this election by stating, “Houston’s victory was primarily a tribute to his personal popularity and to the vitality of unionism in Texas.”<sup>28</sup>

The winning ticket seemed to be genuinely possessed of the Union spirit. Francis Menefee White, the successful candidate for Commissioner of the General Land Office, defended his positions in his personal correspondence. White received a letter from George Paschal dated May 28, 1859 that challenged his positions on Unionism and his opposition to reopening the African slave trade. On May 30, 1859, White dashed off his response, defending himself. In regard to the slave trade he made his position clear: “I am opposed to it being reopened.” His position on Unionism was equally categorical. He affirmed that he was “opposed to disunion, Secession, or any other questions tending to bring about such a result.”<sup>29</sup>

No sooner had the forces of Unionism taken control in Texas than events began to transpire that unraveled their success and the Federal Union itself. News of the October 1859 raid of abolitionist John Brown passed like a chill wind through the South.

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<sup>27</sup>Smyrl, “Unionism in Texas,” 175-177; Campbell, *Sam Houston*, 141-144.

<sup>28</sup>Campbell, *Sam Houston*, 143.

<sup>29</sup>George Paschal to Francis M. White, May 28, 1859, box 4L348, Francis Menefee White papers, Center for American History, University of Texas, Austin; Francis M. White to George Paschal, May 30, 1859, box 4L348, Francis Menefee White papers, Center for American History, University of Texas, Austin.

Unionism was quickly being linked to abolitionism, which was not the motive of the likes of Houston. Loyal Unionists in Texas attempted to create a viable political vehicle for Unionism through membership in the Constitutional Union Party. Despite having little machine support in Texas the state's delegation to the national convention came very close to securing Sam Houston the presidential nomination. The Texan came in second in the balloting behind John Bell of Tennessee.<sup>30</sup>

The election of 1860 was a scenario that many Americans feared: a four-way split ticket dominated by sectional candidates. Abraham Lincoln was the Republican, John Bell ran as the Unionist, and John C. Breckenridge represented the Southern arm of the Democracy, while Stephen A. Douglas represented the North. Lincoln was not even on the ballot in Texas, so for citizens of the Lone Star State, the real contest was between Bell and Breckenridge—and the outcome would affirm or deny Texan Unionism.<sup>31</sup>

The Unionists fought quite valiantly, organizing Union clubs throughout the state and getting the word out through a number of party controlled newspapers. Regardless, Bell was defeated handily by a more than two-to-one margin. Only three counties in Texas delivered a majority for Bell: Bandera, Gillespie, and Starr.<sup>32</sup> Late in the campaign the fear of a Lincoln victory dawned on Texans and a “fusion” agreement was forged whereby potential Bell and Douglas electors (even though Douglas was not on the ticket)

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<sup>30</sup>Buenger, *Secession and the Union in Texas*, 49-50; Smyrl, “Unionism in Texas,” 176-185; Walter L. Buenger and James Alex Baggett, “Constitutional Union Party,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online.articles/view/CC/wac1.html>>, December 4, 2002.

<sup>31</sup>Smyrl, “Unionism in Texas,” 176-185; Walter L. Buenger and James Alex Baggett, “Constitutional Union Party,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online.articles/view/CC/wac1.html>>, December 4, 2002.

<sup>32</sup>Ibid.

pledged to support whoever had the best chance of defeating Lincoln—even Breckenridge.<sup>33</sup>

Despite the fusion plan, which was severely undermined by old party rivalries and German and Hispanic distrust of the former Know-Nothings that dominated support for Bell, Lincoln still charged to victory.<sup>34</sup> Texas, with only two candidates on the ballot, was scarcely a player and secessionism was gaining ground. Frank Smyrl observes “thus, Unionism before secession, while a positive force, was certainly not the dominate sentiment in Texas.”<sup>35</sup>

At no time did the question of abolition ever enter the debate over Unionism and secession in Texas. While the likes of Houston and White may have opposed the return of the African slave trade, no major figure ever raised the specter of abolition unless it was to discredit it. When, in 1856, the editor of the *Harrison Flag*, John W. Barrett, listed “domestic slavery” as being on the “dark side” of life in Texas he was quickly criticized by a rival editor for this possible abolitionist sentiment. In 1860 Barrett supported the Constitutional Union party and the Bell candidacy. By this time he was endorsing the South and all of its institutions.<sup>36</sup>

Although Texas had become an ethnically diverse place by 1860, it had, in reality, grown even more staunchly white supremacist. In a case study of Harrison County, Campbell discovered radical differences in the way in which slaves were treated.

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<sup>33</sup>Baum, *Shattering of Texas Unionism*, 40-41.

<sup>34</sup>Ibid.; Walter L. Buenger and James Alex Baggett, “Constitutional Union Party,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online.articles/view/CC/wac1.html>>, December 4, 2002.

<sup>35</sup>Smyrl, “Unionism in Texas,” 185.

<sup>36</sup>Randolph Campbell, “Human Property: The Negro Slave in Harrison County, 1850-1860,” *Southwestern Historical Quarterly* LXXVI (April 1973): 395.

However, no matter whether the property of “good” or “bad” owners, their status as chattel was never in question. In fact, many slave owners failed to even recognize the humanity of their slaves. Even those that did often capitalized on their slaves’ psychology as a means of getting more work out of them, using Pavlovian inducements as a means of providing a reward. Campbell writes: “Will Adams, born a slave in Harrison County in 1853, remembered years later that he had once remarked to his grandmother about how well their owners had treated them. He also remembered her answer: ‘Why shouldn’t they—it was their money.’”<sup>37</sup>

Texas slaves, like others in the South, were even denied the freedom of their own minds. Many white ministers argued that black slaves should not even be allowed to hold their own church services separate from white supervision. Their position was grounded in the fear that blacks would use this idle time away from their masters to foment rebellion.<sup>38</sup>

Although many throughout history have attempted to make the argument that Christianity is a religion especially suited to the slave mentality, slaves themselves, once they adopted it, did not view it as such—even if their masters sought to use it as a means of maintaining control. Albert Raboteau explored the subject of slave religion, which he calls the “invisible institution.” He concludes that even if slave religion was not an outright liberation theology, it did imbue the slaves with a sense of their own human dignity and provided them with hope.<sup>39</sup> Raboteau summarizes as follows:

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<sup>37</sup>Campbell, “Human Property,” 396.

<sup>38</sup>Charles A. Israel, “From Biracial to Segregated Churches: Black and White Protestants in Houston, Texas, 1840-1870,” *Southwestern Historical Quarterly* CI (April 1998): 438-439.

<sup>39</sup>Albert J. Raboteau, *Slave Religion: The “Invisible Institution” in the Antebellum South* (New York: Oxford University Press, 1978), 290-318.

In the role of preacher, exhorter, and minister, slaves experienced status, achieved respect, and exercised power, often circumscribed but nonetheless real...The conversion process equipped the slave with a sense of individual value and a personal vocation which contradicted the devaluing and dehumanizing forces of slavery...That some slaves maintained their identity as persons, despite a system bent on reducing them to a subhuman level, was certainly due in part to their religious life.<sup>40</sup>

By contrast, the white man's religion in Texas was vehemently against black liberation. As has been stated, fear compelled masters to watch over their servants even while they were in church, ensuring that a true liberation theology did not develop. Texan religious institutions were monolithic in their support of slavery. By the mid-nineteenth century Southern churches were steadfast in their support of the peculiar institution. Further, the mouthpiece of these organized congregations—the religious press—was united in its support of slavery. All Texas religious papers supported the most ardent pro-slavery position, with one exception. The *Texas Presbyterian*, in following suit with the Cumberland Presbyterians, who had avoided a split over slavery, called for moderation of the most radical pro-slavery positions, but this was far from encouraging abolition.<sup>41</sup>

While abolitionists elsewhere drew strength from religious conviction, Texas churches supported the *status quo*. Texas churchmen were not above threatening violence to discourage dissent against slavery. When Northern Methodists attempted to preach abolition in pro-Union North Central Texas, in Southern Methodist territory, a

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<sup>40</sup>Ibid., 318.

<sup>41</sup>Wesley Norton, "Religious Newspapers in Antebellum Texas," *Southwestern Historical Quarterly* LXXIX (October 1975): 164.

group of fifty men was convened to convince the Yankee preachers to desist in order to avoid violence. The threat succeeded in silencing the abolitionists.<sup>42</sup>

The life of the free black in Texas was really no better than that of the slave. Andrew Forest Muir observed that the plight of the freedman in antebellum Texas was so despondent that many chose to enter bondage rather than continue living on their own. Muir eloquently describes their position as “resembling that of metics in a Greek city, resident strangers.”<sup>43</sup>

Samuel McCullough, Jr., a freedman and veteran of the Texas Revolution was one of the first men to shed blood in that fight. Despite a crippling injury, he would not be awarded the land owed to him for his service until after the Civil War. Even with his injury and notwithstanding this ill treatment, McCullough continued to fight for Texas, serving in the Plum Creek Fight in 1840 and as a spy against General Adrián Woll in 1842.<sup>44</sup> The racism inherent in the institution of slavery tended to paint all blacks with one brush.

In 1860, shortly after the Houston-backed Unionists seized control in Texas, the hydra of abolition and slave insurrection reared its heads in Texas. Many Texans and Southerners, alike, in the same vein as Stephen F. Austin, feared slave insurrection perhaps more than any other problem associated with the peculiar institution. John Brown’s raid began to hammer this possibility home. During the summer of 1860 a

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<sup>42</sup>McCaslin, “Wheat Growers,” 529.

<sup>43</sup>Andrew Forest Muir, “The Free Negro in Harris County, Texas,” *Southwestern Historical Quarterly* XLVI (January 1943): 214.

<sup>44</sup>David A. Williams, *Bricks Without Straw: A Comprehensive History of African Americans in Texas* (Austin: Eakin, 1997), 13-14; Samuel McCulloch, Republic Donation Voucher File, 1887, file 403, Republic Donation Voucher Files, Texas General Land Office, Austin.

series of fires spread throughout North Texas, consuming large portions of several towns. The editor of the *Herald* in Dallas, whose offices burned, declared in a widely circulated letter that slaves and abolitionists were behind the destruction. Soon, a full-blown panic, known as the “Texas Troubles” throughout the South, began to spread. The hysteria was perpetuated via newspaper reports and frequent editorializing. Travelers were intimidated and as many as fifty slaves were hanged. The Breckenridge Democrats capitalized on Texans’ fears, using the panic as a means of bolstering their candidate’s support.<sup>45</sup>

Writing at the height of Jim Crow in 1949, William White concluded that the “Texas Troubles” were a real “insurrection” spurred by “abolitionist agents.”<sup>46</sup> Nothing in the way of actual evidence exists to support this claim, however, excepting the panic-drenched words of secessionist newspapermen. The summer of 1860 was unusually hot—Dallas was reported at 110 degrees on the afternoon of that city’s fire. Further, new phosphorous matches were only just being introduced. The citizens of Denton attributed the fire that burned a portion of their town square to spontaneous combustion.<sup>47</sup> Regardless of the veracity of the insurrection scare it helped to drive a deeper wedge between Texas and the Union and played a role in the dismal defeat of Bell.<sup>48</sup>

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<sup>45</sup>McCaslin, “Wheat Growers,” 530; Baum, *Shattering of Texas Unionism*, 40-41.

<sup>46</sup>William W. White, “The Texas Slave Insurrection of 1860,” *The Southwestern Historical Quarterly* LII (January 1949): 285.

<sup>47</sup>Donald E. Reynolds, “Texas Troubles,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/TT.vetbr.html>>, July, 23, 2002; Those who doubt the ability of nineteenth century journalists to perpetuate mass hysteria based on little or no evidence should be reminded of the “Great Airship Flap” of the latter part of that century in which Texas newspapers spurred panic by concocting and printing bogus stories of a mysterious flying machine cruising the skies of the Lone Star State. See: Wallace O. Chariton, *The Great Texas Airship Mystery* (Plano: Wordware, 1991).

<sup>48</sup>White, “Texas Slave Insurrection,” 285.

Shortly following the election of Lincoln to the White House, cries went out for Houston to call the legislature into special session. Knowing this would certainly bring about secession, the governor refused. Houston did not retreat from the Union, believing that Lincoln, who had been legally elected, was not worth secession and war. From this point on, however, Houston's hands were tied. On December 3 prominent secessionists called on Attorney General George M. Flournoy to begin the process of calling a secession convention. Delegates to the convention were to be elected on January 8, 1861, and it would assemble in Austin on January 28. In a strategic retreat reminiscent of San Jacinto, Houston called the legislature into special session, to begin on January 21, hoping its democratic voice would counter the rashness of the secession movement.

By the time the secession convention met, Texas was the only state of the lower South to yet leave the Union. As has already been noted, secessionists and slaveholders dominated the convention. On February 1 the secession convention voted to sever Texas' ties with the Federal Union by a 166 to 8 majority.<sup>49</sup>

The secession convention made it quite clear that their *raison de guerre* was the continuation of slavery and white supremacy. The convention drafted a *Declaration of Causes which Impel the State of Texas to Secede from the Federal Union*, stating:

We hold as undeniable truths that the governments of the various States, and of the Confederacy itself, were established exclusively by the white race, for themselves and their prosperity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.<sup>50</sup>

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<sup>49</sup>Smyrl, "Unionism in Texas," 186-189; Campbell, *Sam Houston*, 151-153.

<sup>50</sup>Winkler, *Platforms of Political Parties in Texas*, 89-92.

In a secret session, the convention decided to put secession to a popular vote, with an election scheduled for February 23. Unionist delegate James W. Throckmorton believed that this vote would keep Texas in the United States. He was sadly mistaken. Texans affirmed secession by an overwhelming majority. After the plebiscite the secession convention quickly reassembled and Houston acknowledged the outcome of the election by ruling that Texas had effectively seceded from the Union on March 2, 1861.<sup>51</sup> The meme of slavery sought to preserve and propagate itself even at the expense of Constitution and country.

President Lincoln, through a back channel communiqué, offered Houston assistance in holding Texas in the Union. Forces in the North seemed to sense Texas' wavering support of secession in the time period leading up to the secession convention.<sup>52</sup> Houston ultimately rejected this offer, but even after the February 23 vote he sought to maintain Texas' independence from the Confederacy. This, too, would come to no avail. The secession convention, on March 5, signed an ordinance making Texas a part of the Confederate States of America. Further, in order to put a halt to Houston's meddling, the convention decreed on March 14 that all public officials must swear an oath to the C.S.A. When Houston refused, the governor's office was declared vacant.<sup>53</sup>

The plebiscite of February 23 quelled the debate over secession for most Texans. Even the ardently pro-Union Throckmorton became one of the first men of his county to

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<sup>51</sup>Smyrl, "Unionism in Texas," 189-192; Buenger, *Secession and the Union in Texas*, 157-159.

<sup>52</sup>Howard C. Westwood, "President Lincoln's Overture to Sam Houston," *Southwestern Historical Quarterly* LXXXVIII (October 1984): 125-126; The exact nature of the "assistance" Lincoln promised is unknown. Houston himself claimed in a September 16, 1861 letter to *The Civilian and Galveston Gazette* that Lincoln offered 70,000 troops to support the governor in keeping Texas in the Union. This is hardly possible, as the U.S. army was only about 20,000 strong in March of 1861. Westwood concludes that Lincoln's support of Houston would have been, at the outset, more moral than militaristic.

<sup>53</sup>Campbell, *Sam Houston*, 154-156.

enroll in the Confederate army, eventually attaining the rank of general.<sup>54</sup> Amelia Barr, a resident of Austin, who, late in life, became a prolific author, wrote of the tide of secessionism in Texas from her vantage point in Austin:

I am ashamed to say we are a scandalously Yankeeified Union loving town which means that the majority of the Citizens want Peace and Picayunes at any price... The Secessionists had a splendid procession here ten days ago a great number of ladies rode on horseback carrying the flags of the Southern States... The most intense feeling all over the State prevails for secession and the Austin Yankees can no more carry the day finally than they can pull the sun down.<sup>55</sup>

In many respects, pro-Southern, pro-slavery hubris was the order of the day for secessionists. Willard Richardson, a member of the secession convention, touted Southern virtuosity on February 2, before the plebiscite even took place: “But of one thing you may be certain, and that is that the Slave States will present the most united front to their enemies that was ever presented by independent States. You will speedily see them all Confederated together into a Solid phalanx, and if they are conquered the plains of the South will have to flow with the blood of their assailants [sic].”<sup>56</sup>

Notes of caution regarding slavery were in the minority, once secession ruled the day. Pro-Union voices were quickly drowned out. Campbell observes:

Unionists were more pessimistic. “Although the South has been driven to this measure by the Black Republicans of the north disregarding the Constitution of the U.S. in respect to slavery,” Lucadia N. Pease wrote her sister, “yet it will be a most grievous thing particularly for Texas.” Sam Houston... offered an even more

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<sup>54</sup>David Minor, “James Webb Throckmorton,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/TT/fth36.html>>, July 23, 2002.

<sup>55</sup>Paul Adams, “Amelia Edith Huddleston Barr,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/BB/fba75.html>>, July 23, 2002; Amelia Barr to “My Very Dear Jennie,” February 15, 1861, box 2B38, Amelia Barr letters, Center for American History, University of Texas, Austin.

<sup>56</sup>A. Ray Stephens, ed., “Letter from the Texas Secession Convention, 1861: Willard Richardson to George White Fulton,” *Southwestern Historical Quarterly* LXV (January 1962): 395-396.

specific prophecy. “Our people are going to war to perpetuate slavery,” he told John H. Reagan, “and the first gun fired in the war will be the knell of slavery.”<sup>57</sup>

The Civil War, virtually inevitable after secession, began in April 1861 and tore the country asunder for four years. The lives of the slave population of Texas, almost two hundred thousand strong, were intimately tied to the war’s outcome. Texas, itself, largely escaped direct assault during the war. Texas was isolated from the main body of Union forces and difficult to invade.<sup>58</sup>

At the outset, wholesale fighting was avoided in an “embarrassing situation” for the Yankees. Before secession even went to a vote of the people, Brigadier General David E. Twiggs, commander of U.S. troops in Texas and a native of Georgia, turned all federal property over to the secession convention’s Committee on Public Safety with only the condition that he and his men be paroled out of Texas. It took not a single shot for the Texans to rid their entire state of the Union army.<sup>59</sup>

Although Indian Territory in the north was a part of the Union, a decisive offensive on the part of Texas forces under the command of William C. Young in May 1861 took control of the Forts Arbuckle, Cobb, and Washita, securing the northern border.<sup>60</sup> Eastern Texas was chiefly protected by Louisiana. The only threat to Texas from that direction came in the spring of 1864, when Union Major General Nathaniel P. Banks began a rapid offensive up the Red River in Louisiana in what has become known as the “Red River Campaign.” Texan General Hamilton P. Bee, who was out numbered

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<sup>57</sup>Campbell, *Empire for Slavery*, 230.

<sup>58</sup>*Ibid.*, 231-232.

<sup>59</sup>Jeanne T. Hindler, “‘Embarrassing Situation’: David E. Twiggs and the Surrender of United States Forces in Texas, 1861,” *Military History of the Southwest XXI* (Fall 1991): 157-172.

<sup>60</sup>Robert Pattison Felgar, “Texas in the War for Southern Independence, 1861-1864.” (Ph.D. diss., University of Texas at Austin, 1935): 148.

and out commanded, at one point, fell back in the assault leaving Texas vulnerable. However, the Union forces were finally defeated and forced to retreat.<sup>61</sup>

Texan commanders were even so bold as to attempt an offensive of their own against New Mexico in 1861. Since the era of the Republic, Texans held designs on New Mexico. Brigadier General Henry Hopkins Sibley led a stunning assault on the territory, defeating the Union troops in a series of battles. Sibley's forces, however, were ultimately defeated by the frontier—New Mexico's distance from populated Texas and difficulty in maintaining supply chains.<sup>62</sup> Throughout the war, the harshness of the western frontier protected Texas from that direction.<sup>63</sup>

Texas' only vulnerable front during the Civil War was the coast. The U.S. navy's blockade strategy reached Texas in July 1861. The blockade immediately cost the Confederacy its hold on Sabine Pass. Further, in October 1861 the Union took control of the critical port of Galveston along with the waters off Corpus Christi and Matagorda Bay. However, midway through the war this tide changed and the Texans retook their seacoast. Matagorda Bay had to be abandoned by the Union due to disease and lack of shore troops, while Major General John B. Magruder conquered Galveston in January 1863. The loss of Sabine Pass quickly followed. The Union attempted to retake Sabine Pass in September 1863, but Federal forces were badly routed by Lieutenant Dick Dowling. Retreat in the Red River campaign ended major naval assaults in Texas.

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<sup>61</sup>Fredericka Meiners, "Hamilton P. Bee in the Red River Campaign of 1864," *Southwestern Historical Quarterly* LXXXVIII (July 1974): 21-44; Paul Adams, "Red River Campaign," *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/RR/qdr1.html>>, July 23, 2002.

<sup>62</sup>Martin Hardwick Hall, "The Formation of Sibley's Brigade and the March to New Mexico," *Southwestern Historical Quarterly* LXI (January 1958): 383-405.

<sup>63</sup>Felgar, "Texas in the War for Southern Independence," 147-168.

Throughout the war, unmitigated Union success was limited to the capture of rather minor port towns such as Brownsville and Indianola.<sup>64</sup>

Texas' major contribution to the Civil War proved to be lives and cotton. Texans fought in almost every major battle of the war. Further, the naval blockade surrounding Texas hardly prevented cotton exportation at all, allowing the bales to move.<sup>65</sup>

While the state was burdened by a labor shortage caused by men going off to battle, the Civil War scarcely disrupted much of life in Texas. The system of slavery was hardly challenged. Even in Galveston slaveholders had time to remove their human property before the Union invasion. The greatest threat to the peculiar institution in Texas came not from the Union, but from the Confederacy itself. In a trick of irony, the labor shortage for public works caused the Confederate military machine to remove slaves from their owners, impressing them into construction gangs for building projects.<sup>66</sup>

A chief characteristic of the Civil War in Texas was the suppression of dissent. A small minority of Texans did not go willingly into the Confederacy. Strong Union sentiment died hard in some quarters. Texas contributed some two thousand troops to the Union, best known among them being Edmund Jackson Davis, who would go on to be arguably the most controversial governor in Texas history.<sup>67</sup>

Rebellion against the Confederacy in Texas, however, was stamped out with the most extreme prejudice. Pro-Union sentiment among some members of the German

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<sup>64</sup>Richard V. Francaviglia, *From Sail to Steam: Four Centuries of Texas Maritime History, 1500-1900* (Austin: University of Texas Press, 1998), 189-220.

<sup>65</sup>Ralph A. Wooster and Robert Wooster, "'Rarin' for a Fight': Texans in the Confederate Army," *Southwestern Historical Quarterly* LXXXIV (April 1981): 387-426; Ronnie C. Tyler, "Cotton on the Border, 1861-1865," *Southwestern Historical Quarterly* LXXIII (April 1970): 456-477.

<sup>66</sup>Campbell, *The Peculiar Institution*, 233-238.

<sup>67</sup>Frank H. Smyrl, "Texans in the Union Army, 1861-1865," *Southwestern Historical Quarterly* LXV (October 1961): 234-250.

community in Texas propagated the creation of the Union Loyal League, formed, essentially, as a bushwhacker organization designed to harass Confederate troops. In a bloody battle on August 10, 1862, in an incident which has become known as the “Nueces Massacre,” an armed contingent of this organization was joined in battle near Comfort, Texas, along the Nueces River by Confederate troops under the command of Colin D. McRae. McRae’s men executed prisoners and at least nine survivors were hunted down and killed.<sup>68</sup>

Dissent against the Confederacy was likewise punished in North Central Texas, where Union sentiment was particularly strong. Pro-Union citizens in the area organized a “Peace party” in the summer of 1862. The pro-Confederate majority population immediately declared this organization to be treasonous. On the morning of October 1, 1862, the state militia arrested over two hundred alleged Union sympathizers from throughout the region. They were brought to Gainesville in Cooke County where, ultimately, at least forty-four of these suspects were hanged. Other suspected Union sympathizers were lynched in neighboring counties. The entire episode carried not even the color of justice, but was merely the action of violent vigilantism in an attempt to maintain “public order.”<sup>69</sup>

Once the war had concluded, slaves were not officially manumitted in Texas until many months after combat ceased. Lee surrendered in April 1865, but freedom did not arrive in Texas until June 19. Major General Gordon Granger arrived in Galveston on that day and declared all those in bondage free. However, it actually took at least a year

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<sup>68</sup>Stanley S. McGowen, “Battle or Massacre? The Incident on the Nueces, August 10, 1862,” *Southwestern Historical Quarterly* CIV (July 2000): 64-86.

<sup>69</sup>Richard B. McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas, 1862* (Baton Rouge: Louisiana State University Press, 1994), 60-83.

from this date for wholesale manumission to become a reality. Almost immediately this day, June 19, known throughout the African-American community as “Juneteenth,” became a day of celebration for Texas blacks.<sup>70</sup>

The episodes of secession and Civil War in Texas represent an attempt by the vast majority of Texans to maintain their cultural *status quo*, ultimately, at the expense of it. Although Texas held relatively strong pro-Union tendencies throughout the 1850’s, these tendencies were never a fully organized front and *never* represented a trend toward abolitionism. Sam Houston himself referred to the process by which Texans embraced secession as “stilling the voice of reason.”<sup>71</sup>

Slavery and white supremacy in Texas were powerful memes indeed. Texans’ loyalty to this aspect of their culture ultimately trumped their loyalty to their country. Any dissent against this decision by the Texas electorate was punished harshly and absolutely. In an observation that foreshadowed Houston’s comment, Alexis de Toqueville observed in 1835 how this process of “stilling the voice of reason” could function in American democracy:

At present time the most absolute monarchs in Europe are unable to prevent certain notions, which are opposed to their authority, from circulating in secret throughout their dominions, and even in their courts. Such is not the case in America; as long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, a submissive silence is observed, and the friends as well as the opponents of the measure unite in assenting to its propriety... The authority of a king is purely physical, and it controls the actions of the subject without subduing his private will; but the majority possesses a power which is physical and moral at the same time; it acts upon the will as well as upon the actions of men, and it represses not only all contest, but all controversy.<sup>72</sup>

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<sup>70</sup>Randolph B. Campbell, “The End of Slavery in Texas: A Research Note,” *Southwestern Historical Quarterly* LXXXVIII (July 1984): 71-72.

<sup>71</sup>Buenger, “Stilling the Voice of Reason,” v.

<sup>72</sup>Alexis de Tocqueville, *Democracy in America: The Complete and Unabridged Volumes I and II*, trans. Henry Reeve (New York: Bantam, 2000), 304.

After the plebiscite of February 23 the power of the majority, indeed, settled the issue of secession. De Tocqueville's observation explains Throckmorton's abandonment of Unionism and the harshness with which dissent was dealt. Arguably, De Tocqueville's impression provides us a glimpse of the replication and self-defense mechanisms memes in American culture use to sustain themselves. Once again, it is shown that the will of the majority—the forces of custom and culture—are able to trump even the most ardent idealism expressed by the minority, eliminating it, even when that will is detrimental to the survival of the overall system.

Preservation of the defining meme of Southern culture, slavery, was the goal of the Civil War. The end of the war, while it brought Southern defeat, did not bring overnight victory for Texas bondsmen. That process began on June 19, 1865, with the emancipation of Texas slaves. However, these newly minted freedmen were to emerge in a world of harsh realities. The defeat of slavery, a *de facto* means of maintaining white supremacy, would, over the ensuing decades, pave the way for the creation of a *de jur* system of white domination known as Jim Crow—America's new “peculiar institution” of *apartheid*.

## CHAPTER THREE

### THE SLOW CIVIL WAR: RECONSTRUCTION AND REDEMPTION IN TEXAS

*The whole country is in a more demoralized condition now, than it was at the close of war, and we are now upon the very verge of the realm of a universal recklessness, arising out of the diminishing hope of relief from tyranny and negro equality.*

O.M. Roberts to Hon. Jas. M. Burroughs,  
June 20, 1868, November 11, 1878

Late nineteenth-century Texas can roughly be divided into two distinct eras—the periods of Reconstruction and Redemption. Reconstruction Texas was characterized by a political regime in which newly enfranchised blacks and Union supporting whites, sustained by a federal military presence, were able to dictate policies that were not reflective of the views of the majority of Texans. The Reconstruction government in Texas—often condemned as being in the hands of so-called radical “scalawags” and “carpetbaggers”—sought to do more than simply resurrect Texas as a member of the Union, but to deal with blacks as a very real part of the political and social dynamic.

By contrast, the period of Redemption was typified by a return to power of the state’s true political majority; old guard Democratic Party “Bourbons” who pursued a return to the antebellum *status quo*. These Texas “Redeemers,” like their counterparts in the other states of the old Confederacy, were bent on recreating the exclusive social dominance they enjoyed before the war. This endeavor, at its conclusion, brought legalized racial segregation to Texas in the form of America’s own system of *apartheid*,

Jim Crow. These two epochs in Texas history stand in marked contrast to one another. On the one hand, Reconstruction represented a period of political enfranchisement for African Americans. Although this did not mean a full measure of equality, it provided this burgeoning community with a vote and a voice and, especially within the “Black Belt” of East Texas it created responsiveness among even white politicians to the will of their black constituents. However, this enfranchisement of blacks came at the price of the suppression of the will of the majority of Texans.

Texans, like most Southerners, viewed their newly freed black neighbors through the lens of the now defunct peculiar institution of slavery, by its very nature a racist system. Their segregationist, racist sentiments did not die with emancipation but, rather, became inflamed with the increasing political veracity of blacks. Thus, Southern whites, upon returning to power in Texas, began to gradually undo the Reconstructionists’ inroads at black political enfranchisement and social integration. This is not to say, as many have, that “Yankee Reconstruction” was the root cause of Jim Crow. Nothing is further from the truth—racism was the ultimate cause of Jim Crow, a racism that was merely delayed for a number of years by the process of Reconstruction.

Reconstruction has been called, in terms of the lives of African Americans, “the most critical period in the history of the United States.”<sup>1</sup> However, its historiography, especially in Texas, is heavily clouded by an overwhelming pro-white, pro-Southern bias. The prevailing view of Reconstruction in Texas is still largely that espoused by the first generation of twentieth century Texas historians. Chief among these is Charles W. Ramsdell, who has been dubbed by one of his critics the “Historian of the Confederacy.”

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<sup>1</sup>A.A. Taylor, “Historians of the Reconstruction,” *The Journal of Negro History* 23 (January 1938): 16.

This epithet is a double *entendre* for the Confederacy was more than just Ramsdell's chief interest as a scholar it was the abode of his sympathies.<sup>2</sup>

Ramsdell's interpretation of Reconstruction Texas was in concert with that of one of his mentor's at Columbia University, William A. Dunning, under whom Ramsdell wrote his preeminent work on the subject.<sup>3</sup> Dunning, himself, held arguably the most ardent pro-Southern, anti-black view of Reconstruction of any major American historian. Writing in 1907, at the height of the Jim Crow era, Dunning characterizes the interaction of freedmen and whites in the political arena as follows: "Intelligence and political capacity were, indeed, almost exclusively in the one race [white]; but this was not the key to the situation, for the relations of the higher class of whites with the blacks were notoriously far less hostile than those of the lower class... The negroes were disliked and feared almost in exact proportion to their manifestation of intelligence and capacity."<sup>4</sup>

In his own case study on Reconstruction in Texas, published in 1910, Ramsdell is not as straightforwardly critical of blacks as his mentor; rather he largely excludes them from his narrative. They are scarcely mentioned as players in his work and the word "Negro" does not even merit a place in Ramsdell's index.<sup>5</sup> His sentiments are clear, however, and the voice of Dunning is alive in his work. For instance, Ramsdell gives the notorious Ku Klux Klan a free pass, utilizing the argument that characterizes the Dunning school—discrimination and mistreatment of blacks was the fault of the

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<sup>2</sup>Wendell Holmes Stephenson, "Charles W. Ramsdell: Historian of the Confederacy," *The Journal of Southern History* 26 (November 1960): 501-525.

<sup>3</sup>Ibid., 505.

<sup>4</sup>William A. Dunning, *Reconstruction, Political and Economic: 1865-1877* (New York: Harper Torchbook, 1962), 213.

<sup>5</sup>Charles William Ramsdell, *Reconstruction in Texas* (Austin: University of Texas Press, 1970), 321-324.

Reconstructionists, whose unfair actions brought about a counterreaction: “The continuous and peculiarly offensive activity of branches of the Union League and the Grand Army of the Republic among the negroes with the view of securing political control through the black vote, had brought into existence the counter organization of the Ku Klux Klan. This last had but recently appeared in Texas; it could not have been very extensive as yet, nor did it deserve the sinister reputation that it later acquired.”<sup>6</sup>

Barry Crouch has pointed out that although Reconstruction has been considerably revised on the national scene and in other state histories the work of the early pro-Confederate writers in Texas has remained largely untouched. The works of Ramsdell and William C. Nunn, who studied Radical Reconstruction, continue to contain the most influential interpretations of the period with regard to the Lone Star State.<sup>7</sup> Despite a handful of recent scholars who have attempted to revise these elder interpretations, Crouch is ultimately forced to conclude that “the ‘unmanacling’ of Texas Reconstruction historiography is only in the nascent stage.”<sup>8</sup>

The characteristic interpretation of Dunning and his disciples was of Reconstruction as a “crisis” created by the Radical political element from the North and amplified by their scalawag counterparts serving in Southern Reconstruction governments.<sup>9</sup> In many respects this interpretation, especially, in the popular mindset, has gone unchecked. In his massive general survey of Texas, T.R. Fehrenbach wrote first in 1965 that “the net effect of the Fourteenth and Fifteenth Amendments in Texas was to

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<sup>6</sup>Ibid., 192.

<sup>7</sup>Barry A. Crouch, “‘Unmanacling’ Texas Reconstruction: A Twenty-year Perspective,” *Southwestern Historical Quarterly* XCIII (January 1990): 275-276.

<sup>8</sup>Ibid., 299.

disenfranchise Negroes and impose caste.”<sup>10</sup> Fehrenbach’s book has remained continuously in print since its first edition and is still, arguably, the best-written and most comprehensive synthesis of the state’s history available in wide release; yet, its interpretation of the birth of African-American segregation is now more than a century old.

Fehrenbach’s statement, like the tenets of the Dunning School, implies that Southerners themselves were blameless for their behavior. It reduces Secession and Civil War and subsequent Reconstruction to moral equivalencies in which the Southerners were mere reactionaries whose actions were dictated by events taking place outside of their region. Such arguments lay the foundation for an intellectual “apology” for Jim Crow. Following this slippery slope, Jim Crow then becomes nothing more than the “natural” result of Yankee oppression, not, as it really was, an attempt to restore as much of the Antebellum *status quo* as possible. Bourbon response to Reconstruction was not color blind, rather the notion of white-black political equality was anathema to most Southerners.

At the height of Reconstruction in 1868 Oran M. Robert put the following in a letter to James M. Burroughs:

There is one thing our friends of the North ought to be impressed with, and that is, that the people of the South have been so far restrained from resisting military tyranny by the hope that our condition might be bettered by their ultimate success; and by that only. The military officers and soldiers sent against us would have been massacred long since, the negroes and their white allies would have been hunted down, but not for the moral restraint of good men all over the country, who had been stimulated by that hope.

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<sup>9</sup>Dunning, *Reconstruction*, 339-341; Taylor, “Historians of the Reconstruction,” *passim*; Allen W. Trelease, “Who were the Scalawags?,” *The Journal of Southern History* 29 (November 1963): 445-468.

<sup>10</sup>T.R. Fehrenbach, *Lone Star: A History of Texas and the Texans* (New York: MacMillan Publishing Company, 1985), 440.

The whole country is in a more demoralized condition now, than it was at the close of war, and we are now upon the very verge of the realm of a universal recklessness, arising out of the diminishing hope of relief from tyranny and negro equality.<sup>11</sup>

The Dunning School's interpretation of Reconstruction was not so much a direct, fact-based and objective group of conclusions as it was a party line. Edgar P. Sneed argues that "with regrettable results, sympathetic historians have often accepted these partisan feelings and exalted them to the level of historical judgment...Like the medieval chronicler, many Texas historians seem to find their duty in the recording and conveying of folk experience, wisdom, and myth."<sup>12</sup>

Just as the likes of Dunning were beginning to put their arguments on paper, their interpreted causes for black injustices in the South were identical to the rationales recorded by the ex-Confederates themselves. In 1902 W.D. Wood of San Marcos placed his reminiscences of Reconstruction in Texas into a slim volume. The crux of his nostalgic account is summarized as follows:

The old Confederate met this [Reconstruction] legislation peaceably, patiently, with a united effort, an intelligent diplomacy, and a determination to wrest the governments of the several Confederate States from the hands of his former slaves, and regain them for the intelligent white people, to whom they of right belonged. Although the Confederate people were at the time in the iron grasp of the military, reinforced by the ignorant negro and the corrupt rapacity of the carpet-bagger, they succeeded in a few years in accomplishing this purpose.<sup>13</sup>

This was not an isolated set of beliefs, peculiar to Texans alone. In 1923 Alabaman Alfred H. Benners recorded his beliefs about slavery, Civil War, and

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<sup>11</sup>O.M. Roberts to Hon. Jas. M. Burroughs, June 20, 1868, box 2G68, folder 91-100 Oran Milo Roberts papers, Center for American History, University of Texas, Austin.

<sup>12</sup>Edgar P. Sneed, "A Historiography of Reconstruction in Texas: Some Myths and Problems," *Southwestern Historical Quarterly* LXXII (April 1969): 436.

<sup>13</sup>W.D. Wood, *Reminiscences of Reconstruction in Texas and Reminiscences of Texas and Texans Fifty Years Ago* (San Marcos: no publisher, 1902), 9-10.

segregation in the book *Slavery and Its Results*. His ideas were similar to those of Wood and doubtless, these men did not labor heavily under the burden of the academic historiography of their day:

as the war drew to a close they [African Americans] were led to look to the carpet-baggers and the Freedman's Bureau for guidance and control, rather than to their late owners; and the latter, embittered by defeat and the wreck of their fortunes, developed a rancor for the carpet-baggers and adventurers, who took control of the negroes; and this feeling extended for a time to the negroes themselves. Reconstruction, the Ku Klux, and the fierce and finally successful fight for political white supremacy followed.<sup>14</sup>

The idea that blacks were mere “sheep” being led to whatever political movement the carpet-baggers dictated is absurd. To the contrary, freedmen constituted the first generation of black elected officials throughout Texas. Able men such as John B. Rayner and Norris Wright Cuney took leadership roles in their respective political parties. Further, the Republican Party was not the sole home of African Americans in Texas—the Populists and even the Democratic Party of Governor James Stephen Hogg benefited from black campaigners and the black vote.

Blacks took the vote seriously and they were prepared, immediately after it was granted, to use it, often to the detriment of white office holders. Rather than recognize the veracity of these new black citizens, white Southerners, in essence, cheated the system. Rather than seek the black vote and compromise with black Texans (whose interests were not always at odds with the white majority)—the whites wrote African Americans out of the political picture for the next several generations.

Slavery ended and Reconstruction, for all practical purposes, began in Texas on the same day: June 19, 1865. At first, many whites simply did not accept this as a reality.

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<sup>14</sup>Alfred H. Benners, *Slavery and Its Result* (Macon: J.W. Burke Company, 1923), 41.

Slave trading and the hiring of slave labor continued in Texas right up until the last days of the peculiar institution.<sup>15</sup> Contrary to the remembrances of Wood, slaves did not really turn to their masters for help. Randolph Campbell estimates that while some stayed on the property of their masters in the immediacy, as many as a quarter abandoned this life right away. Further, Campbell found that assistance was not extended to the freedmen by their former masters, stating that “only a minority of slaves received any special assistance from their masters in laying the foundation for their lives as free men.”<sup>16</sup>

In reality, at the end of the Civil War most blacks in Texas became immediately embroiled in what Nancy Cohen-Lack dubbed “a struggle for sovereignty.” The coming of free labor to the South created a void that the former slaves were in a position to fill. However, the majority scorned the idea of farming staple crops, preferring to own land for themselves. This was not going to happen in the immediacy and many African Americans exercised their newfound sovereignty by simply getting up and leaving their former owners.<sup>17</sup>

Freedmen also began to immediately form their own communities. Religion had long played a chief role in the lives of enslaved African Americans and following the Civil War they began defining their communities around the church. In a case study of Houston, Charles A. Israel found that at war’s end African Americans sought

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<sup>15</sup>Randolph B. Campbell, “The End of Slavery in Texas: A Research Note,” *The Southwestern Historical Quarterly* LXXXVIII (July 1984): 71-80; Campbell explores as the subject of this paper the date when slavery was “legally” terminated in Texas—Juneteenth, the date of the Emancipation Proclamation, January 1, 1863, or the date of the ratification of the Thirteenth Amendment (December 18, 1865). Campbell found that the courts of Texas recognized June 19, 1865, Juneteenth, as the official date of the demise of slavery in Texas.

<sup>16</sup>Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1862* (Baton Rouge: Louisiana State University Press, 1989), 250.

<sup>17</sup>Nancy Cohen-Lack, “A Struggle for Sovereignty: National Consolidation, Emancipation, and Free Labor in Texas, 1865,” *The Journal of Southern History* 58 (February 1992): 57, 65.

independence from white religious tutelage, forming their own “segregated” congregations. He writes, “the Freedman’s (Trinity) Methodist and Antioch Baptist churches quickly became the center of the emerging black community in Houston.”<sup>18</sup> In such attempts at exercising their freedom and through their collective numbers, African-American Texans, like their counterparts throughout the South, quickly became a major concern for whites in the post-bellum world.

In the summer of 1865 President Andrew Johnson appointed Unionist Andrew Jackson Hamilton to serve as provisional governor of Texas. Hamilton sought ratification of the Thirteenth Amendment and pursued civil rights for former slaves—excepting suffrage. Hamilton assembled a constitutional convention that drafted a document allowing Texas to rejoin the Union. He made it clear that it would not be possible to do anything less than grant blacks their full measure of civil rights—an attempt to preserve slavery or a system like it, Hamilton assured the convention, would affect Texas’ ability to rejoin the Union.<sup>19</sup>

The Texas Constitution of 1866, while not granting African Americans the right to vote, nevertheless was one of the more progressive constitutions passed by a former Confederate state.<sup>20</sup> Under the provisions of this new constitution elections were held in June 1866. The pro-Union element (the so-called “Radicals”) was headed on the ticket by ex-governor Elisha M. Pease, after Hamilton had declined to run, while James W.

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<sup>18</sup>Albert J. Raboteau, *Slave Religion: The “Invisible Institution” in the Antebellum South* (New York: Oxford University Press, 1978), 290-318; Charles A. Israel, “From Biracial to Segregated Churches: Black and White Protestants in Houston, Texas, 1840-1870,” *Southwestern Historical Quarterly* CI (April 1998): 452.

<sup>19</sup>Lawrence D. Rice, *The Negro in Texas: 1874-1900* (Baton Rouge: Louisiana State University, 1971), 6-7; James A. Marten, “Andrew Jackson Hamilton,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/HH.fha33.html>>, July 23, 2002.

<sup>20</sup>Rice, *The Negro in Texas*, 6-7.

Throckmorton, the hot-cold Unionist and former Confederate general, represented the Conservatives. The outcome of the election was never in doubt. Throckmorton won in a landslide with 49,277 votes to 12,168 for Pease.<sup>21</sup>

Pease had run as a moderate, proposing an educational system for black children and suffrage for all African Americans who could read and write. Throckmorton and the Conservative element opposed all African American suffrage and campaigned against black civil rights.<sup>22</sup> The Conservative party assembled in caucus on April 2, 1866, boldly stating their opposition to “negro suffrage, and the hasty and inconsiderate elevation of the negro to political equality.”<sup>23</sup> They further went on to endorse Andrew Johnson’s brand of “Presidential Reconstruction,” standing against the forces of “Stevens, Sumner, and Phillips...in their raids against constitutional liberty, and in the establishment of a consolidated despotic government.”<sup>24</sup>

The outcome of the election of 1866 indicated that most Texans did, indeed, side with the views of the Conservatives. After the election, the majority of the legislature consisted of former secessionists. Andrew Johnson admitted Texas to the Union on August 22, 1866, declaring it reconstructed. The federal government under Johnson appeared to the Radicals to be complicit in the activities of the Conservatives. The President was willing to grant federal patronage to the former Confederates. Johnson’s State Department awarded the Texas *State Gazette* a printing contract to publish federal

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<sup>21</sup>John A. Baggett, “Birth of the Texas Republic Party,” *Southwestern Historical Quarterly* LXXVIII (July 1974): 9-10.

<sup>22</sup>Ibid.

<sup>23</sup>Ernest William Winkler, ed., “Platforms of Political Parties in Texas,” *Bulletin of the University of Texas* 53 (September 1916): 98.

<sup>24</sup>Ibid., 99.

documents, even though the paper was edited by Jefferson Davis' former private secretary!<sup>25</sup>

In his study of white Texans' attitudes toward blacks during the early years of Reconstruction, Billy D. Ledbetter found that African Americans were simply not tolerated as freedmen. He writes, "Texans were willing, however, to accept freedom only in a limited sense, believing that they must work out another system of controlling both the labor and the social activities of the blacks... If possible, the 'Negro Problem' would be solved by simply shifting from a coercive system of labor and race control under slavery to a coercive system of labor and race control under a system of laws and social pressures."<sup>26</sup> And, why not? Such a system had worked for Texans before, when slavery was abolished by Mexico. The labor contract became the emancipated black man's chain—similar strategies would be tried again.

The legislative session that followed the 1866 election brought the "Black Codes" to Texas—white Southerners' first try at implementing a segregationist legal system. The former Confederates in the Texas government went to work immediately in their attempt to restore as much of the antebellum *status quo* as possible. While they were limited by federal ordinances, such as the Civil Rights Act of April 9, 1866, their activities were nonetheless aggressive.<sup>27</sup> While on the surface the Black Codes were

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<sup>25</sup>Rice, *The Negro in Texas*, 7; Baggett, "Birth of the Texas Republican Party," 10-11.

<sup>26</sup>Billy D. Ledbetter, "White Texans' Attitudes toward the Political Equality of Negroes, 1865-1870," *Phylon* 40 (3<sup>rd</sup> Quarter 1979): 255-256.

<sup>27</sup>Kenneth M. Stampp, *The Civil Rights Record: Black Americans and the Law, 1849-1970* (New York: Thomas Y. Crowell Company, 1970), 46.

designed to define the civil status of African Americans, at the end of the process blacks were relegated to second-class citizenship.<sup>28</sup>

It can rightly be said that Jim Crow was “born” in the year 1866 in Texas and in several other states of the South. It was as a part of the Black Codes of that year that Florida, Mississippi, and Texas passed laws to accommodate racially segregated facilities for travel aboard trains. In the eyes of many historians, it is this segregation of travel that epitomizes the Jim Crow system.<sup>29</sup> Kenneth M. Stampp argues, “except for these transient ‘Jim Crow’ laws, which fell into abeyance when Radical Reconstruction superseded the Johnson governments less than two years after their enactment, no legislation to segregate travel was passed until Tennessee did so in 1881. Thereafter, contrary to the widely accepted folklore that segregation *by statute* has been an ancient southern usage, another half dozen years intervened before other southern states followed Tennessee’s example.”<sup>30</sup>

While Stampp’s observation is technically correct, it is hardly useful. Segregation—Jim Crow—must be defined as an institution far more extensive than the mere regulation of travel. Writing in 1959 in his *Jim Crow Guide to the U.S.A.* Stetson Kennedy codified an arguably more equitable definition for how Jim Crow practice was enforced: “The privileges and immunities of first-class citizenship, and the penalties and restrictions of second-class citizenship, are established by an ensemble of national

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<sup>28</sup>Rice, *The Negro in Texas*, 7.

<sup>29</sup>Stampp, *The Civil Rights Record*, 44-45.

<sup>30</sup>*Ibid.*

dispositions, state statutes, municipal ordinances, judicial findings, police practices, private regulations, social pressures, and mob violence.”<sup>31</sup>

Jerrold M. Packard argues in no uncertain terms that the “Jim Crow era” is defined as “the roughly one hundred years between the end of the Civil War and the culmination of the civil rights revolution.”<sup>32</sup> However, because of the monumental importance of the United States Supreme Court case *Plessy v. Ferguson* in legitimizing the Jim Crow system, segregation of transportation facilities is forever linked to the birth of that ignoble institution. Therefore, the Texas Black Codes of 1866, which contained just such a segregationist provision, must be said to be, even using a relatively conservative definition, the first instance of Texans placing a true body of “Jim Crow” ordinances into the legal system.

Texas was one of the last Southern states to codify its Black Codes and appears to have been moderated by the staunch warnings of Governor Hamilton and observations of the experiences of the other former Confederate states.<sup>33</sup> On November 10, 1866, the legislature passed “An Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color.” While the law did provide for “the rights of personal security, liberty, and private property, all remedies and proceedings for the protection and enforcement of the same,” it forbade white-black intermarriage, blacks from serving on

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<sup>31</sup>Stetson Kennedy, *Jim Crow Guide to the U.S.A.: The Laws, Customs and Etiquette Governing the Conduct of Nonwhites and Other Minorities as Second-Class Citizens* (London: Lawrence & Wishart, Ltd., 1959), 7.

<sup>32</sup>Jerrold M. Packard, *American Nightmare: The History of Jim Crow* (New York: St. Martin's Press, 2002), 64.

<sup>33</sup>Theodore Brantner Wilson, *The Black Codes of the South* (no place: University of Alabama Press, 1965), 108-109.

juries, holding office, voting, or testifying.<sup>34</sup> Ultimately blacks were allowed to testify in legal proceedings involving other blacks.<sup>35</sup>

Other laws were passed that allowed African Americans to set up their own schools, but only with tax money collected from within the black population. The black population was excluded from the apportionment of representation in the legislature, a prohibition that had not existed even during the antebellum period.<sup>36</sup> The staunchest of the laws passed in an attempt to recreate as much of the pre-Civil War climate as possible came in the form of acts to regulate labor contracts and a vagrancy act.

On November 1, 1866, an oppressive labor contract ordinance was instituted. The law allowed the worker to choose his employer, but once this was done a harsh system of fines and punishments was put in place to prevent the worker from leaving. The labor contract, further, could be extended to all members of the worker's family, including minor children. Sick days were unpaid and "idle" time was punished by fines. Only the Sabbath was granted as a weekly day off. Heavy fines were put in place for all manner of offenses, from "failing to comply with the contract" to damaging the employer's animals and property.<sup>37</sup> Further, "failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing or indecent language to, or in the presence of

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<sup>34</sup>Texas Legislature, "An Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color," April 10, 1866, in H.P.N. Gammel, comp. *The Laws of Texas, 1822-1897* (Austin: Gammel Books, 1898-1902), V, 1049-1050.

<sup>35</sup>Baggett, "Birth of the Texas Republican Party," 13.

<sup>36</sup>Ibid.

<sup>37</sup>Texas Legislature, "An Act Regulating Contracts for Labor," November 1, 1866, in Gammel, *The Laws of Texas*, V, 994-997.

the employer, his family or agent, or quarrelling and fighting with one another, shall be deemed disobedience.”<sup>38</sup> All such “disobedience” was to be punished by fines.<sup>39</sup>

This restrictive labor contract law was followed on November 8 by a vagrancy law that stated, in no uncertain terms, that “a vagrant is hereby declared to be an idle person.”<sup>40</sup> Vagrants could be punished with fines and jail time and they could be forced to work. If they refused to work they could be imprisoned in solitary confinement and placed on a diet of bread and water until they consented to work.<sup>41</sup> While the labor contract and vagrancy laws were written to be “color blind,” they clearly applied to the black population and were intended to provide some manner of regulation to the labor market.<sup>42</sup>

Capping off the 1866 legislative session, that body elected two pro-Confederates, O.M. Roberts and David B. Burnet, to the U.S. Senate and, further, summarily rejected the Fourteenth Amendment.<sup>43</sup> These attempts to recreate the antebellum *status quo*, however, were short lived. Radical Republicanism was already on the rise as early as April 1866, when Congress demonstrated that it was able to thwart President Johnson by overturning his veto of the civil rights bill. The November mid-term congressional

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<sup>38</sup>Ibid., 996.

<sup>39</sup>Ibid., 994-997.

<sup>40</sup>Texas Legislature, “An Act to define the offence of Vagrancy, and to provide for the punishment of Vagrants,” November 8, 1866, in Gammel, *The Laws of Texas*, V, 1020.

<sup>41</sup>Ibid., 1020-1022.

<sup>42</sup>Rice, *The Negro in Texas*, 7.

<sup>43</sup>Baggett, “Birth of the Texas Republican Party,” 12; Texas Legislature, “Joint Resolution, refusing to ratify the Constitutional Amendment,” November 1, 1866, in Gammel, *The Laws of Texas*, V, 1184-1185.

elections brought a Republican victory in the North and an end to Presidential Reconstruction in the South.<sup>44</sup>

Presidential Reconstruction failed in Texas as it did throughout the South. The ex-Confederate leaders who dominated the Texas political scene largely misunderstood the nature of their defeat. Although circumstances existing in Washington and throughout the former Confederacy also played a role in the failure of Presidential Reconstruction, the Texans themselves had a share in the blame.<sup>45</sup> Campbell argues:

when Presidential Reconstruction offered an opportunity for a quick and relatively painless return to the Union, too many Texans took this leniency to mean that they had to concede virtually nothing except military defeat and the end of slavery. As they saw it, their cause had been just and their leadership sound. Unionists, at least those who had not in the end supported the Confederacy, were still traitors, and freedmen were to remain in an inferior position in society, as close to slaves as possible.<sup>46</sup>

The relationship between the former Confederates and the Radical Republicans at the close of Presidential Reconstruction calls to mind the lamentation of Hamlet's Player King in Act 3, Scene 2: "Our wills and fates do so contrary run that our devices still are overthrown; Our thoughts are ours, their ends none of their own." On March 2, 1867, the devices of President Andrew Johnson were fully overthrown with the passage of the First Reconstruction Act. As a result, Texas was made a part of the Fifth Military District and once again declared unreconstructed. In order to return to the Union Texas would have to ratify yet another constitution, this time excluding former Confederates from the process

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<sup>44</sup>Randolph B. Campbell, "The District Judges of Texas in 1866-1867: An Episode in the Failure of Presidential Reconstruction," *Southwestern Historical Quarterly* XCIII (January 1990): 357-358.

<sup>45</sup>*Ibid.*

<sup>46</sup>*Ibid.*, 376.

and including African American representation. Once this constitution met the approval of Congress, Texas could return to the Union.<sup>47</sup>

On July 31, 1867, Governor Throckmorton was removed from office by General Philip Sheridan, commander of the Fifth Military District, and replaced by E.M. Pease. Pease immediately began a program of removing former Confederates from governmental positions and replacing them with men who had remained loyal to the Union. Pease also began making preparations for election of a convention to draft a new constitution. As ex-Confederates were to be disfranchised from this process many Texans resolved to boycott this election altogether.<sup>48</sup>

The Republican Party came to Texas shortly after Congressional Reconstruction was initiated. The ranks of this “new” party consisted of freedmen, former Constitutional Unionists, loyal Germans, Union soldiers from Texas, and members of the state’s emerging Unionist Leagues.<sup>49</sup> The Republican Party of Texas held its first meeting in Houston on July 4 and 5, 1867. They declared boldly, “that we do not hesitate to declare ourselves *unconditional* Union men.”<sup>50</sup>

It is clear that the sympathies of most Texans were against the Radicals. The Radicals, to the contrary, once they seized control of the Southern governments disfranchised the former Confederates under section three of the Fourteenth Amendment.<sup>51</sup> The Texas Republicans intended to follow suit. At their July convention

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<sup>47</sup>Stampp, *The Civil Rights Record*, 48-49; Baggett, “Birth of the Texas Republic Party,” 14.

<sup>48</sup>Rice, *The Negro in Texas*, 8.

<sup>49</sup>Baggett, “Birth of the Texas Republican Party,” 3,15.

<sup>50</sup>Winkler, “Platforms of Political Parties in Texas,” 99, 101 (quotation).

<sup>51</sup>William A. Russ, Jr., “Radical Disfranchisement in Texas, 1867-70,” *Southwestern Historical Quarterly* XXXVIII (July 1934): 40-41.

they resolved, “that we deem the continuance in the civil of the State of those who actively participated in the late rebellion, and who are hostile to the Reconstruction Acts passed by Congress, as constituting an impediment to the execution of those acts in their true spirit and intent, which is insuperable.”<sup>52</sup>

At the grassroots level Texans did not stand idly by during Radical Reconstruction. They utilized the most extreme tool at hand to protest the emerging enfranchisement of the blacks: violence. In a concise study of racial violence in Texas for the years 1867 and 1868 Gregg Cantrell found that many African Americans paid the ultimate price for the freedom of their race. Cantrell found that the cycle of racial violence was ever-present in Texas during these years, but corresponded especially with political events. Violence against blacks peaked during elections—a clear response to the newfound political power of the freedmen.<sup>53</sup>

It was also at this time that the Ku Klux Klan and organizations like it began to emerge in Texas. Although Ramsdell downplayed the significance of the Klan, Cantrell found them to be quite a force to be reckoned with. In some “Black Belt” counties, African Americans were driven from their fields and in Jefferson County a nighttime meeting of the “Knights of the Rising Sun” drew a crowd of over a thousand to witness the installation of the organization’s officers.<sup>54</sup> Cantrell writes, “organized terrorism helps to account for the continuing high level of violence against Texas blacks after the immediate furor over the February [1868] election had subsided.”<sup>55</sup>

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<sup>52</sup>Winkler, “Platforms of Political Parties in Texas,” 101.

<sup>53</sup>Gregg Cantrell, “Racial Violence and Reconstruction Politics in Texas, 1867-1868,” *Southwestern Historical Quarterly* XCIII (January 1990): 351.

<sup>54</sup>Ramsdell, *Reconstruction*, 192; Cantrell, “Racial Violence,” 351.

<sup>55</sup>Cantrell, “Racial Violence,” 351.

African-American Texans found themselves enfranchised almost immediately with the dawn of Congressional Reconstruction. The chief means of assistance for black Southerners up to this point was the Freedmen's Bureau. Beginning March 3, 1865, the Bureau of Freedmen, Refugees, and Abandoned Lands went to work on the vaguely defined task of attempting to integrate former slaves into American society.<sup>56</sup> In 1867 the Texas Radicals put this organization to work compiling a list of Texas Unionists. This cleared the way for Texas Republicans, among them African Americans, to serve in the government of the state.<sup>57</sup>

With the disfranchisement of ex-Confederates complete, the "Black Belt" counties of East Texas, coupled with Galveston County, sent nine African Americans to the Constitutional Convention of 1868. These delegates were all elected from areas where blacks dominated as the primary component of the population or on the eligible voter lists. Among them was George T. Ruby of Galveston, who would go on to become a state Senator.<sup>58</sup> The convention was a rip-roarious event, with white and black members alike squabbling amongst themselves and even resorting to violence. Ruby was assaulted in the streets by another black member and ultimately resigned from the convention. Nevertheless, the African-American delegation did play a role in the

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<sup>56</sup>Barry A. Crouch, *The Freedmen's Bureau and Black Texans* (Austin: University of Texas Press, 1992), 2-3.

<sup>57</sup>Baggett, "Birth of the Texas Republican Party," 17.

<sup>58</sup>Harrell Budd, "The Negro in Politics in Texas, 1867-1898" (M.A. thesis, University of Texas, 1970): 17-18; Alwyn Barr and Robert A. Calvert, eds., *Black Leaders: Texans for Their Times* (no place: Texas State Historical Association, 1981), 49.

convention, offering resolutions and engaging in the debate. Scipio McKee, a black delegate, served as sergeant-at-arms for the convention.<sup>59</sup>

The Constitution that emerged from this convention was a strong document, arguably far better than the Bourbon Constitution of 1875. It granted the vote to the freedmen and provided them with an equal share in funds for a school system. An extreme radical faction felt that the constitution did not go far enough, but, after some wrangling, endorsed it anyway. This faction, which nominated Edmund J. Davis for governor in the subsequent election, was to be victorious at the ballot box over the more moderate element headed by A.J. Hamilton. Several African Americans followed Davis into office at all levels of state and local government. The year 1870 and the coming of the Twelfth Texas Legislature inaugurated the most hated political epoch in the history of Texas politics.<sup>60</sup> The ultra-Radical faction had won the day, but would not be able to sustain its victory.

Edmund Jackson Davis is, arguably, the most maligned man in the history of the Lone Star State. A native of St. Augustine, Florida, he moved to Texas in 1848. Davis opposed secession from the beginning. Although a judge at the time of Texas secession he refused to take the loyalty oath to the Confederacy, and ultimately succeeded in raising a cavalry regiment of Texas volunteers to oppose the C.S.A. As a member of the Constitutional Convention, Davis demonstrated himself to be an ultra-Radical. He campaigned heavily for the disfranchisement of ex-Confederates and even proposed that

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<sup>59</sup>Budd, "The Negro in Politics in Texas," 21-22; Alwyn Barr, *Black Texans: A History of Negroes in Texas, 1528-1971* (Austin: Jenkins Publishing Company, 1973): 46-47.

<sup>60</sup>Rice, *The Negro in Texas*, 8-9; Barr, *Black Texans*, 48-49.

Texas be divided into smaller states.<sup>61</sup> During his tenure as governor he famously declared that Texas was enduring a slow civil war.<sup>62</sup> “Slow civil war” is probably the best epithet for the four years of Davis rule.

After defeating Hamilton, Davis was initially installed as provisional governor by the military authorities that governed Texas. The Twelfth Legislature, also installed with only provisional status, quickly ratified the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution. The work of the Eleventh Legislature was repudiated. On March 30, 1870, President U. S. Grant signed a bill allowing Texas to return to the Union and on April 16 General Joseph J. Reynolds handed over state control to the elected officials.<sup>63</sup>

Immediately after his tenure as governor became official, Davis enacted a controversial militia bill that has been the source of much of his infamy. Throughout the South the Radical Republicans instituted state militias consisting of loyal men of both races as a means of supporting their power base. Due to the preponderance of blacks that often swelled their numbers these became known as the “negro militias.”<sup>64</sup>

The passage of the militia bill was extremely controversial. Thirteen Texas senators broke quorum and refused to take their seats in protest of the bill. The thirteen were arrested and hauled back to the Senate so that the vote could take place. Many have

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<sup>61</sup>Carl H. Moneyhon, “Edmund Jackson Davis,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/DD.fda37.html>>, July 23, 2002; Rice, *The Negro in Texas*, 9

<sup>62</sup>W.E. Burghardt Du Bois, *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Russell & Russell, 1935), 560.

<sup>63</sup>Randolph B. Campbell, *Grass-Roots Reconstruction in Texas, 1865-1880* (Baton Rouge: Louisiana State University Press, 1997), 19-20.

<sup>64</sup>Otis A. Singletary, “The Texas Militia During Reconstruction,” *Southwestern Historical Quarterly* LX (April 1957): 24-25.

hailed these thirteen Senators as anti-Radical heroes, standing up to the despotism of Davis' rule. However, a revisionist study by John M. Brockman tantalizingly suggests that the thirteen were motivated strongly by their own desire to pass a generous railroad subsidies bill—a program that the Radicals opposed.<sup>65</sup>

Davis and the Radicals utilized the legislature as a means of establishing their control over the state. The Twelfth Legislature, convened in special session, passed three bills that gave Davis greater power in the state. The governor was given the power to fill most vacant offices at the state and local level, an unprecedented authority. He was also given control over the voter registration process. Finally, the legislature postponed mid-term congressional elections from the fall of 1870 to the fall of 1871, giving many office holders an extra year in office.<sup>66</sup>

The crowning achievement of the Davis administration, however, was the creation of a public education system. Davis and the legislature, working in concert, designed a school system that would provide all children between the ages of six and eighteen with a state-subsidized education. Taxes were levied in order to pay for the program.<sup>67</sup> Between 1865 and 1870 the Freedmen's Bureau had educated blacks through a school system under its jurisdiction, with varying degrees of success.<sup>68</sup> The Radicals intended that the new public school system would, instead, provide the children of the former slaves with an education.

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<sup>65</sup>John M. Brockman, "Railroads, Radicals, and the Militia Bill: A New Interpretation of the Quorum-Breaking Incident of 1870," *Southwestern Historical Quarterly* LXXXIII (October 1979): 105-107, 118-120.

<sup>66</sup>Campbell, *Grass-Roots Reconstruction*, 21-22.

<sup>67</sup>*Ibid.*; Carl H. Moneyhon, "Public Education and Texas Reconstruction," *Southwestern Historical Quarterly* XCII (January 1989): *passim*.

The new school system was extremely progressive for the time, with such components as teacher certification, mandatory attendance, and a centralized administration. Although the system was a good one, the Democratic Party seized upon it as a political tool for creating opposition to the Republicans. Such a comprehensive school system was expensive and required taxation in order to pay for it. The Democracy capitalized on the issue of new taxes as a means of propelling themselves to political prominence. The Bourbon Democrats, when they regained control of the state, maintained very little of the centralized public school system. Funding and control of the schools was turned over to local government and the mandatory attendance requirement was stripped out, gutting classroom size.<sup>69</sup>

The Davis administration has long been haunted by the specter of the “carpetbagger.” This creature, the Yankee-turned-Southerner that came to Texas for political or financial opportunity, has enjoyed more disrepute than the blacks themselves. The carpetbagger provides a convenient scapegoat for Reconstruction and Radical rule. However, Campbell has shown that while carpetbaggers did exist in Texas politics they did not dominate the political landscape. For example, the Twelfth Legislature, which had 142 members, contained only twelve carpetbaggers—fewer than its fourteen African American members. Davis’s own executive branch contained only one carpetbagger. It was, rather, the twin enemy of the Southerner, the scalawag (Southern-born Unionist), who dominated Texas between 1867 and 1874.<sup>70</sup>

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<sup>68</sup>Alton Hornsby, Jr., “The Freedmen’s Bureau Schools in Texas, 1865-1870,” *Southwestern Historical Quarterly* LXXVI (April 1973): passim.

<sup>69</sup>Moneyhon, “Public Education and Texas Reconstruction,” 393, 414-416.

<sup>70</sup>Randolph B. Campbell, “Carpetbagger Rule in Reconstruction Texas: An Enduring Myth,” *Southwestern Historical Quarterly* XCVII (April 1994): 590-596.

The scalawag, the freedmen, and to a far lesser extent, the carpetbagger, became the dominant voice in Texas politics during the era of Davis rule. The Radicals succeeded in enfranchising African-American Texans. The voter rolls for 1867 contained 56,678 whites and 47,581 blacks, making the freedmen a force to be reckoned with.<sup>71</sup> Blacks served in the government of Texas, albeit in small numbers, during this time period and they participated in politics at the party level and at the ballot box.<sup>72</sup>

Enfranchisement of blacks took place largely at the grassroots level. The likes of George T. Ruby sought to organize the black vote through Union Leagues and other such groups. These groups were often met head-on with violence perpetrated by the Ku Klux Klan and its kin. At the community level, black Texans were able to serve as members of organizations and to operate as program administrators, in spite of the hostility of their white neighbors.<sup>73</sup>

Notable exceptions to this subsidiary role were, of course, Ruby who was elected to the Senate, and Matt Gains, a former slave who was also elected to the state senate.<sup>74</sup> At the local level outstanding black Texans such as Sam Houston's former slave, Joshua Houston, served as county aldermen.<sup>75</sup> It was also during this time that African American Norris Wright Cuney of Galveston, the man who would come to dominate the Republican Party in Texas for the remainder of the century, emerged on the scene. Cuney participated as an alternate delegate to the Republican National

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<sup>71</sup>Barr, *Black Texans*, 44-45.

<sup>72</sup>Campbell, "Carpetbagger Rule," 590; Baggett, "Birth of the Texas Republican Party," 17-19.

<sup>73</sup>Barry A. Crouch, "Self-Determination and Local Black Leaders in Texas," *Phylon* 39 (4<sup>th</sup> Quarter 1978): 348-353.

<sup>74</sup>Barr and Calvert, *Black Leaders*, 49-51.

<sup>75</sup>Patricia Smith Prather and Jane Clements Monday, *From Slave to Statesman: The Legacy of Joshua Houston, Servant to Sam Houston* (Denton: University of North Texas Press, 1995), 78-110.

Convention in 1872 and in that same year was appointed to the highest federal office in Texas, collector of customs for Galveston.<sup>76</sup>

The gains that African Americans made in Texas, with the help of the scalawag Republicans, however, came at a price—the suppression of the will of the majority of Texans. Most Texans resented black enfranchisement.<sup>77</sup> As soon as they were again given access to the ballot box the majority of Texans, who were prone to support the conservative Democratic Party, began undoing Radical Reconstruction. The Republicans were confronted with electoral defeat as early as the special congressional elections of October 1871. Although the Republican Party and its African American base campaigned hard, again the Democrats swept the general election of November 1872. By this time Davis was a lame duck governor. The Democratic Thirteenth Legislature stripped the governor of much of his power, continually overrode his veto, and undid the progressive school system instituted by the Twelfth Legislature.<sup>78</sup>

The election of December 2, 1873, brought an end to the Davis administration and to Republican rule of Texas. Intimidation was used against black voters, but even if it had not it is doubtful that the outcome would have been much different. Democrat Richard Coke of McLennan County defeated Davis in a landslide: 85,549 votes to 42,633 votes.<sup>79</sup>

Davis's term was set to expire on April 28, 1874, and the governor was prepared to leave office. However, in a landmark Texas Supreme Court appeal, dubbed the

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<sup>76</sup>Rice, *The Negro in Texas*, 37.

<sup>77</sup>Ledbetter, "White Texans Attitudes," passim.

<sup>78</sup>Campbell, *Grass-Roots Reconstruction*, 22-23.

<sup>79</sup>*Ibid.*, 24.

“Semicolon Case,” the Radicals pursued a last ditch effort to retain power. A provision in the Constitution of 1869 required that elections be held at the county seats unless otherwise specified by the legislature and that the polls remain open for four days. These two provisions were separated by a semicolon, leading some supporters of Davis to conclude that they were grammatically independent clauses. As such, the Thirteenth Legislature would have lacked the authority to reduce the election to only one day, which it had done.<sup>80</sup>

The Texas Supreme Court supported the Republicans in this, declaring the election void. This case, known formally as *Ex Parte Rodriguez*, has been judged a gross misconduct of justice. However, Texas legal scholar Lance A. Cooper, in a reconsideration of the constitutional merits of the case, found that the justices were well within their bounds in supporting Davis. Cooper argues that they subscribed to the letter of the law and administered a fair ruling.<sup>81</sup> Davis made an attempt to hold power by requesting federal assistance from President Grant, but this was not provided. In the end, Davis was forced to step down.<sup>82</sup>

In addition to seizing control of the legislature and the executive, the emerging “Redeemers” were also successful in overthrowing the Republican Supreme Court. The constitution was amended in such away as to allow Governor Coke to appoint an entirely new slate of Democratic justices in 1874. Over the next year the entire judiciary was populated with Coke partisans.<sup>83</sup> Almost overnight the entirety of Radical

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<sup>80</sup>Lance A. Cooper, “‘A Slobbering Lame Thing?’ The Semicolon Case Reconsidered,” *Southwestern Historical Quarterly* CI (January 1998): passim.

<sup>81</sup>*Ibid.*, 338-339.

<sup>82</sup>Campbell, *Grass-Roots Reconstruction*, 24.

<sup>83</sup>*Ibid.*, 25.

Reconstruction in Texas was undone by a vindictive Democratic majority. With Texas “redeemed” the road could now be paved for the development of a full-blown system of *apartheid* in the state.

Radical Reconstruction, like its Presidential predecessor, failed in Texas. This time it was the “victors” who misunderstood how far they could go under the auspices of that victory. Once again the sentiments of Hamlet’s Player King are recalled. In reality the Texan Reconstructionists were relatively mild. The militia was only used in the case of emergencies and the Davis regime, while greatly centralized, was hardly “despotic.”<sup>84</sup> So mild, in fact, was Texas Radicalism that Philip J. Aвило, Jr. was led to dub them “Phantom Radicals.” In a comprehensive study of the Texas Republican congressional delegation he concluded that its members really did not deserve their “Radical” credentials. While they were willing to disfranchise the former Confederates, in the end they were only tentatively committed to the wholesale enfranchisement of the freedmen.<sup>85</sup> Nevertheless, the Bourbons still pursued the Republicans’ removal with considerable abandon.

In the decade following the end of the Davis regime, Texas would move beyond redemption and take its place as a fully entrenched member of the Jim Crow South. Beginning with a new constitution the Democratic Party instituted a series of laws designed to disfranchise blacks. The court system in Texas, and to a lesser extent at the federal level, fully endorsed these new ordinances. Blacks were discouraged from the polls by violence at the grass-roots level and African-American politicians and organizers

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<sup>84</sup>Rice, *The Negro in Texas*, 9; Barr, *Black Texans*, 48-49.

<sup>85</sup>Philip J. Aвило, Jr., “Phantom Radicals: Texas Republicans in Congress, 1870-1873,” *Southwestern Historical Quarterly* LXXVII (April 1974): 431-432, 443-444.

squandered unity for their own petty ends. At first disfranchised, blacks would eventually find themselves reduced to second-class citizenship and peonage. In the end, Stephen F. Austin's prophetic dream for African Americans would be realized—a status lying somewhere between slavery and freedom.

## CHAPTER FOUR

### I JUMP JIM CROW: THE EMERGENCE OF LEGALIZED SEGREGATION IN TEXAS

*My vote was a white mans vote—I do not think I received 50 negro votes out of 1500—  
The bare faced villany of the gutter snipe-tramp & negro element On election day beat  
any thing I ever saw—Please think what can be done to purify the ballot box...*

A.W. Terrell to O.M. Roberts,  
November 11, 1878

In the years following the “redemption” of Texas by the so-called Democratic Party “Bourbons,” Jim Crow spread like a communicable disease. Beginning with the Constitution of 1876, by the end of the nineteenth century a fully formed system of *apartheid* had evolved in Texas. Jim Crow in Texas was similar to the system of segregation that emerged elsewhere in the American South, creating laws and social pressures designed to keep blacks in a position of second-class citizenship, a condition that had existed *de facto* prior to emancipation. Although Jim Crow was a multifarious cultural institution it can be broken down into three key components: political disfranchisement, social segregation, and enforced labor peonage. As has been stated before, Jim Crow was more than a system of legal controls. It was a complex cultural institution, operating on many levels, that was designed to maintain white supremacy throughout the South.

The name of the South’s system of segregation, “Jim Crow,” has its origin in the antebellum world. The character of “Jump Jim Crow” was invented by

Thomas “Daddy” Rice, a white performer who created a black-faced minstrel show supposedly based on the routine of a crippled Louisville slave owned by a man named Crow. Jim Crow, as cultural icon, was born in 1828 and by the 1830’s minstrelsy had become a common form of entertainment for white audiences. The minstrel show reinforced the archetype of what whites thought of blacks; shabbily dressed, broadly grinning, eternally singing and dancing fools.<sup>1</sup>

The character of Jump Jim Crow seems to express not only what whites believed blacks to be, but also what they *expected* them to be. Fools are common enough characters in Western mythology and symbolism. In contemplating the Southern mindset and its idealized view of blacks, one is instantly reminded of King Lear’s Fool, a man who was nothing more than an entertainer, a wholly second-class citizen who was eternally loyal, occasionally wise, and always subservient. And like Lear himself, the kingdom of the South could not endure without the subservience of its own “fools.”

The name “Jim Crow” started to become synonymous with segregation by the 1840’s, when abolitionists began using it to denote separate accommodations for blacks and whites aboard trains in the North. However, by the 1890’s the name had emerged fully formed as a means of describing America’s unique system of *apartheid*.<sup>2</sup> The date “Jim Crow” entered American lexicography is, ultimately, irrelevant, for, as has already been shown, the laws and customs that constituted the system began forming almost at the instant the Civil War came to a close.

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<sup>1</sup>Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Alfred A. Knopf, 1998), xiv-xv.

<sup>2</sup>Ibid.

To intimate that racial segregation in post war America was a wholly Southern situation would be fallacious. Quite the contrary, racial segregation had long been the practice in states that were not a part of the Cotton Confederacy. By the date of the landmark United States Supreme Court decision in the case of *Plessy v. Ferguson* (1896) some form of legally sanctioned segregation existed in the District of Columbia, Massachusetts, California, Ohio, Indiana, New York, and Kentucky. This fact played an important role in the opinion of the majority of the court, which upheld the states' right to create segregation laws.<sup>3</sup>

However, segregation in the South—which included Texas—emerged from a different motivation than that in the North. The antebellum institution of slavery maintained white dominance through a culture of *de facto* segregation that required only a minimum of laws necessary to hold the system in place. In the North, where slavery had ceased to exist, this was not the case. In essence the nineteenth century Yankee was as much a racist as his Southern counterpart. However, Northern, urban blacks tended to make up a smaller part of the total population and also tended to be better educated than the Southern freedmen. Further, Northern African Americans were allowed to at least fight for an end to their segregated status.<sup>4</sup>

In addition to being motivated by pure racism, the emergence of Jim Crow in the South also represented a desire to recreate as much of the antebellum *status quo* of blacks as possible. C. Vann Woodward, an early historian of American Jim Crow, points out that a comparison between Northern and Southern segregation cannot be equitably

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<sup>3</sup>*Plessy v. Ferguson*, 163 U.S. 537 at 550 (1896).

<sup>4</sup>C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1974), 17-21.

made.<sup>5</sup> Jerrold M. Packard, a more recent scholar, typifies the emergence of Jim Crow in the South as follows:

For African-Americans, the end of Reconstruction represented a catastrophe of incalculable magnitude...Now the white South was once more free to deal with the black in its own way, just as it had been before 1861. The African-American was about to feel the built-up rage of ordinary whites who had watched relatively silently as Reconstruction had played out. A newly resurgent Democratic Party brought with it a white counterrevolution known as the Southern Redemption, a movement whose unapologetic and frankly stated goal was the permanent return of the black man as nearly as possible to his prewar status.<sup>6</sup>

Packard's analysis clearly applies to Texas. The motivation for the institution of the Jim Crow laws, as demonstrated, was the desire to recreate the antebellum *status quo*. Texans, like their counterparts in the states of the old Confederacy, pursued hegemony—the total dominance of their class over blacks and the other minorities of the state.

The cornerstone of the early phase of segregation in Texas was the disfranchisement of black voters. As soon as the Redeemers took control of the legislature in 1872 they began to change the election laws so as to minimize the power of the black vote. The “Radical” Constitution of 1869 provided for universal suffrage to all men over twenty years of age, with few limitations. On April 3, 1874, this right was amended through an act that regulated voting in incorporated municipalities, preventing access to the ballot box until a person paid all taxes owed to the municipality in which they lived. Voter registration lists were also placed under the jurisdiction of city

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<sup>5</sup>Woodward, *Strange Career of Jim Crow*, 16.

<sup>6</sup>Jerrold M. Packard, *American Nightmare: The History of Jim Crow*, (New York: St. Martin's Press, 2002), 62.

councils, such that the local government could dismiss persons from the list if they believed them to be ineligible to vote.<sup>7</sup>

In the so-called Black Belt counties, in which a majority of the population was African American, the time-honored tradition of gerrymandering was employed to nullify the black vote. The Constitution of 1876 contained apportionment provisions that allowed gerrymandering to take place. These provisions were further clarified and expanded through reapportionment laws in 1882 and 1892. Quite simply, the white majority was able to use the power of the state legislature to combine the voting block of these largely African American counties with those that had a significant white majority, curtailing the importance of the black constituency.<sup>8</sup>

Additional revisions to the election laws in 1876 and 1879 also helped to limit the power of African Americans at Texas ballot boxes. The law of 1876 addressed the black voting blocks in counties with a *minority* of African American citizens. It allowed for the presiding officer of each precinct to select election officials from the ranks of the parties to preside over the elections. In counties with a limited number of African Americans, blacks were unable to serve as election officials, limiting their political influence.<sup>9</sup>

On April 19, 1879, the 1876 election statutes were revised in such a way as to strike at the very heart of the black voting bloc, a largely illiterate population. Prior to the enactment of the 1879 statute, party voting ballots were denoted by color or the

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<sup>7</sup>Texas Legislature, "An act to regulate the right of suffrage in the incorporated towns and cities of the state of Texas," April 3, 1874, in H.P.N. Gammel, comp. *The Laws of Texas, 1822-1897* (Austin: Gammel Books, 1898-1902), VIII, 55; Lawrence D. Rice, *The Negro in Texas, 1874-1900* (Baton Rouge: Louisiana State University Press, 1971), 130.

<sup>8</sup>Rice, *The Negro in Texas*, 131-132.

<sup>9</sup>Texas Legislature, "An Act Regulating Elections," August 23, 1876, in Gammel, *Laws of Texas*, VIII, 1142-1148; Rice, *The Negro in Texas*, 131.

presence of certain symbols that would allow voters who could not read to denote which slate of candidates they wished to vote for. This new statute called for a uniform white ballot, curtailing the voting power of illiterate blacks and whites alike.<sup>10</sup>

The culmination of the disfranchisement of blacks from the ballot box came to Texas in 1902, with the passage of a constitutional amendment that required the payment of a poll tax as a condition for casting a vote. The poll tax was proposed on several occasions between 1876 and the time of its final adoption. In fact, the Constitution of 1876 contained a provision for a poll tax imposed on voters between the age of twenty-one and sixty. However, this was a measure designed to generate revenue that does not appear to have been motivated by race. Further, this tax went largely uncollected.<sup>11</sup>

Earlier historians have argued that the poll tax, as it finally appeared in 1902, was in actuality directed at poor whites who had become involved in the Populist movement as it developed in Texas.<sup>12</sup> Lawrence D. Rice points out that this argument is unsatisfactory: “What these students of the poll tax question overlook is that five of the eight attempts to impose a poll tax prerequisite occurred before the rise of the Populists, and two others before the fusion of 1896 posed any real threat to the political hegemony of Democrats.”<sup>13</sup>

By the time the poll tax was established, Texans had already been wrestling with it for twenty-five years. A.W. Terrell, a state Senator and a man who was certainly a

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<sup>10</sup>Texas Legislature, “An act to amend section sixteen of ‘an act regulating elections,’ approved August 23, 1876,” April 19, 1879, in Gammel, *Laws of Texas*, VIII, 1419-1420; Rice, *The Negro in Texas*, 132.

<sup>11</sup>Rice, *The Negro in Texas*, 133-134.

<sup>12</sup>Donald S. Strong, “The Poll Tax: The Case of Texas,” *American Political Science Review* 38 (August 1944): 693-709; Dick Smith, “Texas and the Poll Tax,” *Southwestern Social Science Quarterly* XLIV (September 1964): 167-168.

racist, proposed a poll tax in 1883.<sup>14</sup> Terrell made his sentiments on the black vote quite clear in a letter to Governor Oran M. Roberts in 1878, following a run for the state legislature: “My vote was a white mans vote—I do not think I received 50 negro votes out of 1500—The bare faced villany [sic] of the gutter snipe-tramp & negro element On election day beat any thing I ever saw—Please think what can be done to purify the ballot box.”<sup>15</sup> Obviously, Terrell’s poll tax proposal was meant as just such an attempt “to purify the ballot box.”

Rice points out that the debate over the poll tax intensified beginning in 1889. It was in that year that the Republican Party—derided as the “nigger party” by pro-Democracy whites—held a majority in both houses of the United States Congress for the first time since 1876. Texans, and other Southerners alike, began to fear the possibility of federal intrusion in state elections.<sup>16</sup> Poll tax bills were proposed in 1895 and 1899. In 1898, the U.S. Supreme Court, in ruling on *Williams v. Mississippi*, determined that poll taxes did not violate the Fourteenth Amendment.<sup>17</sup> The tax was finally put to a vote of the people as a constitutional amendment and was approved on November 2, 1902. In 1905 A.W. Terrell completed the disfranchisement of black voters in Texas through the passage of the Terrell Election Law, which closed loopholes in the 1902 poll tax.<sup>18</sup>

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<sup>13</sup>Rice, *The Negro in Texas*, 133.

<sup>14</sup>*Ibid.*, 135.

<sup>15</sup>A.W. Terrell to O.M. Roberts, November 11, 1878, box 2G68, folder 9/10, Oran Milo Roberts papers, Center for American History, University of Texas, Austin.

<sup>16</sup>Rice, *The Negro in Texas*, 133,135-136, 139.

<sup>17</sup>Charles S. Mangum, Jr., *The Legal Status of the Negro* (Chapel Hill: University of North Carolina Press, 1940), 389.

<sup>18</sup>Rice, *The Negro in Texas*, 133,135-136, 139.

African American electoral disfranchisement did not take place at the state level alone. “Grassroots” disfranchisement and wholesale political discrimination quickly became the order of the day following the Democratic redemption of the state. So-called “white man’s” clubs and all-white components of political parties began to arise, designed to simply exclude blacks from access to the system. The first such party of this kind formed in Panola County in October 1874 and was bent on preventing the Radical Republicans from winning in the fall elections.<sup>19</sup>

The *Panola Watchman* of Carthage printed the resolutions of this “White Man’s Party” on the cover of the October 28 edition. The organization boldly stated: “Be it resolved by the White Man’s party Ward No. 2, That we pledge ourselves and our sacred honor that we will, under no circumstances whatever, employ as laborers, rent to, or in any other manner give employment to any man, white or black, who votes the radical ticket at the coming election...”<sup>20</sup>

The most infamous all-white “club” of this kind formed in Fort Bend County, in the Black Belt, in the summer of 1888. Officially known as the Young Men’s Democratic Club, they were eventually given the name “Jaybirds,” emanating from popular slang of the time. Their chief desire was to rid Fort Bend County of Republican politicians and black office holders. Their opposition, the Republican Party, including many African Americans, became known as the “Woodpeckers.” Ultimately, violence broke out between the two camps, culminating in the Jaybird-Woodpecker Feud.<sup>21</sup>

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<sup>19</sup>Ibid., 113-114.

<sup>20</sup>*The Panola Watchman* (Carthage), 28 October 1874.

<sup>21</sup>Millie L. Kochan, “The Jaybird-Woodpecker Feud: A Study in Social Conflict” (M.A. thesis, University of Texas, 1929): 35-39.

In the end, the Jaybirds were successful in their takeover of Fort Bend County. A key tool in their political arsenal, once they achieved dominance, was the all-white party primary. The Jaybirds held three primaries: first a Jaybird primary, of which this primary's winners appeared in the Democratic Party primary, with the party primary's victors appearing on the general election ballot, typically winning the seat. The Jaybirds argued that their all-white Jaybird Association primary did not violate the Fifteenth Amendment because it was a "private" primary not subject to jurisdiction by the state. Texas eventually became a leader in the use of the all-white party primary, defending it vehemently before the United States Supreme Court on two occasions.<sup>22</sup>

African Americans were a fractured constituency in Texas throughout the latter half of the nineteenth century. While the majority of them remained loyal to the party they viewed as having granted their freedom—the Republicans—many blacks voted along economic lines rather than those of race. Populism, once it arrived on the Texas political landscape, became attractive to many African Americans. Notable among these was John B. Rayner, the son of a white North Carolina slaveholder and politician. Rayner's mother had been a slave on one of the elder Rayner's plantations. Rayner came to believe that Populism, not the Republicans, offered blacks the best "deal." As a result he tirelessly organized East Texas blacks on behalf of the People's Party.<sup>23</sup>

After the death of Texas Republican Party chief Edmund J. Davis in 1883, leadership of that organization fell to his leading disciple, Norris Wright Cuney, the most powerful African American in the state. Cuney amassed an impressive resume

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<sup>22</sup>Derrick A. Bell, Jr., *Race, Racism, and American Law* (Boston: Little, Brown, and Company, 1973), 125-126.

<sup>23</sup>Gregg Cantrell, *Feeding the Wolf: John B. Rayner and the Politics of Race, 1850-1918* (Wheeling: Harlan Davidson, Inc., 2001), 30-39.

throughout his life, serving in a number of highly influential offices. By all accounts, he was a brilliant speaker and an extremely able politician.<sup>24</sup>

It was chiefly through Cuney's control of the black vote that he was able to maintain such great influence over the Republican Party. However, in achieving high status, he became a political lightning rod that ultimately broke his party's unity. In 1888 Republican versions of the all-white Democratic Clubs began springing up throughout the state. Cuney coined the name that they ultimately used to describe themselves: "Lily Whites." Like their counterparts in the Democracy they sought to purge their party of such a powerful African American influence and secure white supremacy over the political landscape. At the state Republican convention of 1890 the Lily Whites were able to gain the upper hand, securing their slate of candidates to stand for state office. This launched a political power struggle that dogged the Republican Party until 1896, when Cuney was finally defeated. For six years the party remained split, racked by dissent.<sup>25</sup>

It was in the year of Cuney's fall from power that non-Democrats came closest to defeating the Old Guard. Over Cuney's stern opposition the Republicans and Populists organized a fusion agreement that greatly unnerved the Democracy. However, little came of it. Even with fusion, the party of the old Confederacy was far too entrenched in Texas to be defeated. Fear of fusion and a united black vote compelled those who wielded

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<sup>24</sup>David A. Williams, *Bricks Without Straw: A Comprehensive History of African Americans in Texas* (Austin: Eakin Press, 1997), 57-58; Paul Douglas Casdorph, "Norris Wright Cuney and Texas Republican Politics, 1883-1896," *Southwestern Historical Quarterly* LXVIII (April 1965): 455.

<sup>25</sup>Casdorph, "Norris Wright Cuney," 457-460.

power in Austin toward the poll tax of 1902, effectively suppressing the African American vote for half a century.<sup>26</sup>

The common perception of Jim Crow is that of a totally segregated society in which blacks and whites are not allowed to mingle in intimate settings, such as train cars, theaters, and restrooms. In analyzing the rise of Jim Crow in Texas, Bruce A. Glasrud points out that segregation was a fact of life in Texas before the Civil War and evolved into a *de jure* system at the very instant “Redemption” began. He writes:

Even though Republican government stymied statewide segregation codes for a time, during the decade after the Civil War segregation reached new heights. Public entertainment and public lodging were off limits to the black populace. In Houston there were separate clubs, bands, and baseball teams. A student of the city’s history, David G. McComb, concluded that ‘segregation was entrenched in Houston by 1875.’ ‘Racial separation in Texas,’ two recent writers point out, ‘was a basic fact of life during the years 1865 to 1877.’<sup>27</sup>

At the state and local level Texans began instituting laws designed to achieve a total separation of the races. In 1875 the U.S. Congress instituted a civil rights bill that was intended to provide all citizens with equal accommodation under the law. This legislation was designed to give additional teeth to the Fourteenth Amendment. However, the civil rights statute was not destined for a long life. Five separate challenges to it arrived at the U.S. Supreme Court in 1883. Consolidated, they became known as the *Civil Rights Cases*. The court’s ruling overturned the 1875 Civil Rights law, finding that the government could not regulate social mores. That is, private individuals *could* discriminate against to whomever they provided services or rented their property, etc. It

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<sup>26</sup>Rice, *The Negro in Texas*, 82-85

<sup>27</sup>Bruce A. Glasrud, “Jim Crow’s Emergence in Texas,” *American Studies* XV (Spring 1974): 52.

became a matter for the states to decide how social interactions were to be dictated.<sup>28</sup> The court's ruling in the *Civil Rights Cases* cracked the door to the passing of Jim Crow laws. Only a few years later, *Plessy v. Ferguson* would kick the door down.

Although segregation laws in Texas ran the gamut of limitations on social interaction, from prohibitions on interracial marriage to laws segregating schools, it was the segregation of transportation that came to typify the Jim Crow system.<sup>29</sup> Legal scholar William S. Osborn discovered that it was precisely this type of segregation that most humiliated African Americans of the time period.<sup>30</sup> Anecdotally this would seem to be precisely the case, for it was the segregation of public transportation that first brought the likes of Martin Luther King, Jr., and Rosa Parks to prominence in the 1950's.

Segregation of rail lines was particularly dramatic in Texas. By the 1890's Texas had more than 8,000 miles of mainline track, much of it constructed in the previous decade. Osborn compares the importance of this emerging system of transportation to the impact of the Internet upon the lives of Americans in the twentieth and twenty-first centuries.<sup>31</sup> As a result, the segregation of such a vital institution functions as a laboratory for an understanding of how social segregation became a matter of law in Texas.

The first sweeping statute that provided for wholesale segregation of the Texas rail lines was passed in 1891. It stated in no uncertain terms, "that every railroad company, lessee, manager or receiver thereof, doing business in this state as common

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<sup>28</sup>David Delaney, *Race, Place, and the Law: 1836-1948* (Austin: University of Texas, 1998), 86-91.

<sup>30</sup>William S. Osborn, "Curtains for Jim Crow: Law, Race, and the Texas Railroad," *Southwestern Historical Quarterly* CV (January 2002): 397.

carriers of passengers for hire shall provide separate coaches for the accommodation of white and negro passengers; which separate coaches shall be equal in all points of comfort and convenience.”<sup>32</sup> Railway companies did not wish to fully comply with the law due to financial constraints. At first they sought to apply it only to coaches, but were ultimately forced to bend to the will of the public and provide separate dining cars (or meal times) and sleeping coaches.<sup>33</sup>

In reality the law, especially as it applied to the first class Pullman car accommodations, was difficult to enforce. In 1893, it was challenged by Thomas W. Cain, a black Galvestonian who booked a first class passage for a return trip from Missouri. Upon entering Texas Cain was forced to leave his first class compartment as his presence there violated the 1891 law. Cain sued the International and Great Northern Railroad Company over this and won. However, the case did not overthrow the law. The onus was placed back upon the railroad company to provide separate first class accommodations. This could never happen, since few blacks could afford the premium service. Consequently, in Texas, first class rail travel remained integrated throughout the Jim Crow era, in spite of the segregation statute.<sup>34</sup>

The Texas courts ruled in favor of Thomas Cain as a matter of contract law, not of civil rights law. They simply affirmed that Cain had paid for a service that the rail line had failed to provide, making it liable. However, when Homer Plessy, a light-skinned African American from Louisiana, challenged that state’s railroad segregation law the

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<sup>31</sup>Ibid., 397.

<sup>32</sup>Texas Legislature, “Railroads – Separate Coaches Required,” March 19, 1891, in Gammel, *Laws of Texas*, X, 46-48.

<sup>33</sup>Osborn, “Curtains for Jim Crow,” 399.

<sup>34</sup>Ibid., 393-394.

United States Supreme Court did not shy away from making a decisive civil rights ruling. In an eight to one vote, the court created the doctrine of “equal but separate,” meaning that so long as equal accommodations were provided there was no violation of the Fourteenth Amendment.<sup>35</sup>

The impact of *Plessy v. Ferguson* on the United States is truly incalculable. It was the Hiroshima bomb of American jurisprudence. *Plessy v. Ferguson* was a conservative ruling, designed to codify the accepted *status quo* of white supremacy by making social “custom” superior in weight over law, affirming that laws are only reasonable when they follow customs.<sup>36</sup> Although the impact of the Supreme Court’s decision in the Homer Plessy case was, indeed, a pivotal moment in American justice, it was not met with a great deal of attention at the time it was rendered. Indeed, lower federal courts had been upholding the doctrine of separate but equal for some many years, basing their decisions on essentially the same theories of custom, culture, and law.<sup>37</sup> This is not surprising. The decision, no doubt, would have only rocked the American landscape had it *overturned* racial segregation, for Jim Crow *was* a matter of accepted custom.

Racial segregation was meant to be absolute. It denied not only the right of blacks to associate with whites, but the converse as well. Texas throughout its history has passed a number of miscegenation laws intended to prevent interracial marriage. As a Republic, Texas passed a law of this type in 1837 and state laws were passed in 1854,

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<sup>35</sup>Litwack, *Trouble in Mind*, 243-245.

<sup>36</sup>Barton J. Berstein, “Plessy v. Ferguson: Conservative Sociological Jurisprudence,” in Donald G. Nieman, ed., *Black Southerners and the Law, 1865-1900* (New York: Garland Publishing, Inc., 1994), 2-11.

<sup>37</sup>Stephen J. Riegel, “The Persistent Career of Jim Crow: Lower Federal Courts and the ‘Separate but Equal’ Doctrine, 1865-1896,” in Nieman, *Black Southerners and the Law*, 349-379.

1858, and 1866. Although these laws were struck down by the courts in 1877, Texas once again placed a prohibition of interracial marriage on the books in 1881. It considered its last such law in 1956.<sup>38</sup>

Miscegenation laws are particularly interesting, for they place limitations on the freedom of whites as well. Throughout history, black and white Texans had intimate relations and marriage between them was not entirely unknown, although it was legally forbidden. The most notable case of the enforcement of such laws was that of Emil Francois. Francois was a white man who married a black woman and was convicted and sentenced to five years in the state penitentiary. Upon being granted a writ of *habeas corpus* Francois made the argument that he was being held in violation of federal law. Although pardoned for his “crime” by Governor John Ireland, Francois allowed his case to move forward. For his trouble, an arrest warrant was issued for Ireland, but the whole matter was eventually dropped with, apparently, Francois’ pardon being accepted.<sup>39</sup>

The Jim Crow system was meant to limit the exposure of whites to blacks. However, it was not intended that whites that crossed the invisible color line should cast their lot with the second-class citizens. Francois’ “absolution” would seem to indicate that the whites were unwilling to demean “one of their own,” demoting them to second-class citizenship. The color line was absolute—even a white man who crossed it of his own accord could still not be treated as a black man, the consequences of which could destabilize the system as a whole.

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<sup>38</sup>Glasrud, “Jim Crow’s Emergence in Texas,” 52-53.

<sup>39</sup>Rice, *The Negro in Texas*, 149; Ex Parte Francois, 9 Federal Case No. 5047, C.C. W.D. Texas (1879); Francois v. Texas, 9 Texas Court of Appeals 144 (1880).

A segregated society in Texas was complete by the end of the first decade of the twentieth century. Those principles of segregation that were not covered by law, such as residential segregation, were enforced by custom. At the center of the storm lay the segregation of public transportation. Local laws often followed state laws, or filled in where the state did not provide specifics. Swimming pools and public restrooms were segregated. Even hospitals and asylums had separate rooms for blacks. But these separate accommodations were not of equal quality to those possessed by whites.<sup>40</sup>

At times, Texas segregationists even overstepped the bounds of the “separate but equal doctrine.” In 1907 a law was passed that allowed public amusements to simply turn away blacks if they chose not to provide separate facilities.<sup>41</sup> By 1910 the *de facto* system of segregation that slavery had provided fifty years before was now codified into law.

Packard describes the time period between 1865 and 1896 as “slavery transformed into peonage.”<sup>42</sup> In making that assessment he touches on one final, if more nebulous, aspect of the Jim Crow system—the exclusion of blacks from the labor market. Very little work on the role of African Americans in the labor force during the Jim Crow era in Texas has been published. Most recently, Neil Foley suggests a tripartite system in which blacks, poor whites, and Mexicans competed for extremely low wage agricultural jobs. Foley’s thesis maintains that while all three parties performed the same labor a

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<sup>40</sup>Glasrud, “Jim Crow’s Emergence in Texas,” 55-57.

<sup>41</sup>Ibid.

<sup>42</sup>Packard, *American Nightmare*, 39.

caste system existed with the “poor white trash” on the top, continually reinforcing the mandates of segregation.<sup>43</sup>

Mexicans and Tejanos, as well as blacks, in Texas during the late nineteenth century were subjected to racial discrimination. Jim Crow, in reality, was about defining “whiteness,” in many respects lumping non-whites together as second-class citizens. Even a cursory glance at the evidence suggests that Texas, with its large Hispanic population, had an established system of “Brown Jim Crow”—an extension of the hegemony of whiteness. This culture of discrimination extended even to the border region where Mexicans and Tejanos made up a sizeable portion of the population. Segregation in multi-ethnic Texas proved to be a unilateral institution.<sup>44</sup>

At the close of the Civil War most freed blacks had worked their entire lives on farms and plantations in agricultural pursuits. As the quasi-feudal plantation system was rolled back, African Americans were faced with the challenge of finding work in an industry that was rapidly going capitalistic. Black farmers were at a distinct disadvantage in competing against their white neighbors, many of who were now choosing to do their own work. As well, in keeping with the mandates of segregation, blacks were often simply not hired to work on white farms. Many white farmers chose Mexican workers

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<sup>43</sup>Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture*. (Berkeley: University of California Press, 1997), passim.

<sup>44</sup>Arnoldo de León, *They Called Them Greasers. Anglo Attitudes toward Mexicans in Texas, 1821-1900*. (Austin: University of Texas Press, 1983), 86-102; In preparing the research for this present manuscript this author was highly intrigued by the pan-ethnic discrimination engendered by Jim Crow. The institution achieved this by defining what it means to be “white” and affording non-whites a nebulous “other” or “alien” status. At present, the historiographical literature is lacking solid scholarship on how the culture of segregation was extended to non-black minorities.

over blacks. Agricultural groups such as the one that formed in Panola County passed resolutions against the hiring of black workers.<sup>45</sup>

An attempt to keep down prices did play a role in the hiring of Hispanic workers. However, as demonstrated by the mandates of the White Man's Union in Panola County, the labor market, at times, simply did not matter. As aforementioned, they would not hire *anyone* whose positions differed from their own.

What ultimately developed in Texas was a system of tenant farming that ensnared the black laborer in a system not entirely unlike that existed under slavery. Landowners that hired blacks were able to keep them bound to the land through a complex web of debt and credit that ensured that the worker could not gain his freedom from the farm. Briefly, toward the end of the nineteenth century, blacks attempted to organize themselves into farmer's alliances in order to fight for higher wages within the agricultural system. However, these groups collapsed in upon themselves, gaining little success.<sup>46</sup>

It was not through agriculture, but rather through industry that African Americans met their greatest success in the labor market. In 1883 Norris Wright Cuney organized the Galveston Colored Screwmen's Benevolent Association, a longshoreman's union. The all-white longshoreman's union had denied the African Americans membership.<sup>47</sup> It was common practice for Texas unions to prevent blacks from joining their ranks.<sup>48</sup> The members of Cuney's union were willing to work for lower wages than their white

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<sup>45</sup>Rice, *The Negro in Texas*, 158-162.

<sup>46</sup>*Ibid.*, 163-183.

<sup>47</sup>Ernest Obadele-Starks, "Black Labor, the Middle Class, and Organized Protest along the Upper Texas Gulf Coast, 1883-1945," *Southwestern Historical Quarterly* CIII (July 1999): 54-55.

counterparts, which initiated a general strike in Galveston among the Knights of Labor in 1885. Despite many negative effects of the strike it did not deter Cuney from organizing black workers.<sup>49</sup>

Ernest Obadele-Starks points out that blacks working in the industrial sector often relied heavily upon their middle-class brethren such as Cuney to provide leadership and fight for access to the job market. This relationship does not appear to have existed in agribusiness. Industrialized labor in Texas provided African American workers with access to a paycheck and, to some extent, a voice, and, as a result they began to leave the farm and migrate to urban centers where work could be found.<sup>50</sup>

Little in the way of labor advancement was available to Texas blacks during the Jim Crow era. They had to relocate, learn new skills, and work very hard. By the close of the nineteenth century black migration from rural areas to urban centers was underway throughout Texas, as African Americans sought to break away from the quasi-slavery that was tenant farming. In the end, in order to find a life free of Jim Crow many simply packed up and left the South altogether.<sup>51</sup>

Political disfranchisement, social segregation, and labor “peonage,” make up the core of the Jim Crow system as it evolved in Texas and throughout the South. Texans enforced their white supremacist social agenda by wielding power—by creating hegemony. They controlled the ballot box, the legal system, and the legislature. Further, they had the support of a stridently conservative national judiciary. However, when the

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<sup>48</sup>James V. Reese, “The Early History of Labor Organizations in Texas, 1838-1876,” *The Southwestern Historical Quarterly* LXXII (July 1968): 11-13.

<sup>49</sup>Obadele-Starks, “Black Labor,” 54-55.

<sup>50</sup>*Ibid.*, 55-57.

<sup>51</sup>Rice, *The Negro in Texas*, 193-198.

“system” failed to keep Texas blacks in their place, militant whites simply resorted to outright violence.

Suppression of black political power, in the early stages of the Jim Crow era, became the chief cause of racially motivated violence in Texas. Incidents of violence in conjunction with political disfranchisement occurred with regularity between 1886 and 1889 in the Black Belt counties of Washington, Fort Bend, Matagorda, and Wharton, prompting a United States Senate investigation in February 1889. The event at the center of the storm took place during the election cycle of 1886 in Washington County when African Americans murdered a Democratic office seeker for attempting to steal a ballot box. This resulted in the lynching of the three blacks held for the crime by a white mob.<sup>52</sup>

During the hearings a Democratic Senator from Texas, Richard Coke, claimed that acts of violence were precipitated upon Democrats rather than Republicans.<sup>53</sup> According to Rice, Coke was correct in stating, however, that the origin of the problem lay not in federal politics but in political machinations at the county level.<sup>54</sup> Washington County remained a Black Belt county and by sheer force of numbers, barring intentional attempts at disfranchisement, African Americans should have still been able to carry the day at the ballot box. Rice states: “Judging by the number of Republican votes cast for President in 1884, 1888, and 1892 in Washington County, it is apparent that suppression

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<sup>52</sup>United States Senate, Committee on Privileges and Elections, *Alleged Election Outrages in Washington County, Tex.* Senate Miscellaneous Documents, 62, III, 50<sup>th</sup> Congress, 2<sup>nd</sup> session, 1889; Rice, *The Negro in Texas*, 119.

<sup>53</sup>Killing of Joseph Hoffman, Washington County Texas. Speech of Hon. Richard Coke of Texas, in the Senate of the United States, September 12, 1888, call number TZ 976.4 C669 S Vol. 1, Center for American History, University of Texas at Austin.

<sup>54</sup>Rice, *The Negro in Texas*, 119.

of the Negro vote was occurring. The tally reveals a decline of approximately 40 percent in the Republican vote for the eight year interval.”<sup>55</sup>

Unmitigated violence was a key component of the Jaybird takeover of Fort Bend County. On August 17, 1889 armed combat broke about between the rival camps of Jaybirds and Woodpeckers, the white Republicans and their sympathizers. After two days of fighting resulting in several homicides, the Jaybirds won the so-called “battle,” taking control of the county political scene through what amounted to nothing less than an armed coup-de-tat. Although no African Americans are believed to have been involved directly in the feud, its outcome spelled the end of their political hopes in the county. White supremacy, as organized and defended by an all-white political caucus, was to be the order of the day.<sup>56</sup>

Violence was also utilized as a means of opposing the threat of political fusion. In Robertson County, the home of black Populist leader John B. Rayner, the election of 1896 was an outright fraud. A ballot box was stolen by a masked man and gun and club wielding Democrats stood at the polling places to prevent African Americans from voting. Democratic County Judge O.D. Cannon claimed to have personally held off one thousand blacks from casting their ballots.<sup>57</sup>

Judge Cannon, a casually cruel man, was the classic example of the violent white supremacist of the early Jim Crow era. He did not shy away from using his revolver to enforce his will against blacks. In the most infamous incident, he murdered African

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<sup>55</sup>Ibid., 120.

<sup>56</sup>Pauline Yelderman, *The Jay Bird Democratic Association of Fort Bend County: A White Man's Union*. (Waco: Texian Press, 1979), 95-118.

<sup>57</sup>Cantrell, *Feeding the Wolf*, 77-78.

American attorney and former member of the legislature Hal Geiger as Geiger stood before his bench. Cannon felt that Geiger had treated him with disrespect.<sup>58</sup>

Violence against blacks extended beyond the realm of political disfranchisement. It also became a tool for social control. The typical victim of mob violence was an African American accused of committing particularly heinous crimes against whites—the “capital” offenses of murder or rape. Texas appears to have led the South in its number of lynchings. Between 1870 and 1900 around five hundred African Americans met their end at the hands of the mob. In 1897 an antilynch law was established that did succeed in reducing, but not eliminating, the number of killings.<sup>59</sup>

Organizations such as the Ku Klux Klan that were designed to enforce white domination through terror proliferated throughout the South during the latter nineteenth century. Little research into the machinations of Klan in Texas, however, has been conducted. This may be because the first generation of Texas historians, under the influence of the likes of Charles Ramsdell, tended to downplay the malice of the organization in the Lone Star State.<sup>60</sup> Nevertheless, from as early as 1868 the Klan and its affiliate groups began making inroads in Texas. How much of an impact these organizations actually had upon the state remains an open question.<sup>61</sup> However, the expression of white supremacy did not really require the anonymity of cloak and hood in late nineteenth century Texas. Organizations like the Jaybird Democrats were able to

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<sup>58</sup>Ibid.

<sup>59</sup>Rice, *The Negro in Texas*, 250.

<sup>60</sup>Charles William Ramsdell, *Reconstruction in Texas* (Austin: University of Texas Press, 1910), 232-233.

<sup>61</sup>Christopher Long, “Ku Klux Klan,” *The Handbook of Texas Online*, <<http://www.tsha.utexas.edu/handbook/online/articles/view/KK/vek2.html>>, December 4, 2002; Charles C. Alexander, *The Ku Klux Klan in the Southwest* (Norman: University of Oklahoma Press, 1995), xv-xix.

proclaim their goals in public and act on them—often violently—with little fear of stigma or reproach.

The close of the nineteenth century found African American Texans largely at the mercy of their white neighbors. Politically ostracized, even in the region that they dominated by force of numbers, blacks found themselves relegated to the status of second-class citizens. This was the work of only a few short decades. The freedom Texas blacks enjoyed immediately upon emancipation began to be redacted at the close of Radical Reconstruction. With that, a system of *de jure* segregation evolved with the objective of keeping blacks “in their place.”

Osborn accurately observes that many of the most strident Jim Crow laws were enacted at a time when a generation of African Americans was reaching maturity without ever having lived in bondage. Osborn states: “What the South wanted was not so much separation as subordination. This can be clearly seen in the fact that, throughout the Jim Crow era, a black nursemaid traveling with a white invalid or a small white child was allowed to ride in the ‘Whites Only’ railway car alongside her charge while a black man or woman traveling alone or with friends—in other words, independently—was not.”<sup>62</sup>

Further, at precisely the same time, a generation of whites emerged whose view of Southern culture had remained untainted by the direct humiliation of military defeat. Fred Arthur Bailey, in analyzing how Texans began to interpret the Civil War, Reconstruction, and African American civil rights at the close of the nineteenth century, discovered that a concerted effort was made on behalf of school boards, textbook writers, government officials, and pro-Confederate societies to paint the “Lost Cause” in the best

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<sup>62</sup>Osborn, “Curtains for Jim Crow,” 399.

light possible. Bailey discovered tangible evidence of the Southern meme attempting to maintain itself in the post war culture regardless of the facts of history or the damage to society the continuation of such beliefs could cause. Bailey states:

They [pro-Confederates] published contemporary articles portraying their view of southern society; they delivered memorial addresses glorifying the Confederate crusade; they wrote memoirs preserving their interpretations of the state of race relations; and they published textbooks endorsing all. Thus, twentieth-century southern whites absorbed a veneration for the Confederate cause, an intense resistance to black civil rights, and a deferential spirit toward their “proper” leaders. Historical truth, as defined and dictated by the Confederate societies, insured that Southerners would retain cultural values ultimately detrimental to the progress of their own native land.<sup>63</sup>

Thus the close of the nineteenth century saw the emergence of a new Texas in which the cultural values of the antebellum world would be allowed to survive—and even thrive—for another half century. The lives of whites and blacks, although they were intertwined by geography, were separated by a system of *apartheid*. Cultures that had evolved separately under slavery reached maturity together in a segregated world.

However, the absence of bondage would now allow blacks to cut their social edge against the whites. Thus, no sooner had Jim Crow created a caste system than that system began to unravel. Texas would remain at the center of the civil rights war, taking second stage only to Alabama, until the very end. The Houston Riots, the Brownsville Raid, and the landmark Supreme Court case *Sweatt v. Painter* were all skirmishes fought on the battlefield that is Texas, until finally, at the dawn of the fifth century since Europeans first walked upon our shores, the legacy of slavery is finally beating a retreat.

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<sup>63</sup>Fred Arthur Bailey, “Free Speech and the ‘Lost Cause’ in Texas: A Study of Social Control in the New South,” *Southwestern Historical Quarterly* XCVII (June 1994): 476-477.

## CONCLUSION

Considerable ink has been spilled in the chronicling of the demise of Jim Crow in the “New” South—including Texas—while virtually nothing has been written about its birth. Texas historians, for over a century, have sought to typify the emergence of Jim Crow as a reaction against the undue harshness of the so-called “Radical” Reconstruction of the 1870’s. Only in recent years has that assertion been challenged. Indeed, the segregated society that emerged after the Civil War in Texas—and throughout the American South—was an attempt by Southerners to resurrect as much of the antebellum *status quo* as possible. Blacks were segregated from “mainstream” white society, stripped of their power at the ballot box, even in areas where they were in the majority, and relegated to labor peonage. In essence, a system of *apartheid* was created that mimicked the social controls enjoyed by whites when slavery was the order of the day.

The emergence of Jim Crow in Texas was grounded in slavery and the social and racial attitudes it engendered. Whites did not become racists in reaction to Reconstruction, rather their racism—the view of blacks as something less than human—was the direct result of the practice of the South’s peculiar institution. The end of slavery led conservative Southerners on a crusade to re-engender as much of the spent institution as possible once they returned to power in the region. White Texans pursued hegemony in the New South, seeking to re-establish antebellum cultural norms.

The racial attitudes that were motivated by slavery were inflicted upon Texas by the Anglo settlers that began flowing into the region, illegally at first and then with the official sanction of Mexican authorities, in the 1820's. Slavery played a role in the development and success of "Anglo" Texas as a part of Mexico. Slavery would continue to be a force in every major challenge faced by the Texans over the next several decades, from the Revolution of 1836 to annexation and the subsequent Compromise of 1850. At each turn, Texans made decisions that would ensure the continuation of slavery in their region.

When the issue of slavery finally came to a head at the national level Texans sided with their Southern brethren in an attempt to preserve the peculiar institution despite the fact that there was strong support for the Union among many, including influential leaders such as Sam Houston. Texans fought and died in the Civil War to preserve their way of life and, ultimately, failed. However, the conclusion of the war did not fully end the battle. The federal government attempted to enforce its will over the South, but in the end lacked the strength of conviction and the willingness to proceed beyond a certain point. Thus, the door was open for Texans to rebuild a close facsimile of their antebellum world once the watchful eye of the Yankees turned in another direction.

In contemplating the evolution of Jim Crow in Texas one is continually reminded of Stephen F. Austin's sentiments in writing to his cousin, Mary Austin Holley, in the summer of 1831. Austin, motivated by his own views of race and his fear of blacks, called for an institution "something between slavery and freedom, but neither one nor the other." These words echo eerily down the corridor of years, for that is exactly what Jim

Crow in Texas proved to be—a kind of social purgatory in which several generations of African Americans, after catching sight of freedom, were still not allowed to fully enjoy it. In the end, Austin’s “goal” for African Americans proved to be the shared goal of many Texas whites who sought to replace *de facto* segregation with *de jure apartheid* once the carpetbaggers and scalawags lost control of the Lone Star State. What began then, in the words of Governor Edmund J. Davis, was a slow Civil War, the guns of which still have not fallen entirely silent to this day.

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