

TO DEGRADE AND CONTROL:
WHITE VIOLENCE AND THE MAINTENANCE OF RACIAL AND GENDER
BOUNDARIES IN RECONSTRUCTION TEXAS, 1865-1868

A Dissertation

by

REBECCA A. KOSARY

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of
DOCTOR OF PHILOSOPHY

May 2006

Major Subject: History

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ABSTRACT

To Degrade and Control: White Violence and the Maintenance of Racial and Gender Boundaries in Reconstruction Texas, 1865-1868. (May 2006)

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Immediately following the Civil War in 1865, African Americans in Texas faced extremely brutal violence perpetrated by whites. This dissertation examines the racial violence that permeated the state during the period of Presidential Reconstruction and demonstrates that violence was the central component in an overall strategy of reasserting white supremacy. The extremely violent atmosphere that existed in Texas during the period was more than a manifestation of white racism and hatred toward African Americans. Although white Texans used violence to injure, kill, or control individuals, violence also served the larger purpose of creating a climate of fear in order to more easily subjugate and control the entire black community.

While physical violence and intimidation of black men was rampant throughout the early years of Reconstruction in the state, it was just one tactic used by whites to reassert racial dominance. Black women and children frequently suffered trauma at the hands of white Texans as well. When whites assaulted or raped black women and girls, they also, intentionally or not, took power and masculinity from black men. Violence

against black women and children, thus, served the additional purpose of degrading and emasculating black men, in addition to directly injuring the victims themselves.

Violence that was explicitly or implicitly sexual in nature was perpetrated against both black men and women and was an essential means of reasserting racial control in Reconstruction Texas. Beyond injury, this type of violence – including forced nakedness, whipping of the “bare parts,” and castration - feminized and shamed black men, humiliated and degraded black women, and further provoked fear and silence in the black community. Although sexualized violence was just one weapon in the arsenal used by many white Texans, it played a significant role in the terrorization of the larger black community during Reconstruction.

to the memory of the thousands of freed slaves in Texas

who suffered unspeakable violence

ACKNOWLEDGMENTS

The completion of this dissertation would not have been possible without the assistance of several individuals. I would like to thank, first and foremost, my dissertation advisor, Albert Broussard. He has been a source of invaluable guidance and encouragement on this dissertation specifically, and on all of my work since my admission to the Ph.D. program at Texas A&M University. His good humor and patience in the face of insanity and chaos has been indispensable. I would also like to thank Dale Baum, Walter Kamphoefner, and Bedford Clark for their insights and expertise, which have been invaluable in the writing of this dissertation. Finally, I am very grateful to Armando Alonzo, who graciously served as a substitute on my committee at the last minute and offered very helpful suggestions and advice.

I owe a special debt of gratitude to my colleagues at Texas Lutheran University. Angelika Sauer and Richard Milk have not only been constant sources of inspiration and encouragement, but they have both been extremely accommodating from the minute I started my Ph.D. I am also deeply indebted to Judith Dykes-Hoffmann for reading numerous versions of each chapter and, especially, for her unflinching moral support. My former colleague, Clarissa Hinojosa, also read some of the earliest versions of this dissertation and, for her incredible editing skills, I am truly grateful.

Most importantly, this dissertation could not have been completed without the support of my husband, Mark, whose patience and encouragement are endless.

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CHAPTER I

INTRODUCTION

The *San Antonio Express-News* warned in February of 1894 that colonizing African Americans in Liberia in order to alleviate the “race problem” in Texas was a risky proposition. Not because the state of Texas or the southern region of the United States might lose a large proportion of agricultural laborers, and certainly not because most African Americans did not consider themselves necessarily “African.” According to this concerned *Express-News* writer, even if black Americans were “wafted to the choicest portion of Africa and furnished with everything necessary to the enjoyment of civilized life,” they would “rapidly retrograde” into savages like their ancestors. The writer further justified his position, explaining, “wherever the [N]egro has been removed from the influence of the white man he has rapidly drifted back to barbarism.”¹ The following month anti-lynching activist Ida B. Wells toured England to inform European audiences of the frequency with which the barbaric practice of extra-legal justice against African Americans was carried out in the United States. At a gathering in Manchester on March 21, a school principal informed Wells of a front-page article in the afternoon paper that described the lynching of a black woman in San Antonio, Texas who was

This dissertation follows the style and format of the *Southwestern Historical Quarterly*.

¹ “The State Press – What the Papers throughout Texas are Talking About,” *Dallas Morning News*, 20 February 1894.

‘boxed up in a barrel with nails driven through the sides and rolled down a hill until she was dead.’ Having not heard of the specific case until that very moment, Wells sat ‘as if turned to stone, with tears rolling down [her] cheeks at this new evidence of outrage and the apathy of the American white people.’² The juxtaposition of these two stories demonstrates the extreme chasm that existed between the perceptions of whites and the realities of life for blacks at the turn-of-the-century in Texas. By the 1890s many white Texans, it seems, believed the only way to control the alleged ‘savagery’ of blacks was through savagery itself. But this attitude was nothing new. On the contrary, and as this dissertation will demonstrate, whites in Texas used extremely brutal forms of violence against African Americans immediately following emancipation in 1865, not only to control their alleged bestiality, but to create a climate of fear in order to subjugate all black Texans. Although, obviously, not all white Texans participated directly in violence against blacks, records from the period indicate that locals rarely made efforts to prevent the outrages.

By concentrating on the late nineteenth- and early twentieth-centuries and the prevalence of lynching, most general studies of Southern violence have focused primarily on black male victims. Likewise, recent scholarship on the violent Reconstruction period has neither taken into account the prevalence of violence against women and children, nor the extent to which sexualized violence was used as a method of control. Thus, the true extent of Reconstruction-era violence remains obscured in the

² Ida B. Wells, *Crusade for Justice: The Autobiography of Ida B. Wells*, ed. Alfreda M. Duster (Chicago: University of Chicago Press, 1970), 149.

literature. As conceptualized here, the extremely violent atmosphere that existed in Texas during the early years of Reconstruction was more than a manifestation of racism and hatred toward blacks. Rather, the period is viewed as an extension of the Civil War; a race war in which violence perpetrated against black men, women, and children was a central component in the overall strategy of racial dominance and control. In this context, the use of violence, particularly gendered violence, to provoke fear and guarantee racial subordination becomes apparent.³ While physical violence and intimidation were rampant in Texas during the period, this was just one tactic used by whites. As recent studies of ethnic cleansing and genocide in twentieth-century conflicts have shown, violence against the women and children of a defeated enemy, particularly rape and other sexualized forms of abuse, serves the additional purpose of emasculating men.⁴ The racial violence in post-war Texas can be viewed through a similar lens.

When whites brutalized and raped black women and children, they also ‘symbolically

³ Lisa Cardyn has examined sexualized violence perpetrated by the Ku Klux Klan during the later years of Reconstruction in this context. See Cardyn, ‘Sexualized Racism/Gendered Violence: Trauma and the Body Politic in the Reconstruction South’ (Ph.D. diss., Yale University, 2003), 7.

⁴ For works on rape in warfare, especially in recent conflicts, see Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis: University of Minnesota Press, 1996); Libby Tata Arcel, ‘Deliberate Sexual Torture of Women in War: The Case of Bosnia - Herzegovina’ in *International Handbook of Human Response to Trauma*, ed. Arie Y. Shalev, Rachel Yehuda, and Alexander C. McFarlane (New York: Plenum Publishers, 2000); Andrew Bell-Fialkoff, ‘A Brief History of Ethnic Cleansing,’ *Foreign Affairs* 72 (1993): 110-121; Patrick J. Bracken and Celia Petty, ed., *Rethinking the Trauma of War* (London: Free Association Books, 1998); Siobhan K. Fisher, ‘Occupation of the Womb: Forced Impregnation as Genocide,’ *Duke Law Journal* (Oct 1996): 91-133; Roy Gutman, *A Witness to Genocide: The 1993 Pulitzer Prize-Winning Dispatches on the ‘Ethnic Cleansing’ of Bosnia* (New York: Macmillan Publishing Co., 1993); Catharine MacKinnon, ‘Rape, Genocide, and Women’s Human Rights,’ *Harvard Women’s Law Journal* 17 (1994): 5-16; Ruth Siefert, ‘The Second Front: The Logic of Sexual Violence in Wars,’ *Women’s Studies International Forum* 19 (1996): 35-43; Meredith Turshen, ‘The Political Economy of Rape: An Analysis of Systematic Rape and Sexual Abuse of Women during Armed Conflict in Africa,’ in *Victims, Perpetrators or Actors? Gender, Armed Conflict, and Political Violence*, ed. Caroline O.N. Moser and Fiona C. Clark (London: Zed Books, 2001).

castrated” black men and denied their masculinity, thus further asserting control over the entire community.⁵ As this dissertation will further demonstrate, violence against black women and children, specifically, and sexualized violence against African Americans of both genders, was used by white Texans throughout the Reconstruction conflict to degrade and, thus, control the entire black community.

On June 19, 1865, when Federal troops arrived in Galveston, Texas, General Gordon Granger read the words that dramatically changed the lives of African Americans: all slaves were now free. Although Granger did not specifically define “freedom,” former slaves clearly realized that they were no longer to be the property of others. Most white Texans, whether or not they were slaveholders, refused to heed the order and attempted to hold African Americans in a condition of virtual slavery through the use of quasi-legal means. A substantial number of white Texans, however, also employed violence. As both blacks and whites struggled in an atmosphere of frustration and resentment to redefine their social, economic, and political roles, even the presence of the military could not suppress the violence.⁶ Former slaveholders, having previously exerted complete control over their human chattel, were now forced to acknowledge the freedom and independence of those who had never known it. While white resistance in some form was perhaps inevitable, the amount and brutality of the violence perpetrated by white Texans against African Americans during Reconstruction was of extraordinary proportions.

⁵ Cardyn, 120.

⁶ Barry A. Crouch, “Hidden Sources of Black History: The Texas Freedmen’s Bureau Records as a Case Study,” *Southwestern Historical Quarterly* 83 (January 1990): 217.

The Bureau of Refugees, Freedmen, and Abandoned Lands (commonly known as the Freedmen's Bureau), established in the War Department on March 3, 1865, was the only agency responsible for supervising the affairs of former slaves and helping both whites and blacks make the transition from slavery to freedom. From June of 1865 until its withdrawal from the state in 1868, the Bureau not only negotiated labor contracts and helped establish schools for freed people, but agents also recorded complaints of racial violence. Although Bureau offices were spread relatively evenly throughout the state, they were far too few in number to provide adequate protection for African Americans or anything close to complete records for the period.⁷ While under- or over-reporting of violent incidents cannot be completely ruled out, Bureau documentation nonetheless provides historians the most objective and systematic account of Reconstruction violence. From an analysis of these records it is possible to determine the context in which the violence occurred and to make some generalizations about its impact on the black community in Texas.

This dissertation relied heavily on the records of the Freedmen's Bureau, particularly the "Record of Criminal Offenses in the State of Texas." Although contemporary historians have made extensive use of these records, their studies to-date have not thoroughly examined the unique experience of black women in Texas, nor have they thoroughly analyzed the incidents of sexualized violence that are evident in these sources. Over the last quarter-century scholars have demonstrated clearly that violence was a major component of race relations in Texas and throughout the former

⁷ See Appendix A for a list of the Freedmen's Bureau sub-districts and locations in Texas.

Confederacy during Reconstruction. Most of these historians, however, failed to explore gender as a factor. Likewise, although a few scholars have begun to focus on sexualized violence during the Reconstruction period generally, there remains a significant gap in the historiography dealing with Texas. Through a review of the vast scholarship on the Reconstruction period, Chapter II attempts to fill this void in the literature, demonstrating that more research is necessary to fit Texas into the larger framework of the violent South and to understand the long-term implications of violence on African Americans.

Chapter III examines the general atmosphere of violence during the Reconstruction conflict in Texas, particularly the years 1865-1868 when the Freedmen's Bureau kept detailed records of white abuses perpetrated against the former slaves. Bureau records indicate that even before the advent of Congressional Reconstruction, when white Texans bitterly opposed Federal "occupation" forces and used violence and intimidation to limit black male voting, Texas was in the midst of a racial conflict that dramatically affected African Americans of both genders. Freed people were abused and killed in disproportionately large numbers during the period, and the brutality of the violence perpetrated against them rarely fit the alleged provocations. Violence was used to keep blacks economically and socially subordinate, to keep them from gaining an education, and to keep black men, in particular, from participating in the political system.

Physical violence and intimidation perpetrated by whites on black women and children specifically is examined in Chapter IV. Because of both their race and gender,

black women lacked many of the protections their white counterparts enjoyed in law and custom. As primary care givers, mothers faced the extra burden of protecting their children from the brutality of whites, as well as the many “legal” obstacles to their parental rights. Even pregnant women became frequent targets of white violence, as their wombs defined them as carriers of the “despised race” in the eyes of a defeated white society. It is in this chapter that the unique experience of black women, due to race *and* gender, becomes more apparent. Lower-class white women were not always granted the same “chivalry” and protections of white women generally, and were certainly vulnerable to violence during the period. But violence against black women represented more than the abuse of individuals; whites used brutality against them to further drive defeat into the black community as a whole. Thus, this type of violence must be differentiated from violence against white women. Although Texas was indeed an extremely violent place for all former slaves, gender made a fundamental difference in the experience of violence.

The additional trauma of rape and sexualized violence is discussed in Chapter V. Sources reveal that sexual assault perpetrated by white men on black women occurred just as frequently during Reconstruction as it had during slavery. In addition, both black women and men were frequently victims of white violence that was implicitly sexual in nature; violence that included whipping of the “bare parts,” genital mutilation, and forced nakedness, among others. African Americans in Texas faced the added humiliation associated with such “unspeakable” acts and were, thus, further subjugated by their induced silence. This dissertation will demonstrate that gendered and sexualized

violence was a main component in the arsenal used by whites to terrorize and control all blacks in Texas and to reassert white supremacy in the state.

CHAPTER II

“WANTONLY MALTREATED AND SLAIN, SIMPLY BECAUSE THEY
ARE FREE”: AN HISTORIOGRAPHICAL APPRAISAL OF RECONSTRUCTION

The Texas Reconstruction Convention, which met in Austin in 1868, recognized after an extensive study by the “Committee on Lawlessness and Violence,” that an alleged “war of the races” existed in the state, and acknowledged that it was “all on the part of the whites against the blacks.” The report concluded that:

When we come to examine the persecutions suffered by the freed people, the mass of testimony is so overwhelming that no man of candor can for a moment question the statement that they are, in very many parts of the state, wantonly maltreated and slain, simply because they are free, and claim to exercise the rights of free men.⁸

Texas offers a unique look at Reconstruction-era violence. Because the state was not physically devastated by the Civil War, white Texans were not forced to concentrate as much effort on the physical and economic rebuilding of their homes as were whites in other states. In this context, it is perhaps understandable that they would more actively resist post-war changes forced upon them, especially with regard to race relations. But the amount and brutality of the violence inflicted upon former slaves in the state

⁸ *Journal of the Texas Reconstruction Convention Which Met in Austin, Texas, 1 June 1868* (Austin, 1870), 194-196. See also Douglas Hales, “Violence Perpetrated Against African Americans by Whites in Texas During Reconstruction, 1865-1868”(M.A. Thesis, Texas Tech University, 1994); and LaVonne Roberts Jackson, “Freedom and Family: The Freedmen’s Bureau and African American Women in Texas in the Reconstruction Era, 1865-1872”(Ph.D. diss., Howard University, 1996).

indicates that the majority of whites were vehemently opposed to black freedom in any form.

The earliest influential literature on Reconstruction was written beginning at the turn of the twentieth century in the tradition of William A. Dunning. A prestigious professor of history and political philosophy at Columbia University, Dunning initiated the scientific and scholarly study of the Reconstruction era. His influence was not limited to a single state, as a number of his graduate students, known collectively as the “Dunning School,” produced many state-level studies that remained authoritative until the 1960s. Almost completely neglecting the positive role of African Americans, Dunning and his followers influenced an entire generation of academics to view Reconstruction from the perspective of the defeated white South.⁹ These Southern apologists typically accepted the fact that violence did take place after emancipation, but they did not place blame on conservative white Southerners. Rather, they blamed the repressive federal government, the military, the Freedmen’s Bureau, and the emancipated slaves themselves.

These early perceptions of Reconstruction ignored the important role played by African Americans in the era. When referring to “the South” or “the people,” Dunning School scholars were no doubt speaking of the *white* South and *white* people. African

⁹ General accounts of Reconstruction in the Dunning School tradition include William A. Dunning, *Reconstruction: Political and Economic, 1865-1877* (New York: Harper and Brothers, 1907); Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Cambridge: Houghton Mifflin, 1929); E. Merton Coulter, *The South During Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1947); Walter L. Fleming, *The Sequel to Appomattox* (New Haven: Yale University Press, 1919); James W. Garner, *Reconstruction in Mississippi* (New York: McMillan and Company, 1901); James Ford Rhodes, *History of the United States Since the Compromise of 1850, Vol. 7* (New York: The Macmillan Company, 1906).

Americans were almost completely neglected in the narratives, except when their aspirations or achievements were mocked. Scholars writing in the tradition of Dunning embraced the view of “Negro incapacity,” and described the former slaves as childlike, unprepared for freedom, and incapable of exercising the political rights “forced upon them” by northern whites. African Americans were referred to as “passive victims of white manipulation” or as “unthinking people whose animal natures threatened the stability of civilized society.”¹⁰ Dunning bluntly asserted that “intelligence and political capacity were, indeed, almost exclusively in the one race.”¹¹ Although disturbing in hindsight, this interpretation is not surprising considering the views held by white America at the turn of the twentieth century. It reflected and legitimized America’s racial order at a time when blacks were disenfranchised and discriminated against in every integral part of their lives.¹²

Violence perpetrated by white Southerners upon blacks was practically excused by Dunning, who claimed that incidents of violence were rare, sporadic, and “massed and exaggerated for partisan purposes.” The Ku Klux Klan is even vindicated as an organization “designed to terrify or coerce the freedmen into conduct that should manifest respect for persons and property of the superior race,” with its main purpose being to “preserve the social and political ascendancy of the white race.”¹³ The works of

¹⁰ Eric Foner, *Reconstruction: America’s Unfinished Revolution* (New York: Harper and Row, 1988), xx.

¹¹ Dunning, *Reconstruction: Political and Economic*, 213.

¹² Foner, *Reconstruction*, xxii.

¹³ Dunning, *Reconstruction*, 279, 80, 122.

other “Dunningites” reinforced the views of their predecessor. Both James Garner and Walter Fleming argued that the Klan began as a response to the Union League and was simply an understandable and justified response to provocation by northern “aliens” and ignorant blacks undeserving of equality with whites.¹⁴ Along the same lines as Garner and Fleming, Stanley Horn’s *Invisible Empire*, describes the organization’s activities as “heroic.”¹⁵ Likewise, J.G. de Roulhac Hamilton justified Klan activities by insisting that “crime and violence of every sort ran unchecked” and the Klan “was called into existence by this state of affairs” to restore political power “to the hands of the class best fitted to administer.”¹⁶ E. Merton Coulter authored the last general history of Reconstruction in the Dunning tradition. Completely neglecting white violence and focusing primarily on the repugnance of black political participation, Coulter believed the fact that blacks took part in government at all was “diabolical . . . to be remembered, shuddered at, and execrated.”¹⁷

Until the last few decades, the most influential historical literature on Texas likewise focused on military dominance, the misrule of Radical Republicans, the inadequacies of the Freedmen’s Bureau, and the inferiority of African Americans. Mirroring the perceptions of Dunning, early scholars of Texas Reconstruction, such as Charles Ramsdell, Claude Elliott, and William C. Nunn, blamed the violence on either

¹⁴ Garner, *Reconstruction in Mississippi*, 338, 339; Fleming, *The Sequel to Appomattox*, 653.

¹⁵ Stanley Horn, *Invisible Empire: The Story of the Ku Klux Klan, 1866-1871* (Boston: Houghton Mifflin, 1939), 376.

¹⁶ J.G. de Roulhac Hamilton, *Reconstruction in North Carolina* (New York: Columbia University Press, 1914), 452-454.

¹⁷ Coulter, *The South During Reconstruction*, 352.

the existing conditions of lawlessness in the state, or corrupt and self-serving Freedmen's Bureau agents who provoked white violence by encouraging idleness and contract disputes among the freed people.¹⁸ Although Elliott admits that "not all of the illegal fraudulent, and atrocious acts were committed by the bureau," this Dunning student claims that the "no less defiant deeds" of white Texans were "exaggerated and colored" and only the partial truth of some were acknowledged by Freedmen's Bureau agents.¹⁹

While Charles Ramsdell admits to the existence of violence, he blames most of it on the lawless conditions existing in Texas and the predominance of "outlaws" among both races.²⁰ Ramsdell's student, William C. Nunn, gives a detailed account of the administration of E.J. Davis in his 1962 work entitled *Texas Under the Carpetbaggers*. What is most disturbing about Nunn's work, however, is the fact that a historian of Texas Reconstruction writing in the 1960s did not take into account the many questions raised by revisionist historians who successfully disputed the Dunning school. In an attempt to substantiate his claims that the Klan seldom resorted to illegal methods or violence in Texas during Reconstruction, Nunn stressed that "no record has been found showing that the [Texas] State Police ever arrested any man wearing Ku Klux Klan

¹⁸ See Charles W. Ramsdell, *Reconstruction in Texas* (New York: Columbia University Press, 1910); Claude Elliott, "The Freedmen's Bureau in Texas," *Southwestern Historical Quarterly* 56 (July 1952): 1-24; William C. Nunn, *Texas Under the Carpetbaggers* (Austin: University of Texas Press, 1962).

¹⁹ Elliott, "The Freedmen's Bureau in Texas," 3, 21.

²⁰ Charles W. Ramsdell, "Presidential Reconstruction in Texas," *The Quarterly of the Texas State Historical Association* XII (January 1909): 285-286.

regalia.”²¹ While this fact may be true, Nunn not only neglected the issue of police collaboration, but also failed to explore the existence of other klan-like groups, such as the Knights of the Rising Sun, or other similar violence perpetrated by unorganized groups or individuals.²²

Although Dunning’s voice was a dominant one, it did not silence black contemporaries and their views of how violence prevented political, economic, and social equality of emancipated slaves and their descendants. Revisionists, such as W.E.B. Du Bois and, later, John Hope Franklin, concentrated their arguments upon the era’s successes and placed the freedmen as principal players in Reconstruction. They challenged the Dunning School position, calling for a reexamination of Reconstruction to focus on the significant contributions made by African Americans and the central role of violence. Their work helped to destroy the once prevalent idea that Reconstruction was “a time of economic rape and plunder” by the North.²³

In his important article, “Reconstruction and Its Benefits,” Du Bois disputed the view that Reconstruction was a failure. On the contrary, Du Bois asserted that not only was Reconstruction not a failure, but some good actually came out of the period for

²¹ Nunn, *Texas Under the Carpetbaggers*, 228-233.

²² See Everette Swinney, *Supressing the Ku Klux Klan: The Enforcement of the Reconstruction Amendments, 1870-1874* (New York: Garland Publishing, Inc., 1987). I use the term “Klan” to signify the Ku Klux Klan itself and “klan” to signify other vigilante groups that may not have been part of the larger organization.

²³ W. E. B. Du Bois, *Black Reconstruction in America* (New York: Antheneum Press, 1935); John Hope Franklin, *Reconstruction: After the Civil War* (Chicago: University of Chicago Press, 1961) and “Mirror for Americans: A Century of Reconstruction History,” *American Historical Review* 85 (1980): 1-14. See also Barry A. Crouch, “Unmannacling Texas Reconstruction: A Twenty-Year Perspective,” *Southwestern Historical Quarterly* 93 (January 1990): 275; Bernard A. Weisberger, “The Dark and Bloody Ground of Reconstruction Historiography,” *Journal of Southern History* 25 (1959): 427-47.

African Americans. Specifically, blacks received opportunities in education, they experienced the beginnings of political activity, and received some protection of their civil rights.²⁴ Du Bois authored the first major scholarly work on Reconstruction written after World War I. *Black Reconstruction* was an angry dissent from the traditional interpretation of the era, and Du Bois additionally asserted that “the treatment of the period of Reconstruction reflects small credit upon American historians as scientists.”²⁵ Focusing primarily on economics, Du Bois believed that violence against the African-American community played an essential role in white conservatives’ attempts to overthrow Reconstruction. Planters intended to reduce black labor “to a condition of unlimited exploitation” and utilized terror tactics “to deprive the Negroes, by force, of any real weapon for economic bargaining.”²⁶ In his examination of this “counter-revolution of property,” Du Bois demonstrates that violence was not provoked, but was a consciously employed instrument used by white landowners to dominate labor.²⁷

Both Du Bois and John Hope Franklin agreed on the success and centrality of violence, but Franklin believed violence to be more political in nature, organized specifically to eliminate black threats to white institutions and the southern way of life.²⁸ Franklin challenged the traditional belief that vindictive Radicals imposed corrupt rule

²⁴ W.E.B. Du Bois, “Reconstruction and Its Benefits,” *American Historical Review* 15 (1909-1910): 781.

²⁵ Du Bois, *Black Reconstruction*, 713.

²⁶ *Ibid.*, 670.

²⁷ *Ibid.*, 670, 674; Michael Perman, “Counter Reconstruction: The Role of Violence in Southern Redemption,” in *The Facts of Reconstruction*, ed. Eric Anderson and Alfred A. Moss (Baton Rouge: Louisiana State University Press, 1991), 126.

²⁸ Franklin, *Reconstruction*, 153.

over the repentant former Confederates, who enthusiastically followed the “compassionate policies” of President Johnson. In his chapter on Presidential Reconstruction, Franklin examined the response of southern whites to national policy and concluded that they failed to meet the expectations of the North. As a result, so-called “Radical” Reconstruction was inflicted upon the South because of its unwillingness and inability to treat former slaves with fairness during a period when they were left almost entirely to their own devices.²⁹

Beginning in the 1970s, historians built on the findings of earlier revisionists and successfully advanced the view that violence played a major role in race relations during Reconstruction.³⁰ Leon Litwack focused enormous attention to the issue with his graphic descriptions of racial violence during the period, describing the “barbaric savagery and depravity - - the severed ears and entrails, the mutilated sex organs, the burnings at the stake, the forced drownings, the open display of skulls and severed limbs as trophies.” According to Litwack, there was virtually no way for a freedperson to protect himself from the wrath of a white man if he were suspected of “harboring dangerous tendencies” or was accused of being “a ‘smart -assed nigger’ who needed chastisement.”³¹ Upon close examination, Litwack’s findings about the South in general

²⁹ Roberta Sue Alexander, “Presidential Reconstruction,” in *The Facts of Reconstruction*, 30.

³⁰ Barry A. Crouch, “A Spirit of Lawlessness: White Violence, Texas Blacks, 1865-1868,” *Journal of Social History* 18 (Winter 1984): 217.

³¹ Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1979), 276-277.

reflect the findings of the Committee on Lawlessness and Violence in Texas over one hundred years earlier.

Like Litwack, contemporary Texas historians Barry A. Crouch, James Smallwood, and Gregg Cantrell have determined that violence against blacks during Reconstruction was not isolated, but far-reaching and frequent.³² Arguing that it was either socially, economically, or politically motivated, these Texas historians successfully advanced the view that violence was a major component of race relations in the state during Reconstruction. Crouch argued that Texas had three distinct factors which set it apart from other southern states at the end of the war and probably added to the extremely violent conditions: the location of the state on the frontier, its relative immunity from the physical devastation of the Civil War, and its low population density.³³ It was, thus, a combination of these factors that made it extremely difficult, if not virtually impossible, for the U.S. Army or the Freedmen's Bureau to protect emancipated slaves in Texas from the widespread violence of whites.

While Dunningites blamed Radical Reconstruction for bringing about an epidemic of violence, recent historical analysis indicates that there were a number of factors and motivations.³⁴ James Smallwood's findings emphasize the need of

³² Crouch, "A Spirit of Lawlessness;" James Smallwood, *Time of Hope, Time of Despair: Black Texans During Reconstruction* (New York: Kennekat Press, 1981); Gregg Cantrell, "Racial Violence and Reconstruction Politics in Texas, 1867-68," *Southwestern Historical Quarterly* 93 (January 1990): 333-355. See also Randolph B. Campbell, *Grass-Roots Reconstruction in Texas, 1865-1880* (Baton Rouge: Louisiana State University Press, 1997). Although quite limited on the violent conditions that existed in the state, Campbell's is the most thorough study on Texas Reconstruction at the county level.

³³ Crouch, "A Spirit of Lawlessness," 225.

³⁴ For revisionist scholarship see, for example, Ann Patton Baenziger, "The Texas State Police During Reconstruction: A Reexamination," *Southwestern Historical Quarterly* 72 (April 1969): 470-491;

southerners to maintain white supremacy as a motivating factor, while Crouch focuses on the overwhelming economic and social causes. Both believe that historians have overemphasized political motivations for racial violence.

Gregg Cantrell, however, demonstrates that politically motivated violence was prevalent throughout the state during the period. Although comparatively few blacks held public office in the Reconstruction South, the small number who did infuriated conservative whites. The mere thought of conducting business with black politicians seemed “not only an added humiliation, but another evil result of emancipation.”³⁵ Cantrell places Texas within this context and demonstrates that racial violence in the state was closely tied to political developments. After examining records of violence against blacks and comparing these incidents with the timing of political events, Cantrell

Campbell, *Grass-Roots Reconstruction in Texas*; Paul A. Cimbala, *Under the Guardianship of the Nation: The Freedmen's Bureau and the Reconstruction of Georgia, 1865-1870* (Athens: University of Georgia Press, 1997); Paul A. Cimbala and Randall M. Miller, eds., *The Freedmen's Bureau and Reconstruction: Reconsiderations* (New York: Fordham University Press, 1999); Barry A. Crouch, *The Freedmen's Bureau and Black Texans* (Austin: University of Texas Press, 1992); Litwack, *Been in the Storm So Long*; William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New Haven: Yale University Press, 1968); Carl H. Moneyhon, *Republicanism in Reconstruction Texas* (Austin: University of Texas Press, 1980); Donald G. Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood: KTO Press, 1979); Donald G. Nieman, “The Freedmen's Bureau and the Mississippi Black Code,” *Journal of Mississippi History* 40 (1978): 91-118; George Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984); William L. Richter, *Overreached on All Sides: The Freedmen's Bureau Administration in Texas, 1865-1868* (College Station: Texas A&M University Press, 1991); Herbert Shapiro, *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst: University of Massachusetts Press, 1988); Smallwood, *Time of Hope, Time of Despair*; Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971).

³⁵ Rable, *But There Was No Peace*, 62.

concluded that whenever political events moved beyond white control, blacks received the brunt, usually physically, of white political frustrations.³⁶

Allen Trelease, author of the most comprehensive study of the Klan during Reconstruction, claims that Texas was one of the most violent of the southern states after the war and, like Cantrell, blames political frustration for racial violence. Trelease found that conditions throughout the former Confederacy were tame by comparison with Texas, where “individual violence and mob violence, organized and unorganized, premeditated and unpremeditated . . . had been endemic” for years. Freed blacks were dragged from their homes, intimidated, robbed, beaten, and murdered throughout the state. Although organized violence was especially prevalent in the northeastern section of Texas, it occurred throughout the state. Trelease maintains, however, that organized groups did not create the violent conditions in Texas but they did give it a distinctly political character by using violence as a means to force African Americans to swear allegiance to the Democratic Party.³⁷

While Trelease’s book is rather limited on Texas, James Smallwood’s study on the Texas Klan picks up where Trelease left off. Smallwood maintains that organized terror groups in Texas preceded the development of the original Tennessee-based Klan. They used violent tactics beginning early in 1865 to keep black people from seeking employment contracts in certain counties, and even used violence against whites for employing blacks. The klans in Texas came from every class of white society, and

³⁶ Cantrell, “Racial Violence and Reconstruction Politics,” 337. Dan T. Carter also draws this conclusion. See Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985).

³⁷ Trelease, *White Terror*, 103, 105.

although they were completely decentralized and known by many names, their goals were the same: “the political, economic, and social subjugation of freedmen and the persecution of white unionists.”³⁸ Klan groups ran teachers of freed people out of town and were especially angered by any black ownership of land. Random groups of outlaws terrorized white Unionists and were often hired to kill blacks for money. Aside from the violent undertakings of the notorious Cullen Baker gang, however, these kinds of incidences were relatively unorganized and sporadic. Smallwood concludes that Klan activity was most prevalent in Texas between 1867 and 1872, with 1868 being the most violent year. Unfortunately, however, the author believes that for every example cited, tens went unreported. Smallwood concurs with Trelease that the Klan movement in Texas was nothing less than a “mass conspiracy” of “vicious murderers.”³⁹

Although historians over the last several decades have produced significant works on Texas during the Reconstruction period and on the racial violence that existed in the state, most of these studies have either ignored or paid only slight attention to the issue of gender. Violence against black women in particular is an aspect of Reconstruction history that has long been neglected by historians, whether due to an apparent paucity of source material or possibly to the reluctance of scholars in the past to acknowledge the significance of black women’s experience. Although the scholarship

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

³⁹ *Ibid.*, 12. See also Barry A. Crouch and Donaly Brice, *Cullen Montgomery Baker, Reconstruction Desperado* (Baton Rouge: Louisiana State University Press, 1997); James Smallwood, Barry A. Crouch, and Larry Peacock, *Murder and Mayhem: The War of Reconstruction in Texas* (College Station: Texas A&M University Press, 2003).

on violence against black women in general has grown over the past thirty years, particularly with respect to slave women, few scholars have focused specifically on the Reconstruction period, and fewer still on the experience of black women in Reconstruction-era Texas. The sources that do exist, however limited in scope, present important questions that should be examined for Texas.⁴⁰

The most recent scholarly studies addressing violence against black women, both during and after slavery, have focused primarily on rape and other forms of sexualized violence and exploitation. These scholars have demonstrated that this most invasive form of abuse, while serving multiple purposes, was used widely as a tool for instigating terror and guaranteeing racial subordination. According to historian Gerda Lerner, raping the women of a conquered enemy is ‘the ultimate expression of contempt for a defeated foe’ and has been used throughout history and in every culture and world

⁴⁰ Victoria Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992); Catherine Clinton, “Bloody Terrain: Freedwomen, Sexuality, and Violence During Reconstruction,” in *Half Sisters of History: Southern Women and the American Past*, ed. Catherine Clinton (Durham: Duke University Press, 1994); Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Chicago: University of Illinois Press, 1997); Drew Gilpin Faust, “Trying to Do a Man’s Business’: Slavery, Violence, and Gender in the American Civil War,” *Gender and History* 4 (1992): 197-214; Paula Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (New York: Bantam Books, 1984); Jacquelyn Dowd Hall, “The Mind That Burns in Each Body: Women, Rape, and Racial Violence,” *Southern Exposure* 12 (1984): 61-71; Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway Books, 1998); Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family from Slavery to the Present* (New York: Vintage Books, 1985); Hannah Rosen, “The Gender of Reconstruction: Rape, Race and Citizenship in the Post-Emancipation South,” (Ph.D. diss., University of Chicago, 1999); Dorothy Sterling, ed., *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: W.W. Norton and Company, 1984).

region, including the post-Civil War South.⁴¹ In this context, sexual violence is a highly symbolic crime as women are victimized both because of their race and because they are the carriers of the race. Thus, as women literally in the midst of a racial conflict, black women during Reconstruction suffered deeply from this trauma that attacked not only the individual, but also her womb as a generator of the race.⁴²

The sexual exploitation and abuse of black women served additionally as a “weapon of terror” against the entire race. In being prevented from defending their wives and children from sexual and sexualized violence, black men were “symbolically castrated and assaulted in their essential dignity.” In this type of situation, black women were “doubly instrumentalized.” Not only were they the objects of forcible rape, but in the act itself they became “instruments in the degradation of their men.” The sexual assault of black women during Reconstruction, then, was an important part of the “reinforcing structure” that upheld a “system of racial and economic exploitation,” as it victimized African Americans of both genders.⁴³

In her examination of gender during the Civil War and Reconstruction, Catherine Clinton demonstrates as well that freedom had considerably distinctive gender implications for black women and men. While *freedom* and *manhood* were nominally

⁴¹ Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York: Vintage Books, 1992), 172. See also MacKinnon, “Rape, Genocide, and Women’s Human Rights,” 5 -16; Seifert, “The Second Front: The Logic of Sexual Violence in Wars,” 35 -43.

⁴² Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43 (1991): 1241-99; Karen A Getman, “Sexual Control in the Slaveholding South: The Implementation and Maintenance of a Racial Caste System,” *Harvard Women’s Law Journal* 7 (1984): 115-52; Jennifer Wriggins, “Rape, Racism, and the Law,” *Harvard Women’s Law Journal* 6 (1983): 103-41.

⁴³ Lerner, *Black Women in White America*, 72.

synonymous during the period, *freedom* and *woman* were anything but. A large proportion of Southern white society was unwilling to expand its pre-war definition of womanhood to include former slaves, and stringently denied black women the protections implied by the status of ‘lady.’ Because post-war racist mythology defined every black woman as “loose” and immoral, to assault her physically or sexually was not considered a reprehensible act. Black women were, thus, “prepackaged as bad women within cultural narratives about good women who could be raped and bad women who cannot.”⁴⁴ Clinton concludes that in differentiating white from black women in this way, white women’s bodies became the “sacred territory” over which southern white men battled during Reconstruction, “re-fighting the war and re-exerting regional and race pride.” Black women’s bodies, unfortunately, became the most critical, and literal, battlefield in this war.⁴⁵

In her study of the political culture of Reconstruction, Laura Edwards briefly examines the role of sexual violence during Reconstruction in the context of the blurred lines of public and private power that came into being after the war. Before emancipation, both male and female slave property were considered dependents of the white household head, as were white women and children. As such, law and social custom not only defined rape as the “raw exercise of power of a man over a woman” but

⁴⁴ Catherine Clinton, “Reconstructing Freedwomen,” in *Divided Houses: Gender and the Civil War*, ed. Catherine Clinton and Nina Silber (New York: Oxford University Press, 1992); Crenshaw, “Mapping the Margins,” 1271 (quote). Sean Michael Kelly examines the problems black women encountered in attempting to assert autonomy within their own homes in “Plantation Frontiers: Race, Ethnicity, and Family Along the Brazos River of Texas, 1821-1886 (Ph.D. diss., University of Texas, 2000), 309, 322, 327-328.

⁴⁵ Clinton, “Reconstructing Freedwomen,” 310, 312, 318 -319. See also Lerner, *Black Women in White America*, 153.

because women were considered dependents within their households, rape was defined further as “the exercise of power by a man over another man.” White household heads, therefore, had the public responsibility and authority to protect their dependents. The laws regarding rape, which emphasized the property-like aspect of a woman’s sexual purity, reinforced this public white male power.⁴⁶ These same laws and customs refused to recognize the rape of black women as a crime due to her alleged natural lustfulness, which not only left women vulnerable to sexual exploitation, but also served to keep black men in the status of social dependents, subservient to white male power.⁴⁷

Jacqueline Jones examines the maltreatment of black women during the Reconstruction period in the context of work. Unlike white women, black women were most vulnerable to sexual abuse as a means of subjugation because they almost always worked outside the home for white male employers. According to Jones, this is a primary reason that with freedom, many black women sought to work in their own homes, free from the supervision of white men. Rather than attempting to emulate white women as “homemakers,” black women sought to leave the fields whenever possible to protect themselves and their female relatives.⁴⁸

While the aforementioned studies give brief glimpses into the violent episode of Reconstruction, Lisa Cardyn’s recent dissertation places violence against black women as the main component in the narrative of the period. She determines that the Ku Klux

⁴⁶ Edwards, *Gendered Strife and Confusion*, 6, 8-9.

⁴⁷ Crenshaw, “Mapping the Margins,” 1266.

⁴⁸ Jones, *Labor of Love, Labor of Sorrow*, 60. See also Eric Foner, *Reconstruction*, 200.

Klan carried out a ‘campaign of sexualized violence’ against black women directly, and the black community indirectly. According to Cardyn, the intensity and pervasiveness of violence against black women in the immediate post-war years was perpetrated ‘within a system of racial dominance long marked by forced sex and procreation,’ thus establishing sexual violence as the essential feature of the Reconstruction period. Cardyn maintains that Reconstruction was a period when sexualized violence - which she defines as rape, whipping, lynching, genital torture and mutilation, among many others - was consciously deployed by white individuals and groups to traumatize and, thus, control the black community throughout the South.⁴⁹

While Cardyn’s study certainly adds to the general historiography of Reconstruction by asserting that violence against black women was a main component of the period, her work nevertheless all but ignores the Texas experience. Thus there remains a gap in the historiography that merely hints at relevant questions for Reconstruction-era Texas; questions this dissertation attempts to answer. Further study could reveal if, in fact, sexual violence was an essential feature of Reconstruction in Texas and whether there were instances of sexual and sexualized violence perpetrated against black men in the state.

Not all violence against black women was overtly sexual in nature, however. A recent study on non-gender specific violence during Reconstruction reveals that white

⁴⁹ Cardyn, “Sexualized Racism/Gendered Violence,” 10, 11, 13. Because Cardyn relies on the Kl an report, which has limited information on violence in Texas, her work focuses on the states that predominate in those records. See U.S. Congress, Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States, *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States*, 13 vols (Washington, D.C.: Government Printing Office, 1872), (hereafter cited as *Klan Report*).

women perpetrated violence upon black women in Texas both frequently and brutally. The frequency of this type of violence, reminiscent of white female violence during slavery, adds another dimension to the topic and exposes deep cracks in the myth of gender solidarity. Additionally, age was no barrier to victimization by whites, whether perpetrators were male or female. According to Freedmen's Bureau records, infants, toddlers, pre-teens, and adolescent blacks were frequently victims of racist violence. This topic is virtually untouched in the historiography and must also be explored in-depth.⁵⁰

An analysis of primary sources, particularly the records of the Freedmen's Bureau, reveals a wealth of untapped data to address some of these important questions. These sources show that brutality against former slaves reached an intense level in Texas immediately following the Civil War.⁵¹ The pervasive notion has been that it was the advent of Congressional (or Radical) Reconstruction in 1867, and the ensuing black threat to white political hegemony that initially "set the stage for the emergence of large-scale violence."⁵² But this analysis reveals that brutality against black men and women

⁵⁰ Rebecca A. Kosary, "Regression to Barbarism in Reconstruction Texas: A Quantitative Analysis of the Freedmen's Bureau Records" (unpublished paper, 2003) in author's possession.

⁵¹ "Records of Criminal Offenses Committed in the State of Texas," Assistant Commissioner (AC), Texas, Vols. 11-13 (T), Bureau of Refugees, Freedmen, and Abandoned Lands (BRFAL), Record Group (RG) 105, roll 32, National Archives (NA), (hereafter cited as "CO no." followed by incident numbers).

⁵² See for example, Walter L. Fleming, *Civil War and Reconstruction in Alabama* (New York: P. Smith, 1949 reprint), 390. Michael Fitzgerald, "Extralegal Violence and the Planter Class: The Ku Klux Klan in the Alabama Black Belt During Reconstruction," in *Local Matters: Race, Crime, and Justice in the Nineteenth-Century South*, ed. Christopher Waldrep and Donald G. Nieman (Athens: University of Georgia Press, 2001), 156.

was intense throughout the entire Reconstruction conflict, commencing full force at the onset of emancipation.

CHAPTER III

‘THE BLOOD RAN DOWN LIKE WATER’: BLACK TEXANS IN AN ATMOSPHERE OF VIOLENCE

Violence, long associated with the control of slaves, escalated immediately after emancipation to become the predominant method of controlling the lives of freed people during the postwar years. Groups and individuals, including men, women, children, the elderly and infirm, were all likely victims of abuse. According to the Freedmen’s Bureau Records for Texas, the types of violence perpetrated against blacks ranged from homicide to serious assault, from relatively minor assault to robbery and property damage, and various types of threats and intimidation. Blacks were recipients of these types of offenses in 77 percent of cases reported to the Texas Bureau between 1865 and 1868. Numbers alone, however, do not establish that violence inflicted upon freed persons was predominantly racially motivated. To be sure, the Bureau listed blacks as perpetrators in 10 percent of the incidents and non-blacks were victims as well. Whites were listed as injured parties in 20 percent of the cases and Mexicans, Germans, Portuguese, or Scots made up approximately 1 percent of the victims. In less than 1 percent of cases, the race of the injured party was either not reported or not listed. Although these statistics indicate that non-blacks were injured during the period, the fact that former slaves made up the overwhelming majority of reported victims is significant. It demonstrates that, even though many crimes against them probably went unreported

for fear of retaliation, blacks were injured or killed in disproportionately large numbers in Texas during Reconstruction.⁵³

African Americans in Texas received brutal treatment after emancipation, many times for practically no identifiable reason. The Bureau reported numerous instances where the severest kind of vigilante justice was meted out by whites for seemingly trivial offenses committed by blacks. This criminality reveals deep-seated feelings of natural superiority and the belief of some white Texans in their right to be judge, jury, and even executioner for no reason other than the “deserving” party was black and, thus, considered inferior.

The violence perpetrated against freed people in Texas took many forms. Individuals were very frequently brutalized for such “offenses” as simply asking for their earned wages or asserting that they had been emancipated. Reasons cited for the majority of these and other violent acts vary in the extreme. On one hand were those few assaults that, not surprisingly, stemmed the Texas frontier mentality. For example, parties involved were drinking heavily while gambling or fighting over a woman and a shoot-out or barroom brawl ensued. These incidents, however, typically involved whites as both perpetrators and victims. On the other hand, in the majority of incidents involving black victims and white perpetrators, the severity of the assault rarely fit the

⁵³ All tabulations by the author from “Records of Criminal Offenses.” Previous scholars have indicated that the total number of incidents recorded by the Bureau was 2,316 but the recorders of the original records skipped from 909 to 1000, from 1111 to 1120, from 1232 to 1234, from 1266 to 1277, from 1765 to 1767, and from 2132 to 2134. In addition, several numbers were used twice, including 452, 682, 752, 860, 1021, 1165, 1170, 1690, and 2170, making the official incident count 2,214. See Appendix B for a cross-tabulation of perpetrator and victim by race and gender. Appendix C includes a breakdown of violence perpetrated against African Americans by type and severity (as determined by the author).

alleged provocation, demonstrating white hostility toward the concept of black freedom in any form.⁵⁴

Violence was used to keep black Texans in a white-defined role of subordination, particularly with regard to their economic activities. Evidence makes clear that, according to many white employers, the words “employee” and “slave” were synonymous. This is seen clearly in the many cases in which black men and women were assaulted or murdered for the “crime” of leaving or simply desiring to leave their white employers.⁵⁵ For example, when a freedman asked his boss, one Mr. Taylor, for his pay and expressed a desire to quit his job, the employer beat him over the head with a monkey wrench. Similarly, in Bowie County, Flood Tyler was “flogged and shot at” after expressing his desire to quit his job. In McLennan County, Charles Barlow shot a freedman named Lockridge after having accused him of “persuading another freedman not to work for him.” On separate occasions, Barlow killed two other freedmen for the same reason. In Montgomery County, one Leton was whipped, chained, and threatened because he would not remain in the employ of a Dr. Phillips. In this case, the freedman arrived at the Bureau office in Houston with the chain still attached to his body.⁵⁶

Because freedom of movement was a new concept for most black Texans, having the ability to come and go on the plantation became not only an assertion of autonomy,

⁵⁴ See for example, CO nos. 347, 419, 456, 803, 809, 1136, 1511, 1164, 1169, 2237, 2300, 430, and 1504.

⁵⁵ See Section 9 of the contract law, part of the Texas Black Code, in H.P.N. Gammel, *The Laws of Texas, 1822-1897*, Vol. 5 (Austin: The Gammel Book Company, 1898), 995-996, which describes in detail the “governance” of laborers. Sean Michael Kelley describes the diversity of work contracts between former slaves and former masters in “Plantation Frontiers,” 315 -316.

⁵⁶ CO nos. 381, 1775, 1191, 1843, 203.

but more importantly, it was psychologically liberating.⁵⁷ Free persons caught leaving without permission, however, even temporarily, often faced brutal treatment and sometimes death. A man named Shade was hunted down with dogs and then confined for two days for leaving the Ellmore plantation in Walker County without permission, while a freedman from San Augustine had his testicles cut out for the same “crime.” In a similar situation in Nacogdoches, Robert Diamond and several other men killed John Wolfe for leaving the Diamond plantation. Wolfe’s body was found in the Angeline River with a bullet in his brain, his hands tied behind his back. Wolfe’s mother was subsequently taken to a blacksmith shop, stripped of her clothes and beaten with a hand saw until “the blood ran down [her back] like water,” because she failed to report her son’s unauthorized departure.⁵⁸

It is understandable that after emancipation former slaves would be reluctant to engage in work that undermined their newly won independence. Because most planters did not have the resources to pay workers in cash after the war, contractual labor became the usual arrangement between former slaves and former masters, with Bureau officials serving as negotiators in many instances. The contractual relationships that developed between ex-master and ex-slave, however, served mostly to keep blacks tied to the land and under the control of white landowners. As the Bureau attempted to regulate contracts and hiring practices, agents found themselves constantly adjudicating conflicts

⁵⁷ Colin Palmer, *Passageways: An Interpretive History of Black America, 1863-1965* (Fort Worth: Harcourt Brace, 1998), 5.

⁵⁸ CO no. 208; Albert Metzner to J.T. Kirkman, July 16, 1867, Letters Received (LR), SAC, San Augustine, Texas; Edwin O. Gibson to Lt. Taylor, July 22, 1867, LR, SAC, Nacogdoches, Texas, BRFAL, RG 105, NA; CO no. 200.

between white employers and black laborers. Landlords regularly held “court” and freely imposed fines upon workers they found guilty of insolence, disobedience, and particularly those who lost work time for unapproved absences.⁵⁹

Competition for agricultural hands was intense in post-war Texas and planters often attempted to lure black laborers from one plantation to their own. Whites often quarreled among themselves over who had the earliest dated contract for a black worker, and as such, the right to utilize his labor. When blacks unknowingly signed more than one contract, however, they often found themselves caught between feuding landlords and suffered beatings as a result.⁶⁰

A majority of Southerners believed that African Americans were inherently lazy and therefore, would not work, even for wages, without physical coercion. The fact that many former slaves desired to work less after emancipation only confirmed white fears that free labor would destroy the plantation system and their way of life. To help ease their fears, in some instances planters held their former slaves in bondage far beyond the date of emancipation in Texas. Although not widespread, where this practice did occur, “violence supplemented its enforcement.” In Hunt County, for example, a landowner named Lee held an entire family in slavery and threatened to kill them all if they attempted to leave. In Nueces County, one Bass held several children in slavery and “treated them in a very brutal manner . . . had them clothed in rags and covered with

⁵⁹ Smallwood, “Charles E. Culver, A Reconstruction Agent in Texas: The Work of Local Freedmen’s Bureau Agents and the Black Community,” *Civil War History* 27 (1954): 355.

⁶⁰ William L. Richter, “‘The Revolver Rules the Day:’ Colonel DeWitt C. Brown and the Freedmen’s Bureau in Paris, Texas, 1867-1868,” *Southwestern Historical Quarterly* 93 (1991): 307. See also Crouch, “Hidden Sources of Black History,” 216, 217.

scabs.” One of the more gruesome incidents happened in Brenham when a black man asked his owner, Irving Randall, if he was free. After being told “no,” the freedman commented, “[he] could not believe it as all the rest of the blacks were.” Randall then shot him, blowing off his arm. In Anderson County, R. H. Wren whipped all of his slaves before finally freeing them in March of 1868, telling them that the “stripes” were “their discharge.”⁶¹ For most planters, the new labor system was simply a form of modified racial slavery, one of coercion, intimidation, and violence.

Used to relying on the discipline of slavery to ensure their own economic welfare, landowners during Reconstruction were obviously concerned over the independence their former bondsmen exerted. From their perspective, black social and economic independence severely weakened the discipline necessary to control a free labor force. Thus, many landowners resorted to violence to ensure that former slaves remembered their subordinate place in society. In addition, many white landowners or their hired, extralegal enforcers, threatened laborers and their families, evicting them after the harvest with no compensation. Because reasons for this conduct were often not spelled-out in the records, it seems reasonable to assume that landowners did it simply to reap the full profit of the crop as they had under slavery. In the majority of such cases, it seems that white employers had no intention of paying freedpeople for their work, and their unwillingness to accept their former slaves as actual employees is strikingly clear.⁶²

Sub-Assistant Commissioner [SAC] Thomas C. Griffen commented on this state of

⁶¹ Phillip Howard to L.K. Morton, September 25, 1866, LR, SAC, Meridian, Texas; Craig to Ellis, September 6, 1866, LR, SAC, Austin, Texas, BRFAL, RG 105, NA; CO no. 1731.

⁶² See for example CO nos. 1147, 1305, 2170, 1797, 741.

affairs after learning that a freedman in Kaufman County was forced to flee his home after the harvest, leaving his children behind while local whites burned his property. According to Griffen, the freedman's willingness to leave everything behind so quickly, even his family, showed "how great his terror must have been."⁶³

The Klan appears to have assisted many Texas property owners in controlling their former slaves through terrorism and coercion. Although evidence connecting the group with individual landowners is sparse, Bureau records do indicate many incidents of Klan and klan-like mobs robbing freedmen and driving them off the land.⁶⁴ In Lamar County, SAC DeWitt C. Brown reported that the "Ku Klux's [sic] make the night hideous with their yells and cries and frightful appearance, robbing and terrifying the freemen to such an extent that many of them have run away from their homes." Likewise, agent T.M.K. Smith reported an increase in crime and lawlessness by the Klan in Harrison, Upshur, and Marion counties. Smith reported to his superiors, "[W]ithin the last week not less than ten freemen have reported to the SAC for having been driven from their homes and crops."⁶⁵ Gregory Burnett, Smith County SAC, described the violent situation in Starville, Texas:

Men and women are taken out of their houses and flogged till the villains get tired, as many as five hundred lashes being given at a time. Three persons have been wounded there; all their arms and money have been

⁶³ CO no. 1731.

⁶⁴ See Roy F. Baumeister, *Evil: Inside Human Cruelty and Violence* (New York: W.H. Freeman and Company, 1997), 251-254, for a description of the Klan's transformation from a fraternal group into "perpetrators of murder, rape and violent assault."

⁶⁵ CO nos. 2122, 1918, 1919, 1920. Although very limited on information for Texas, see also the *Klan Report*.

taken from them and seven or eight freedmen are now here (Tyler), driven off from that place (Starville) by the Klan.⁶⁶

Allen Trelease defined any group practicing physical and/or psychological terrorism (or terroristic measures) during Reconstruction as the Klan. In addition, whites that either aided the terrorists outright, or failed to report acts of intimidation and violence were part of the “Klan Conspiracy,” although they may not have been actual members of a “klavern.” From this perspective, the Klan was extremely active in Texas between 1865 and 1868.⁶⁷ By the end of 1868, over 50 percent of the counties in Texas had “suffered disruption characterized by Klan methodology and tactics.” By that time, the Klan began using violence primarily to keep black and white Union men from voting freely. However, circumstances surrounding some of the earlier outrages by the group and its imitators reveal the underlying purpose of keeping blacks economically inferior, while reinforcing the notion of their subordinate place in society.⁶⁸

Many violent gangs “rode under the banner of the Klan,” or wore the recognizable hood to establish for themselves “a psychological edge” over their intended victims. Disguises also served the obvious purpose of making identification by victims

⁶⁶ CO nos. 2027, 2028, 2029, 2030, 2031.

⁶⁷ Trelease, *White Terror*, xi-xii; According to Everette Swinney, “since there is no practical way to distinguish between the Klan and imitators like the Knights of the White Camelia, the White Brotherhood, the White Line, The Seventy-Six Association, or any other group, organized or spontaneous, which donned sheets and hoods, all such terroristic societies must be treated together as part of a generic Ku Klux movement.” Swinney, *Suppressing the Ku Klux Klan*, 46-47. A handwritten charter outlining specific procedures for establishing a branch of the Knights of the White Camelia in Texas (originally formed in St. Mary Parish, Louisiana in 1867) can be found in the George A. Rouser Papers, Texas State Library and Archives Commission, Austin, Texas.

⁶⁸ Barbara Leah Clayton, “The Lone Star Conspiracy: Racial Violence and Ku Klux Klan Terror in Post-Civil War Texas, 1865-1877” (M.A. Thesis, Oklahoma State University, July 1986), 2.

and witnesses more difficult. A Bureau agent in Crockett reported in 1866, that “a party of white men who are committing many outrages in Cherokee County . . . have killed a number of freedmen and whip and beat others. They black their skin and thus avoid detection.” Similarly, in Washington County, Maria and Green Taylor along with James Mayfield were murdered at night by a group of men whose faces were apparently “blacked” at the time of the outrages. Unfortunately, two African American witnesses were unable to identify the perpetrators, saying they “thought they were young men of the neighborhood.” This kind of terrorism became characteristic of early klan activity in Texas and typically followed the harvest season.⁶⁹

An ostensibly legal form of economic domination used by whites was an early version of a convict lease law, part of the Texas Black Codes. Serving as a precursor to the early twentieth-century convict lease system, the Board of Public Labor, established by the Eleventh Legislature in 1866, was empowered with the authority to lease inmates to work on public utility projects, mining operations, irrigation development, and laying track for railroad companies. The legislature additionally granted judges the authority to turn black felons over to individual white property owners who, for a fee, could work the prisoners as slaves until the completion of their sentences.⁷⁰ Convict labor during Reconstruction was, in many respects, worse than slavery. Chains and shackles used

⁶⁹ Clayton, “The Lone Star Conspiracy,” 35; L.S. Barnes to Lemuel K. Morton, October 1, 1866, LR, SAC, Crockett, Texas; M.E. Davis to Colonel _____, October 13, 1866, LR, SAC, Brenham, Texas, BRFal, RG 105, NA; See also Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana: University of Illinois Press, 1995), 6.

⁷⁰ Gammel, *The Laws of Texas*, Vol. 5, 119-120; U.S. Congress, “Laws in Relation to Freedmen,” *Senate Exec. Doc.*, 6, 39th Cong., 2nd Sess., No. 6 (Serial 1276), 224-7.

during slavery primarily by traders and for disciplinary purposes became standard equipment for leased prison laborers after the war. It is ironic that it was the Republican governments throughout the South that initiated some of the worst aspects of the prison labor system, or at least failed to undo the racist legislation of their conservative predecessors. Very quickly following the war, convict leasing in Texas became a means of bringing in state revenue while at the same time, relieving the prison system of some of its custodial responsibilities. The Democrat ‘Redeemer’ governments that followed, while compelled by similar economic motives, added more racially-charged language to the laws, specifying the use of convict leasing as a means of ‘disciplining the black labor force.’⁷¹

Many states, including Texas, adjusted their laws after the war seemingly to increase the convict pool, whether or not inmates were leased outside the prison. In mid-1866, black inmates accounted for 46 percent of the prison population. Just one year later, that number rose to 55 percent of the 411 prisoners incarcerated at the Texas State Penitentiary at Huntsville.⁷² After several visits to the facility and a thorough investigation of prison records, Huntsville Freedmen’s Bureau agent James C. Devine reported to headquarters that the inmate population was racially shifting at an alarming

⁷¹ William Cohen, *At Freedom’s Edge: Black Mobility and the Southern Quest for Racial Control* (Baton Rouge: Louisiana State University Press, 1991), 226, 222. For a comparison of Texas law with ‘Black Codes’ of other Southern states see ‘Letter of the Sec. Of War Communicating a synopsis of laws respecting persons of color in the late slave States,’ Jan. 3, 1867, *S. Exec. Doc. 6*, 39th Cong., 2nd Sess. (Serial 1276).

⁷² William H. Sinclair (inspector) to J.T. Kirkman Acting Assistant Adjutant General (AAAG), Feb. 26, 1867, box 21, AC, T, RG 105, NA. Sinclair reported a total of 225 black inmates, including 14 women. He also remarked that although there were no white women in the prison, two of the black women who reported having been enslaved before the war were ‘almost as white as any caucasian [sic].’

rate. Devine reported to his superiors that black convicts were arriving in large numbers almost daily and that most of these inmates had been sentenced to extremely long terms for such trivial offenses as stealing “a few ears of corn.”⁷³ After making a follow-up investigation, Freedmen’s Bureau Inspector William H. Sinclair concurred with Devine and reported further that the overwhelming majority of black prisoners were indeed convicted of petty theft, and their sentences far exceeded not only the norm for their crimes, but the sentences of whites convicted of similar crimes. For example, in Montgomery County, George Tucker allegedly stole twenty-cents and was sentenced to two years for his crime. Alfred Frasier also received a two-year sentence after being convicted of stealing a dress pattern that his wife claimed to have lawfully purchased in Galveston. Following an intense investigation whereby every black inmate was interviewed, Sinclair reported that “. . . the treatment of the freedpeople . . . by the civil authorities is partial and unfair; they arrest and imprison them without a shadow of authority for the most trivial offenses” and they are “persecuted most unmercifully before the civil courts and for the slightest offense are sent to the penitentiary.”⁷⁴ His report continued:

the whole cause of the prosecution[s] has for its foundation malice, and is followed up in a spirit of revenge by men embittered, disappointed and foiled by the failure of their schemes . . . the convicts are . . . guilty of little or no crime save that of having incurred the wrath of their former owners or employers.⁷⁵

⁷³ James C. Devine to Henry A. Ellis, Oct. 4, 1866, Vol. 110, p. 3, AC, Texas, RG 105, NA; Devine to William H. Sinclair (agent, Galveston), Jan. 12, 1867, D-151, Operations Report, AC, T, BRFAL, RG 105, NA.

⁷⁴ Sinclair to J.T. Kirkman (AAAG), Feb. 26, 1867, box 21, AC, T, BRFAL, RG 105, NA.

⁷⁵ Ibid.

Even more significant is Sinclair's finding that 89 percent of the African-American inmates at Huntsville were convicted of theft (mostly agricultural in nature), while only 11 percent were serving time for violent crimes.⁷⁶ While it is entirely possible that whites meted out vigilante justice to many alleged black violent offenders and, thus, preemptively eliminated them from the penitentiary rolls, these numbers also suggest that the implementation of laws to cover "black crimes" was meant in part to establish "penal slavery" in Texas. Thus, the revision of the Texas penal code during Reconstruction served as a fundamental part of white southerners' efforts to deal with black freedom on white terms.⁷⁷

At the same time that most whites in Texas decried the alleged natural criminality of their former chattel, they were also hostile to attempts by the black community at self-improvement. This was especially true regarding the development of education for former slaves and was particularly aimed at efforts by the Bureau and "carpetbaggers" to assist black communities in their educational endeavors.⁷⁸ Not only

⁷⁶ Ibid. In his study of Reconstruction in Louisiana, Joe Gray Taylor asserted that, "most violence inflicted upon black people in Louisiana, and elsewhere for that matter, was inflicted by black people." While Gilles Vandal has disputed Taylor's assertion for that state, statistics from the Freedmen's Bureau Records indicate that "elsewhere" in Texas, the percentage of white violence against blacks was tremendously higher than black violence against whites, and particularly higher than black violence on other blacks. See Taylor, *Louisiana Reconstructed* (Baton Rouge: Louisiana State University Press, 1974), 421; Gilles Vandal, *Rethinking Southern Violence: Homicides in Post-Civil War Louisiana, 1866-1884* (Columbus: Ohio State University Press, 2000) and "Bloody Caddo: White Violence Against Blacks in a Louisiana Parish, 1865-1875," *Journal of Social History* 25 (1991): 373-388.

⁷⁷ Cohen, *At Freedom's Edge*, 221; Barry A. Crouch, "The Fetters of Justice: Black Texans and the Penitentiary During Reconstruction," *Prologue* 28, 3 (1996): 182-193.

⁷⁸ See, for example, Frederick Eby, *The Development of Education in Texas* (New York, 1925), 263; Susan E. Dollar, *The Freedmen's Bureau Schools of Natchitoches Parish, Louisiana, 1865-1868* (Natchitoches: Northwestern State University Press, 1998); James Smallwood, "They All Wanted to Learn: The Freedmen's Bureau, Black Self-Help, and Schools for the new Freedpeople" (unpublished

was white supremacy threatened by the economic independence and political awareness that might ultimately follow the education of African Americans, many whites also feared that educated blacks would demand social equality. Whites soothed these fears with overt acts of violence, such as assaulting both black and white teachers and burning down school houses. Bitter individuals burned freedmen's schools in Brenham, Waco, and Cotton Gin, and physically assaulted black students and their teachers in Smith, Harrison, Panola, Marion, and Navarro counties. The Klan also took part in many atrocities, such as burning down a freedmen's school in Kaufman and terrorizing the town's black residents, running many of them out of town. DeWitt C. Brown, SAC of the Bureau's 37th Sub-District of Texas for Fannin, Lamar, and Red River counties, reported a rather vile form of vengeance when several "young ladies" entered a newly constructed schoolhouse for black children in Paris, Texas, and "emptied filth from their bodies" all over the benches, walls, and "in the water bucket." According to Edwin M. Wheelock, the first superintendent of Freedmen's Bureau schools in Texas, hundreds of similar acts of destruction of property, intimidation, and violence originated from every corner of the state.⁷⁹

While freed people received the brunt of such overt white frustrations, missionary teachers found themselves harassed and intimidated as well. For example,

paper presented at the Annual Meeting of the Texas State Historical Association, Houston, Texas, 2001), in author's possession.

⁷⁹ Rand to Ellis, January 10, 1867; T. Smith to Charles Vernon, Monthly Report, July 31, 1868, Letters Sent (LS), vol., 134, SAC, Marshall, Texas; [] Martin to W. A. Rock, December [n.d.], 1868, LR, SAC, Richmond, Texas, BRFAL, RG 105, NA; E. Pease to Reynolds, June 26, 1968, E. Pease Governor's Correspondence, Archives, Texas State Library, Austin, Texas; Brown to AAAG, May 16, 1868, LR, AC, T, BRFAL, RG 105, NA; Edwin M. Wheelock, Report on Education in Texas, October 30, 1866, U.S. Senate, *Senate Executive Documents*, 39th Cong., 2d. sess., 1867, doc. No. 6, 148-150.

after stating their goal was “to hang a nigger teacher,” a group of white men went to Warren Hunter’s house at night and then shot at him as he crawled out of the chimney and attempted to make an escape. In many parts of the state physicians refused to treat teachers of black students, while landowners refused to rent them homes. Often local merchants refused to sell school supplies and even food to missionary teachers.⁸⁰ The friendly relationships that developed between mostly young, white, female teachers and their black students horrified white Texans who feared that this “social mixing” would lead ultimately to miscegenation.⁸¹ While many young teachers had difficulty finding jobs after Reconstruction because they had taught black students, many more probably suffered irreparable damage to their reputations by rumors of their supposed sexual indiscretions, spread falsely by whites who simply resented the women for teaching freed people.⁸²

Black Texans themselves faced violence and intimidation, as well as incarceration for alleged social infractions during Reconstruction. While many white Texans were unwilling to accept the new legal status of their former slaves, most whites in the state would not even entertain the idea of social equality among the races. The

⁸⁰ CO no. 2072; Culver to J. Kirkman, July 13, 1867, LS, vol. 78, SAC, Cotton Gin, Texas, BRFAL, RG 105, NA; Evans to A. Rowe, October 31, 1873, B.C. Church to Strieby, February 9, 1875, American Missionary Association Archives, Amistad Research Center, Tulane University (microfilm).

⁸¹ For connections between social equality and miscegenation, see Emily Field Van Tassel, “‘Only the Law would Rule Between Us’: Antimiscegenation, the Moral Economy of Dependence, and the Debate over Rights After the Civil War,” *Chicago-Kent Law Review* 70 (1994): 876; also Nell Irvin Painter, “‘Social Equality,’ Miscegenation, Labor, and Power” in *The Evolution of Southern Culture*, ed. Numan V. Bartley (Athens: University of Georgia Press, 1988), 53.

⁸² Rand to Ellis, January 10, 1867, LS, vol. 134, SAC, Marshall, Texas, BRFAL, RG 105, NA; M.E. Green to C.H. Howard, December 28, 1873, AMA Archives. See also Smallwood, “They All Wanted to Learn.”

white population continued to expect humble obedience reminiscent of the days of slavery and was appalled at the “insolence” of newly freed blacks. While the 1866 Black Codes dealt with contract laborers and specifically defined and set penalties for employee “disobedience,” black Texans outside of their places of work were also frequently subjected to various forms of violence and intimidation for refusing to sanction antebellum social mores. Simply by asserting their basic freedoms or even attempting to learn more about their legal and civil rights, blacks became targets of violence. It was not uncommon for freedmen to be whipped or even murdered for making “insulting noises,” speaking disrespectfully or out of turn, talking back or “sassing,” failing to stand at attention when whites passed by, or failing to address whites properly. For example, while attending church services, freedman P. Stanley was stabbed by Frank Sterling who exhorted his victim, “God damn your black soul, I will learn you to stand in the way of white ladies.” Likewise in Polk County, a black man’s skull was fractured when a white man broke a rifle over his head for “disputing his words.” In Hunt County, a black man was shot at for refusing to halt when ordered to do so by a group of whites. Another was “cut in the arm and head” simply for not giving his name when several white men asked him to do so. In Harris County, a white woman shot and killed freedman Peter Blunt because he insulted her. But in nearby Brazoria County, when a black woman scolded a white man for using vulgar language in her presence, she was brutally beaten for her insolence.⁸³ Although the reasons given for these types of outrages often seemed pointless and irrational, it seems that many local

⁸³ Crouch, “A Spirit of Lawlessness,” 222, 224; CO nos. 220, 245, 815, 816, and 902; L.S. Barnes to L.K. Morton, October 1, 1866, LR, SAC, Crockett, Texas, BRFAL, RG 105, NA.

authorities were reluctant to take action against perpetrators in the majority of cases. Their inaction reinforced the notion that, even without slavery, whites remained atop the social hierarchy and, as such, dictated what defined acceptable behavior for both races.

Social and religious gatherings in many ways demonstrated the growing independence of the black community and, as a result, often became targets of violence and intimidation by resentful whites. Several men in Bonham, who threatened to “thin the niggers out a little and drive them back to their holes,” killed three and wounded several others when they fired into a group of freed people attending a social gathering of some kind. In Anderson County, a number of blacks were beaten and several permanently crippled when a group of whites “went into a saloon where the freed people had a dance, drove them all out, [and] threw several through windows of [the] upper story.” In counties all over the state, white gangs harassed and attacked congregations and burned their churches. When an entire church gathering in Clinton was pelted with rocks, the assailants proceeded to threaten the minister that “[I]f he attempted to preach again . . . his next sermon [would be] in hell.” While gatherings of any kind within the black community could often be viewed as “incendiary conspiracies,” church gatherings were viewed as particularly dangerous opportunities for political discussion and, as such, became frequent targets.⁸⁴

Beginning in the spring of 1867, black men began taking an active part in the political process in Texas and also became acutely aware of the dangers inherent in

⁸⁴ A. Evans to Bureau, September 25, 1866, LS, SAC, Bonham, Texas, BRFAL, RG 105, NA; CO no. 441; *Journal of the Reconstruction Convention*, 196; Trelease, *White Terror*, xxii; CO no. 210.

exercising the vote. According to SAC DeWitt C. Brown, as black men began asserting their political rights in Fannin, Lamar, and Red River Counties, whites began outwardly making “the most malicious and vindictive threats to kill the first damned nigger they saw,” many of them bragging that they could not wait for the Bureau to finally be withdrawn from the state, so they could “leave the woods perfumed with dead niggers.” Violence was used to keep blacks from the polls and as a method of punishment for supporting white Republican candidates. Union (or Loyal) Leagues, charged with mobilizing the potential black Republican electorate, formed throughout the State and represented to white Texans a dangerous vehicle for black equality. For freed people of both genders, therefore, to associate with the League in any way could be as risky as actually casting a vote.⁸⁵ From the reports of the Freedmen’s Bureau, it appears that politically motivated violence against freedmen peaked in Texas in the summer of 1868, as both the Union League and the Republican Party held state conventions. With newly elected black delegates, such as George T. Ruby of Galveston, asserting their voices on such volatile issues as civil rights and education, violence increased against African Americans, whether or not individuals were politically active.⁸⁶ It seems that in Texas, although newly freed black men and women gained civil and political rights at a snail’s

⁸⁵ Brown to AAAG, Dec. 31, 1867, Reports of Operations and Conditions (ROC), AC, T, BRFal, RG 105, NA. See also Richter, “The Revolver Rules the Day,” 311; Cantrell, “Racial Violence and Reconstruction Politics,” 346.

⁸⁶ See CO nos. 417, 1694, 1695, and 1036. Gregg Cantrell makes this assertion in “Racial Violence and Reconstruction Politics,” 346. For a general account of African American participation in politics during the period, see Merline Pitre, *Through Many Dangers, Toils, and Snares: The Black Leadership of Texas, 1868-1900* (Austin: Eakin Press, 1985). See also Sean Michael Kelley “Plantation Frontiers,” particularly 357-360 and 377-379. Kelley examines white “Anglo” attempts to promote German immigration not only for economic reasons, but as potential political allies in the creation of a ‘bi-racial plantation order.’ To the chagrin of local whites, however, most Germans aligned themselves with the Republican Party.

pace or worse, many whites truly believed they had been suddenly and viciously removed from their rightful positions of power and were being unjustly subjected to black domination. From their perspective, because “the bottom rail has got on top,” violence was the only acceptable remedy.⁸⁷

Many violent acts against blacks were extremely brutal, characterized by apparent frustration and suggesting the intense hostility of the white population toward the former bondsmen. Bureau records indicate that most of these incidents were perpetrated without provocation, or, perhaps, the sheer savagery of the incident left recorders perplexed as to a reason. Descriptions reveal numerous “grisly episodes of psychotic and sadistic violence.” From 1865 through 1868, whites dragged, castrated, hanged, dismembered, and otherwise gruesomely treated black men, women, and children by the hundreds, very often with impunity.⁸⁸

Death by dragging was not uncommon in Texas. In some incidents, the dragging appears to have been post mortem, simply added for spectacle. In most cases, however, the clear intent was to insure an excessively painful death. For example, in Anderson County, a group of whites whipped Henry Childers severely; then, after tying him to a horse’s tail, “dragged him through [the] woods [un]til dead.” Similarly, a freedman named John barely escaped after being tied to a horse’s tail and dragged for three miles

⁸⁷ *Klan Report*, 4: 796, quoted in Cardyn, “Sexualized Racism/Gendered Violence,” 36. See also James West Davidson and Mark H. Lytle, “The View from the Bottom Rail,” in *After the Fact: The Art of Historical Detection*, Vol. 1, 4th ed. (Boston: McGraw Hill, 2000), 137-177.

⁸⁸ Rable, *But There Was No Peace*, 22.

by a white man listed as “Pres. Buchanen.” Neither of these incidents compelled civil authorities to punish the perpetrators.⁸⁹

Various forms of mutilation commonly accompanied white attacks on blacks. Mutilation not only prolonged suffering prior to death, but also allowed whites to reassert the social control to which, they believed, they were inherently entitled. Cutting off ears, burning body parts, eye gouging, disembowelment, and castration had been legally sanctioned forms of punishment for slaves and lower-class free men, as far back as ancient Greece and Rome. Historically, torture was justified on grounds that slaves, who owned nothing, paid with their bodies, while property owners saw their holdings diminished. These notions were transplanted to what would become the United States, and, as Bureau records reveal, were inflicted all too frequently upon former slaves immediately following the Civil War.⁹⁰ For example, in Caldwell County, one McMahan, in killing a black man, stabbed him and cut out his entrails. In Grayson County, J. S. Robert called D. S. Coleman out of his house, “drew a bowie knife,” and then “attempted to rip out [Coleman’s] entrails.” Luckily, bystanders prevented the murder and Robert had to be content with beating Coleman “brutally over [his] head and face.” In Lamar County, Holmes, a white man, attempted to disembowel Charles Anderson. He was unsuccessful in his attempt, however, but left a severe wound in

⁸⁹ CO nos. 422, 359. These incidents are strikingly similar to the much more recent racially-motivated murder of James Byrd, Jr., who was dragged to death by three white men in Jasper, Texas in 1998. See Joyce King, *Hate Crime: The Story of a Dragging in Jasper, Texas* (New York: Pantheon Books, 2002) and Dina Temple-Raston, *A Death in Texas: A Story of Race, Murder and Small Town’s Struggle for Redemption* (New York: Henry Holt and Company, 2002).

⁹⁰ J. Thorsten Sellin, *Slavery and the Penal System* (Westport: Greenwood Press, 1976), 177. Mutilation as a form of sexualized violence is discussed more thoroughly in Chapter V below.

Anderson's back. An unidentified freedman's body was found in Clear Creek in Columbus, Texas, with "his bowels all taken out and the body filled with stones."⁹¹ Records do not indicate that any of these victims had been charged with or even accused of crimes.

Burning was another form of cruelty that, unfortunately, was practiced all too often in Texas. Many blacks were killed and their bodies subsequently set afire, probably as much to psychologically intimidate others as to destroy evidence. It was also clear, however, that fire was used on living victims. In Fort Bend County, G. C. Harrison shot and then burned a freedman named William. The records are unclear if he died from the gunshot wound or perished in the flames. In Trinity County, a "gang of desperados" tortured a freedman by holding him over a fire until he was scorched. In Walker County, one Calib was seriously injured when Joseph Rhodes "kicked him into the fireplace, jumped on him and tried to mash him into the fire." The perpetrators of these crimes faced no immediate legal consequences for their actions.⁹²

Many of the murders and other outrages described in Bureau records have no stated reason for the crimes. In many more incidents, where a justification is given, the reasons seem completely irrational and absurd, perhaps motivated by nothing more than hatred and bitterness toward African Americans. For example, Jackson Northweather

⁹¹ CO nos. 1733, 900, 1544; Harris to Kirkman, March 19, 1867, LR, SAC, Columbus, Texas, BRFAL, RG 105, NA.

⁹² CO nos. 1914, 596, 214. Although Freedmen's Bureau records are unclear as to whether criminal charges were filed at a later date, agents did, however, remark in their violence records and in their monthly reports when they turned alleged criminals over to civil authorities, as well as the response of these authorities. Agents typically reported that civil authorities failed to act when asked to do so by the Bureau.

was paralyzed and later died from the wounds he received when Henry Bullock shot him. Bullock was “fooling carelessly with his revolver, threatening to shoot somebody.” After seeing Northweather passing, Bullock reportedly shouted “there goes a God Damned Nigger . . . I’ll shoot him just to see him kick.” A similar incident occurred in Fort Bend County when Dan Davis shot and killed John Picket “for fun.” When he succeeded in his attempt, he declared, “I have shot one at last.” These incidents demonstrate that many whites placed little if any value on the lives of African Americans, and that it was clearly acceptable behavior to kill them indiscriminately for no reason whatsoever.⁹³

Many freedpeople were killed and robbed of what little money and materials they possessed. In Fannin County, a group of outlaws went to the house of freedman William “to rob him – they set [his] house on fire” and shot and killed him as he tried to escape. In Grimes County, Samuel Foster was murdered for his money and in Nueces County, Charles Withrine was killed for his money and clothes. The perpetrators of these crimes were more than likely desperado-types, but because most former slaves possessed almost nothing of material value immediately following emancipation, racism cannot be ruled out as a prime motivation. It is also likely that these desperados were well aware, as the records indicate most citizens were, that the chance of facing a conviction for violent crimes perpetrated against blacks was unlikely in post-war Texas.⁹⁴ This condition

⁹³ Frank Holinger to W.H. Sinclair, March 19. 1866, LR, SAC, Beaumont, Texas, BRFal, RG 105, NA; CO nos. 727, 1614.

⁹⁴ CO nos. 269, 725, 446. Christopher Waldrep has made a similar assertion about how the law, or lack of its enforcement, “plays a role in shaping the attitudes that encourage or discourage vigilantism.” See

certainly helps explain why black Texans often faced extremely brutal treatment at the hands of whites.

Black Texans did retaliate, albeit infrequently, against their attackers. Usually, however, retaliation could be met with even more severe violence and, in many cases, resistance could likely lead to death. Bureau records indicate that it was quite common for beatings or whippings of free people to accompany threats of more severe harm. For example, in Caldwell County, a man reported that he was ‘beaten over the head with a stick while another stood over him with a revolver.’ In Dallas County, an individual reportedly administered a whipping to a former slave while another held a revolver to the victim’s head. In Bastrop County, a man named Wilson was severely beaten by a white man who, during the process, held a cocked pistol to his head, threatening that if he offered the least resistance, ‘his brains would be blown out.’⁹⁵

Instead of risking the physical fallout from retaliation, some black Texans sought justice by taking their cases of abuse to local authorities. But public apathy combined with prejudiced officials made it virtually impossible to secure convictions against whites for crimes against blacks during Presidential Reconstruction in Texas. Civil authorities contributed to the violence against former slaves by their outright failure to protect them. Not only did they submit to the influence of white community members, but many local officials actively participated in racist violence. For example, a mob in Bastrop, assisted by the local sheriff, tied up Charles Thompson and built “a fire of dry

Waldrep, *Roots of Disorder: Race and Criminal Justice in the American South, 1817-1880* (Urbana: University of Illinois Press, 1998), 2.

⁹⁵ CO nos. 143, 375, 544.

grass and cedar bark on his bare feet, burning them so that the flesh came off in wads.” Because this torture was not enough to elicit the confession he wanted, the sheriff whipped Thompson’s children to force them to implicate their father in the alleged crime.⁹⁶

Civil authorities also contributed to the maintenance of white supremacy by keeping freedmen off juries and created an atmosphere whereby all-white juries refused to convict whites when the victims were black, regardless of evidence against the accused. The Bureau issued Circular Order 13 in an effort to enforce the Civil Rights Act of 1866 and to compel authorities to allow African Americans to serve on juries. The order required potential jurors to take the “iron-clad oath,” which disqualified anyone who had given “aid, countenance, counsel or encouragement to the Confederacy.” By eliminating enough former white Confederates, the Bureau believed the chances of blacks serving (and, thus, protecting themselves from whites) would be increased. Local courts, though, used a variety of means to keep blacks from the jury box. In Bastrop County, for example, after a number of blacks were placed on the jury list, whites were ultimately chosen, even though “a few of the jurors could not understand or speak the English language.” The judge decided that “white skin was a more necessary qualification in the jury box than the ability to understand what the judge, lawyers, and witnesses might say.”⁹⁷ Even when black jurors were allowed to

⁹⁶ Byron Porter to J.T. Kirkman, March 4, 1867, LR, SAC, Bastrop, Texas, BRFAL, RG 105, NA.

⁹⁷ Ibid., July 5, 1867, LR, SAC, Bastrop, Texas, BRFAL, RG 105, NA. Black jurors could only get convictions of whites if white jurors would join them in voting for conviction – an unlikely scenario. See also Randolph B. Campbell, “District Judges of Texas in 1866-67: An Episode in the Failure of Presidential Reconstruction,” *Southwestern Historical Quarterly* 93 (1990): 357-377.

serve, the most they could usually do was to prevent unfair convictions of members of their own race. Black jurors could not secure convictions of white defendants unless joined in doing so by white jurors. General Philip Sheridan summed up the situation for Texas when he reported: “My own opinion is that the trial of a white man for the murder of a freedman in Texas would be a farce.”⁹⁸

In general, because civil authorities regularly failed to successfully prosecute and convict whites, black Texans looked to the under-funded Bureau, which tried but could do little. After two freedmen were whipped and then forced to leave McLennan County without their crops, SAC Charles Haughn revealed the statewide problem when he described the difficulties he faced trying to help these two men. Like all the other agents stationed in the state, he simply had no one to carry out his orders.⁹⁹ Clearly, frustrated and disappointed local Bureau agents were unable to protect African Americans from white violence in the majority of cases. Crockett Bureau agent L.S. Barnes wrote: “It is at the least most unsatisfactory to be harassed as I have been and at the same time be compelled to feel that I am accomplishing nothing.” Because so few civil authorities were willing to enforce the law, federal troops were frequently the local agents’ only recourse. In that regard, however, the shortage of available military personnel and the enormity of the state magnified the problems. Inspector W.H. Sinclair summed up the situation in Texas when he reported with only “an isolated agent” responsible for a huge

⁹⁸ Rable, *But There Was No Peace*, 20.

⁹⁹ CO no. 1828.

area, “and troops farther apart . . . the freed people hardly know what an agent of the Bureau is for.”¹⁰⁰

Change in command in 1867 added to the problems agents faced. When Major General Winfield Scott Hancock replaced General Philip Sheridan as commander of the Fifth Military District, which included Texas and Louisiana, Hancock decided to subordinate military, and thus Bureau, authority to state and local power. In so doing, he in many ways undermined the agency’s already limited ability to deal with corrupt and noncompliant civil entities. In late 1868, with the termination of Bureau activity in Texas on the horizon, a disappointed agent in Liberty wrote that “he never had any troops and it would be useless anyway,” since civil authorities “will never deal with the freed people as they should, so therefore, we had as well let the colored people learn now as later.”¹⁰¹

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

¹⁰⁰ L.S. Barnes to W.H. Sinclair, September 1, 1866, LR, SAC, Crockett, Texas; W.H. Sinclair, August 18, 1868, Inspection Tour, BRFAL, RG 105, NA.

¹⁰¹ A.H. Cox to Charles Vernou, November 30, 1868, LR, SAC, Liberty, Texas, BRFAL, RG 105, NA.

murdered in the line of duty.¹⁰² It is reasonable to suspect, therefore, that many agents may have wondered if protecting their charges was worth the risk. Although there is some disagreement on whether the Bureau's performance was adequate, an analysis of the most brutal acts of violence inflicted upon freedpeople make it clear that black Texans would most likely have suffered considerably more without it.

Immediately following the Civil War, then, former slaves in Texas continued to find themselves at the mercy of whites – in their homes, their places of work and recreation, their churches, and even in the courts. For them, the “freedom” granted in the Thirteenth and Fourteenth Amendments to the Constitution was a far cry from reality. Although nominal rights for African Americans had increased since 1865, the violence of whites against them increased as well. This was particularly true for black women, whose ambiguous legal status (ironically, now equal to that of white women) left them particularly vulnerable to racist violence that was often perpetrated against them with impunity.

Freedwomen were subjected to verbal, physical, and sexual assault, torture, and murder during Reconstruction. They received little or no protection from local and state authorities. In addition, as mothers and wives, black women endured the trauma of separated families, the forcible apprenticeship of their children, and the injury and death of family members at the hands of resentful, bitter whites. While black men certainly endured vicious and deadly attacks by whites during the period, black women were, by virtue of their gender, peculiarly susceptible to racist violence, and doubly victimized –

¹⁰² For the most thorough study of the Texas Bureau and its agents to date, see Crouch, *The Freedmen's Bureau and Black Texans*.

once as blacks and again as women. As victims of both racism and sexism, black women in Texas faced incredible obstacles in the transition from slavery to freedom.

CHAPTER IV

“A MASS OF FLESH AND BROKEN BONES”:
PHYSICAL VIOLENCE AND INTIMIDATION PERPETRATED AGAINST BLACK
WOMEN AND CHILDREN IN TEXAS

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

less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, whenever they have been left to their own devices they have shown a constant tendency to relapse into barbarism.¹⁰³

The feeling that blacks were inferior beings, incapable of participating in government and innately barbaric, was a commonly held view among Southern and, to a lesser extent, Northern whites before and after the Civil War. Many whites also believed that former slaves needed to be controlled to prevent them from rising up in violent retaliation for the generations of inhumanity suffered at the hands of their oppressors. From this perspective, white fear takes on a degree of legitimacy. Freedmen's Bureau records (among other extant sources on the period), however, indicate the opposite to be true. Former slaves did not collectively seek violent revenge on their former captors; on

¹⁰³ James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents 1789-1897*, Vol. 6 (Washington, D.C. 1896-99), 564.

the contrary, whites initiated more brutal and seemingly senseless violence toward blacks during Reconstruction in Texas than was ever the case in the days of slavery.¹⁰⁴

Violence and coercion had been used during the antebellum period by whites, whether slave owners or not, to exert mastery and control over human chattel. During Reconstruction in Texas, and throughout the former Confederacy, whites continued and even increased the violence in an effort to hold onto their dominant place in society and to control and undermine the resolve of the newly freed black community. Black women were especially vulnerable to attacks, and although records reveal fewer incidents perpetrated against them than their male counterparts, women frequently endured extremely brutal violence that was most often implicitly or explicitly sexual in nature. Black children, too, were brutally victimized and their small bodies similarly abused. Statistics related to violence against women and children are limited, however, making it difficult to document the full extent of the violence against them. But the records of the Freedmen's Bureau point to the fact that brutality against black women and children was intense during Reconstruction in Texas.¹⁰⁵

Between 1865 and 1868, when the Bureau all but left the state, agents recorded over 2,200 violent incidents throughout Texas. Of these incidents, 13 percent involved

¹⁰⁴ See especially Crouch, "A Spirit of Lawlessness" and James Smallwood, *Time of Hope, Time of Despair*.

¹⁰⁵ To date there is no full-length scholarly study of violence against black women during Reconstruction in Texas, a void this dissertation attempts to fill. There are, however, many important works that cover more generally violence against women during the post-war period in the former Confederacy, especially Hall, "The Mind That Burns in Each Body," and Clinton, "Bloody Terrain." See also note 40 above. For more general studies of nineteenth-century violence against women see, for example, Elizabeth Pleck, "Wife Beating in Nineteenth-Century America," *Victimology* 4 (1979): 60-74; and "Feminist Responses to 'Crimes Against Women,' 1868-1896," *Signs* 8 (Spring 1983): 451-470.

black women as the victims of violence.¹⁰⁶ At first glance, Bureau records depict these violent acts as mere violations of the law. But the listing of criminal acts alone obscures the motives behind the violence – motives that reveal these acts as more than violations of the law. To say that a particular number of individuals were stabbed, shot, beaten, or raped does not reveal the social context within which these acts occurred. Fortunately, Bureau entries describe conditions and circumstances in many cases. From a careful reading of these circumstances, it is possible to glean insight as to the extent of violence suffered by black women and children and, thus, to make some generalizations about the impact of violence on the Texas black community as a whole.¹⁰⁷

When emancipation officially made its way to Texas in June 1865, black men and women entered a period of social, political, and economic uncertainty. Unfortunately, it became clear very quickly that a large proportion of white Texans had no intention of accepting black freedom and were determined to use every means

¹⁰⁶ Texas Freedmen's Bureau agents recorded a total of 1681 incidents of violence against blacks; 281 perpetrated against black women and 25 against children. The 'Report of Outrages,' however, does not specifically categorize either gender or age – for either perpetrators or victims. The statistics used here with regard to violence against black women, thus, represent only those incidents where the gender of the victim can be accurately determined. This is an especially difficult task, as many entries omit victims' names and any explanation or circumstances surrounding the incident. These omissions, together with the fact that obviously not every case of abuse of black women made its way to the Bureau offices, suggests that the number of black women victims is probably higher. Further, of the 281 incidents of violence perpetrated against black women, the majority (92%) were perpetrated by individuals; of the 21 incidents perpetrated by groups of 2 or more, 1/3 were crimes of a sexual nature. All tabulations by the author from 'Records of Criminal Offenses Committed in the State of Texas,' AC, T, BRFAL, RG105, roll 32, NA. See note 53 above for elaboration on methodology.

¹⁰⁷ See for example CO no. 406. The offense is listed simply as 'homicide' and, therefore, the context of the crime is not immediately apparent. The circumstances, however, explain that the victim was shot and killed "because she would not commit adultery with him," making this a crime of a sexual nature. This is just one example out of many in the records where the context is only apparent after a review of the circumstances. Many of the letters written by local Bureau agents to headquarters contain more descriptive language and have, therefore, been additionally useful in determining the context surrounding some of the violent incidents.

available – both legal and extralegal – to restore white hegemony in the state. This had dire consequences for black women who were particularly vulnerable to physical and sexual violence with little legal recourse. While race alone established the perimeters of behavior and rights for newly freed black men, black women were constrained within limitations of both race and gender through law and social custom, and as a result, their lives permeated with violence.¹⁰⁸

Such seemingly senseless violence against women existed because, although newly freed black men represented a potential political and economic threat, black women represented a more elusive threat to the social order. In one sense, they were now equal to white women; both were virtually excluded from the political and juridical domains, while their male counterparts had such access. Physical and sexual violence against black women, thus, served a multiple purpose: it was used to reaffirm white dominance and control over black women, and to undermine their legal equality with white women, thus, preventing the formation of relationships based on gender solidarity. The victimization of black women by whites also served to perpetuate the oppression of all black Texans by preventing freedmen from defending their own women.¹⁰⁹

Black women suffered indignities, humiliation, and brutal violence at the hands of whites during the post-war years. This continual threat of violence was compounded

¹⁰⁸ For the Bureau's perspective on state-sanctioned legal protections for freed people, see W.G. Kirkman to J.P. Richardson (AAAG), 31 January 1868, LS, Vol. 68, pp. 20-24; L.H. Warren to Henry North, 16 Jun 1867, LS, Vol. 102, 30; AC, T, BRFAL, RG 105, NA.

¹⁰⁹ Although women could not vote, both black and white women in some instances could sue and be sued in the state of Texas after the Civil War. This was hardly the rule, however, as women were generally excluded from the judicial system based on their gender and black women faced additional restrictions based on race – particularly in the early years of Reconstruction. See Hall, "The Mind That Burns in Each Body," 62; Lerner, *Black Women in White America*, 149.

by the inaction of civil authorities, and even Bureau officials in many instances, demonstrating the insignificant place black women held in the eyes of the law. Civil authorities implicitly condoned the violence against black women by their outright failure to protect them in many cases. For example, Davis County freedwoman, Susan Goosely, was for no stated reason, dragged out of bed by a group of men who raped and pistol-whipped her, knocked her teeth out, strung her up by the thumbs, and choked her by placing a halter around her neck. Afterward, Ms. Goosely was forced to flee the county for her life because local authorities failed to take action against the perpetrators of this crime, even though she identified her attackers. Law enforcement officers, as well, frequently participated in atrocities committed against black women. In Harrison County, Deputy Sheriff Warnell took Rose Campbell from her home claiming that she was being arrested; he then raped her. Because Warnell was “the law” in that county, he submitted to no legal action. The sheriff of Panola County led an attack on a group of freed people who were “innocently enjoying themselves dancing.” A black women suffered serious injury as a result of the melee that left three men dead.¹¹⁰

Unlike many civil authorities, most Texas Freedmen’s Bureau agents apparently endeavored to protect black women from exploitation and violence. The language they used in their official records, however, demonstrates that many agents probably shared the views of their white southern counterparts and, likewise, placed a limited value on black women’s lives and, particularly, their bodies. For example, very few black female

¹¹⁰ CO nos. 308, 1653, 1660. The rape of black women, including that perpetrated by civil authorities, is discussed more thoroughly in Chapter V below. The best source for numerous examples of civil authorities actively and outwardly participating in racial violence throughout the former Confederacy is the 13 volume *Klan Report*. As previously stated, the report is extremely limited on Texas.

victims named in the ‘Record of Criminal Offenses’ are listed by their full names; neither were any designated with the honorific title of either Miss or Mrs. In stark contrast, white females who perpetrated violence against blacks were, at the least, listed by their full names, and most were accorded their marital honorific titles as well.¹¹¹

While this may be due in part to the fact that Texas did not officially recognize marriages between black men and women until 1869, it also stems from the disrespect shown to black women by white men generally, which in turn stemmed from the widespread social and legal practices that reinforced the myth of the ‘bad black woman.’¹¹² According to historian Gerda Lerner, the ‘myth’ arose after emancipation to sanction the continued assault and exploitation of black women by white men. These alleged naturally ‘loose’ women, of low moral character and greater sexual desires,

¹¹¹ Every white female perpetrator in the ‘Record of Criminal Offenses’ is listed by her first and last name, or by the title of ‘Mrs.’ or ‘Miss’ followed by her full name or surname only. The overwhelming majority of black women victims in the records, if listed by name at all, are listed by first name only; none are given the title of ‘Mrs.’ or ‘Miss.’ This follows similar Southern gender conventions as witnessed by J.S. Buckingham and described in his travel accounts. ‘A female negro is called a ‘wench’ or ‘woman’; and it is this, perhaps, which makes the term ‘woman’ so offensive to American ears, when applied to white females, who must be called ‘ladies.’” J.S. Buckingham, *The Slave States of America*, vol 2 (1842 Reprint. New York, 1968), 29-30.

¹¹² The Civil Rights Act of 1866 granted African Americans the right to “make and enforce contracts,” which presumably included the right to make marital contracts. As such, all blacks living together as married were considered to be so by the Freedmen’s Bureau. The state legislature of Texas, however, refused to officially recognize black marriages and most county clerks’ offices throughout the state regularly declined to grant marriage licenses to freedmen, until the Republican-dominated legislature of 1869. See for example, B.F. McFarland (County Clerk, Rusk County) to A.J. Hamilton, December 1, 1865; James D. Campbell (County Clerk, Karnes County) to Hamilton, February 5, 1866, Governor’s Papers (Hamilton), Texas State Library, Austin; James W. Throckmorton to Gentlemen of the House of Representatives, August 14, 1866, and “Throckmorton Recommendations to the Legislature, 1866” in James W. Throckmorton Papers, Center for American History, University of Texas, Austin. See also Barry A. Crouch, “The ‘Chords of Love’: Legalizing Black Marital and Family Rights in Postwar Texas,” *Journal of Negro History* 79, Issue 4 (Autumn, 1994): 334-351; Margaret Burnham, “An Impossible Marriage: Slave Law and Family Law,” *Law and Inequality: A Journal of Theory and Practice* 5 (July 1987): 187-225; Katherine M. Franke, “Becoming a Citizen: Reconstruction Era Regulation of African American Marriages,” *Yale Journal of Law and the Humanities* 11 (1999): 251-309.

were considered undeserving of the same respect or “chivalry” granted to white women. So while female perpetrators – criminals, in fact - were given nominal respect in the records because of their gender, black female *victims* were not because of their race, and as such, were further de-feminized.¹¹³ Although it appears that most Freedmen’s Bureau agents, then, tried to protect black women from white violence, their records demonstrate that the white, middle-class, male agents’ personal philosophies on race and gender colored policies and procedures, at least to some degree, at the local level.¹¹⁴

White civilians also rarely gave reasons for even the most brutal attacks on freed people and were almost never convicted, regardless of the degree of barbarity the incident entailed. This was particularly true when the violence was perpetrated against women. For example, James Wise whipped and gouged out the eye of Emily Granes. Wise gave no reason for the crime that could very well have cost the victim her life. In Limestone, John Fogarty cut Minerva Ward’s ears off and burned her arms “to a crisp.” Astonishingly, Bureau officials recorded no explanation for this brutality and it appears that civil authorities chose not to act.¹¹⁵ Whites in Texas, thus, exercised considerable

¹¹³ See Lerner, *Black Women in White America*, 163-164. For a thorough discussion of antebellum southern gender conventions and their relationship to violence, see Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988), 200-203.

¹¹⁴ For Freedmen’s Bureau agents specifically protecting black women from violence, see James Smallwood, “Emancipation and the Black Family: A Case Study in Texas,” *Social Science Quarterly* (1977): 551-52; and “Black Freedwomen after Emancipation: The Texas Experience,” *Prologue* 27 (1995): 315. Although there is limited, if any, evidence of agents’ direct complicity in the abuse of black women in Texas, one historian has shown compelling evidence that agents in other states felt they deserved equal access to black women. This is a topic that should be further examined for Texas specifically. Randy Finley, *From Slavery to Uncertain Freedom: The Freedmen’s Bureau in Arkansas, 1865-1869* (Fayetteville: University of Arkansas Press, 1996), 20.

¹¹⁵ CO nos. 107, 838.

control over freedwomen, in large part, because authorities failed to control the racialized violence against them that pervaded the state.

Violence took many forms during Reconstruction and physical assault, especially whipping, was a common outlet. Whipping not only served as a psychological reminder of slavery, but also demonstrated the fact that many whites viewed blacks merely as animals.¹¹⁶ Black women were frequently strapped up and whipped as they had been as slaves, and struck with implements ranging from pistols, chairs, hammers, saws, and bricks, to metal whip handles, animal bones, and clubs. In most cases, the justifications given for such abuses, whether or not they resulted in death, reflected ingrained antebellum ideas of what had previously constituted appropriate disciplinary action against slaves. For example, after Julie Gardner had the audacity to disagree with her white employer, R. H. Wren, he whipped her almost to death with a handsaw. Two black women in Upshur County were given one hundred lashes each; one for not hoeing fast enough and the other for hoeing up a single cotton stalk. This was not the first time complaints were lodged against this perpetrator for the same offense. Frank Waller whipped an unnamed freedwoman after knocking her to the ground, because he considered the bread she baked for one of his meals unsuitable, while a woman in Harris County was brutally beaten across the face with a paddle because she was ‘lazy.’ For

¹¹⁶ Frequently the whipping of black women and men amounted to a form of sexualized violence, wherein women were whipped on their ‘bare parts’ or otherwise ‘shamefully’ beaten. In addition, it was quite common for victims to be partially or even totally stripped of their clothing prior to whippings. This topic is discussed in Chapter V below.

no reported reason, a woman in Grimes County was taken into the woods with her hands tied and then given a hundred lashes.¹¹⁷

Whipping and like physical abuse were favorite instruments of coercion used by whites of both genders. The Bureau listed white women as perpetrators of whippings and beatings in 5 percent of cases. In half of these incidents, no explanation or details are given and the weapons used unknown. In the other crimes, white women used shovels, lead whip handles, tree branches, and other large objects in their rampages. Often the women's stated reasons for committing violent acts such as these were similar to those of their male counterparts. White women, it seems, felt they had a unique stake in preserving the social order. For many, assaulting black women may have been their only opportunity to express authority in a male-dominated society. White women, like African Americans, were marginalized and therefore, were striking back at the only people they could – black women. For example, Mrs. America Sherrell bloodied a black woman's head by beating her with a large animal bone. Bureau officials recorded Sherrell's explanation for the beating was that the woman disobeyed her in "some household matter." A white woman in Houston "whipped and pounded" a young girl with a stick and a shovel on two different occasions for no reason. In Bexar County, a white woman tied a black woman to a tree before whipping her severely for no reported reason. It appears that civil authorities did not take immediate action against the women in these cases, just as they did with white men accused of similar crimes. In fact, in over 50 percent of the 131 cases of whipping and similar physical assaults reported to the

¹¹⁷ CO nos. 474, 476, 141, 319, 570.

Bureau, agents recorded no explanation for the crimes and described civil authorities as refusing to act, even when given evidence by the Bureau. It appears that many white Texans, civilians and local officials alike, believed that the physical assault of black women, clearly reminiscent of the days of slavery, was their prerogative and certainly not a crime. On the contrary, when a black woman in Walker County reported a white woman for assaulting her, local authorities heard the case but fined the injured woman for court costs totaling \$23. This, no doubt, reassured the white populace that the physical assault of black women was acceptable social behavior in the eyes of the law.¹¹⁸

Because many Bureau officials rightly associated whipping with the institution of slavery, agents in northeast Texas specifically ordered landowners not to whip their former slaves after emancipation. Unfortunately, however, those few who complied simply found other ways of violently disciplining their workforce. William Sinclair, the state inspector for Texas, reported that a new “method of correcting evils on the plantation” was tying freed people “by the thumbs with only their toes touching the ground.” Bureau officials recorded this form of punishment being used frequently during Reconstruction, and women suffered as often as men.¹¹⁹

Age was no deterrent to physical abuse, as even elderly African-American women fell victim to brutal whippings and beatings perpetrated by whites. An unnamed “old woman” in Anderson County was beaten with rocks and stones, and “shamefully”

¹¹⁸ CO nos. 1721, 108, 109, 14, 163. White women participated in other forms of brutality against black women and children. See for example, CO nos. 1639, 372, 1846, 743. As stated previously, it is difficult to determine the gender of perpetrators, as there is not a specific category in the records.

¹¹⁹ W. H. Sinclair to H. A. Ellis, December 23, 1866, Inspection Tour Report, BRFAL, RG 105, NA. See for example, CO nos. 276, 308, 487.

treated by a group of white men who barged into her house and threw all of her belongings outside. In Freestone County, after a seventy-year-old woman named Lucy was brutally beaten with a club for no stated reason, SAC Charles Culver, in utter disgust, wrote only one word in his record of the event: ‘Chivalry!!!’ Similarly, in McLennan County, after seventy-five year old Lotta Brown was pistol whipped by a group of white men and robbed of seventy-five cents, SAC Charles Haughn commented ‘so much for chivalry.’¹²⁰

Black economic independence reflected the ultimate detachment from slavery, an institution that intimately entwined labor with power and violence. Many white Texans were, thus, virulently resistant to any expression of economic freedom by their former chattel and used various methods to intimidate and control black women by keeping them economically dependent. Bureau records include many cases of black women being victimized for exercising the most basic of freedoms - expressing a desire to quit their jobs or change employers. For example, a woman named Margaret was ‘knocked down and treated inhumanely’ for wishing to leave the employ of E. Morse, who, on separate occasion, whipped another black woman for the same reason. Unfortunately, for some white employers, physical assault was not enough. A particularly senseless tragedy occurred in Rusk County, when a mother and her newborn died after being shot to death by a white man for leaving his employ. It seems that the perpetrator in this case cared more about maintaining power and control over black people than keeping

¹²⁰ CO nos. 159, 1130, 2076. Bureau agents typically used terms such as ‘shameful’ to describe abuses of a sexual nature, a topic thoroughly discussed in Chapter V below. Like the elderly, the very young were also victims of racial violence.

employees working on his property. This also reveals that whites placed little value on black life in Texas.¹²¹

Many black women, such as Caroline Wallace, worked diligently for their new “employers” but were driven from their homes just prior to receiving their promised earnings. After signing a contract with W. C. McDowell, Wallace and her daughter were beaten and driven from the farm after the crops were gathered. When a group of men in Walker County, armed with clubs and guns, decided an unnamed black woman should be driven off the plantation without her years’ earnings, they did so with impunity. A similar incident happened to a woman in Bowie County who was beaten with clubs and chains and then run off the property after asking to be paid for her work.¹²²

White “employers” resorted to other more subtle forms of abuse such as withholding food or providing inadequate shelter, and many physically assaulted those who would dare complain about their situation or attempt to leave. A woman in Bowie County was beaten severely by her employer for stating that she did not have enough to eat, while another reported her boss for starving her and repeatedly beating her over the head. Even women in poor health were not immune from this type of brutal treatment, as evidenced by one official’s report of a sick woman being thrown out to “die of

¹²¹ CO nos. 373, 377, 295. One of the problems in trying to determine the number of black children who suffered at the hands of whites is evident in CO no. 295. This newborn, like so many other children injured or killed along with a parent, is not listed separately in the records as an individual victim, making an accurate accounting of young victims impossible.

¹²² CO nos. 1825, 2278, 484. It should be noted that the daughter of Caroline Wallace, who was obviously a victim in this particular case, is not listed separately in the “Report of Outrages.”

starvation and exposure” by her employer, Mr. Dewalt. Records are unclear as to whether or not this particular woman survived.¹²³

Because of such maltreatment, many women were forced to steal in order to survive, even though such “crimes” could likely result in lengthy prison sentences. Of the fourteen black women incarcerated at the Texas State Penitentiary at Huntsville in 1867, thirteen had been convicted of stealing from their employers and were serving sentences ranging from 2 to 5 years.¹²⁴ Landowners did not always report theft to the authorities, however, as it seems many preferred to take the law into their own hands. A white man in Bastrop shot his employee through the thigh for stealing peaches, and a woman in Bowie County was whipped severely, pounded with a stick, and then tied up by one thumb for allegedly taking some flour. May Oglesby planned to report Mr. Shaw to the Bureau for “de taining her forcibly” in his service and keeping her in deplorable living conditions. In retaliation, Shaw shot at Oglesby four times. Likewise, a woman in Dallas County was “whipped and kicked” for “trying to procure her freedom” from her employer. Many black women, thus, found themselves in a state of virtual slavery as their “employers” controlled not only their labor, but their movement as well.¹²⁵

After the Civil War, many whites sought to sustain antebellum racial deference and used violence to do so. Not only did white men and women of every social class

¹²³ CO nos. 488, 490, 219.

¹²⁴ William H. Sinclair (inspector) to J.T. Kirkman Acting Assistant Adjutant General (AAAG), Feb. 26, 1867, box 21, AC, T, BRFal, RG 105, NA. One woman was convicted of helping her husband escape from jail with a pick axe. See also *List of Freedmen and Women Confined in the Texas Penitentiary, Nov. 6, 1866*, Penitentiary Papers, Texas State Library, Austin, Texas.

¹²⁵ CO nos. 1975, 901, 366.

expect humble obedience from blacks, they regularly responded with brutal violence when confronted with what they observed to be insolence, disrespectful language, or acting out of place. Bureau records indicate that such “crimes” by black women, especially if committed in the presence of white women, resulted in severe retaliation. For example, a black woman in Brazoria County was beaten on her shoulders and face and was threatened with her life by a man who claimed she spoke disrespectfully to his wife. Likewise, in McLennan County, James shot and severely injured Fanny, a black woman who worked in his home, for giving “some saucy words” to his wife.¹²⁶ For a similar offense, a group of white men severely beat a woman in Brazoria County, inflicting blows on her head with the iron butt of a whip. After the beating, they tied her hands together, “bucked” her, and then gave her nearly 200 lashes. “Bucking” was a form of corporeal punishment used primarily during the antebellum period, but continued throughout Reconstruction in Texas. After being totally or partially stripped, a victim was forced into a squatting position with both hands tied together in front of the shins; a log or sturdy branch would then be placed through the opening above the elbows and below the knees, serving to hold the victim in the squatting position bent over forward, while being whipped or beaten over the bare back.¹²⁷ For this particular

¹²⁶ CO nos. 241, 2044.

¹²⁷ CO no. 199. “Bucking” was a common form of punishment used during the antebellum and Reconstruction periods. Bucking as a sexualized form of violence perpetrated against both men and women is further examined in Chapter V below. For first-hand accounts see for example Henry Bibb, *The Life and Adventures of Henry Bibb: An American Slave* (1849; reprint with an introduction by Charles J. Heglar, Madison: University of Wisconsin Press, 2001), 103-105; Louis Hughes, *Thirty Years a Slave: From Bondage to Freedom: The Institution of Slavery as Seen on the Plantation in the Home of the Planter*, (1897; reprint with a foreword by William L. Andrews, Montgomery, Alabama: New South Books, 2002), 42; and George P. Rawick, *The American Slave: A Composite Autobiography* (Westport: Greenwood Press, 1972), 61-62, 142-143, 202.

woman, the bucking was in retaliation for the insulting noises she allegedly made as the wife of one of the group passed. In contrast, when a black woman scolded a white man for using vulgar language in her presence, she was brutally beaten for *her* insolence. The Bureau reported that civil authorities failed to take action in these cases. Their inaction not only reinforced the notion that whites dictated acceptable behavior for both races; more significantly, it suggests the unwillingness of Southern white society to expand its prewar definition of womanhood to include former slaves.¹²⁸

Very few freed black women fit white ideas of the “true” woman, an ideal within which domesticity, piety, purity, and submissiveness were central. Women who worked outside the home, in particular, were viewed as unnatural and unfeminine. The fact that the overwhelming number of black women in Texas performed “double duty in both home and field,” weakened their role in white eyes as mothers and wives and came to symbolize “the low esteem in which she was held in society.” Like white women, black women suffered the same restrictions of their male-enforced gender roles; unlike their white counterparts, however, black women were denied its protections and, as such, were vulnerable to white violence with little recourse.¹²⁹

While nineteenth-century ideals of womanhood and femininity subjected white pregnant women to chivalry and special protection, it seems that black women in the same condition faced the opposite circumstances and were, in fact, more harshly abused. White Texans showed very little restraint in dealing with pregnant black women and in

¹²⁸ CO no. 902; Catherine Clinton, “Reconstructing Freedwomen,” 310.

¹²⁹ Giddings, *When and Where I Enter*, 47-48, 62; Fox-Genovese, *Within the Plantation Household*, 49-50, 64-65, 202-203, 290.

some cases, seem to have accelerated the brutality of violence against them specifically because of the pregnancy. During the antebellum period, some slaveholders probably gave slave women the benefit of the doubt when they claimed to have pregnancy-related aches and pains, if only because they realized the economic benefit of a full-term pregnancy and birth. But in just as many cases, it seems, pregnant slaves were not only forced to continue carrying their normal work load in the fields, they often found themselves beaten or otherwise harshly treated for failing to meet their quotas.¹³⁰

One common punishment for such offenses entailed beating a woman's entire backside with a whip or other implement, while she laid flat on the ground, her protruding stomach shoved into a hole. While this type of beating would certainly be excessively painful for the mother and dangerous to the pregnancy, the practice of lying over a hole may have actually been a means of protecting the fetus and, thus, the slave owners' investment, while allowing the offending slave to be punished accordingly. Circumstances seem to have been worse for freed women in Texas when they became pregnant, however, as they and their unborn children were no longer seen as investments to be protected. Like the pregnant woman in Fort Bend County who was seriously injured when a white man gave her 150 lashes for no reported reason, black women

¹³⁰ Angela Y. Davis, *Women, Race and Class* (New York: Random House, 1981), 9-10; Fox-Genovese, *Within the Plantation Household*, 322; Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: W.W. Norton & Company, 1985), 98-99. Fox-Genovese and White posit that slave women often used pregnancy, real or feigned, as a negotiating tool to get better treatment and lighten the work load while Davis describes slave owners' complete disregard for slave women even in the later months of pregnancy. See also Thelma Jennings, "'Us Colored Women Had to Go Through a Plenty': Sexual Exploitation of African-American Slave Women," *Journal of Women's History* 1 (1991), 54.

throughout the Reconstruction period were whipped, raped, shot, and brutally murdered with little regard or respect for their physical or maternal state.¹³¹

Commonly viewed by whites as carriers of the “despised” race, pregnant black women faced violence directed against their wombs, specifically, as well. This type of abuse further served as a weapon of terror aimed at the black population as a whole. Inspector William H. Sinclair recorded such an incident perpetrated by Eli Guest, a known desperado in Northeast Texas. After shooting a freed woman who was “in a family way, [he] cut out her womb with its living content [still inside] and exhibited [the fetus to others] in his drunken glee.” Another brutal violent act was perpetrated against a pregnant woman in Upshur county, when one Anderson shot and killed a woman named Mary, reported to be “in the last stages” of her pregnancy. Apparently her child was born alive minutes after her death and the perpetrators buried both mother and infant “so near the surface th at buzzards ate them.” It is unclear whether or not the baby was buried alive.¹³²

Protecting their children outside the womb was even more difficult for freed women, as motherhood in many ways intensified their vulnerability to white violence.

¹³¹ Davis, *Women, Race and Class*, 10; CO no. 204; Jennings, ““Us Colored Women Had to Go Through a Plenty,”” 56 -57.

¹³² Sinclair to AAAG J. Kirkman, July 2, 1867, LR, AC, T, BRFAL, RG 105, NA; CO no. 1133. This type of brutality, aimed specifically at black women as carriers of their race, seems to have extended well past the Reconstruction period and into the 20th century, as seen in the experience of Mary Turner. She “vowed to find those responsible” and “have them punished in the courts” after her husband was lynched in Georgia in 1918. Taken by a mob and hung upside down by her ankles, Mary was doused with gasoline, set on fire, and her 8-month pregnant belly was cut open with a knife used to slaughter pigs – all while she was alive. The baby fell to the ground and cried briefly, before a man crushed the baby’s skull under his heel. The mob then fired “hundreds of bullets” into Mary’s upside down, dangling, mutilated body. James Allen, ed., *Without Sanctuary: Lynching Photography in America* (Santa Fe: Twin Palms Publishers, 2000), 14.

Women not only faced the daily risk of physical and sexual abuse personally, but were also confronted with a white population that continued to control and abuse their offspring. As they had during slavery, whites often used the threat of violence against children as a weapon to keep parents submissive. Isolated from the many parental protections granted their white counterparts in law, black women in Texas frequently saw their children indiscriminately beaten by whites or stripped from them under the guise of apprenticeship. As in slavery, the law in Texas during Presidential Reconstruction seemed to conspire against black women and their ability to maintain familial control.¹³³

The apprenticeship statute, part of the Texas Black Code enacted by the Eleventh Legislature in 1866, sought specifically to “enslave the rising generation,” by allowing so-called “orphans” to be bound out to white families for long periods of time, most until they reached the age of 21. Because of the institution of slavery and its total disregard for black parental rights, all slave children were basically defined as orphans with no legal connection to their biological parents. After emancipation, free black children in Texas found themselves in an equally ambiguous position, as Texas law still considered them orphans due primarily to the legislature’s refusal to officially sanction marriage between black men and women.¹³⁴ The Black Code specifically sanctioned the binding

¹³³ See Clinton, “Bloody Terrain,” 142. See also Wilma King, *Stolen Childhood: Slave Youth in Nineteenth Century America* (Bloomington: Indiana University Press, 1995).

¹³⁴ A. H. Mayer to Henry A. Ellis, Nov. 24, 1866, vol. 120, LS, Liberty Sub-district, Records of the Subordinate Field offices for the State of Texas, BRFAL, RG 105, NA. On the Texas Black Code, see Barry A. Crouch, “‘All the Vile Passions:’ The Texas Black Code of 1866,” *Southwestern Historical Quarterly* 97 (1993): 13-34; Gammell, *The Laws of Texas*, vol. 5. On legalization of marriage, see Barry A. Crouch, “‘The Chords of Love,’” 262. See Crouch and Larry Madaras, “Reconstructing Black

out of children without parents, as well as those “whose parent or parents could not support them.” Texas courts further defined any “fatherless child” as an orphan, regardless of the ability of the mother to care for that child. This made it relatively easy for whites to secure the cheap labor of their young former slaves by making legal arrangements to become “guardians” of black children, whether or not they had living parents. Prospective white guardians had to meet only minimum requirements, including providing “sufficient food and clothing,” and administering medical attention as needed. They also had the authority to “inflict such moderate corporeal chastisement as may be necessary and proper.” Some agents apparently believed that the binding out of black children to white families was best for the child, given the dire economic condition of the former slaves. Most, however, realized that apprenticeship was simply a legalized form of child slavery and forced labor, and Bureau offices were constantly flooded with desperate requests by mothers whose children had been taken from them. Bureau Agent John Dix summed up the situation for Texas when he declared that “I never apprentice colored children to white people, for the reason that colored children would be generally treated as slaves.” Even so, until 1870 when the statute was repealed by the Republican-dominated legislature, black children in Texas were bound out to whites in large numbers while their parents could do little to protect them.¹³⁵

Families: Perspectives from the Texas Freedmen’s Bureau Records,” *Prologue* 18 (1986): 109-122, for a discussion of black children who were “actually” orphans in Texas during the period. See also note 112 above for an explanation of the state’s refusal to recognize black marriages.

¹³⁵ See John T. Raper to Gregory, Nov. 29, 1865, unlisted letters 1865-1866, AC, T, BRFal, RG 105, NA; also O.H.P. Garret to A.J. Hamilton, Dec. 11, 1865, Governor’s Papers [Hamilton], Texas State Library, Austin; Gammell, *Laws of Texas*, 5: 979-81; “Laws in Relation to Freedmen,” *Senate Executive Document*, 39th Cong., 2nd sess., No. 6 (Serial 1276), 225-226. John Dix to Richardson, May 31, 1868,

As an important means of eliminating white control over their lives after emancipation, it became important for the black family unit, restricted under slavery, to assert itself. There had been no greater pain for parents than the humiliation and helplessness they suffered watching whites abuse their children during slavery. One of the most profound consequences of emancipation was the hope that black families could live free from the authority of whites. Unfortunately, freedom from slavery did not give black parents the authority to protect their children from violence.¹³⁶

Often children suffered as an indirect result of their parents' testing the bounds of freedom. For example, Bureau officials concluded that a group of "desperados," who set fire to a house in Leon County, were most likely targeting the parents for their "assertiveness," not their small child who burned to death in the flames. Frequently mothers were assaulted and some even killed for trying to protect their children from abuse by whites and for reporting such crimes to authorities. A black woman and her children were "cruelly beaten" for no reason by a group of white men who threatened to hang her if she lodged a complaint with the Grimes County Bureau office. After trying to prevent two white men from whipping her child for no reason, Patsy was "struck over

Operations Reports, AC, T, BRFal, RG 105, NA. For an examination of Bureau Agent John Dix and the Reconstruction process in Nueces County, see Campbell, *Grass-Roots Reconstruction in Texas*, 197-219.

¹³⁶ Litwack, *Been in the Storm So Long*, 238. See also Sean Michael Kelley, "Plantation Frontiers," 322, 327-328. Kelley describes black men asserting their "patriarchal urge" over their dependents, which not only caused problems between black families and white landowners, but frequently caused strife within families as black women attempted to assert their own autonomy.

the head with a pistol” and severely injured. Lizzy was assaulted by G. W. Moore simply because she said Moore should not whip her child for misbehaving on the job.¹³⁷

Freedmen’s Bureau records for Texas show a total of only 25 black children reported as injured or killed by whites during the period. This number is deceiving, however, as not all of these youngest victims of violence are immediately recognizable because agents frequently failed to list incidents of violence against children separately.¹³⁸ Even so, black Texans did report outrages against their children to the Freedmen’s Bureau, but many acts against them probably went unreported for fear of violent reprisals. Although statistics from the period are scarce, the Freedmen’s Bureau records at least give some inkling as to the extent of violence perpetrated against children, violence that manifested itself in forms similar to adult violence. African American males and females, toddlers and adolescents all suffered at the hands of whites in Texas during Reconstruction. Children were held in a state of quasi-slavery, raped, beaten, mutilated without provocation, and murdered indiscriminately. In most cases, civil authorities failed to charge or successfully prosecute the perpetrators.

No criminal charges were filed against a Bosque County man for “kicking and flogging” a six-year old black child almost to death. Four days after the incident, the child was found dying in the woods with a dislocated hip. Likewise, civil authorities in Grayson County failed to take action against a white man for “striking and putting out

¹³⁷ CO nos. 584, 1624, 2140; see also 706, 712, 1255, 1361, 2104.

¹³⁸ See for example, CO no. 584 – listed as an abuse perpetrated against a woman. The circumstances reveal that the woman and her children were all beaten, yet the children are not listed separately, and it is unknown how many children she had.

[an] eye” of a black child for no reason. William Richards whipped to death young Sake Adams and Henry Wadling without criminal charges being filed. In what appears to be a rarity, local officials charged a white boy in Austin County for the murder of a young black girl. After his mother insisted the girl be brought back “dead or alive,” the boy tied the unfortunate victim to a horse who kicked and dragged her to death, leaving her “a mass of flesh and broken bones.” In this case, however, the incident was ultimately ruled an accident.¹³⁹

Freedwomen in Texas faced a particularly difficult task in trying to protect their daughters from the added threat of sexual violence that had been commonplace during slavery. Because the peculiar institution sanctioned the ownership of human beings as property, by extension it gave white men ownership of black women’s sexuality and their children. With emancipation, the legal institution as such was outlawed, but many of the advantages of ownership, particularly with regard to the female body, remained in place for white men.¹⁴⁰ Sexual violence against young black girls, thus, continued after the Civil War, while mothers risked and, at times, even lost their lives trying to protect

¹³⁹ CO nos. 1185, 271, 66, 67, 178. See also CO nos. 66, 112, 198, 324, 413, 526, 584, 1017, 1020, 1021, 1022, 1101, 1141, 1251, 1281, 1548, 1589, 1731, 1733, 1940, 2077. As mentioned previously, the Freedmen’s Bureau “Report of Outrages” and individual agents’ reports do not indicate that charges were filed against the perpetrators of these incidents, except CO no. 178. That does not mean, however, that these individuals were never charged with crimes, as a Republican-controlled grand jury could have subsequently handed down an indictment.

¹⁴⁰ Karen Anderson, *Teaching Gender in U.S. History* (Washington, D.C.: American Historical Association, 1997), 29. This topic is thoroughly discussed in Nell Irvin Painter’s “Soul Murder and Slavery: Toward a Full Cost Accounting,” in Linda Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar, eds. *U.S. History as Women’s History: New Feminist Essays* (Chapel Hill: University of North Carolina Press, 1995).

their daughters from vicious attacks by both white and black men.¹⁴¹ When a black woman begged her employer, Mr. Baird, to protect her daughter from the “constant ravishing of [his] favorite black man” on the plantation, Baird did nothing about the rapes, but proceeded to tie-up the mother and give her 100 lashes for her insolence. After two white men broke into a home and attempted a rape on a young black girl, the girl’s mother was beaten severely for coming to her defense.¹⁴² Although the risks were certainly enormous, these examples of bravery demonstrate that black women continually fought to define the terms of their freedom, for themselves and their children.

The amount of physical violence inflicted upon freed women in Texas indicates that whites were bitterly opposed to the notion of black freedom and were determined, by any means necessary, to maintain social, economic, political, and sexual control of their former chattel. Both white men and women perpetrated heinous acts upon black women and their children, most often with impunity. Black women, of course, were not passive victims. On the contrary, many risked their lives resisting their own physical abuse, and especially protecting their children from cruelty. For some, the Freedmen’s Bureau served as a beacon in this difficult transition from slavery to freedom. Not only did agents oversee contract negotiations between landowners and freed people, but they

¹⁴¹ The rape of black women and girls is more thoroughly discussed in Chapter V below.

¹⁴² CO nos. 369, 497. It must be noted that neither of these offenses is recorded in Bureau records as incidents of rape or attempted rape against specific children. They are listed as acts of physical assault committed against the mothers. Thus, to say that the number of children injured during the period is 25 is inaccurate, for it does not take these (and many others like them) into account. More importantly, the rapes are almost indiscernible in the description of circumstances surrounding the incidents. At times, the terms of “raped” or “ravished” seem to be almost an afterthought. This certainly raises important questions about the insignificant place of women, a topic discussed more thoroughly in Chapter V below.

also kept records of offenses perpetrated upon former slaves and, it seems, honestly tried to make the transition as smooth as possible. But Bureau agents, like local authorities, seem to have placed little value on black women's lives. Of the 281 incidents of violence against black women reported to the Bureau between 1865 and 1868, local authorities acted in a mere 14 percent (38) of the cases. The Bureau's track record is hardly better for the period, having only acted in 19 percent (54) of the cases.¹⁴³ To be sure, the hands of Bureau officials were tied in many ways, as local citizens and civil authorities for the most part did not support them, and the agency itself was severely under-staffed and under-funded. But their inaction also raises the question of whether the white, male agents' own philosophies on race and gender, seemingly similar to that of southern whites generally, dictated their responses to some of these crimes. Under such conditions, black women found themselves particularly susceptible to rape and other forms of sexualized violence and left with virtually no protection from such abuses.

¹⁴³ All tabulations by author from the "Record of Criminal Offenses." Civil "action" includes arresting, filing charges against, trying, and assessing fines. Bureau "action" includes the same, although agents also frequently turned perpetrators over immediately to civil authorities, as they had limited jurisdiction in many cases. It is possible that some of these cases may have been prosecuted after agents filed reports. With the widespread practice of jury nullification, however, it is doubtful that any significant number would have resulted in convictions. For limitations and constraints on the Freedmen's Bureau generally, see James Oakes, "A Failure of Vision: The Collapse of the Freedmen's Bureau Courts," *Civil War History* 25 (1979): 66-76.

CHAPTER V

‘TO PUNISH AND HUMILIATE THE ENTIRE COMMUNITY’:

THE IMPACT OF RAPE AND SEXUALIZED VIOLENCE

ON BLACK TEXANS

Violence against black women was intense and pervasive during Reconstruction in Texas, with sexual violence in particular serving as an essential feature of the period. Black women faced rape and other forms of sexual abuse frequently, as they had during the antebellum period. But women were not the only victims of this type of violence. On the contrary, whites systematically perpetrated a myriad of sexual abuses against freed men and women to traumatize and, thus, control the entire black population of Texas. Rape and other forms of sexualized violence - including whipping, mutilation, forced nakedness, and sexual humiliation - served to create a climate of fear and to further demonstrate white hegemony and control over the entire black community.¹⁴⁴ While many individuals were direct victims of such abuses during Reconstruction, this horrific strain of violence did not have to be witnessed directly by the black community for white Texans to make their point. Simply knowing that these abuses happened

¹⁴⁴ John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America*, 2d ed., (Chicago: University of Chicago Press, 1997), 104. See also Cardyn, “Sexualized Racism/Gendered Violence,” 10, 11, 13. Because Cardyn’s work relies heavily on the 13 -volume *Klan Report* to analyze sexual violence in the former Confederacy, she all but ignores Texas. One purpose of this chapter is to fill that void. Hence, in writing this chapter, I was heavily influenced by Cardyn’s findings for the South in general.

frequently, and often with impunity, burned it “indelibly into the mind” of all African Americans in Texas.¹⁴⁵

The rape of black women and girls, and the related lynching of black men for the alleged rape of white women, were more than acts of violence against individuals; both represented methods of racial subordination.¹⁴⁶ “Splitting a nigger woman,” a repugnant euphemism used to describe the rape of black women, was considered not only “a white man’s prerogative” but was also “a way to express his anger and contempt” toward all blacks during the period.¹⁴⁷ Although first and foremost a crime against a woman’s body, rape was also an indirect assault on all black Texans because it served the additional purpose, intentional or not, of communicating defeat to black men.

Throughout history, the rape of women has been recognized as a predictable part of military conflict, serving additionally as a “consequence of defeat” in war.¹⁴⁸ From the

¹⁴⁵ Hall, “The Mind that Burns,” 62.

¹⁴⁶ Jacquelyn Dowd Hall discusses the rape of black women as the counterpart to the lynching of black men in “The Mind that Burns,” 62, a theme that runs throughout her biography of white anti-lynching crusader, Jessie Daniel Ames. See Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women’s Campaign against Lynching* (New York: Columbia University Press, 1979), 131. For further discussion of lynching used specifically as a tool to reinforce the status quo for all whites and all blacks, see Angela Y. Davis, *Women, Race, and Class*, 185; Laura F. Edwards, “Sexual Violence, Gender, Reconstruction, and the Extension of Patriarchy in Granville County, North Carolina,” *North Carolina Historical Review* 68 (1991): 237-260; Martha Hodes, “The Sexualization of Reconstruction Politics: White Women and Black Men in the South after the Civil War,” *Journal of the History of Sexuality* 3 (1993): 402-417; Robyn Wiegman, “The Anatomy of Lynching,” *Journal of the History of Sexuality* 3 (1993): 445-467. General accounts of lynching include W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of North Carolina Press, 1997) and *Under Sentence of Death: Lynching in the South*, ed. W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1997); Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002).

¹⁴⁷ Sterling, *We Are Your Sisters*, 353 (quoting an unnamed Alabama doctor); Hall, “The Mind That Burns,” 63.

¹⁴⁸ Ronald Littlewood, “Military Rape,” *Anthropology Today*, Vol 13, No. 2 (April 1997): 8. The use of rape specifically as an instrument of warfare, especially in recent twentieth-century conflicts, has been

perspective of white southerners, while they may not have had the ability to overturn their own military defeat by the U.S. Army, many refused to be doubly defeated by accepting the equality of their former chattel. Therefore, the rape of black women by whites during Reconstruction served as an instrument to drive into the black community – literally and figuratively - the idea that *they* were, in fact, the defeated people, regardless of the war’s military outcome.¹⁴⁹ Through the abuse of black women, then, white Texans attempted to ensure what they failed to accomplish in the Civil War – the continued subjugation of African Americans.¹⁵⁰

According to historian Jacquelyn Dowd Hall, both rape and lynching flourished “in an atmosphere in which official policies toward members of a subordinate group give individuals tacit permission to hurt and maim.” This atmosphere existed in slavery and in freedom, as the denial of due process for African Americans left them with very limited legal protections and gave whites the freedom to attack blacks with impunity in most cases. For over two hundred years, slaves endured a system where white men’s access to black women reinforced the foundation of their patriarchal power. Although men and women endured countless abuses during their enslavement, sexual violence

documented in a number of scholarly works. In this context, rape during the Reconstruction conflict may be seen as a systematic effort of white men to inflict defeat on blacks. James Smallwood’s recent work on the Lee-Peacock feud in Texas looks at Reconstruction in the context of a continuation of the Civil War. Smallwood, *Murder and Mayhem*. For a general history of rape as social control, see Merril D. Smith, ed., *Sex Without Consent: Rape and Sexual Coercion in America* (New York: New York University Press, 2001).

¹⁴⁹ For works on rape in warfare, see note 4 above.

¹⁵⁰ Beverly Greene Bond, “‘Till Fair Aurora Rise’: African American Women in Memphis, Tennessee 1840-1915” (Ph.D. diss., University of Memphis, 1996), 98. See also Lerner, *Black Women in White America*, 172-173.

against black women and girls in particular, had been an essential feature of race relations and helped whites perpetuate racial dominance.¹⁵¹ Harriet Jacobs, a female ex-slave, described the constant threat of sexual assault that slave women faced throughout their lives:

The slave girl is reared in an atmosphere of licentiousness and fear . . . When she is fourteen or fifteen, her owner, or his sons, or the overseer, or perhaps all of them, begin to bribe her with presents. If these fail to accomplish their purpose, she is whipped or starved into submission to their will . . . [R]esistance is hopeless.¹⁵²

Open access to black women's bodies was inherent in the institution of slavery, and as such, the law did not recognize the rape of slave women as a crime.¹⁵³ Statutory law broadly defined rape as having "carnal knowledge" of a woman (meaning *white*

¹⁵¹ Hall, "The Mind that Burns," 70, 62; Cardyn, "Sexualized Racism/Gendered Violence," 7 -13. For rape during slavery see, for example, John Blassingame, *The Slave Community*, 154-155, 172-73; Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon Books, 1982), 201; Catherine Clinton, "'Southern Dishonor': Flesh, Blood, Race, and Bondage," in *In Joy and in Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser (New York: Oxford University Press, 1991), 57-58, 65-67; Catherine Clinton, "Caught in the Web of the Big House: Women and Slavery," in *The Web of Southern Social Relations: Women, Family, and Education*, ed. Walter J. Fraser Jr., R. Frank Saunders Jr., and Jon L. Wakelyn (Athens, Ga: University of Georgia Press, 1985), 20, 23-25; Angela Y. Davis, "Reflections on the Black Woman's Role in the Community of Slaves," *Black Scholar* 3 (1971), 12-14; Laura F. Edwards, *Scarlett Doesn't Live Here Anymore: Southern Women in the Civil War Era* (Urbana: University of Illinois Press, 2000), 61-63; Patricia L. Gay, "Slavery as Sexual Atrocity," *Sexual Addiction and Compulsivity* 6 (1999): 5-10; Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974), 422-423, 426-428, 461; Getman, "Sexual Control in the Slaveholding South," 115, 142 -43; Jennings, "'Us Colored Women Had to Go Through a Plenty,'" 45 -46, 60-66; Helene Lecaudey, "Behind the Mask: Ex-Slave Women and Interracial Sexual Relations," in *Discovering the Women in Slavery*, ed. Patricia Morton (Athens, Ga.: University of Georgia Press, 1996), 260-61, 269, 272; Maria Jenkins Schwartz, *Born in Bondage: Growing Up Enslaved in the Antebellum South* (Cambridge, Mass.: Harvard University Press, 2000), 14, 44-46.

¹⁵² Harriet A. Jacobs, *Incidents in the Life of a Slave Girl, Written by Herself*, ed. Jean Fagan Yellin (Cambridge: Harvard University Press, 1987), 51.

¹⁵³ For rape of slave children, see for example Melton A. McLaurin, *Celia: A Slave* (Athens: University of Georgia Press, 1991).

woman) “by force and against her will.” As property, slave women were in a precarious position, having no real rights except those whites believed to be “necessary to protect [their] existence.” Because of the stereotype of black women’s innate lasciviousness, “carnal knowledge” of a female slave could not possibly affect her “existence” and, therefore, was not considered to be a violation of her rights. While it is important to note that white women had very little legal protection from rape perpetrated by white men during the same period, black slave women had absolutely none.¹⁵⁴ The legal system viewed the rape of slave women -- if a crime at all -- as a crime against property and, therefore, considered slave owners the only victims who could legally seek redress. According to antebellum legal scholar Thomas Cobb, one of the most profound consequences of slavery was that “the violation of the person of a female slave carries with it no other punishment than the damages which the master may recover for the trespass upon his property.” Further, courts refused to recognize the rape of slave women as a crime because of the economic benefit it potentially held for the slaveholding class. If a rape resulted in pregnancy, the child became an additional piece

¹⁵⁴ Thomas R.R. Cobb, *An Inquiry into the Law of Negro Slavery in the United States of America* (Philadelphia: T & J. W. Johnson & Co., 1858), 99. According to Cobb’s research, the rape of black women by either white or black men was not recognized as criminal in any Southern state during the antebellum period. In the post-war period, black women’s claims of rape were typically dismissed outright, regardless of the race of the offender. The rape of white women was almost as difficult to prove as common law rules generally protected the white male defendant. Not only was the sexual history of the victim admissible, particularly if she were considered economically lower class, but corroborating evidence from additional witnesses was necessary to prove that the victim had in fact used all possible means to resist the act. Diminishing resistance at any point in an attack was interpreted as consent to sex. Stereotypes about black women would make this practically an impossibility when they were raped. The act of rape itself – regardless of the race or status of the victim – was also defined very narrowly. See D’Emilio, *Intimate Matters*, 101-102; Peter W. Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century American South* (Chapel Hill: University of North Carolina Press, 1995), 68-69; and Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 305-307, 321; Wriggins, “Rape, Racism and the Law,” 103-141.

of property owned by the victim's master. Therefore, not only did masters rape their own female slaves, they typically saw to it that overseers, drivers, and other male slaves had such access.¹⁵⁵

While the rape of female slaves was justified by the presumed innate lasciviousness of black women, it was also socially accepted as an outlet for the "natural promiscuity" of white men. In channeling these urges toward slaves and free black women, white men claimed to be protecting virginal white women from abuse that would otherwise tarnish their innocence as well as their family honor. Thus, the rape of black women served as a sexual "safety valve" in the protection of white women. These attitudes, unfortunately, persisted into the Reconstruction period and beyond, leaving black women particularly vulnerable to sexual abuse by both white and black men; they also had little access to legal remedies. When freed women were raped, regardless of the race of the rapist, charges were less likely to be filed than in incidents involving white women. Such a travesty existed primarily because whites generally believed black women to be sexually promiscuous and, as such, to be less harmed by rape than "virtuous" white women, presumed to disdain sex generally. Through rape, black women were thus victims of both racism and sexism, and were devalued and degraded in the eyes of the law and white society.¹⁵⁶

The sexual exploitation and rape of black women and girls, considered the most significant basis of white male power during slavery, was just as widespread, if not more

¹⁵⁵ Thomas Cobb, *An Inquiry into the Law of Negro Slavery*, 99; See also Jennings, "'Us Colored Women Had to Go Through a Plenty,' 45-46. For rape during slavery, see note 150 above.

¹⁵⁶ See Crenshaw, "Mapping the Margins," 1279; D'Emilio, *Intimate Matters*, 96.

so, after emancipation.¹⁵⁷ Because freedom from slavery meant that black women were no longer the legal property of a particular white man, they became, to a great degree, “sexually available to all white men.”¹⁵⁸ Most white southerners, both civilians and law enforcement officials, forcefully rejected the idea that a black woman could actually be raped. As was the case in most of the violent incidents perpetrated against black women, white perpetrators were unlikely to be charged with nor convicted of rape or sexual assault when their victims were black; neither were black men likely to be charged with or convicted of raping black women.¹⁵⁹ For example, three black women in McLennan County were raped, beaten, and robbed by William Killum, J. Tubbs, and Parish Johnson. These same three white men continued their rampage the following day, sexually assaulting seven-year-old Dolla Jackson and robbing her of twenty-five cents. None of these men were questioned or charged with these atrocities, even though they

¹⁵⁷ Many historians have posited that black women were, in fact, more vulnerable to rape and other forms of sexual abuse after emancipation. According to Laura Edwards, “emancipation heightened the vulnerability of African-American women to violence at the hands of white men, who used rape and other ritualized forms of sexual abuse to limit black women’s freedom and to reinscribe antebellum racial hierarchies.” Edwards, *Gendered Strife and Confusion*, 199. See also Hazel V. Carby, *Reconstructing Womanhood: The Emergence of the Afro-American Woman Novelist* (New York: Oxford University Press, 1987), 39; Clinton, “Bloody Terrain,” 331; Davis, *Women, Race and Class*, 175-76; Hall, “The Mind That Burns in Each Body,” 63; Smallwood, “Black Freedwomen after Emancipation,” 313; Trelease, *White Terror*, 232, 341; Wriggins, “Rape, Racism, and the Law,” 119.

¹⁵⁸ D’Emilio, *Intimate Matters*, 107.

¹⁵⁹ The Bureau’s “Record of Criminal Offenses” does not list black men as perpetrators of rape or attempted rape on black women – although one incident describes the “constant ravishing of a favorite black man” (CO no. 497). This is a surprising oversight in the Bureau’s violence compilation, as some black women did report such crimes to agents who then alerted civil authorities in many cases. See for example, L. H. Warren (Agent, Houston) to Mayor De Daligethy, June 13, 1867, Vol. 102, p. 27; Warren to Judge B.P. Fuller, June 27, 1867, Vol. 102, p. 57-58, AC, T, BRFAL, RG 105, NA. Unfortunately, there is no record of charges being filed in these specific cases. Jacquelyn Dowd Hall speaks to the prevalence of black on black rape and its near inevitability during the period: “In a society that defines manhood in terms of power and possessions, black men are denied the resources to fulfill their expected roles . . . inevitably, they turn to domination of women, the one means of asserting traditional manhood within their control.” Hall, “The Mind that Burns,” 70.

were reported by name to authorities. A Bureau agent commenting on the Jackson assault merely wrote “Chivalry???” in his record of the event, implicitly acknowledging that black women and girls did not enjoy the same basic protections granted to whites of the same gender, or perhaps indicating disdain at Southern concepts of chivalry. When Mr. Narrymore of Harrison County raped a young girl before driving her father off his land without his earned portion of the crop, Bureau authorities reported that civil authorities took no action against the perpetrator.¹⁶⁰

Charges were seldom levied for the rape of black women, but when they were charged, white men were typically acquitted and their black victims were blamed for provoking the act. On the very rare occasion that a white man was actually convicted of sexually assaulting a black woman, the racist stereotype of black female promiscuity was likely the main justification for the relatively lighter punishments they normally received. Texas Bureau agents recorded only one case of a white man charged and convicted of a crime involving the rape of a black woman. E. A. Bingham of Red River County was fined two hundred dollars for the “assault and battery” of Emily Reed, an assault that, according to Bureau agents, included rape. Because he claimed to be financially unable to make this court-ordered payment, however, Bingham’s fine was subsequently reduced to a mere thirty-five dollars. That the perpetrator in this case received a fine in the first place is highly notable, perhaps speaking either to the singular violence of his crime or to his general unpopularity among his peers, as Texas statutes

¹⁶⁰ CO nos. 2073, 2074, 2075, 2077, 1252.

provided specific penalties for rape that did not include monetary fines.¹⁶¹ The records are unclear, however, as to whether or not the rape was actually recognized as part of the formal charge. That Bingham not be charged with raping a black woman would certainly reflect nineteenth-century gender conventions as to who could and could not be raped. It is also likely that Ms. Reed, being black and female, was unable to furnish corroborating evidence and witness testimony to the court's liking (by an upstanding white, preferably male witness), resulting in less than a preponderance of the evidence necessary to sustain such a charge. Nonetheless, and despite the rarity of both the conviction and the punishment, the Court devalued the victim in this case by reducing the fine to an amount agreeable to the criminal, rather than imposing the sanctioned jail time for the assault.¹⁶²

Black women were often victimized further for defending themselves against the unwelcome sexual advances of white men. For example, in Bowie County, Tilman Curloo threatened and then murdered Virginia Harrison, because "she wouldn't yield to his desires." Similarly, in Anderson, John Cautly shot and killed an unnamed black woman because she refused to engage in "adultery" with him. A "Mr. Moore" attempted to rape a young black girl named Millie, who successfully resisted him the first time. Unfortunately, Moore returned the following day, took Millie into the woods and sexually assaulted her, beating her "on her bare parts twenty times with a stick."¹⁶³

¹⁶¹ See note 167 below and accompanying text for elaboration on Texas rape law.

¹⁶² Lerner, *Black Women in White America*, 164; CO no. 1893; see also Gammel, *The Laws of Texas*, 161; D'Emilio, *Intimate Matters*, 104-108.

¹⁶³ CO nos. 1331, 406, 1587.

Black women not only had to fear the threat of rape itself and retaliation for reporting such abuses, but they additionally had to deal with their accusations likely being met with disbelief – by civil authorities and, unfortunately, by Bureau officials in many instances. Although most Bureau agents probably did their best to protect black Texans from violence, their records indicate that they, like whites generally, did not recognize the rape of black women as a serious crime. Often Bureau agents failed to note rape as an actual crime committed against black women. Descriptions of circumstances in the records are rife with euphemisms, such as “ravishing” or “maltreatment,” but agents then seem to move on to emphasize what they apparently believe to be crimes of a more serious nature.¹⁶⁴ For example, when a black woman was brutally beaten, raped, and hanged by a group of white men, the Bureau described the crime as “hanging by thumbs and striking over the head with a pistol,” yet being “ravished” was part of a litany of abuses suffered by the woman. Likewise, when a young girl successfully resisted an attempted rape by a group of white men and reported the incident to the Harrison County Bureau office, the agent listed the offense as “whipping and threatening to kill.”¹⁶⁵ Although “attempted rape” is mentioned as part of the lengthier offense description, it is clear that the agent in this case, like many others, did not view this type of violation as severe enough to be predominant in the

¹⁶⁴ All calculations by author from “Record of Criminal Offenses.” Of the 281 incidents of violence against black women recorded in the Bureau records, 2.5 percent (7) are noted specifically as rape or attempted rape in the “Offense Nature” or crime column. In that same number of cases, 2.5 percent (7), rape is not noted specifically, but instead “assault and battery” or some other generic description is noted in the crime column, while rape or “shameful treatment” is described in the circumstances surrounding the attack.

¹⁶⁵ CO nos. 308, 1587.

record. This fact is especially disturbing when one considers that in 34 percent (96) of all cases of violence perpetrated against black women, agents failed to describe incidents at all, aside from listing the crime that was alleged to have been committed or the law that was violated (“homicide” or “assault and battery,” for example). This certainly begs the question as to whether at least some of these crimes perpetrated against black women were not also sexual assaults.

In complete contrast to the experience of black women, alleged black rapists inspired white supremacy in its extreme.¹⁶⁶ In response to white fears of innate black male lustfulness, the Texas Legislature in 1866 amended the Penal Code so that black men could be easily incarcerated, while white criminals who violated blacks remained free. Of particular importance was Article 529, which was amended to ensure that rapists, insinuated to all be black, were given the severest punishments. The amended article read:

Whoever shall be guilty of rape, shall be punished by death, or by confinement in the penitentiary for life, or for any term of years not less than five, in the discretion of the jury.¹⁶⁷

¹⁶⁶ The myth of the black rapist not only led to numerous lynchings, but it also became deeply ingrained in the interpretation of law and in trial procedure for decades into the twentieth century. The foundation of this myth rested on the belief that consensual sex between a black man and a white woman was impossible; any sexual activity between them constituted rape. For example, in the 1931 Scottsboro Trial, the judge explained that “where the woman charged to have been raped, as in this case is a white woman, there is a very strong presumption under the law that she would not and did not yield voluntarily to intercourse with the defendant, a Negro; and this is true whatever the station in life the prosecutrix may occupy, whether she be the most despised, ignorant and abandoned woman of the community, or the spotless, virgin and daughter of a prominent home of luxury and learning.” This presumption did not, of course, extend to black women who claimed to have been raped by white men. *New York Times*, December 1, 1933, p 1; quoted in Dan T. Carter, *Scottsboro: A Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 1979), 297.

¹⁶⁷ Gammel, *The Laws of Texas*, 161.

Although the wording appears nondiscriminatory, Bureau records indicate that this outwardly color-blind law was not applied equally when the rape victim was black. According to historian Victoria Bynum, throughout the nineteenth century, rape was regarded as “the theft of a woman’s prized possession – a body reserved exclusively for her future or present husband.” The selective application of Texas law demonstrates that, in cases of rape, the law was designed strictly for the protection of a white woman’s “prized possession.”¹⁶⁸

Even the tiniest infraction of social mores by black men toward white women constituted a sexual threat because white women were seen as inviolable property, and thus, the definitive symbol of white male power. For example, after an unnamed black man in Dallas County suffered a pistol-whipping, the white male perpetrator claimed to have been “obliging a lady friend whose strength was not equal to the emergency.” A similar incident happened in the same county when a black man was whipped severely by a white man who “did it to oblige a lady friend.”¹⁶⁹ While Bureau officials failed to elaborate further on these incidents, they demonstrate the severity with which even the most non-threatening contact between black men and white women could be met. To white men, it seems, *any* contact could lead ultimately to interracial sex; and, to them, interracial sex was rape in *all* cases involving black men. Because sexual intercourse in the nineteenth century was considered something that was done *to* women and not something they participated in, white males saw interracial sex as the sexual conquest of

¹⁶⁸ Bynum, *Unruly Women*, 109.

¹⁶⁹ Hall, “The Mind that Burns,” 64; CO nos. 383, 384.

their women by black men; a crime that not only empowered the “rapist,” but served to humiliate white men in the process.¹⁷⁰ White men, thus, not only feared the implication of social equality, but, more importantly, that sex between black men and white women could potentially achieve for blacks what they hoped the rape of black women would achieve for whites.

Black men suspected of rape were regularly charged for the offense but rarely served the sanctioned prison terms because they were typically turned over to extralegal entities rather than given a day in court. The lynching of black men for the alleged rape of white women is typically thought to have been a phenomenon that started after Reconstruction. Yet there is an abundance of evidence in Texas indicating that whites during the period clearly associated the granting of black rights with the rape of white women. Because emancipation also allegedly released black men from the sexual restraints of slavery, many whites believed newly freed black men considered that their rights extended over white women’s bodies.¹⁷¹ In Grayson County, William Wimberley

¹⁷⁰ See Clinton, “Bloody Terrain,” 331; Bynum, *Unruly Women*, 9 (emphasis added); Hodes, *White Women, Black Men*, 143-146 and 156-157. Both Bynum and Hodes have made the assertion that interracial sex between white women and black men was treated with little hostility, generally, prior to emancipation. The extremely brutal violence perpetrated upon freedmen for the same “offenses” after the Civil War, then, must be attributed also to white attempts at racial control, and not just their revulsion towards interracial sex.

¹⁷¹ For Reconstruction-era Klan rhetoric specifically acknowledging fears of alleged black rapists, see Cardyn, “Sexualized Racism/Gendered Violence,” 46 -49. Other sources also indicate that the black rapist fear was common during the period. Sarah Ann Ross Pringle, a white woman interviewed as part of the Federal Writer’s Project, stated in her interview that because of the ever-present threat of black men in Texas during Reconstruction, the Klan was necessary and “certainly did help to make it safer for the white women.” *Slave Narratives from the Federal Writers’ Project, 1936-1938*, Digital Collection, American Memory, Library of Congress, Washington, D.C., Interview of Sarah Ann Ross Pringle by Effie Cowan, Marlin, Texas, nd., <http://memory.loc.gov/ammem/wpaintro/wpahome.html>, 4 (accessed 14 July 2005). For the myth of the black rapist and lynching during the Reconstruction period specifically, see Richard Maxwell Brown, “Legal and Behavioral Perspectives on American Vigilantism,” *Perspectives in American History* 5 (1971): 105-106; Brundage, *Lynching in the New South*, 6-7; Davis, *Women, Race*

almost died from a severe whipping he received “after having been falsely accused” of trying to “seduce a white girl.” Similarly, a black man named Daniel received a thousand lashes from A.C. Pearce for allegedly attempting to commit rape. These two were luckier than most. From Millican, Agent Samuel C. Sloan reported the case of one Seaton who was arrested for an attempted rape “of which there was not the slightest evidence.” Seaton was released by civil authorities into the hands of a mob and was hanged that same night. The entire Brent family of Walker County was reported to have participated in the lynching of a black man because he allegedly raped a white female friend of the family. Bureau officials reported the incident to local authorities; however, they failed to prosecute a single member of the Brent family for the hanging.¹⁷²

Although laws had been amended in 1866 so that it was relatively easy to use legal means to convict and incarcerate alleged black rapists, in the majority of cases, legal justice was not immediate enough to suit white Texans. While the rape of black women reasserted white male dominance in “the private arena,” the lynching of black men accused of rape “reasserted hierarchical arrangements in the public transactions of

and Class, 172-201; Hall, “The Mind That Burns,” 64 -67 and *Revolt Against Chivalry* , 131; Hodes, *White Women, Black Men*, 143-146, 156-157, 162; Dianne Miller Sommerville, “The Rape Myth in the Old South Reconsidered,” *Journal of Southern History* 61 (1995): 483, 485; Christopher Waldrep, “Word and Deed: The Language of Lynching, 1820-1953,” in *Lethal Imagination: Violence and Brutality in American History*, ed. Michael A. Bellesiles (New York: New York University Press, 1999), 256; Walter White, *Rope and Faggot: A Biography of Judge Lynch : A Biography of Judge Lynch* (New York: Arno Press, 1969), 93-100; Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1984), 183. For lynching as a symbolic crime, see Richard Slotkin, “Apotheosis of the Lynching: The Political Uses of Symbolic Violence,” *Western Legal History* 6 (1993): 3-15.

¹⁷² CO nos. 270, 90; Samuel C. Sloan to W.H. Sinclair, September 9, 1866, Millican, Texas, BRFAL, RG 105, NA; CO no. 10.

men.”¹⁷³ Further, because most white men believed so firmly that only direct and swift violence could keep black male bestiality in check, it was often carried out immediately following accusations and arrest. For example, an unnamed man, having been arrested on the charge of attempted rape, was taken out of jail by a mob and hanged in clear view of citizens and law enforcement in Fort Bend County. Another black man, identity also unknown, suffered the same fate in nearby Walker County. Both of these men were denied an opportunity to defend themselves in court, and it appears that civil authorities failed to take action against the perpetrators.¹⁷⁴ That alleged inappropriate social behavior (whether consensual or not) between black men and white women was so frequently met with swift and violent retribution not only demonstrates white attitudes toward black men (as bestial rapists), but it also reveals the general lack of value placed on the lives and bodies of black women.¹⁷⁵

¹⁷³ Hall, “The Mind that Burns,” 63.

¹⁷⁴ CO nos. 252, 10.

¹⁷⁵ For an examination of Southern attitudes toward racial mixing in the post-war period, see James Kinney, *Amalgamation! Race, Sex and Rhetoric in the Nineteenth-Century American Novel* (Westport: Greenwood Press, 1985). Alleged rape was hardly the only crime for which black men could be lynched during Reconstruction. A lynch mob in Robertson County murdered a black man for allegedly stealing a horse while two others in the same county were lynched for allegedly murdering another freedman. Apparently, this same lynch mob was active in 1867 as Bureau agents reported the same group of men having lynched two other Robertson County blacks for allegedly “murdering and robbing an unknown traveler.” In Brazos County, Gary Holt was “taken out of his bed by a party of whites, about 30 or 40 of them in all and hung [sic]” for killing and saving the meat of an injured steer, and agents in Falls County found the bodies of three black men hanging from the same tree in the woods. It is interesting to note that the incidents in Robertson County are listed specifically as lynchings. Although many other incidents allude to lynchings (i.e., perpetrators listed as “mob” or “gang of desperados”), these are the only incidents where the term is actually used. CO nos. 1745, 1746, 1747, 1965, 1966, 1535, 2034, 2035, 2036. For an in-depth examination of a “lynching culture” that developed in Central Texas, although limited on the Reconstruction era, see William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836-1916* (Chicago: University of Illinois Press, 2004), 112-130.

In their quest to maintain racial dominance, many white Texans also relied heavily on other forms of sexual and sexualized violence besides rape and, unfortunately, former slaves - women as well as men - became regular objects of these types of abuses. As used here and in its broadest context, sexual violence is more than rape. Medical scholars Inge Lunde and Jørgen Ortmann define “sexual torture” as including: “(1) violence against the sexual organs; (2) physical assault – i.e., sexual acts involving direct physical contact; (3) mental sexual assault – i.e., forced nakedness, sexual humiliations, sexual threats, and witnessing others being sexually tortured; and (4) a combination of these.”¹⁷⁶ Freedmen’s Bureau Records indicate that this kind of abuse was endemic in Texas, as whites used it in varying forms to dehumanize and demoralize the black community and thus, exert further domination and control over them.

Often Bureau agents only allude to sexualized forms of abuse in their records, using terms such as “unmercifully” or “shamefully” to describe physical violence that is implicitly sexual. According to one historian, it is this implied sexuality, rather than the violent act itself, that is thought of as shameful by agents. This same implicit sexual

¹⁷⁶ Inge Lunde and Jørgen Ortmann, “Prevalence and Sequelae of Sexual Torture,” *Lancet* 336 (1991): 289. See also Cardyn, “Sexualized Racism/Gendered Violence,” which is based in its entirety on this specific definition of sexualized violence. See note 144 above for elaboration on Cardyn’s work. For rape as sexualized racism, see Coramae Richey Mann and Lance H. Selva, “The Sexualization of Racism: The Black as Rapist and White Justice,” *Western Journal of Black Studies* 3 (1979): 168-177. For an analysis of the use of sexualized violence in the context of war and defeat, see Littlewood “Military Rape.” Littlewood explains how violence against women’s bodies in particular translates into violence against the defeated society, although his explanation can certainly be applied to men’s bodies as well: “As it is practiced, rape in war moves beyond the co-option or fertilization of alien women into insult and genital mutilation, whose consequences cannot easily be seen as the pragmatic assimilation or impregnation of women; but rather as destructive male violence aimed at the body or society in its sexual aspect; directed against the sexual organs or in ways that have evident sexual connotation to victims, the men involved, and others.” Littlewood, “Military Rape,” 9.

undertone is evident in the many cases where partially or totally naked victims are further degraded by “bucking” or being whipped on their “private” or “bare” parts. ¹⁷⁷

Whipping had been a central feature of slavery, one that white Texans were clearly unwilling to relinquish simply because the shackles of the institution were removed by law.¹⁷⁸ While many whites may have used the lash during Reconstruction because it was a familiar instrument of corporeal punishment, others used it deliberately in a form that bore implicit, if not explicit, sexual overtones. While these sexualized whippings varied in form and intensity, all served the additional purpose of shaming victims and inducing further humiliation by forcing them to be partially or totally naked, in addition to purposefully inflicting pain on the genitals. Black women, as well as men, were frequent victims of this kind of violence.¹⁷⁹ In Brazoria County, after a young

¹⁷⁷ Cardyn, 62. For “bucking” see note 127 above and accompanying text.

¹⁷⁸ For an examination of the difficulties transitioning away from whippings in the South, see Christopher Waldrep, “Substituting Law for the Lash: Emancipation and Legal Formalism in a Mississippi County Court,” *American Historical Review* 82 (1996): 1425-1451. For the prevalence of whipping during the antebellum period, see for example Blassingame, *The Slave Community*, 293-297, 300-303, 317-319; Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979), 115, 124-125, 139-143; John Hope Franklin and Loren Schwenger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999), 42-48, 239-240; Genovese, *Roll, Jordan, Roll*, 63-67, 307-308, 322, 374, 379-380; 475, 619-620, 649; Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 1993), 57-60, 120-122, 142, 159, 164; and Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (1956; reprint, New York: Random House, 1989), 114, 174-179. See also Karen Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture,” *American Historical Review* 100 (1995): 303-334 and Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 3-112.

¹⁷⁹ Deborah Gray White has posited that many whippings during the post-bellum period were indeed “sexually suggestive.” See White, *Ar’n’t I a Woman?*, 33. For whippings by Klan members specifically serving a sexual purpose see Cardyn, “Sexualized Racism/Gendered Violence,” 60 -79. Cardyn also suggests that lynchings – even those that did not include castration or other genital mutilation – could be seen as sexual in nature: “These blood-drenched spectacles, with their defilement, desecration, and display of the oppositional body, are at times as suffused with sexual meaning as was their sustaining logic.” Cardyn, 130. For lynchings as metaphorical rapes, see also Trudier Harris-Lopez, *Exorcising*

black woman was beaten over the head with a whip handle, the perpetrators “pulled her clothes over her hips, bucked her and gave her about 200 lashes on her bare parts.”

Likewise, a woman in Harrison County reported having been struck on her “bare parts” with a stick. The agent recording this incident failed to mention the number of times she was beaten with the stick or if the implement was used in a more explicitly sexualized way. A woman named Lucinda was taken into the woods in Panola County by a group of white men who forced her to “lie on her stomach . . . [they] threw up her clothes,” and held a pistol to her head while beating her “on her bare parts.”¹⁸⁰

Black men were often stripped and abused in the same sexualized fashion as their female counterparts. For example, a group of white men in Smith County took an unnamed black man “out of bed at night,” stripped and then beat him with pistols and large sticks. The victim reported his assault and, although warrants were apparently issued, no arrests were made in the case. A man in Grimes County was not as fortunate when he was stripped before being “bucked and gagged [and] beaten.” After torturing and humiliating their naked victim, the group of white male assailants then “shot [him] through the head” in a “most foul murder.”¹⁸¹

Often white mobs moved beyond whipping and into mutilation of their black male victims. In this most explicitly sexual form of abuse, most often the genitals were the targets. Because of white ideas about black male sexual prowess, particularly

Blackness: Historical and Literary Lynching and Burning Rituals (Bloomington: Indiana University Press, 1984), 23; Nell Irvin Painter, *Social Equality*, 63.

¹⁸⁰ CO nos. 199, 1587, 1588.

¹⁸¹ CO nos. 1772, 645.

because of his alleged naturally large penis, white men asserted their dominance and authority over the black male sexual “beast” by attacking his genitals directly. Through this type of brutality, white men not only emasculated their immediate victim, they also further subjugated the entire community through his emasculation.¹⁸² In Brazoria County, for example, a black man was taken by a group of white men and murdered; his head and genitals cut off. Whether or not the mutilation was post mortem could not be determined, as his mangled body was found floating in the Brazos River several days after the murder had been committed. A black man in Burleson County, a military-appointed member of the county’s board of registrars, was “taken from his bed at night . . . his body was fearfully mangled with knives and it is believed scalped.” Bureau agents reported finding his body also in the Brazos River. In Wilson County a group of white men killed a black man, apparently without any provocation. His dead body was similarly described as being “fearfully mangled.” Likewise, in Wharton County a gang of white men murdered an unnamed black man who was found “shockingly mutilated.”¹⁸³

While these particular cases indicate that the victims died as a result of their attacks, not all cases of genital torture and mutilation are as clear. In a particularly cruel

¹⁸² See Littlewood “Military Rape,” and note 176 above. Winthrop D. Jordan describes numerous reports by medical doctors and slave owners commenting on the size of black male genitalia; myths that will be used as justification for post-war brutality of alleged black male rapists. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), 158.

¹⁸³ CO nos. 2306, 62, 1865, 736, 1890. The terms “shockingly” and “fearfully mangled” indicate the probable mutilation of the body, the genitals specifically. Castration served multiple purposes; if the victim survived the mutilation, it meant that he was forced to live in a diminished, emasculated condition, thus demonstrating the power of whites. See Hodes, *White Women, Black Men*, 156.

incident, Bureau agents in Travis County reported that a mob of white men “shamefully ill treated a colored boy” by pouring turpentine on his genitals. No reason for this abuse was listed in the agent’s report and it is unclear whether or not the child ultimately succumbed to his injuries. Judge Thomas Ford, along with a minister and two doctors, took it upon themselves to castrate a teenage boy in San Antonio, who supposedly attempted to rape a white girl. Although the victim had not been officially charged or arrested for his alleged crime, castration was decided upon as his punishment after the three perpetrators declared the suspected rapist guilty, but too young for hanging.¹⁸⁴

It is important to note that each and every incident of sexualized violence as defined here and recorded in the Texas Bureau’s official records, regardless of the gender of the victims, was perpetrated by groups of white men, rather than individuals. Perhaps, as psychologists have concluded with regard to gang rape, whipping on the genitals and similar sexualized abuse of naked victims, including castration, provided a certain homoerotic outlet for the perpetrators.¹⁸⁵ Whether or not individuals within a group were sexually aroused by their collective abuse of black victims cannot be determined from the extant sources. At the most basic level, in performing these violent acts the group of perpetrators was obviously sending a message to the victim directly and the black community, indirectly. It cannot be ruled out, however, that in sexually

¹⁸⁴ CO no. 1548; Phillip Howard to L.K. Morton, September 25, 1866, LR and Testimony of Freedman, SAC, Meridian, Texas, BRFAL, RG 105, NA.

¹⁸⁵ On the psychology of gang rape, see for example W.H. Blanchard, “The Group Process in Gang Rape,” *Journal of Social Psychology* 49 (1959): 259; A. Nicholas Groth, *Men Who Rape: The Psychology of the Offender* (New York: Plenum Press, 1979), 115; Jacquelyn Dowd Hall, *Revolt Against Chivalry*, xxvi; Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon & Schuster, 1975), 125.

abusing and humiliating their victims, individual white male perpetrators within a group setting were also demonstrating their manhood to their cohorts. As in gang rape, these perpetrators were, in effect, using black bodies as “verbs with which to communicate with one another.”¹⁸⁶

Thus, Albion Tourgée was not necessarily using artistic license when his “fool” described Reconstruction as a period when “the mutilation of men and women in methods too shocking and barbarous to be recounted,” left former slaves “mutilated beyond description, tortured beyond conception” and “mangled.”¹⁸⁷ During the early years of Reconstruction in Texas, African-American men and women frequently suffered sexualized violence at the hands of white men. Black women not only had to suffer through their own experience of rape, but many endured the additional trauma of knowing their own daughters were similarly abused. As if to add insult to injury, laws regarding rape were not equally applied when rape victims were black, regardless of the race of the perpetrator. Black women and girls were not the only victims of rape and sexualized violence during Reconstruction, but they were certainly the most vulnerable, as they had few legal protections from this most vicious and invasive of crimes prior to Congressional Reconstruction. While black men could be lynched for even the slightest social indiscretion, black women who had been sexually assaulted suffered the

¹⁸⁶ Hall, “Mind that Burns,” 63. For rape as communication between men, see for example Robin Morgan, “The ory and Practice: Pornography and Rape” in Laura Lederer, ed., *Take Back the Night: Women on Pornography* (New York: William Morrow and Company, 1980), 140. Cardyn, “Sexualized Racism/Gendered Violence,” 101.

¹⁸⁷ Albion W. Tourgée, *A Fool's Errand, by one of the Fools; The Famous Romance of American History. Part II: The Invisible Empire: A Concise Review of the Epoch on Which the Tale is Based*. New enl., and ill. ed. (New York: Fords, Howard, and Hulbert, 1880), 241, 246.

additional indignity of having to prove their chastity to authorities who, like white men generally, based their presumption of guilt on stereotypes about black women's innate lasciviousness. In addition to rape, black women as well as men suffered other forms of sexualized violence including whipping and torture of the "bare parts," forced nakedness, and genital mutilation. Groups of white men castrated and otherwise mutilated black men and boys, seemingly with impunity, throughout the state. In cutting off a black man's penis, white men sought not only to emasculate and subjugate the individual victim (in addition to causing his death), but also to consolidate white hegemony and control over all African Americans. Similarly, the rape of black women, while first and foremost a crime against a woman's body, also served the purpose of driving defeat into the black community. By assaulting the bodies of African Americans in this way, white men sought to inflict additional injury on their psyches by creating a climate of fear that would virtually re-enslave all black Texans before they had a chance to taste freedom.

CHAPTER VI

CONCLUSION

After two years of political power struggles and increasing racial violence, the Republican-dominated U. S. Congress took charge of the Reconstruction process by passing two Reconstruction Acts in March of 1867. Passed despite President Andrew Johnson's veto, these acts mandated that the former Confederacy be divided into five military districts, with Texas and Louisiana together comprising the 5th Military District. The military was further given the task of ensuring the registration of potential voters – including black males. For many white Texans, voting rights for blacks, together with the ‘iron-clad oath’ required for jury service, meant that white political hegemony in Texas was severely threatened. As a result, whites expressed increasing hostility to what they deemed to be dictatorial federal policies and military ‘occupation.’¹⁸⁸

Violence against blacks and white Republicans increased considerably in Texas by the time a third Reconstruction Act passed in July 1867. This act gave military officials the authority to remove any office holders deemed to be impediments to the Reconstruction process. General Philip Sheridan, commander of the fifth military district, immediately removed Texas Governor James W. Throckmorton from office in the summer of 1867, and replaced him with Throckmorton's political rival, Elisha Pease.

¹⁸⁸ For an explanation of the oath and its application in Texas specifically, including jury nullification, see page 49 above. See also Foner, *Reconstruction*, 221-280. For general works on Reconstruction, see note 34 above and accompanying text.

With the appointment of Pease as the chief executive of the state, Congressional Reconstruction commenced in Texas and, with it, an intensification of white hostility. Unfortunately for black Texans, a great deal of this hostility continued to materialize in various forms of violence against them.¹⁸⁹

In the spring and summer of 1867, when black men registered to vote, and again in February 1868, when voters elected delegates to the state Constitutional Convention, politics took ‘center stage’ in Texas. Freedmen’s Bureau records clearly indicate that the rate and severity of violence against blacks spiked during these months of political uncertainty. That does not mean, however, that individual acts of racial violence during the period were specifically politically motivated. To be sure, few incidents reported to the Bureau specified voting Republican or attempting to register as reasons for maltreatment. However, when black men, women, and children faced abuses for seemingly social or economic reasons during periods of heightened political tensions, the political nature of the violence cannot be denied. The increase in racial violence that occurred in Texas during the early years of Congressional Reconstruction was a reflection of growing white political frustrations that were, unfortunately, aimed at black Texans in most cases.¹⁹⁰

¹⁸⁹ On the removal of Conservatives from office in Texas in 1867, see for example John Pressley Carrier, “A Political History of Texas during the Reconstruction, 1865 -1874” (Ph.D. diss., Vanderbilt University, 1971), 161; Moneyhon, *Republicanism in Reconstruction Texas*, 69; Campbell, *Grass-Roots Reconstruction*, 18-19. See also pages 43-46 above for further elaboration on politically motivated violence.

¹⁹⁰ Cantrell, “Racial Violence and Reconstruction Politics,” 354 -355. See also James Smallwood, *Time of Hope, Time of Despair*, 125-158.

If violence in Texas during Congressional Reconstruction was mostly political in nature, what then can be made of the intensity and pervasiveness of racial violence during the earlier years of Presidential Reconstruction? Immediately following the Civil War, black political equality was merely a whisper among only the most radical Republicans. In addition, military demobilization occurred so rapidly that by 1866 “only a skeleton military force” remained in the *entire* South. In Texas specifically, the number of troops had been reduced from a high of 51,000 in 1865 to only 3,000 by the summer of 1866, with many of the remaining soldiers ordered to the frontier.¹⁹¹ Surely the troop numbers in Texas during Presidential Reconstruction could not have been considered military “occupation” worthy of such intense white hostility, even when one considers the presence of the Bureau in the state.¹⁹² The findings of an early Freedmen’s Bureau inspection of conditions in Texas, however, shed some light on the circumstances surrounding the racially charged, violent atmosphere immediately following emancipation.

In late 1865, Freedmen’s Bureau Commissioner O.O. Howard sent Inspector General William E. Strong to tour the interior of Texas. Because the Bureau had only

¹⁹¹ John Hope Franklin, *Reconstruction: After the Civil War* (Chicago: University of Chicago Press, 1961), 36 (emphasis added); Smallwood, *Murder and Mayhem*, 11. For troops being sent to the frontier, Barry A. Crouch maintains that, “according to both Generals Sheridan and Reynolds, white Texans were more concerned about Indians killing whites on the frontier than whites murdering blacks in the interior. The movement of troops from the frontier to the interior, Reynolds reported, would weaken the former posts, ‘but the bold, wholesale murdering in the interior of the State seems at present a more urgent demand for the troops than Indian depredations.’” Crouch, “Spirit of Lawlessness,” 230, n. 17.

¹⁹² Although it was made up of a large number of military officers, the Bureau in Texas never employed more than a hundred agents during its tenure in the state. According to Gregg Cantrell, “at its height, it only employed 69 agents.” See Cantrell, “Racial Violence and Reconstruction Politics,” 339. See also Smallwood, *Time of Hope*, 136; and Crouch, “Spirit of Lawlessness,” 219; Campbell, *Grass-Roots Reconstruction*, 10.

begun operations in the state in September of that year, the agency's reach barely extended past the coastal regions of Texas. Therefore, one of the most important responsibilities given to Strong was to evaluate the condition of the freed people, whose former owners may not have received official word of (or simply refused to acknowledge) emancipation. With obvious astonishment, Strong reported that in areas lacking a federal presence, whites in Texas "seem to take every opportunity to vent their rage and hatred upon the blacks. They are frequently beaten unmercifully and shot down like wild beasts, without any provocation, followed with hounds, and maltreated in every way."¹⁹³ As this dissertation has shown, the type of violence witnessed by Inspector Strong persisted throughout the years of Presidential Reconstruction and after, demonstrating opposition that stretched beyond black political participation.

According to the late historian Barry A. Crouch, most of the racial violence that occurred in Texas prior to Congressional Reconstruction was vicious and random in nature, indicating that it was due, in part, to "the peculiar psychological condition of a people frustrated and enraged by defeat."¹⁹⁴ This study has expanded on that interpretation and demonstrated that violence was a central feature of the period and was used by whites specifically to re-assert control and subjugate the newly freed black population in order to maintain white supremacy. Before so-called "Radical" Reconstruction was inflicted upon the South by the federal government, white Texans

¹⁹³ William E. Strong to O.O. Howard, Jan. 1, 1866, in *Message from the President of the United States ... together with the Reports of the Assistant Commissioner of the Freedmen's Bureau, made since December 1, 1865*, S. Exec. Doc. 27, 39th Cong., 1st Sess. (Serial 1238), 81-83.

¹⁹⁴ Crouch, "Spirit of Lawlessness," 221.

(former Confederates, to a large degree) controlled the implementation of what were fairly lenient Reconstruction policies in the state. Left to their own devices, a substantial number of whites made a concerted effort to use violence against black men, women, and children in order to create a climate of fear that would keep the black population of Texas in a state of virtual slavery.¹⁹⁵

Black Texans were not the only victims of violence in the state in the immediate post-war years, but sources reveal that former slaves made up the overwhelming majority, and suffered abuses in disproportionately large numbers.¹⁹⁶ Although the types of violence perpetrated against black men and women varied from the most extreme forms of torture to simple verbal assault, justifications given by white perpetrators nearly always paled in comparison to the viciousness of their attacks. Without a large-scale, clearly visible presence of the United States Army or other federal officials immediately following the war, former slaves in Texas found themselves in many ways at the mercy of whites, with little protection from local authorities and facing a legal system that was rife with discrimination.

In addition to physical violence and intimidation, black women endured rape and sexual abuse frequently during Reconstruction. Because whites generally believed black women to be sexually promiscuous, black rape victims suffered the additional indignity of having to prove their chastity to authorities. On the surface, this appears similar to the experience of white rape victims. White, lower-class women were not typically granted

¹⁹⁵ For racial violence during Reconstruction in Texas, see especially Smallwood, *Time of Hope*, and "When The Klan Rode;" Crouch, "Spirit of Lawlessness;" and Cantrell, "Racial Violence and Reconstruction Politics." See also note 34 above and accompanying text.

¹⁹⁶ See note 53 above and accompanying text.

the same legal protections and chivalry as “respectable” white women, and certainly, in most cases, faced similar presumptions of guilt based on stereotypes about their alleged sexual deviancy.¹⁹⁷ But as this study has shown, the rape of black women during the early years of Reconstruction served the additional, important purpose of indirectly communicating defeat to black men and assaulting all black Texans. In this context the rape of black women must be differentiated from the rape of women, generally, during the period.¹⁹⁸ Thus, in an extremely brutal way, sexual violence against black women and girls – like the lynching of black men - helped whites perpetuate racial dominance in Texas.

As this study has also demonstrated, violence against black women specifically, and sexualized violence against both women and men, became an essential means of reasserting racial control and helped to perpetuate further the antebellum social order.¹⁹⁹ In abusing black women, not only did white men reassert their authority over the individual victims, they took power and masculinity from black men. In essence, white men used black women’s bodies indirectly as implements to degrade black men. As Gerda Lerner has demonstrated, “men in patriarchal societies who cannot protect the sexual purity of their wives, sisters, and children are truly impotent and dishonored.”²⁰⁰

¹⁹⁷ Bynum, *Unruly Women*, 117-118; D’Emilio, *Intimate Matters*, 39, 44, 74-75.

¹⁹⁸ This does not imply that the rape of white women was less of a crime or less traumatic for individual victims and their families. The point in making this distinction is to demonstrate that whites used the rape of black women to drive defeat into the black community. See note 4 above for elaboration on rape used in this context and, especially, in warfare.

¹⁹⁹ D’Emilio, *Intimate Matters*, 104. See also Judith Lewis Herman, “Crime and Memory” in *Trauma and Self*, ed. Charles B. Strozier and Michael Flynn (Lanham: Rowman and Littlefield, 1996), 13.

²⁰⁰ Gerda Lerner, “Women and Slavery,” *Slavery and Abolition* 4 (December 1983), 176.

From the evidence presented here, it may also be concluded that explicit and even implicitly sexual forms of violence further served white aims of subjugation and control by inducing silence in the victims through their humiliation. Besides the very real possibility of violent retribution for reporting any crimes against them, black victims of sexualized violence faced the additional humiliation of having to describe acts considered by most as “unspeakable.”²⁰¹ Thus, it is likely that there were many more sexual crimes perpetrated against blacks by whites than were actually reported to the Freedmen’s Bureau or to local officials. Although sexualized violence was just one weapon in the arsenal used by many white Texans, it played a significant role in the terrorization of the larger black community during Reconstruction.

Although there were few means of protection available to them, black Texans cannot be viewed as simply passive victims of racial violence. Many lost their lives protecting themselves and their family members from violence, or suffered additional abuses in retaliation for reporting crimes perpetrated against them. Some former slaves stayed in Texas after the war just long enough to reconstitute their families and then

²⁰¹ Historically, rapes are rarely reported and conviction rates are, even today, appallingly low. See for example Susan Estrich, *Real Rape* (Cambridge: Harvard University Press, 1987), 16-20; Gary D. LaFree, *Rape and Criminal Justice: The Social Construction of Sexual Assault* (Belmont: Wadsworth Publishing Company, 1989), 53-112; Diana E. H. Russell, *Sexual Exploitation: Rape, Child Sexual Abuse and Workplace Harassment* (Los Angeles: Sage Publications, 1984), 284. Although there is some variation in specific language used to describe matters of sex according to race and class during the 19th century, it should not be assumed that former slaves would be less humiliated in describing such abuse. In addition, Freedmen’s Bureau Agents were clearly reluctant to use sexually descriptive language in their reports. See page 93 above for elaboration. On race and sexual attitudes, see D’Emilio, *Intimate Matters*, 85-108. On the different traumas suffered by victims of sexual and non-sexual assaults, see David P. Valentiner, “Coping Strategies and Posttraumatic Stress Disorder in Female Victims of Sexual and Nonsexual Assault,” *Journal of Abnormal Psychology* 105 (1996): 456. For black women’s experience specifically, see also Charlotte Pierce-Baker, *Surviving the Silence: Black Women’s Stories of Rape* (New York: W.W. Norton & Co., 1998).

moved on to other states. But the majority, it seems, believed they would receive at least a modicum of justice when they reported their assailants to the Bureau, and many did. The Freedmen's Bureau, however, was limited in many ways in its ability to protect former slaves from violence and its demise in Texas resulted from those internal limitations coupled with constant white hostility. The agency came to embody what Southerners bitterly resented after the war: "yankee domination and the guardianship of civil rights for freed people by Radical Republican rule."²⁰²

In just over four years, the number of violent offenses against former slaves reported to the Bureau was so great and the brutality so vicious, it is difficult to imagine what the transition to freedom would have been like for former slaves without the Freedmen's Bureau to protect them. One historian's general assessment of the Bureau adequately describes its failure to make significant changes for African Americans in Texas: it was "a well-intentioned experiment" but exerted "only a temporary and limited influence on the fundamental patterns of postwar Southern crime and punishment."²⁰³

Although not exhaustive, this dissertation has attempted to shed some light on the possible motivations for the intense violence perpetrated by whites on blacks in the immediate post-war years. Viewed through the lens of an ongoing racial conflict, this study has built on the important previous works of James Smallwood, Gregg Cantrell, and Barry A. Crouch, among others, and has shown that white Texans used various

²⁰² Clayton, "Lone Star Conspiracy," 10.

²⁰³ Edward Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (New York: Oxford University Press, 1984), 155.

forms of violence against black individuals to degrade, terrorize, and control the entire black population.²⁰⁴

Questions related to, but beyond the general scope of this study remain unanswered, however. County-level studies of violence, for example, could reveal if patterns existed in the state. Historian Gregg Cantrell has demonstrated that racial violence in Texas correlated with the timing of political events. Did the same hold true for harvest seasons? Did the influx of white migrants from other former confederate states after the war, or the migration of blacks from certain areas of the state into other areas, have a notable impact on violence rates in particular counties? Previous quantitative research, using the Freedmen's Bureau Records and data from the United States Census, indicates that as the black proportion of a given county's population increased, the severity of violence in that county also increased. Likewise, as the white proportion of the population increased, the severity of violence decreased.²⁰⁵ While violence is certainly difficult to quantify, further analysis at the county level could reveal more precisely the reasons behind the violent conditions in the state.

There are certainly more positive facets of the black experience in Texas that should be examined by scholars in the future, especially with regard to the development of education in the state. But in order to adequately illustrate the full African-American

²⁰⁴ See note 32 above.

²⁰⁵ Cantrell, "Racial Violence and Reconstruction Politics," 354-355; Kosary, "Regression to Barbarism," 12. In his seminal work, *Grass-Roots Reconstruction*, Randolph B. Campbell thoroughly analyzed the Reconstruction process in Colorado, Dallas, Harrison, Jefferson, McLennan, and Nueces Counties, and determined that McLennan County had "a level of violence generally unmatched elsewhere in Texas." My own analysis of the violence reported by the Freedmen's Bureau, however, has indicated that Robertson, Washington, and Gonzales counties were particularly violent and deserve further in-depth study.

experience, particularly the resistance and resilience of black Texans, it is necessary to first reveal the obstacles they faced and to understand the environment in which they suffered and endured in the first years of freedom.

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APPENDIX A

FREEDMEN'S BUREAU SUB - DISTRICTS, 1865-1868

Station	Counties Comprising Sub-Districts
Beaumont	Jefferson, Orange and Hardin
Liberty	Liberty and Chambers
Galveston	Galveston
Columbia	Brazoria and Matagorda, east of Colorado River
Wharton	Wharton and Matagorda, west of Colorado River
Indianola	Calhoun, Jackson and Refugio
Jasper	Jasper, Newton and Tyler
Crockett	Houston and Leon
Houston	Harris and Montgomery
Richmond	Fort Bend
Columbus	Colorado, Lavaca and Fayette, east of the road from Round Top through La Grange, Lavaca County, inclusive
Clinton	DeWitt, Victoria, Goliad, Karnes, Bee
San Augustine	San Augustine, Shelby and Sabine
Sumpter	Trinity and Polk County east of Trinity River
Huntsville	Walker, Madison and Polk County, west of Trinity River
Bryan City	Brazos, Grimes, and Burleson
Brenham	Washington and Austin
Bastrop	Bastrop and Burleson, west of road running north and south through Caldwell
Lockhart	Caldwell and Hays, south of Onion Creek

Station	Counties Comprising Sub-Districts
Seguin	Guadalupe, Wilson, and Gonzales
San Antonio	Bexar, Comal, Medina, Atascosa, Bandera and Kendall
Sterling	Robertson and Milam
Austin	Travis, Williamson, Blanco, Burnet and Hays, north of Onion Creek
Tyler	Smith, Henderson, Wood, Van Zandt, and Cherokee, north of Rusk, inclusive
Palestine	Anderson and Freestone

Source: Assistant Commissioner for Texas, BRFAL, RG 105, NA roll 32

APPENDIX B

RACE AND GENDER OF PERPETRATORS AND VICTIMS

CROSSTABULATION

Injured Race/Gender	Perpetrator Race/Gender						Total
	Black Female	Black Male	White Female	White Male	Other	unknown	
Black Child	1		1	22	1		25
Black Female	9	40	12	217	1	2	281
Black Male	5	122	4	1195	4	45	1375
White Female	1	1	1	12			15
White Male		40		385	17	19	461
Other		3		12	12		27
unknown		3		21	3	3	30
Total	16	209	18	1864	38	69	2214

Source: "Records of Criminal Offenses Committed in the State of Texas" Assistant Commissioner, Texas, Vols. 11-13, BRFAL, RG 105, roll 32, NA. All tabulations by the author.

APPENDIX C

CATEGORIES OF VIOLENCE PERPETRATED AGAINST AFRICAN
AMERICANS

Category	Number of Incidents	Percent of Total Incidents
Minor Assault	757	45%
Homicide	492	29%
Serious Assault	245	15%
Threats/Intimidation	132	8%
Extremely Brutal	55	3%
Total	1681	100%

Source: 'Records of Criminal Offenses Committed in the State of Texas'
Assistant Commissioner, Texas, Vols. 11-13, BRFAL, RG 105, roll 32, NA. All categorizations and tabulations by the author.

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