

TWO COUNTIES IN CRISIS: MEASURING POLITICAL CHANGE IN RECONSTRUCTION
TEXAS

A Thesis

by

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This thesis meets the standards for scope and quality of
Texas A&M University-Corpus Christi and is hereby approved.

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ABSTRACT

Measuring political change at the cultural level is a process that has long divided political scientists and historians. By focusing on two socially, economically, and culturally distinct Texas counties during Reconstruction, this thesis presents an example of political change. Collin County, Texas experienced a cultural shift from 1861 to 1876 resulting from the traumatic events of war, military rule, and the natural processes of enculturation and oppositional politics.

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Chapter I

Perhaps the greatest myth of the American Civil War and Reconstruction in Texas is the notion of a state unified in its opposition to Northern aggression both before and after Appomattox. It isn't difficult to see why the histories have pigeonholed Texas alongside the rest of the South. Texas had seceded and joined the Confederacy, albeit after every other state in the Deep South. The protection of slavery was listed prominently in the Texas Ordinance of Secession in 1861, although the South's peculiar institution was concentrated primarily in traditionalist East Texas. Texas participation in the war was significant, although the state did not suffer material losses on a level comparable to the more contested regions in Virginia, Tennessee, Mississippi, Louisiana, Georgia, and South Carolina. The Reconstruction era brought a renewed sense of resistance and Texas was enveloped in a wave of violence against freed people and Republicans perpetrated by clandestine paramilitary groups and disorderly mobs. Life after Reconstruction in Texas saw segregation, general underdevelopment, a weak tax base, a deficient educational system, and an intractable Constitution that Texas has managed to prosper in spite of. Yet, compartmentalizing Texas alongside the remainder of the Confederacy means ignoring the geographic, economic, and ultimately cultural complexities that make the state exceptional.

The story of Texas Reconstruction warrants retelling in its own right. Too many Texans are oblivious to their state Constitution's many faults and the intriguing history that wrought such a document. Too many students of history and political science gloss over names like Davis, Pease, Hamilton, and Throckmorton. And the myth of Reconstruction as a Radical conspiracy that required a radical solution has left an unfortunate legacy that persists to the present day. But rather than simply recalling the events and the personalities, the current work is

a synthesis of history and political science meant to illuminate the character of a place defined by its vastness and contrasts. For it is in the very essence of what it means to be Texan that we will find answers to why Reconstruction failed and progress in Texas was stifled for generations.

Political science research hinges upon modeling, and typically utilizes case study analysis in order to satisfy predetermined theoretical conclusions that are otherwise impossible to quantify through measurable variables. The advantage to this approach is in the discipline's ability to draw comparative lessons, pushing the field ever closer to a unifying theory.

Historians, on the other hand, focus the bulk of their work on primary sources, employing theory as a useful but not indispensable tool. Understanding the unusual course of events from 1865 to 1876 which saw the short-lived political rule of the Republicans followed by a statewide backlash resulting in the abysmal Constitution of 1876 and a century's worth of Democratic dominance can best be achieved through a blending of political science and history.

This work seeks to demonstrate social and political change by integrating elements of the political culture genre into a narrative of Reconstruction focused on a case study analysis of two dramatically different Texas counties, Collin and Harrison. The cultural evolution of these two counties illustrates how political cultures consolidate themselves, and how the process of achieving unity hinges not upon cultural commonalities between citizens, but upon fear, distrust, and hatred of the oppositional culture that seeks to do them harm. This work will also demonstrate the worst-case scenario of cultural opposition, wherein a consolidated culture can and might ultimately choose suboptimal policy that works to their own detriment in the name of continued resistance to said opposition.

Of the People, By the People, For the People

The current work is predicated on the idea that the constrictive and regressive Texas Constitution of 1876 was the culmination of a self-reinforcing cultural process, as it was overwhelmingly ratified by a popular vote, not implemented by elite consensus. If all constitutions are products of history and the political cultures in which they were written, then the Texas Constitution of 1876 was designed to restrain state government at every possible front in response to the policies of Reconstruction, which had attempted to do the opposite. This legacy of Texas's contentious Reconstruction Era has, as a result, created a constitutional black hole of contradictions, amendment-chaining, and ultimately inaccessibility for the citizens of the state. The dominant paradigm of post-Revisionist historians of Texas Reconstruction is that the legislative quagmire created by the Constitution of 1876 was spawned through the machinations of either an elite planter class or the strongly unified Patrons of Husbandry (Grange) at the time of the 1875 Constitutional Convention.¹ In other words, the post-Reconstruction Constitution is seen as an elite/agrarian conspiracy carried out to the detriment of the people of the state. However, through the integration of political culture literature, the current work will argue that the renunciation of Reconstruction and consequent ratification of a regressive Constitution were the product of a widespread cultural backlash that extended well beyond the influence of any particular moneyed interest.

What follows is not a dismissal of the work of venerable historians like Carl Moneyhon, for the heavy hand of political and economic elites in guiding the state toward 1876 is

¹ Carl Moneyhon, *Texas After the Civil War* (College Station: Texas A&M University Press, 2004), 199.

irrefutable. However, by utilizing an interdisciplinary approach which blends political science theory and the traditional primary-source evidence so valued by historians, this thesis will offer a broader perspective on the persistent questions of Reconstruction's failure. Chapter One describes the political, economic, and social conditions in Texas at the end of the war and introduces the significant political actors of Reconstruction. Chapter Two demonstrates political change through the side-by-side case studies of traditionalist Harrison County and Individualist Collin County. Chapter Three analyzes political change through cultural theory and describes the legacy of the cultural backlash against Reconstruction in Texas. The failure of Reconstruction not only impacted the lives of Black Texans for generations, it also established a political culture defined by contrarianism that can still be felt today. While Texas has prospered and will likely continue to do so, its regressive supreme law is a reflection of moment in history when resistance to the opposition was valued more than the common good of the people.

Chapter II

History, Political Science, and Culture

True scientific analysis of the amorphous concept of political culture remained elusive prior to Gabriel Almond and Sidney Verba's 1963 classic, *The Civic Culture*. Until their application of the necessary scientific rigor, the entire idea of political culture was premised on vague speculation. Historians and political theorists had always maintained a sense of what national or regional "character" meant, but it defied tangibility and remained absent as a usable variable in any sort of scientific modeling. Scholars and laypeople alike could appreciate Alexis de Tocqueville's ruminations on the American experience up to that point, but a society's "character" remained a persistently indefinable entity. Almond and Verba defined political culture as not only an aggregate of political attitudes toward the system of government (ideologies), but also attitudes about the position of the individual self in the system.² Like Tocqueville's conception of character, Almond and Verba's political culture was something thoroughly internalized in thought and feeling. And as much as Almond and Verba's breakthrough work legitimized the study of culture as empirical and quantifiable, it quickly came under fire from the more dismal sciences and was quickly supplanted by rational choice modeling in subsequent years.³ As a genre of political science, political culture did not truly

² Gabriel Abraham Almond and Sidney Verba, *The Civic Culture : Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 2015), 12.

³ Ronald Inglehart, "The Renaissance of Political Culture," *The American Political Science Review* 82:4 (1988): 1203-1230.

come into its own until its revival in the late 1980s, hitting its apex in the 1990s with the “renaissance” of political culture, as Ronald Inglehart dubbed it.

Besides benefitting from the enormous advances in social science methodology that occurred in the decades after Almond and Verba which had helped establish political science as a veritable scientific discipline, the resurgence of culture as an authentic field of study was at least partly attributable to the integration of elements from disciplines like social psychology and anthropology. Aaron Wildavsky, one of the leading political scientists in the rise of the genre in the late-1980s, posited that human interests come from not only the maximization of self-interest, but as products of our social relations.⁴ This basic idea highlights something fundamental about human nature and decision making, and extends the concept beyond pure economics. Decisions come from culture, and humans are hardwired to be social animals. Taken a step further, cultures also shape governmental structures, while at the same time structures influence cultures, a point made by Gabriel Almond when the field was still in its infancy.⁵ These points support the significance of culture as a shaping force in politics, but they pale in comparison to the importance of opposition as the defining feature of a political culture. Wildavsky clarified that no political culture is *ever* sustainable on its own and by necessity cultures need an opposing force. As Wildavsky explained, “It is only the presence in the world of

⁴ Aaron Wildavsky, “Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation,” *The American Political Science Review* 81:1 (1987): 4.

⁵ Gabriel A. Almond, *The Politics of the Developing Areas* (Princeton, NJ: Princeton University Press, 1960), 83.

people who are not like them that enables them to be the way they are.”⁶ This idea carries a great deal of explanatory power not only for understanding Reconstruction, but for understanding rivalry between political cultures in general.

Some of the more critical historians have argued that the field has not applied a similar level of scientific rigor to their conception of political culture, preferring a looser use of the term, or to disregard it entirely.⁷ Whether or not this is true, no theoretical perspective could be more apt for describing the state of Texas in the years following the American Civil War, a period characterized by successive state Constitutions, violence, and political enmity on a catastrophic scale. If the political culture of Texas was a self-reinforcing entity driven not only by economic rationality and the socially binding effect of living through a losing war, but also by an in-group bias solidified against an opposing force, then the culture of Texas could find no greater bogeymen than the Radical Republicans. Edmund James Davis, the last Reconstruction Governor of Texas, was by no means the only symbol of Republican Radicalism. As the current work uses primary evidence to argue, his reign represented the culmination of perceived Yankee aggression, leading to the consolidation of an oppositional culture that in many ways persists to the present day. It is also an oft repeated process nationwide, and one that’s plainly visible in American politics today. Barack Obama wasn’t simply a man of progressive vision, he was also the antithesis of George W. Bush. Donald Trump was much more than a tell-it-like-it-is non-politician, he was also the anti-Obama. Joe Biden’s election did not represent a new dawn in

⁶ Wildavsky, “Choosing Preferences,” 7.

⁷ Ronald P. Formisano, “The Concept of Political Culture,” *The Journal of Interdisciplinary History* 31:3 (2001): 394.

America. In fact for many, his assumption of the Presidency was only significant because he replaced the highly controversial Trump. The Texas backlash against the efforts of Reconstruction was the product of Texas political culture, with Republicans like Davis as the focal point of conflict, thus giving Texas political culture its necessary legitimation.

The Vox Populi

That slavery was the primary cause of secession is indisputable. The Declaration of Causes written at the tail end of the Secession Convention in February of 1861 clearly declares both slavery and white supremacy part of the natural order. While the bulk of the declaration is devoted to this principle, the document also notes the federal government's failure to ensure frontier security, and its infringement upon the principle of states' rights in violation of the 10th Amendment to the U.S. Constitution.⁸ The implicit message from the convention delegates is an insistence upon local control, a guiding value that had carried Texas through its own revolution a quarter century prior. Opposition to the centralization of power had been a guiding force in 1836, and would remain a powerful motivator post-1865.

To assess the aftermath of the war in Texas, one could focus on lingering legal disputes over Constitutional supremacy or social disputes over racial hierarchy, the same issues that defined the Reconstruction era throughout the greater South, and how Southern resistance managed to ultimately thwart many of the Union's designs for a reconstructed America. But this would disregard many of the characteristics of political culture that make Texas unique among the seceding states. Carl Moneyhon, the preeminent scholar of Reconstruction in Texas, contends

⁸ Declaration of Causes: February 2, 1861. A declaration of the causes which impel the State of Texas to secede from the Federal Union," Texas State Library and Archives Commission.

that the events which ultimately erased the progressive changes spearheaded by Radical Republicans during Reconstruction were manipulated primarily by the landed class in Texas, who rallied poor whites to the conservative cause by playing upon a sense of racial doom.⁹ The threat of the loss of social position undoubtedly motivated poor whites, but to cast the landless white masses of Texas as sheep so easily led (or misled) might disregard the self-perpetuating nature of regional political culture, which had been reinforcing itself since before Texas independence. Additionally, scholars have long acknowledged that the Constitutional Convention of 1875 was at least partly hijacked by the Texas Patrons of Husbandry (the Grange) who, through the strength of their own ideological unity, created a constitution that shattered gubernatorial power, slashed education funding, and generally slowed progress in Texas for the sake of their own needs.¹⁰ This commonly accepted idea becomes dubious in light of the Convention records, but this will be further clarified later.

That the landed class had a significant influence on the conservative backlash against Reconstruction is undeniable. Facing the certain loss of the labor at the base of their enterprise, the landed elites were understandably motivated to continue resistance to perceived northern tyranny, regardless of the outcome on the battlefields. But to attribute the political forces driving Texas into secession, war, and ultimately aversion to the efforts of Reconstruction as being identical to those in the rest of the Deep South would be a mischaracterization of a unique

⁹ Moneyhon, *Texas After the Civil War*, 2004, 5.

¹⁰ Patrick G. Williams. "Of Rutabagas and Redeemers: Rethinking the Texas Constitution of 1876," *The Southwestern Historical Quarterly* 106:2 (2002): 232.

political culture that had been solidifying since the earliest American colonists came in the 1820s.

The forces shaping Texas political culture before and after the war do not permit easy categorization in a manner comparable to the remainder of the Deep South. While cotton may have been king in the Lone Star State, it was not the entirety of the Texas economy, nor did the interests of the planters in East Texas, with their proximity to the rest of the Deep South, coincide with those of settlers in dry West Texas. This point is particularly obvious in the current study, where frontier Collin County's antebellum economy produced minimal cotton and had a significantly smaller slave population than that of East Texas' Harrison County. Texas was a southern state, but it was also on the nation's borderlands, which brought a more heightened level of security concerns. Texas was also characterized by a diverse demographic makeup that was distinctive among Southern states and shaped a more factionalized political culture. If migration streams are the predictors of Daniel Elazar's state political cultures, as discussed below, then Texas was the mutt of the south. An immigrant state comprised of Anglos, Mexicans, Germans, Bohemians, and others, the white population of Texas was politically and socially balkanized in a manner that set it apart from the other states that would make up the Confederacy.¹¹ How then can secession, the struggle of the war, and resistance to Reconstruction be explained by anything other than mass manipulation at the hands of political elites? The answer lies in the self-perpetuating nature of political cultures themselves.

¹¹ Walter L. Buenger, *Secession and the Union in Texas* (Austin: University of Texas Press, 1984),

Assuming the same coherent statewide zeitgeist that pushed secession is the same culture that repudiated Reconstruction, then the continued aversion to all things Union post-1865 was attributable as much to the populace as it was the disproportionate influence of the landed elite or the pluralist power of the Grange. The Secession Convention of early 1861 that was so strongly opposed by the state's Chief Executive, Sam Houston, was suitably diverse in its makeup and represented a variety of interests beyond slaveholding.¹² That Governor Houston opposed the Secession Convention is itself a notable exception among Southern states, and indicates a lack of unity that must necessarily be tied to a broad diversity of interests. In his analysis of the delegates and the counties they represented in secession conventions across the South, Ralph Wooster (1962) took particular note of the Texas convention, which was made up of a "typical cross-section" of Texas society at the time, not an elite body of the state's largest slaveholders. That Texas society wholeheartedly endorsed secession across demographic and socio-economic lines is further affirmed by the overwhelming popular support for secession that followed in the popular election on February 23rd, 1861, with 46,153 voting for secession compared to a mere 14,747 voting against. Wooster notes that, "The theory of a great planter 'conspiracy' for secession would certainly not seem valid in regard to the Texas Convention; of the 326 great planters with 50 slaves or more in the state, only twelve were in the Convention."¹³ The current work is, of course, not about delineating the forces that spurred secession, but rather the culture

¹² Ralph A. Wooster, *The Secession Conventions of the South* (Princeton, NJ: Princeton University Press, 1962), 129.

¹³ Wooster, *The Secession Conventions*, 129.

of resistance which persevered throughout the war and Reconstruction, and ultimately manifested itself in the Constitution of 1876.

The political science literature notes that the United States is comprised of a number of regionally consolidated political subcultures, each characterized by their own cultural inertia. Daniel Elazar's theory of political subcultures as laid out in *American Federalism: A View From the States* in 1966 has staying power that is exceptional in political science. Still a standard component of political theory that is taught at all levels of state and local politics today, Elazar's conception of three major political subcultures contains a great deal of explanatory power for Texas, especially in Civil War/Reconstruction history. As both a Southern state *and* a borderlands state populated in the 1860s by new arrivals from a variety of other states and countries, Texas seems perfectly fit as a case study of the validity of Elazar's idea. The individualistic political culture that values government only insofar as it is an institution for the protection of individual economic interests dominates the western half of the state today, just as it did the frontier settlements of the 1860s.¹⁴ The traditionalistic culture that assigns government a role in the protection of organically grown social hierarchies and maintains a special elite status for the political class suits East Texas today, just as it did in the 1860s as the region was progressively adopting patterns of social and economic life more akin to the geographically proximate Deep South.¹⁵ But despite the fragmented nature of Texas political culture, the end result was an overwhelming and enthusiastic vote for secession, a popular devotion to the

¹⁴ Daniel Elazar, *American Federalism: A View From the States*, 2nd ed. (New York: Harper and Row, 1972), 94.

¹⁵ Buenger, *Secession and the Union in Texas*, 10.

Confederate cause in wartime, and a unified repudiation of Reconstruction, all without the machinations of an elite planter class, if Wooster's conclusion is to be believed. Elazar's theory, therefore, can serve as a suitable background for understanding Texas culture, but a more in-depth look at political culture and social psychology is necessary for understanding 1860s Texas.

Despite the continued relevance of Elazar's theory in understanding the distribution of American political subcultures, it suffers from a basic flaw in the context of the current study: we don't have public opinion data from the 1860s and 1870s to confirm its veracity.¹⁶ However, certain accepted patterns in human behavior help to establish the certainty of a self-perpetuating political culture in Texas which led to secession, war, ill-fated Reconstruction, and the Constitution of 1876. Cultural theory tells us that similar personalities have a tendency to migrate to the same location, even if it happens unconsciously. Biologically similar groups usually cluster together, and typically stay in geographic proximity over generations. And even outsiders who don't initially share the in the collective behavior of a culture will typically adopt its general patterns of conduct and thought over time, a process called enculturation.¹⁷ The result is the propagation of a collective personality over time, and political scientists have found that this corresponds with a region's core political characteristics, or political culture.¹⁸

¹⁶ Charles A. Johnson, "Political Culture in American States: Elazar's Formulation Examined," *The American Journal of Political Science* 20:3 (1976): 492.

¹⁷ Jeffrey J. Mondak and Damarys Canache, "Personality and Political Culture in the American States," *Political Research Quarterly* 67:1 (2014): 27.

¹⁸ Mondak and Canache, "Personality and Political Culture," 38.

One example that demonstrates these contentions in the Texas Civil War history might be the German experience. Traditionally more supportive of the Union than Anglo Texans, it was long accepted that German Texans differed from the majority along two dimensions: their relative unanimity and their opposition to slavery.¹⁹ This popularly held belief stems from an 1854 convention of German intellectuals in San Antonio wherein a resolution condemning the institution was passed.²⁰ However, Wooster's analysis notes that only 5 of the 20 counties in the state with populations that had German majorities voted *against* secession in the statewide referendum.²¹ Through the lens of cultural theory, there are a number of ways to interpret this. On the one hand, University of Texas geographer Terry Jordan notes that the idea of the German abolitionist in Texas was likely more myth than reality. Jordan contends that German settlers in East Texas wasted little time acquiring slaves as the region adapted more to the Deep South's plantation-style agriculture.²² This might demonstrate the validity of cultural theory's most basic assumption: that all individual preferences are the product of our social relations.²³ Perhaps German Texans, despite the insular nature of their community and initial cultural resistance to

¹⁹ Walter D. Kamphoefner, "New Americans or New Southerners? Unionist German Texans," in *Lone Star Unionism, Dissent, and Resistance*, ed. Jesus F. de la Teja (Norman: University of Oklahoma Press, 2016), 102.

²⁰ Terry G. Jordan, *German Seed in Texas Soil: Immigrant Farmers in Nineteenth-Century Texas* (Austin: University of Texas Press, 1966): 109.

²¹ Wooster, *The Secession Conventions*, 133.

²² Jordan, *German Seed in Texas Soil*, 110.

²³ Aaron Wildavsky, "Choosing Preferences by Constructing Institutions," 4.

the immoral nature of slavery, were becoming enculturated long before 1861 and had adopted the slavery model because it made economic sense.

On the other hand, there's a dimension of enculturation that the political culture literature overlooks despite its particular significance for the current study: physical intimidation. As a variable in the self-reinforcing process of political cultures, intimidation should not be underestimated. Kamphoefner's analysis of voting records indicates less than enthusiastic German support for secession. However, he also discovers substantial evidence that many German Texans simply stayed home when the referendum of secession was held.²⁴ This points to the conclusion that while German Texans may not have developed an affinity for slavery and secession, they were also hesitant to express dissenting views in the face of the Anglo majority, possibly out of fear.²⁵

Although there were some instances of anti-Confederate resistance among German counties later in the war, their vote to secede (or choice to abstain) is evidence that public opinion influences public opinion, and political subcultures reinforce political subcultures.²⁶ This

²⁴ Kamphoefner, "New Americans or New Southerners?" 109.

²⁵ Indeed, in August 1862 nearly a dozen pro-Union Germans were executed following a sharp skirmish near the Nueces River as they attempted to flee to Mexico. Stanley S. McGowen, "Battle or Massacre? The Incident on the Nueces, August 10, 1862," *The Southwestern Historical Quarterly* 104:1 (July, 2000): 64-86.

²⁶ James Alex Baggett, "Origins of Early Texas Republican Party Leadership," *The Journal of Southern History* 40:3 (1974): 448.

process may on occasion come about by force, but this does not necessarily diminish the impact of cultural theory for the current study, for it remains a clear example of a social force impacting individual preferences. German Texans brought no allegiances to particular political parties with them to Texas. And whether they were adapting to the culture they found themselves in for economic reasons, or were silenced through fear of reprisal, they did not become a unanimous force for abolition, even if their European origin or the Texas rumor mill said they should. And while they may stand out as a cohesive group that is easily dissectible, it is reasonable to assume their story can inform us of the larger Texas story.

Texas was split into factions over the question of secession: those who wanted it before 1860, those who wanted it when Abraham Lincoln was elected, those who didn't want it but ultimately hopped on the bandwagon, and the slim number who never accepted leaving the Union.²⁷ Despite the absence of public opinion polls at the time, we can be fairly certain that the latter group was, at a minimum, a viable voice in Texas politics. For it was this faction that elected Sam Houston only a year before Lincoln's election. The larger point here is that Reconstruction, and the state's forceful reaction to it, played out in a similar manner, resulting in the Texas Constitution as it is known today. In-group biases, the existence of which has been repeatedly reaffirmed by social psychologists, can be a powerful motivator. In fact, it can be a more powerful motivator than economic interest, a traditional go-to explanation in many academic fields. The seemingly irrational move of seceding from the Union despite the almost certainty of a war can only be understood as a form of group polarization taken to the extreme. After being removed from office in the wake of secession in March 1861, Sam Houston made a

²⁷ Buenger, *Secession and the Union in Texas*, 9.

stop in Brenham on his way home. There he addressed an unruly crowd, amped up by the adrenaline of secession, and little concerned with his status as the hero of the Texas Revolution.

The crowd's jeers did not stop Houston:

The Vox Populi is not always the voice of God, for when demagogues and selfish political leaders succeed in arousing public prejudice and stilling the voice of reason, then on every hand can be heard the popular cry of "Crucify him, crucify him." The Vox Populi then becomes the voice of the devil, and the hiss of mobs warns all patriots that peace and good government are in peril.²⁸

The same frenzied group irrationality present at Houston's speech would carry Texas through a costly war, and was perhaps even amplified when that war was lost. The only difference between 1861 and 1865, is that the riotous energy of the mob once channeled onto the battlefield would now be focused mostly on the political arena during Reconstruction.

Secession had given the minority of loyal Texas Unionists a handful of unsavory options. Some chose to acquiesce to the new Confederate order, the path chosen by James Throckmorton, who would go on to serve in the Confederate Army and then re-enter political life after the war. Some, particularly older political figures like Houston, chose retirement from public life to avoid being shamed as the rabid spirit of the Confederacy made life for Texas Unionists difficult. A number of individuals such as Andrew Jackson Hamilton, who would figure prominently in the post-war drama of Texas, chose to live in exile, fleeing to Mexico or Northern states. Elisha Pease, on the other hand, belonged to a steadfast and vocal group that braved the threats of Confederate harassment and remained in the state.²⁹ Edmund James Davis fell into perhaps the smallest faction of all. He was part of the slim minority that went so far as to take up arms for

²⁸ Buenger, *Secession and the Union in Texas*, 4.

²⁹ Baggett, "Origins of Early Texas Republican Party Leadership," 441, 448.

the Union. His experiences during the war shaped a political attitude that was not overtly combative or vengeful, but focused and uncompromising to such a degree that his list of enemies would become long and distinguished throughout the course of Reconstruction.

Rebels, Unionists, and the War That Never Really Ended

If not for the turbulence of history or the overpowering noise of the vox populi, E.J. Davis, the last Reconstruction Governor, might have gone down in the early written histories of Texas politics as a good man. Oran Roberts, the Texas rebel/governor/historian was, in more ways than one, the Bizarro Davis.³⁰ His 1898 *A Comprehensive History of Texas*, which set an ideological tone for Texas histories to come, is anything but kind to Davis. Suffice to say, words like “tyranny” get used often and with great intensity. A decade later, the influential Dunning School historian Charles Ramsdell would throw gas on the fire of Davis’s reputation, thus ruining him in the eyes of Texas for another 70 years or so. But Davis’s experience was so typical of successful men in the early days of Texas statehood, that it is hard to distinguish his background from that of the more rebellious sort that the early historians celebrated.

Originally hailing from St. Augustine, Florida, E.J. Davis (1827-1883) had moved with his family to the Galveston area at the time of the Mexican War. He subsequently left home to practice law in Corpus Christi, and never found himself having to look very hard for work.³¹ His time in Corpus Christi was short, however, as he soon left for Laredo and the promise of the full-

³⁰ Bizarro is a comic book character known for being a mirror image antagonist to Superman.

³¹ Carl Moneyhon, *Civil War General, Republican Leader, Reconstruction Governor: Edmund J. Davis* (Fort Worth: TCU Press, 2010), 8.

time salary of a Customs Inspector. The stability of his federal position allowed him to continue working for clients, and his reputation in the legal community grew. In 1854, having impressed then-Governor Elisha Pease, Davis received an appointment as temporary judge for the 12th District, a position that he would subsequently earn through election in 1855.³² He was very young at the time, and was making a significant name for himself in Democratic politics, as indicated by the Governor's favor. But despite his status as a rising star, Davis's own ideological evolution was leading him astray from the Democratic Party in the latter half of the 1850s.

At the same time that the passions of secession were gathering steam in reaction to the perceived tyranny of the North and widespread fear of slave insurrection, Davis was growing further and further disillusioned. He believed that the undue political influence of the planter class and the fervent rush to sever ties with the Union in the name of preserving slavery would inherently endanger other vital state interests, namely frontier protection. This same concern fueled Sam Houston's gubernatorial campaign in 1859, and likely led to Davis to support him.³³ Still, Davis was by no means intent on becoming an avowed Unionist. In fact, it is ironic that the Texas media and the early Civil War and Reconstruction histories would later characterize Davis as carpetbagger, scalawag, radical, and Black Republican all rolled into one devious ball. Davis was unquestionably a Southerner. A native of the Deep South, his family had owned slaves. He continued to endorse the basic Southern grievance as late as 1857 that an attack on the institution of slavery was a violation of the conditions of Texas statehood, but Davis could also see the

³² Moneyhon, *Reconstruction Governor: Edmund J. Davis*, 16.

³³ Carl Moneyhon, "Edmund J. Davis - Unlikely Radical," in *Lone Star Unionism, Dissent, and Resistance*, ed. Jesus F. de la Teja (Norman: University of Oklahoma Press, 2016), 232.

invisible hand of the vox populi pushing the state closer and closer to the point of no return.³⁴ And it was the pressures of extreme group polarization that led Davis to the Union, for he rightfully feared the whirlwind that would be reaped in the event of war caused by secession. Knowing the risks to person and family associated with dissent in the Confederacy, Davis demonstrated considerable courage when he left the state in May 1862 and joined the Union ranks.

While Davis had succeeded in public life as an attorney, customs official, and judge, he had always been drawn to military life. He had attempted, and failed, to secure an appointment to West Point as a young man, but the fighting spirit never abandoned him. It is notable that of the 2,000 or so Texans who served and held rank with the Union Army, only two achieved the rank of Brigadier General. One was A.J. Hamilton, whose service was primarily in the realm of civil affairs. The other was Davis, who raised his own regiment, The First Texas Cavalry (USA), and saw action in Louisiana and along the border with Mexico.³⁵ Although Davis's role in the war effort might have been marginal in its strategic impact for the Union, his actions had a two-fold impact on later events. On the one hand, they likely played a role in building his own personal sense of justice when he took on a prominent role in Reconstruction politics. Simultaneously, his actions in the war unwittingly planted the seeds for a reputation as tyrannical, vindictive, and anti-white. These attributes of his reputation, however exaggerated, would stick with him throughout his post-war political career. For example, in an event that was either the beginning of negative public sentiment toward Davis or merely an ominous foreshadowing of things to

³⁴ Moneyhon, "Unlikely Radical," 229.

³⁵ Baggett, "Origins of Early Texas Republican Party Leadership," 449.

come, rumors spread like wildfire throughout the city of Brownsville in October and November of 1863 that Davis was leading a force of “ten thousand drunken negro troops” to exact an especially cruel brand of vengeance upon the inhabitants.³⁶ In reality, Davis’s wartime experience was characterized more by an endlessly frustrating search for more troops and more resources than by gallant battlefield victories or war crimes against civilians. His cavalry regiment never came close to achieving the level of battlefield viability he sought, and none of the troops were black. He also rarely had usable horses, weapons, or ammunition.³⁷ Davis’s later tenure as governor would be plagued by unfounded rumors that, for many of his critics, were affirmed by his radical actions.

While Davis may have been on hand for the Union occupation of Brownsville, the far greater share of responsibility in its wake was awarded to Andrew Jackson Hamilton (1815-1875). To the people that knew him, he was Jack Hamilton, but in some corners he was “Colossal Jack” Hamilton.³⁸ By virtue of his time spent in the Texas House of Representatives and brief stint as Attorney General, Hamilton was easily the more notable Texas Unionist throughout the war. He managed to draw the bulk of the partisan media’s ire owing to his longstanding reputation as a Democrat who vocally opposed not only slavery, but most of the

³⁶ Moneyhon, *Reconstruction Governor: Edmund J. Davis*, 60.

³⁷ Moneyhon, *Reconstruction Governor: Edmund J. Davis*, 63.

³⁸ James Marten, *Texas Divided : Loyalty and Dissent in the Lone Star State, 1856-1874* (Lexington: University Press of Kentucky, 1990): 66.

major tenets of his own party. This, along with his mouth, earned him the “Colossal” moniker.³⁹ After burning innumerable political and personal bridges, Hamilton had fled to Matamoros, Mexico in Spring 1862, and subsequently gone North to wage a campaign of words against the rebellious forces misguiding his own state and the divisive nature of the institution of slavery.⁴⁰ His departure from Matamoros was noted by the *Houston Telegraph*, which urged calm among its readers, as Hamilton was a “useless expenditure of ammunition” that was better left alone, wherein he could “blow his brains out with a brandy bottle” anyway.⁴¹

When federal troops, including Davis and his First Texas Cavalry, seized the city of Brownsville in late 1863, it was Hamilton who set about reestablishing federal control in his capacity as military governor. This was a position granted to him by President Lincoln, upon whom he’d made a favorable impression with his bellicose talk of invading Texas, despite not being much of a military man himself.⁴² Despite a political relationship characterized by contentiousness during Reconstruction, Hamilton and Davis found themselves very much allied as the most prominent faces of Texas Unionism during this phase of the war. With Davis pushing the fight against the rebels on the battlefield and Hamilton working in the sphere of civil affairs, both men were setting themselves up for prominence in the post-war political arena.

³⁹ Carl Moneyhon, *Republicanism in Reconstruction Texas* (Austin: University of Texas Press, 1980), 22.

⁴⁰ Marten, *Texas Divided*, 67.

⁴¹ *Houston Telegraph*, September 11, 1862.

⁴² Frank H. Smyrl, “Texans in the Union Army, 1861-1865,” in *Lone Star Blue and Gray*, ed. Ralph A. Wooster and Robert Wooster (Denton: Texas State Historical Association, 2015), 250.

If the chain of events that constituted the meandering course of Reconstruction in Texas could have been predicted, Elisha Marshall Pease (1812-1883) might have left the state in 1861 and never come back. Pease had been in Texas longer than Davis or Hamilton, arriving just in time for the Texas Revolution and later serving as the fifth Governor of the state. Respected before the war, he had joined Sam Houston in his vociferous but ill-fated opposition to secession. When his efforts failed, Pease chose to ride out the war in seclusion, without issuing political opinions in hopes of avoiding Confederate harassment.⁴³ Living in solitude and isolation, it turned out, may have foreshadowed his experiences in Reconstruction, where he won few friends despite his best efforts to serve the interests of the state.⁴⁴ This despite the fact that he was personally popular, a quality that even Charles Ramsdell acknowledged in his early history of Texas Reconstruction.⁴⁵ Unfortunately, the unenviable position of appointed Provisional Governor, granted to Pease in 1867 by General Philip J. Sheridan in his capacity as military head of the Reconstruction government, could perhaps only be outdone by agent for the Freedmen's Bureau in its overall distastefulness in the eyes of white Texans, and Pease ultimately fell victim to the overwhelming tide of anti-radical sentiment. That he was chosen to replace an elected governor as the state worked towards the reestablishment of civil authority only clarified in the minds of most Texans that federal authorities were veering toward authoritarianism, thus widening an increasingly bitter cultural divide between North and South.

⁴³ Marten, *Texas Divided*, 72.

⁴⁴ Smyrl, "Texans in the Union Army," 244.

⁴⁵ Charles Ramsdell. *Reconstruction in Texas* (Austin: University of Texas Press, 1910): 112.

The man that Pease replaced was James Webb Throckmorton (1825-1894), the reluctant Confederate. A state legislator from North Texas prior to the war, he was one of the handful (8) of dissenters at the Secession Convention in 1861. Unlike Sam Houston, a Unionist who never developed a particularly strong affinity for the Confederacy, Throckmorton would come to embrace a number of the Confederacy's central tenets. His biographer, Kenneth Wayne Howell, correctly identifies pre-war Throckmorton as an "enigma" in Texas politics, as he upheld the social value of white supremacy while remaining wary of the disproportionate influence of an elite planter class.⁴⁶ His distrust of the cultural passions of secession and the behind-the-scenes engineering of the political elite were well known prior to the Secession Convention, and his vote against splitting from the Union did not come as a surprise. However, unlike Davis and Hamilton, he did not leave and he did not remain a Unionist. And unlike Pease, he did not remain quiet.

Throckmorton's war experience would bring him more in line with the Confederacy, and while this was seemingly a suitable fit based on his ideological leanings, his affinity for the Southern cause really came about for practical reasons as he remained stubbornly devoted to the needs of his constituents in Collin County. As a traditional Whig, Throckmorton's Unionism was motivated primarily by what he wanted for the people of Collin County: railroad development, protection for small farmers, and security on the frontier.⁴⁷ He begrudgingly came over to the Confederate side to maintain a hand in state policymaking, but by the war's end

⁴⁶ Kenneth Wayne Howell, *Texas Confederate, Reconstruction Governor: James Webb Throckmorton* (College Station: Texas A&M University Press, 2008), 5.

⁴⁷ Howell, *James Webb Throckmorton*, 72.

would see military service for the state and Confederacy. His subsequent election as Reconstruction governor, his white supremacy, and his lenient attitude towards former rebels was typical in the Southern states, where few whites welcomed the forces of Republican Reconstruction. The post-war political success of men like Throckmorton would serve as justification for the Congress to assume control over Reconstruction. As Carl Moneyhon puts it, “Throckmorton epitomized the attitude that demonstrated to Unionists the reluctance of ex-Confederates to accept the war’s results.”⁴⁸

In many ways, Howell’s characterization of Throckmorton as enigmatic seems appropriate for the state as a whole. That the Unionists and the forces of secession seemingly played off of one another is an obvious conclusion in light of political culture literature. The two factions, strikingly similar in their zealotry, perpetuated one another toward extremes, which made conflict a certainty. Historian Walter Buenger dissects the conundrum of dualism that characterized pre-secession Texas even further by noting the manner in which conflicting factions had a tendency to compartmentalize their preferences in a way that allowed for self-assured (and somewhat delusional) ideological consistency. The most obvious example being slavery, which Texans supported while simultaneously electing Sam Houston as governor in 1859, thus suggesting they still favored preservation of the Union. The result is that prior to the rapid polarization brought on by events such as Harpers Ferry and Lincoln’s election, Texas could have been most easily characterized as moderate, supporting slavery locally while still maintaining nationalistic sentiment.⁴⁹ With the secession crisis and the onset of extreme group

⁴⁸ Moneyhon, *Reconstruction Governor: Edmund J. Davis*, 88.

⁴⁹ Buenger, *Secession and the Union in Texas*, 151, 159.

polarization, the key figures identified here in the story of Texas Reconstruction were left with little choice but to embrace the extremes of the political cultures in which they were now enmeshed. Most Texans followed suit. Cultural theory stresses that individual decisions are simultaneously choices of culture, or based on social interactions.⁵⁰ This does much to explain the courses of action chosen by Hamilton, Davis, and Throckmorton, and actually makes the recusal from public life of Elisha Pease seem even more exceptional.

Hamilton, Throckmorton, Pease, and Davis would ultimately get the opportunity to hold the reins of power during a time in Texas that was arguably just as significant as the Civil War itself. The immediate policy concerns facing a state wherein external (and often internal) authority had evaporated with the Confederate surrender would have been challenging for even the most skilled politician. First and foremost was the lack of civil authority and corresponding surge in violence statewide. Identifying the underlying causes of violence as a means of understanding Texas culture at the time is, however, problematic, and would carry political ramifications for Texas leadership. The historical interpretation of the violence, like so many other aspects of Reconstruction, has evolved with the historiography. Charles Ramsdell, for example, argued that violence against Freedmen and Unionists was part of a larger sense of disorder in the state attributable to the general chaos left in the wake of the Confederacy's dissolution, rather than politically motivated.⁵¹ Naturally, revisionist historians disagree with this assertion. Gregg Cantrell argues that the political motivations for violence in Texas were inherent. The simultaneous loss of the war, emancipation, and occupation by external military

⁵⁰ Wildavsky, "Choosing Preferences," 5.

⁵¹ Ramsdell, *Reconstruction in Texas*, 67.

forces left white Texans without a political voice, and freed blacks became a symbol of Northern aggression, and thus the perfect scapegoat.⁵² Whatever the ideological underpinnings of the violence, and whatever points of argument were used by politicians to exaggerate or diminish the significance of that violence, there was a general consensus that reestablishing the legitimate authority of the state was paramount.

Measuring Political Change

Potential measures of regional culture and cultural change in the political culture genre are virtually endless. The neo-Tocquevillian political science scholars of the 1990s built the genre on a wide range of descriptive statistics. Ronald Inglehart's major contribution to the field is based on secular-rational values versus traditional values and well-being versus survival values.⁵³ Robert Putnam's work on both Italy and the United States which would earn him widespread acclaim is based on a study of associational life and its impact on civic culture.⁵⁴ Daniel Elazar's much earlier definition of political subcultures, explained in *American Federalism: A View from the States*, relies on migration streams and the distribution of Old World ethnic, political, and religious values across the U.S. based on an ever-changing

⁵² Gregg Cantrell, "Racial Violence and Reconstruction Politics in Texas: 1867-1868," *The Southwestern Historical Quarterly* 93:3 (1990): 355.

⁵³ Ronald Inglehart, *Modernization and Postmodernization* (Princeton, NJ: Princeton University Press, 1997).

⁵⁴ Robert Putnam, *Bowling Alone: The Collapse and Revival of the American Community* (New York: Simon & Schuster, 2000).

geographic frontier.⁵⁵ Classifying Texas culture between 1850 and 1880 is notably problematic beyond the obvious factor of the Civil War due to the continuous stream of migrants into the state from the North, the South, and internationally. Additionally, geographic variations in climate, agriculture, and wealth created distinct regional subcultures within the state before, during, and after the war. Having achieved independence and statehood only one generation before secession, defining what made one a Texan at the time of the war and Reconstruction was as difficult then as it is now.

As enculturation and cultural consolidation are very often built on the consolidating effects of history and the simple contrarian nature of in-groups versus out-groups, the best means for analyzing the state-wide backlash against political leadership branded as Radical Republicans is to examine two sample counties, one individualist, and one traditionalist. Elazar's classification scheme, as noted above, is based migration streams and well suited for 19th century Texas. Prior to the growth of major urban centers in Texas, which fostered political cultures more akin to the moralistic subcultures of New England, Texas was culturally split in two. East Texas was firmly built in the image of the Deep South and consolidated around a traditionalist culture. West Texas was still defined by the frontier, and therefore classified as an individualist culture. A side-by-side comparison of sample counties from each of these political subcultures will illuminate the growing statewide consensus against Republicans, the tenets of Republicanism, the ultimate failure of Reconstruction, and the adoption of the Constitution of 1876.

⁵⁵ Daniel Elazar, *American Federalism: A View From the States*, 2nd ed. (New York: Harper and Row, 1972), 103.

The best analysis of traditionalist East Texas, rapidly consolidating itself socially and economically as a Deep South plantation culture, is Randolph B. Campbell's *A Southern Community in Crisis: Harrison County, Texas 1850-1880*. Campbell's book is an astoundingly complete profile of traditionalist Harrison County that serves as an ideal representation of East Texas. Through census, tax, military, and Freedman's Bureau records, election results, personal correspondences, and media accounts, Campbell creates a portrait of a region in social flux that is unsurpassed in the genre. However, the complete story of Texas Reconstruction is one of cultural transformation along multiple fronts, for if A.J. Hamilton, Elisha Pease, James Throckmorton, and E.J. Davis each represent a significant faction of Texas voices, and if the current work is meant to illustrate the course of Reconstruction through the lens of political culture, then it is essential that Harrison County be compared to a frontier Texas analog.

There is an inherent methodological challenge worth mentioning here. Campbell himself notes a number of obvious statistical aberrations caused by underreporting in census and tax records at the time, particularly in regard to the woefully inadequate 1870 U.S. Census.⁵⁶ If this problem was common in the more economically developed region of East Texas, then it should be presumed that such statistical anomalies would be amplified when analyzing any Texas County on the less developed frontier. Like Campbell's book, the current work fills in problematic statistical gaps through the use of the most prominent media publications, which serve as a proxy for public opinion. In the absence of public opinion data from 1850 to 1880, no more ideal example of Texas frontier culture exists than that of Collin County. James

⁵⁶ Randolph B. Campbell, *A Southern Community in Crisis: Harrison County, Texas 1850-1880*, 2nd ed. (Austin: Texas State Historical Association, 2016), 298.

Throckmorton, the reluctant Confederate, called Collin County home. And although the people of the time lived on the fringe, there is sufficient data to make a proper comparison with Harrison County.

Chapter III

James Webb Throckmorton's reluctance to support the Confederate cause was seemingly in line with the popular sentiment of Collin County. Despite Throckmorton's own ambivalence towards the perpetuation of slavery and his obvious white supremacist leanings, his devotion to his constituents remained true and laudable. Kenneth Howell notes in his biography of Throckmorton that his overriding concerns regarding frontier defense, establishment of transportation infrastructure, and fear of the accumulation of wealth and assets in the hands of the established planter (slaveholder) class were typical sentiments held by the early settlers of North Texas.⁵⁷ Yet, neither Throckmorton nor his North Texas base of support in Collin County could form a significant enough bloc to stop the tides of history. The esteemed historian Walter Buenger said it best, "Perhaps no one better illustrates the complexity of Unionism and the reasons it failed to prevent secession than James Throckmorton."⁵⁸

The post-Whig conservative Unionist message of Sam Houston was consistent with sentiment in Collin County when the question of secession became a pressing reality as the 1860 Presidential election approached. Carl Moneyhon argues that despite Houston's relative success prior to 1860 in bringing together a broad coalition of Texas opposed to the more elite-focused Democratic party, the racial doom preached by men like Oran Roberts and other vociferous secessionists was simply too much for the state's poor whites to ignore.⁵⁹ But such Democratic scare tactics did not seem to have the same effect on the white frontier settlers of North Texas.

⁵⁷ Howell, *James Webb Throckmorton*, 43.

⁵⁸ Buenger, *Secession and the Union in Texas*, 62.

⁵⁹ Moneyhon. *Republicanism in Reconstruction Texas*, 16.

James Waller Thomas, editor of Collin County's leading publication, *The McKinney Messenger*, openly advocated "a Union of Conservatives and the defeat of sectionalism" in September of 1860. "Sectionalism" was the term used to describe Lincoln and the emerging Republican Party.⁶⁰ The implicit message here is one of cultural contrarianism built more on a distrust of Democratic leadership than on a love for slavery, along with a yearning for continued self-determination in the face of an ever encroaching federal government. In 1860 the people of Collin County were appropriately dismayed by the "choice" they had been given by the major political factions of the day, but ultimately chose Southern Democratic and Vice President John C. Breckinridge, the overwhelming winner in Texas.⁶¹ The desire to maintain antebellum Southern cultural sensibilities without pledging loyalty to a Democratic Party that was out of touch with the needs of simple white frontier folk also drove James Throckmorton.

The fact that Texas was the last Deep South state to secede illustrates not only that the interests of the frontier were still very pertinent for the entire state but also that the conservative Unionist ideals of Sam Houston and the coalition he'd assembled still mattered greatly. Ralph

⁶⁰ *McKinney Messenger*, September 14, 1860.

⁶¹ *Dallas Herald*, November 14, 1860; *Texas Republican*, November 10, 1860. Neither Abraham Lincoln nor Stephen Douglas were on the ballot in Texas. Douglas supporters were asked to give their support to Constitutional Union candidate John Bell. Thus, Texas voters chose between Southern Democrat John C. Breckinridge and a fusion ticket. Breckinridge's margin of victory in Texas was approximately 2-1, making Texas his strongest state. Collin County voted 696 for Breckinridge, and 424 for the fusion ticket. The Harrison County vote for Breckinridge was closer to the Texas average of 2-1 in favor, with a majority of over 300.

Wooster notes that as part of the slim minority opposed to breaking ties with the Union at the Secession Convention, James Throckmorton was met by the most pronounced cacophony of hisses and boos during the convention's roll-call vote. "Mr. President, [Oran Roberts] when the rabble hiss, well may patriots tremble" he replied to the mob after his vote against secession.⁶² The people of Collin County needed protection against Indian incursions, internal improvement, and equitable tax burdens for small farmers, and secession provided none of these. In Throckmorton's eyes, the urgent rush to leave the Union would only further accommodate the needs of the largest cotton growers of East Texas. A week after the popular vote on the Ordinance of Secession in February of 1861 (which the voters of Collin County opposed 948 to 405), the *McKinney Messenger* questioned the very legality of the Secession Convention while darkly acknowledging the inevitability of conflict: "A deep gloom is settling over our fair land, and soon, alas, how soon we know not, the tempest may burst upon us with terrific and desolating fury of the tornado."⁶³ The war of disunion that Collin County didn't want would force Throckmorton and his constituents to make a number of gut-wrenching and pivotal decisions.

For the people of Harrison County, secession couldn't come quickly enough. The East Texas cotton growing county boasted the state's largest number of slaves by 1860, and was home to 145 slave owners who possessed at least 20 slaves.⁶⁴ In terms of wealth distribution, this made Harrison County the antithesis of Collin County, which was based around smaller individual

⁶² Wooster, *Secession Conventions of the South*, 131.

⁶³ *McKinney Messenger*, March 1, 1861.

⁶⁴ Campbell, *A Southern Community in Crisis*, 4.

farms. But when voting to break ties with the Union in February of 1861, Harrison County voted 866 to 44 in favor, signaling the power of both the landed elites and the consolidating effects of a political culture.⁶⁵ The political tone of Harrison County's main population center, Marshall, was summarized in *The Texas Republican*, which since 1851 had been under the control of editor Robert W. Loughery. Loughery openly advocated secession, states' rights, and the protection of slavery throughout the 1850s. In March 1856, as Free-Soilers and Border-Ruffians were bleeding Kansas dry in what would become an important precursor to the Civil War, Loughery used the *Texas Republican* to express the social and economic apprehensions growing in Harrison County:

Texas is more directly interested in the question of slavery than any of the other Southern States. She occupies, in the first place, a frontier position, with an immense freesoil boundary, and is consequently more open to attack from the enemies of the institution than any other. In the second place, she is the last of the cotton and cane growing States. From the immense extent and extraordinary fertility of her lands, she is destined to become the recipient of most of the slave population of her sister States of the South.⁶⁶

In an era when news media objectivity was rare, the people of a geographic area signaled their values by the newspaper they consumed, and Loughery's *Texas Republican* was the voice of Harrison County. At the same time, Loughery was fully aware of the agenda setting role played by the news media, and the power that he wielded. In May 1859, as the question of disunion was becoming increasingly more realistic, Loughery expressed his vision of the role played by newspapers:

The character of a newspaper is more important, perhaps, than generally imagined. If conducted with ability, it will give tone to public sentiment, and concentration and

⁶⁵ Max Lale, "Robert W. Loughery: Rebel Editor," *East Texas Historical Journal* 21:2 (1983): 3.

⁶⁶ *Texas Republican*, March 29, 1856.

direction to public opinion; inspire a love of intelligence; diffuse morality and virtue, and keep alive a spirit of patriotism, wherever it circulates.⁶⁷

The political culture of Harrison County had been shaped in the image of the Deep South. The soil and climate were suited to plantation agriculture, and the debate over slavery and states' rights held special relevance for the community's future.

Walter L. Buenger's cultural classification of Texas counties identifies Collin County as Upper South, with an economy based on smaller farms that grew wheat and corn instead of cotton.⁶⁸ According to the 1860 census, while Harrison County produced 21,440 bales of cotton, Collin County grew a total of 16. By 1870, Collin County's cotton production had grown to 4,371 bales, but culturally speaking, it isn't difficult delineate the differences between the two counties.⁶⁹ Daniel Elazar's classification of political subcultures would similarly place Collin County on the frontier, and therefore characterize it as an individualist political subculture. Individualism naturally stands in contrast to the Traditionalism of Harrison County and the Deep South. At the time of secession, of course, Collin County lacked the political clout to challenge the more dominant Deep South culture that had subsumed the state. That Texas was ruled by two distinct political subcultures is by no means unprecedented in Elazar's classification scheme, and

⁶⁷ *Texas Republican*, March 26, 1859.

⁶⁸ Buenger, *Secession and the Union in Texas*, 64.

⁶⁹ U.S. Department of the Interior, *Population of the United States in 1860*, 8th Census (Washington, D.C.: Bureau of the Census, 1864), U.S. Department of the Interior, *The Statistics of the Population of the United States*, 9th Census (Washington, D.C.: Bureau of the Census, 1872).

the general submission of the frontier culture to the stronger Southern culture through the course of the Civil War and Reconstruction is similarly expected.⁷⁰

By the time of secession, Harrison County was more developed than Collin County by most measures. In fact, with cotton as the economic foundation, East Texas as a region had developed into an insurmountable political bloc. Of Harrison County's 15,001 inhabitants in 1860, 8,748 were slaves, making it a white minority county and underscoring the reliance upon slavery and dependence upon cotton. The estimated cash value of farms in Harrison County was \$2,668,809 in 1860, compared to \$2,090,058 for Collin County, with Harrison County also commanding a vast advantage in acres of improved farmland.⁷¹ Randolph Campbell persuasively argues that although these statistics can provide only the bones for imagining a community's social structure, successive census reports detailing population growth vis-à-vis agricultural indicators can be quite valuable for understanding life for a typical Texas family.⁷²

Economics aside, Collin County is easily discernible from East Texas demographically as well. Whereas the increasingly plantation-based Harrison County was predominantly African American in its makeup prior to the war, slaves made up a mere 11% of the population of Collin County.⁷³ This would have special political significance after the war and emancipation when slaves became voting Freedmen and it was time to let the people speak on Reconstruction, Republicanism, and redemption. Prior to the war, far from being characterized as abolitionists,

⁷⁰ Elazar, *American Federalism*, 128.

⁷¹ U.S. Department of the Interior, *Population of the United States in 1860*, 8th Census.

⁷² Campbell, *A Southern Community in Crisis*, 2016, 10.

⁷³ U.S. Department of the Interior, *Population of the United States in 1860*, 8th Census.

the people of Collin County simply had more pressing concerns than slavery. For the people of the borderlands, disdain for slavery sprung not from a common moral concern, but rather for the institution as a means for wealth consolidation in the hands of the haves, while they, the have-nots, sought nothing more than absolute independence and self-sufficiency in their economic and social lives.⁷⁴ Collin County was individualistic, through and through, and not particularly enthusiastic about struggling to preserve the wealth of plantation owners.

Like most of Texas, Collin County's white population was comprised in large part by people from other Southern states. The particular origins of these Southern immigrants left a clearly identifiable cultural pattern, with immigrants from the upper-South perpetuating an individualist culture and immigrants from the Deep South propagating a more traditionalist one. The largest portion of Collin County's Southern immigrant population hailed from Tennessee, and the 1,932 Tennesseans represented nearly 14% of Collin County's population in the 1870 census.⁷⁵ Similar data is unavailable from the 1860 Census, but this general characterization of Collin County remains valid based on the available agricultural data from both 1860 and 1870. The number of immigrants from Tennessee was greater than the population of immigrants from Alabama, Georgia, Mississippi and Louisiana combined. Harrison County's immigrant population, by contrast, was almost the opposite, with Deep Southern states representing 26% of

⁷⁴ Howell, *James Webb Throckmorton*, 44.

⁷⁵ U.S. Department of the Interior, *The Statistics of the Population of the United States*, 9th Census (Washington, D.C.: Bureau of the Census, 1872).

the population compared to a mere 726 individuals from Tennessee, or 5% of the population.⁷⁶ As political power consolidated in East and Central Texas was based on a traditionalist culture akin to the lower-South, the immigrant influence from the upper-South further divided the state and made the frontier region averse to slavery and secession.

Faced with an unstoppable tide of public emotion elsewhere in Texas, the people of the borderlands had little choice but to accept reality. Throckmorton believed that only through pledging allegiance to the Confederacy could the counties of North Texas avoid becoming targets of the paranoia that infected Austin and the eastern half of the state. As a Unionist based in Central Texas closer to Austin, former Governor Elisha Pease might have been able to ride out the war in relative anonymity in order to avoid stirred up mobs of Confederates seeking to stifle dissent, but an entire county's worth of military aged men continuing to openly resist the Confederacy would have created an unwanted sectional conflict the people Collin County would rather avoid. If James Throckmorton was a reluctant rebel, so too were his constituents, and the prospect of creating division within the state itself appealed to few. In time, Throckmorton *did* develop an interest in protecting slavery, however indirectly. For with emancipation would come fears of a migration of freedmen seeking economic opportunity as they abandoned the East Texas sites of their previous enslavement. The white population of Collin County was already

⁷⁶ U.S. Department of the Interior, *The Statistics of the Population of the United States*, 9th Census. The county included 1,206 born in Alabama, 611 from Mississippi, 989 from Georgia, and 606 from Louisiana compared to 726 from Tennessee.

deeply entangled in the struggle against Indians, and the potential social upheaval brought by non-Anglos seeking land to work was too much to bear.⁷⁷

It is worth noting that geographically, Collin County is immediately north of Dallas County, and the two were demographically similar. Like Collin County, Dallas County was characterized by fewer slaves relative to plantation-based East Texas and economically focused on subsistence farming. Yet, Dallas County overwhelmingly voted for secession despite lacking any economic motivation.⁷⁸ The ideological impetus for Dallas's secession vote and subsequent heavy participation in the war demonstrates the power of public opinion in fostering cultural conformity, as well as the cogency of local media outlets as a suitable gauge for public opinion. A lengthy editorial in the *Dallas Herald* in mid-January, 1866 enumerated the examples of Northern aggression against the economy and social fabric of the South with a particular focus on slavery, "For years a relentless social war has been waged against the most vital institution of the South, and no unmistakably threatens our very existence as a people."⁷⁹ While it isn't difficult to understand the desperate sense of economic doom conveyed by this editorial for the greater cotton growing South, it's a bit perplexing that such a message would resonate in Dallas County, which was not built on a foundation of slave labor. Even more striking is the difference

⁷⁷ Howell, *James Webb Throckmorton*, 74, 76.

⁷⁸ Randolph B. Campbell, *Grass-Roots Reconstruction in Texas: 1865-1880* (Baton Rouge: Louisiana State University Press, 1997): 65.

⁷⁹ *Dallas Herald*, January 16, 1866.

in how Dallas and Collin counties would decide on secession, with Dallas voting 741 to 237 in favor of disunion, and Collin County voting almost exactly the opposite.⁸⁰

Measuring the perceived the costs and benefits of secession in East Texas, where plantation culture had already become heavily ingrained in the public consciousness is, by comparison, significantly easier. If the primary policy concerns of the day for Collin County were the frontier and its security, then Harrison County was driven chiefly by economics and the destruction of the social hierarchy. The prospective loss of slavery meant much more for Harrison County than any community on the frontier. As the secession crisis in Texas was building toward its climax in February 1861, we get a rare glimpse of Texas's own internal sectionalism conveniently provided by Harrison County's *Texas Republican*. Referring to the people of Collin County as "submissionists," the *Texas Republican* described Collin County's hesitation to even elect delegates to the secession convention. Collin County's subsequent choice of Unionist delegates (of which Throckmorton was the most prominent) drew the ire of Robert Loughery, who seized the opportunity to go after Collin County, as well as the *McKinney Messenger*:

"The following was the result, Disunion 215. Union 716. Majority for submission 501. The [McKinney] Messenger is jubilant. This result is attributable, doubtless, to the want of correct information of the people among whom it circulates. The editor seems to think the sun rises and sets in Collin. We would say to him, "My dear fellow, Texas will be out of the Union before a large portion of your people are aware of the fact that there has been any political excitement in the country.""⁸¹

⁸⁰ Campbell, *Grass-Roots Reconstruction in Texas*, 65.

⁸¹ *Texas Republican*, February 2, 1861.

Ultimately, community support for the Confederacy from Unionist holdouts like Collin County would develop with time according to the basic theory of political change in the political culture literature, but the idea of statewide unanimity on secession is demonstrably false.

When secession led to violence, the culturally consolidating effects of war on the people of Collin County immediately became visible. Despite misgivings about the Confederate experiment, a bonding sense of duty quickly drew the community together. After an initial month-long foray into military service to secure the military outposts abandoned by fleeing federal troops in May 1861, Throckmorton was called again to recruit additional cavalry in June for frontier protection against two enemies: the Indians and the Union.⁸² *The McKinney Messenger* recounts an exchange between the women of Collin County, represented by a Miss Hazlewood, who presented Throckmorton's company with a flag to carry in battle. The paper printed both Miss Hazlewood's letter as well as Throckmorton's letter of gratitude, which included a strong indication of how quickly he and his recruits were adopting the Confederate mindset.

It is said that the chains of slavery have already been forged, that are to manacle the free born son and daughters of the South... This flag, the representation of our nationality, the contribution of warm hearts devoted to the cause of our section, shall attest how well the men of Collin county acquit themselves in this momentous struggle. Fair lady, we thank you, and those whom you represent, more than language can express, for this beautiful banner – and we thank for a thousand times over for your sympathies so touchingly expressed in behalf of the endearments and sacred associations of home, sweet home, and the dear ones there. It is for these- for their protection, and in their defence, that we go forth to battle.⁸³

⁸² Howell, *James Webb Throckmorton*, 78.

⁸³ *McKinney Messenger*, June 28, 1861.

This statement reveals an immense ideological transition for Throckmorton and exemplifies the rapidity of enculturation. The men of Collin County, who only six months prior had voted overwhelmingly against secession, were now indistinguishable in their mindset from the men of East Texas. Publishing in the *American Political Science Review* in 1988, Harry Eckstein compared the continuity of political culture to that of physical inertia, wherein there is a natural resistance to change. It is only through the imposition of exceptional forces (like war) that cultural change is brought about.⁸⁴ But to understand the attitudes of the men of Collin County, neither a deep understanding of political culture literature or Newtonian physics as cultural metaphor is necessary. They were bound by the commonality of their experiences and although secession and war were not actively sought by the majority of settlers in their region, once battle lines were drawn it was obvious which side they were going to support.

There is nothing particularly striking about Throckmorton's quick change of sentiment regarding the Confederacy. In fact, as the presentment of the banner demonstrates, most of Collin County would go on to embrace, if not Confederate nationalism, at least the bonding sense of togetherness as a community fostered by the common fear of federal troops, Indian incursions, and even homegrown insurgency. Despite opposing secession, the people of Collin County were accustomed to frontier life and knew its hazards, and likely acquiesced to the Confederacy rather than disturb local peace in the name of continued resistance. There were, however, lingering elements of Unionism that disrupted the peace of Collin County, an area that would have otherwise remained in isolation from the violence of the war.

⁸⁴ Harry Eckstein, "A Culturalist Theory of Political Change," *The American Political Science Review*, 82:3 (1988): 793.

In a perfect example of fear begetting fear, the perceived threat of conspiring Union sympathizers in North Texas inspired enough hysteria to provoke a violent extra-legal counter-insurgency. Despite his previous anti-secession leanings, the threat to security from underground dissenters proved too great for Throckmorton and most of his Collin County constituents.⁸⁵ Already less than pleased with having secession foisted upon them, Collin County citizens might have been able to maintain a less committed stance toward the Confederacy and the war if not for the Conscription Act of 1862 and its aftermath. The act, which made most white males aged 18-35 liable for military service, provided the necessary fodder for what became known as the “Conspiracy of the Peace Party” in October of that year, when dissenters from Grayson, Denton, Collin, Cooke and Wise counties made plans for an uprising.⁸⁶ Resistance to the draft and the establishment of a spy network for the Union Army were the Peace Party’s objectives, although the actual seriousness of the threat they posed to civil order is debatable.⁸⁷ What is certain is the mass hysteria that followed, for the very possibility of a semi-secret Union cabal operating in North Texas confirmed the suspicions of the more ardent rebels who sought to quash all forms of dissent.

⁸⁵ Richard B. McCaslin, “Wheat Growers in the Cotton Confederacy: The Suppression of Dissent in Collin County, Texas, During the Civil War,” *The Southwestern Historical Quarterly* 96:4 (1993): 528.

⁸⁶ J. Lee Stambaugh and Lillian J. Stambaugh, *A History of Collin County, Texas* (Austin: Texas State Historical Association, 1958): 66.

⁸⁷ Claude Elliot, “Union Sentiment in Texas: 1861-1865,” *The Southwestern Historical Quarterly* 50:4 (1947): 454.

The informal reaction to the Peace Party that became known as the Great Hanging of Gainesville left 41 suspected Unionist conspirators dead in October 1862, some of whom were known to Throckmorton personally. The discovery of the Peace Party plot stirred a hornets' nest of Confederate vitriol, and might have resulted in more dead if not for Throckmorton's personal intervention. Knowing that a number of the condemned were Unionists of otherwise upstanding character, Throckmorton initially objected to the mob violence, especially in light of the fact that he agreed with their position on the Conscription Act.⁸⁸ He later expressed at least partial support for the mob's actions, as he could not stomach the potential threat to the local community that a secret Unionist society might pose.⁸⁹

By confirming fears of Unionist subversion, the Peace Party plot propelled the process of cultural change already underway in North Texas. Devotion to Texas had already supplanted loyalty to the United States, and the threat of local violence further encouraged a cultural transition. Richard McCaslin notes that additional threats to Collin County cultural sensibilities would accumulate over the course of the war as the African American population increased 70.7% by 1864 and the county was inundated with refugees and deserters.⁹⁰ While economic

⁸⁸ Howell, *James Webb Throckmorton*, 84.

⁸⁹ *Weekly Telegraph*, October 29, 1862. The actual extent of the Peace Party influence is unknown. Houston's *Weekly Telegraph* referred to the movement as an "abolition organization" with roots in the North and possibly including members of the Union Army. This is likely an exaggeration as there is no reason to doubt the efficacy of homegrown Union sympathy in a region that had so strongly opposed secession to begin with.

⁹⁰ McCaslin, "Wheat Growers in the Cotton Confederacy," 533.

concerns may have produced the initial hesitancy in Collin County to embrace secession and the Confederacy, this multi-fold attack on the culture of North Texas, particularly the perceived threat to life and limb, was enough to turn them into committed Rebels.

For better or worse, the men and women of Collin County did their duty in the war, even if doing so took a certain amount of prodding from the Confederate government. Approximately 1,500 men from Collin County enlisted in the Confederate Army, which from a population of 9,264, likely represented the bulk of eligible male residents of military age.⁹¹ Inspired by more than just the example set by Throckmorton himself, Collin County residents felt the call of burgeoning Confederate nationalism once secession became war, but their more immediate concerns drove their actions. Indians, deserters, draft dodgers, and jayhawkers all represented a threat to the community, no matter what nation they pledged loyalty to. The combative nature of Pendleton Murrah, who took office as Governor of Texas in 1863, would ultimately be instrumental in protecting the citizens of Northwest Texas. Although in many ways Murrah exemplified the Confederate spirit of death-before-dishonor and would ultimately flee to Mexico at the war's end, his devotion to the needs of his constituents would keep the frontier safer than it might have been in the hands of a governor who was more willing to cooperate with the Confederate government.⁹² With the end of the war and the dissolution of the Confederacy, frontier defense entered its darkest period. As David Paul Smith described it, "...the Texas

⁹¹ Stambaugh and Stambaugh, *A History of Collin County*, 64; McCaslin, "Wheat Growers in the Cotton Confederacy," 535.

⁹² David Paul Smith, *Frontier Defense in the Civil War: Texas' Rangers and Rebels* (College Station: Texas A&M University Press, 1992), 171.

frontier suffered as never before in the years immediately following the Civil War, particularly from 1865 to 1869.” U.S. troops were simply overwhelmed by a million different concerns in the immediate aftermath of the war. While the U.S. government wasn’t blind to the threats of the frontier, stationing troops there was no small task, and the delay likely contributed to the deaths of 160 Texans at the hands of Indians between 1865 and 1867.⁹³ The resulting cultural impact further contributed to the growing animosity between the people of Collin County and the Federal forces determined to “Reconstruct” them.

Neither Collin nor Harrison County suffered the catastrophic losses that befell much of the Deep South. The geographic advantage that Texas enjoyed largely prevented invasion from U.S. troops, and while Texas soldiers fought and died bravely, their home state escaped relatively unscathed. However, the emotional toll, as it was throughout the Confederacy, was palpable. In fact, such despondency had not been felt on the home front since the onset of the war itself. Nearly three weeks after the fact, Robert Loughery’s reaction to Lee’s surrender at Appomattox and the effective end of the war was an mixture of disbelief, anger, and sadness, while maintaining a sliver of hope for continued resistance; as editors of the *Texas Republican* put it, “These odious results are connected with submission, an event that will never take place unless our people are willing to basely surrender their birthright of freedom. We should never lose confidence in our cause or in the fidelity of the government.”⁹⁴

Texans lived up to Loughery’s call for continued resistance as the last battle of the war, the skirmish at Palmito Ranch near Brownsville, happened over a month after Appomattox. In

⁹³ Smith, *Frontier Defense*, 170.

⁹⁴ *Texas Republican*, April 28, 1865.

the same publication, Loughery expressed a vindictive farewell to the “monster that disgraced the form of humanity,” the late Abraham Lincoln, while offering an exaggerated appraisal of how his successor, Andrew Johnson, would handle duties as President. “We have reason to believe that he [Andrew Johnson] hates the South with a malignity that is boundless,” proclaimed Loughery. “His powers of mischief, however, cannot be greater than his predecessor.”⁹⁵ While flush with hyperbole regarding Lincoln’s successor, Loughery’s assessment captures public opinion in Texas, even among counties that had been hesitant to join the failed Confederate experiment.

Provisional Governor Andrew Jackson Hamilton

The first priority for Federal authorities after the dissolution of the Confederacy was the re-establishment of law and order and the restoration of civil authority. If the heedless rush to secession was the result of a self-propagating culture whose epicenter was the agrarian class of East and Central Texas, then President Andrew Johnson likely could have made no better selection for Provisional Governor in the wake of the Confederacy’s demise than Andrew Jackson Hamilton. Already known throughout the state for his years as Texas Attorney General and House Representative for Travis County, Hamilton had spent the war giving speeches throughout the North, and in the process had made a favorable impression on Abraham Lincoln. This reputation earned him the trust of Andrew Johnson, and Hamilton arrived in Galveston on June 22, 1865 as the appointed Provisional Governor of Texas, responsible for restoring civil government and leading Texas toward a new Constitution.

⁹⁵ *Texas Republican*, April 28, 1865.

Hamilton was a very reasonable choice for Johnson. Having established himself as the preeminent voice of Southern Unionism before and during the war, there was little reason to suspect he might work towards the restoration of civil government in Texas without putting Union loyalty first in his appointments of state officials. Carl Moneyhon notes, however, that the prospects for successful Reconstruction were dim even before it began owing to a lack of coherence among Unionists.⁹⁶ On the one hand, it was immediately clear that Radical Republicans in the North would demand much from the provisional governors. Hamilton, having served in the Union Army, was a satisfactory choice in the more radical circles. At the same time, conservative Unionists like Throckmorton who were willing to accept that slavery was dead nonetheless remained steadfast in their disapproval of civil rights. Throckmorton also personally expressed to Hamilton his desire to see the basic governmental infrastructure of county and local officials in place at the time maintained until a new state constitution was in place.⁹⁷ Edward Hopkins Cushing, a Democrat and editor of the *Houston Tri-Weekly Telegraph*, was notable among Texas publishers for an exceptional sense of Confederate nationalism, joined Throckmorton in advising patience. A strong advocate before the war for Southern independence and self-sufficiency with slavery a fundamental cornerstone, Cushing urged open-mindedness toward the newly appointed Provisional Governor.⁹⁸

It will be for the interest of all parties, and for the good of the State and the Union, that there should be as much good feeling and harmony between Gov. Hamilton and the

⁹⁶ Moneyhon, *Republicanism in Reconstruction Texas*, 26.

⁹⁷ Howell, *James Webb Throckmorton*, 101.

⁹⁸ Emory M. Thomas, "Rebel Nationalism: E.H. Cushing and the Confederate Experience," *The Southwestern Historical Quarterly* 73:3 (1970): 344.

people whom he is to govern, as the nature of the case will admit. We have no doubt, from our knowledge of him, from our knowledge of the purpose of the President in making these provisional appointments, and from the fact that he has been entrusted with the important duty of carrying these purposes into execution, that he will devote himself, his energies, and his great talents to the accomplishment of those ends which are necessary to the restoration of the State, as soon as possible, to harmonious relations with the Government of the United States.⁹⁹

A far more charitable assessment of Hamilton's character than what Cushing published three years prior, the tone of reconciliation expressed is indicative of a political culture that was both resigned to its reality as a conquered foe while also just plain tired of war.

Initial reactions were hopeful, as most white Texans by June 1865 were coming to terms with the war, slavery, and countless other elements of their previous life that were now finished. *The Texas Republican* was cautious, but open to giving Hamilton the benefit of the doubt. Of Hamilton it said, "No man better understands public sentiment in Texas; no man is better acquainted with the feelings of the great body of the people."¹⁰⁰ Despite the fears of many former rebels, Hamilton's immediate goals for the restoration of civil government in Texas as well as the new state constitution were not based in a sense of retribution against the rebels that had forced him out of Texas during the war. In fact, Charles Ramsdell, despite the Lost Cause nature of his famous book, acknowledges Hamilton as realistic.¹⁰¹ With a tone of reconciliation as he approached the office and the imminent creation of a new state constitution, Hamilton knew a firm rejection of both slavery and secession were necessary for re-admittance to the Union. However, his (and E.J. Davis's) acceptance of basic civil rights for former enslaved

⁹⁹ *Houston Tri-Weekly Telegraph*, July 24, 1865.

¹⁰⁰ *Texas Republican*, June 30, 1865.

¹⁰¹ Ramsdell, *Reconstruction in Texas*, 92.

people was enough to raise the hackles of the most ardent rebels and soon earn him the reputation as “radical.”¹⁰² Politically, his greatest challenge was the reunification of the hodgepodge of Unionists that Houston had represented before the war, something neither he nor Davis would accomplish.

Despite the optimism for how Hamilton would execute his duty administering Presidential Reconstruction, the elephant in the room remained race. On the one hand, emancipation and basic civil rights threatened a complete upheaval of the social framework that had shaped most of Texas life, the frontier included. But the more immediate outcry over the changing status of African Americans was economic. Contemporary naysayers seeking to divert Texas’ culpability in the preservation of the South’s peculiar institution needn’t look any further than the Declaration of Secession to find slavery’s preeminence.¹⁰³ Despite any expressed optimism for life under federal rule and the governorship of A.J. Hamilton, emancipation represented a huge challenge for a society built upon slave labor. Editor Robert Loughery initially framed his editorializing around an economic concern with ramifications for the South and the North. Loughery’s faint hope for the preservation of slavery is obvious: “The legislation which destroys or inflicts major injury upon our prosperity will have a corresponding influence upon that of the North; and we think the time will come, when the people of that section will be glad to witness a return to a system attended with more philanthropy and happiness to the black

¹⁰² Moneyhon, *Reconstruction Governor: Edmund J. Davis*, 79.

¹⁰³ *Journal of the Secession Convention of Texas 1861. Edited from the original in the Department of state by Ernest William Winkler, State Librarian. Texas Library and Historical Commission, the State Library.* (Austin: Austin Print. Co., 1912), 62.

race than the one which they seem determined at present to establish; for they will find that compulsory labor affords larger crops and a richer market for Yankee manufacturers.”¹⁰⁴ Here there is also a suggestion on Loughery’s part of the necessity of a paternalistic relationship between slave and slave owner which would subsequently become a major talking point for Texas Democrats in the debate over civil rights, particularly when Reconstruction became radicalized.

For many conservative Texans in Reconstruction, freed people would now constitute a protected class, reliant on the white power structure to give them the basic means of survival in exchange for a promise of labor, which could no longer be guaranteed through the institution of slavery. Loughery expressed his continuing concerns over what he saw as the shattered natural order a month later:

If some compulsory means cannot be devised to make the negro work, his destiny is accomplished and he must soon cease to exist. He will be elbowed and driven out of competition by the superior intelligence and energy of the white laboring classes. Irish and German draymen laborers will rapidly usurp the places formerly occupied by the male negro – and their uncertainty and irresponsibility will prevent the female negroes from being employed. If they do not work to good advantage on plantations, the proprietors will drive them forth and cease to feed them. They become vagabonds without homes, picking up a precarious subsistence by stealing, and by certain and rapid degrees dying off by disease, starvation, and exposure. They cannot live in such a community as ours – a community impelled and vitalized by the restless energy of the Anglo Saxon and the healthy flood of immigration that sets towards our shores – without working and working well.¹⁰⁵

On the one hand, this quote captures the sense of loss felt in Harrison County over the disappearance of their economic base. But on the other, it is quite illustrative of an argument that

¹⁰⁴ *Texas Republican*, June 16, 1865.

¹⁰⁵ *Texas Republican*, July 24, 1865.

Texas Democrats would spout throughout the Reconstruction era. Steering their argument away from white supremacy, the Democrats would instead try to establish former enslaved people as a protected class in need of their help. This effort to reframe their relationship as paternal rather than domineering was primarily meant as a means to enlist black support away from Radical Republicans, and it would last through Reconstruction and beyond.

Presidential Reconstruction

For classification purposes, the phase of Reconstruction from June 1865 to March 1867 is commonly known as Presidential Reconstruction, with President Andrew Johnson controlling the process of re-admission for the Southern states. Almost immediately, the disconnect between Johnson and the more radical Congress began to stir up further animosity in the South, as Johnson sought a more lenient approach while Congress was more determined to protect the rights of Freedmen and Unionists. From the Union perspective, Texas represented one of the great unknowns as Reconstruction began. Not only was Texas never fully occupied by federal troops, but the same information gap that kept many Texans in the dark throughout the war had similarly kept Union authorities ignorant of the challenges they faced there. Like any other Southern state, the conquered white population of Texas was naturally resistant to any effort to remold them in the image of the North. The first order of business under Johnson's Reconstruction was for the appointed Provisional Governors to call state Constitutional conventions. Only delegates officially pardoned or having taken a loyalty oath would be allowed to participate, and the new state Constitution would be required to recognize Union victory in the

war.¹⁰⁶ Based on his long history of service, unflinching loyalty to the Union, and national reputation, Andrew Jackson Hamilton was a natural choice as Provisional Governor.

Texas newspapers of the time reveal how national events were shaping the consolidation of the post-war culture in Texas. The ideological schism over the course of Reconstruction that would divide the Republicans nationally became truly manifest with the 40th Congress meeting in March 1867, made up of the largest majority in both chambers ever held by the Republican Party. This represented the shift to more Radical Reconstruction, but its inevitability was felt in Texas well in advance. The noted abolitionist, Congressman Thaddeus Stevens of Pennsylvania, in his role as Chairman of the House Appropriations Committee, had already become one of the more prominent faces of Radical Republicanism, as well as public enemy number one among conservatives in Texas. Perhaps sensing the split between moderate and Radical Republicans (which many white Texans hoped might enable them to retain their political dominance), Robert Loughery said, “It is stated, that the President will not budge a hair’s breadth from his position, and, as this is now pretty well known, no bill Mr. Stevens or his friends can frame, contemplating treating the South as a nation of subjugated foreigners, can pass either house of Congress. There is said to be evidence of a split in the Republican camp. We hope it may prove true.”¹⁰⁷

President Johnson was already no friend to the Republicans in Congress and was quickly losing support among Southern Unionists as well. A.J. Hamilton’s vision for the reestablishment of a loyal civil government in Texas was under pressure from Johnson throughout the fall and

¹⁰⁶ Moneyhon, *Edmund J. Davis*, 76.

¹⁰⁷ *Texas Republican*, January 19, 1866.

winter of 1865. Johnson valued quick readmission to the Union above all, which was at odds with Hamilton's desire to foster stability through loyalty.¹⁰⁸ Carl Moneyhon notes that E.J. Davis, soon to appear much larger in the Texas political landscape, likely stood with Hamilton in his desire for a loyal civil government untainted by the presence of former rebels.¹⁰⁹ The divide over the goals of Reconstruction at the national level were very tangible at the state and local level in Texas as well, as noted in the *Texas Republican*: "We have believed from the beginning, that if President Johnson had planted himself firmly and squarely upon the Constitution, and had recognized the great political, practical, and logical deductions from his own theory of the government, he would have stood in a much better attitude to have defended himself against the assaults of the radicals. But he thought otherwise, and the Southern people had no alternative but to follow him."¹¹⁰

It is also interesting to see that the retrospective myth-making that would ultimately take root in scholarly circles as the "Lost Cause" was already taking root among Texas conservatives. Disregarding Texas' own obstinate desire to maintain slavery, Robert Loughery was already shifting the focus of the war itself toward Northern aggression. "The truth is, a desire for sectional domination is answerable for the war and every drop of blood that was spilt in it," wrote Loughery. "And, as a proof of it, now that slavery is dead, the same fell spirit, like a vast conflagration, is more powerful and rampant than ever."¹¹¹ A true sense of the political culture of

¹⁰⁸ Moneyhon, *Republicanism in Reconstruction Texas*, 31.

¹⁰⁹ Moneyhon, *Edmund J. Davis*, 76.

¹¹⁰ *Texas Republican*, January 19, 1866.

¹¹¹ *Texas Republican*, January 19, 1866.

East and Central Texas is reflected in this quote, as few things create a consolidated and unified cultural front more than the perceived threat of oppression from an outside foe.

Regardless of cultural change, A.J. Hamilton faced a mountain of work. His first order of business was getting the proper county officials in place, allowing the basic day-to-day operations of state government to continue under the control of loyal Unionists. James Throckmorton visited Hamilton in July 1866 to discuss this matter, and while warmly welcomed by the Provisional Governor, was ultimately rebuffed in his suggestions. Throckmorton strongly advocated for the preservation of county and local officials, likely out of a sense of pragmatism for quick re-admission combined with his own white supremacist leanings, which put him squarely in line with Presidential Reconstruction.¹¹² That Hamilton would differ on this should have come as no surprise to Throckmorton, for he had not built his reputation on moderation. Three years earlier, while establishing himself as the face of Southern Unionism in the North, a letter from Hamilton to Abraham Lincoln looking ahead to the question of Southern re-admittance to the Union was published in William Lloyd Garrison's *The Liberator*. Under the capitalized headline, "NO COMPROMISE." *The Liberator* noted Hamilton's emphatic belief that anything less than absolute submission to the Union would sink the prospects of Reconstruction:

NO COMPROMISE. Gen. A.J. Hamilton, of Texas, has written President Lincoln a very forcible letter on the importance of refusing all compromise with returning rebel States. He says that the [emancipation] proclamation is irrevocable; that discretion and power ceased with the act which, in the exercise of constitutional power, proclaimed freedom to

¹¹² Howell, *James Webb Throckmorton*, 101.

the slaves in the States it embraced. He entreats the President not to listen to the advice of the friends of slavery, and so rob himself of the gratitude and admiration of mankind.¹¹³

Such a position on emancipation would naturally put Hamilton and Throckmorton immediately at odds. That there would be political pressure to compromise on the status and labor of freed slaves, the legal status of former Confederates, and a host of other issues was understood.

Hamilton's next order of business was calling a Constitutional Convention. On November 15, 1865, elections for delegates were set for January 8, 1866. Eligibility for voting among former Confederates was determined by President Johnson's general amnesty proclamation and Presidential pardons. As Kenneth Howell notes, this, combined with general voter apathy, produced a modest turnout.¹¹⁴ *The McKinney Messenger*, in a fashion not completely dissimilar from its stance in 1861, questioned the very legitimacy of the Constitutional Convention with a lengthy dissection of its very existence. The *Messenger* strongly advocated a purely advisory role, with the amendments to the State Constitution necessary for re-admission being produced through the legislature:

That the declaration of 1861 known as the "ordinance of secession," is and was from the beginning NULL And VOID. That slavery has ceased to exist within the State of Texas, and consequently that all laws and parts of the constitution having references to slaves or slavery are objectless and therefore without force or effect. In addition, let the convention advise the calling of the legislature and the enactment of such laws as may be necessary for the protection of the freedman in his newly acquired rights.¹¹⁵

While not addressing every issue at stake in the debate over re-admission and Reconstruction, the *Messenger* revealed the cultural disposition of Collin County on the three heaviest issues at

¹¹³ *The Liberator*, September 4, 1863.

¹¹⁴ Howell, *James Webb Throckmorton*, 103.

¹¹⁵ *McKinney Messenger*, February 2, 1866.

stake in the post-war climate: secession, slavery, and basic civil rights. An acceptance of the reality of Union victory is apparent, while the independent streak that defines the very character of the frontier is still visible in this plea for Texas legislative control in lieu of submission to a convention foisted upon the state by federal authority.

The Constitutional Convention called by Hamilton received a much less generous appraisal by the *Texas Republican* and whites in Harrison County. While accepting the end of slavery, one letter to the editor drew a firm line in the sand regarding civil rights, suffrage, and war debt:

To acknowledge that all slave property has been wrested from its owners and that there is now no such property, would be only a candid avowal of facts. But to declare Texas a willing party to the transaction; to declare the African the equal of the Anglo-Saxon; to legislate him into equality in any respect, either by any franchise additional to what he now enjoys, or otherwise; to repudiate a just and legitimate debt; and to fail to meet the demand of the General Government for any and all of these, by a firm and earnest protest, would be falsehood, robbery, and a betrayal of the rights and interests of the people.¹¹⁶

A plea for continued resistance through political means saturates this letter to the editor, and there is little indication that Harrison County as a whole was ready to submit on many fronts at all.¹¹⁷ With African Americans still largely unable to participate, the voters chose Colonel John Burke as representative to the Constitutional Convention, which is telling of both the county's cultural disposition, and foretelling of the failure of Presidential Reconstruction and the Constitution of 1866. A notable criminal defense attorney in Marshall prior to the war, Burke served with distinction in the Confederate Army, first in Hood's Texas Brigade, and later as a

¹¹⁶ *Texas Republican*, January 5, 1866.

¹¹⁷ The status of Confederate War debt would remain a legislative quagmire throughout the Reconstruction Era.

scout and spy before becoming Texas Adjutant General under Pendleton Murrah.¹¹⁸ With the collapse of the Confederacy, Burke joined Murrah when he fled to Mexico, only returning home to Marshall after Murrah's death.

Even before the 11th Texas Legislature, created under the Constitution of 1866, signed its own death warrant in federal eyes by electing leading secessionist Oran M. Roberts as a U.S. Senator, Burke's presence at the Constitutional Convention served as a strong indication of Harrison County's cultural disposition toward Reconstruction. In a circular printed in the *Texas Republican* on December 29, 1865 announcing his candidacy as a delegate to the convention, Burke towed the (Democratic) party line on questions of war debt, the 13th Amendment (which he opposed), consolidated power of the governor (which he opposed), and civil rights, "Fellow Citizens, it is impossible for me to vote for any measure which makes the negro the equal of the white man."¹¹⁹ Burke was not alone in his sentiments, which were revealing of public opinion in Harrison County.

The Texas State Convention convened on February 7, 1866 with a sense of optimism for progressive change among some delegates that was easily overshadowed by the majority desire to make the bare minimum of changes necessary for re-admission. Throckmorton was present on day one as representative for Collin County, while E.J. Davis represented Webb, Nueces, Duval, and Encinal Counties. John Burke would not arrive to represent Harrison County until February

¹¹⁸ Max S. Lale, "Burke, John (1830-1871)" *The Handbook of Texas Online*, <https://tshaonline.org/handbook/entries/burke-john>> Accessed Mar. 3, 2021.

¹¹⁹ *Texas Republican*, December 29, 1865.

14.¹²⁰ James Throckmorton was elected President of the Convention the next day on the second vote, as a safe choice that was satisfactory to both conservative Unionists as well as moderate secessionists. Addressing the convention after his election, Throckmorton expressed a common devotion to the federal Union and a spirit of reconciliation:

Let us bury, upon the altar of our common country, all the recent past, with all its painful associations and recollections; and, upon that altar, hallowed by the clustering reminiscences of three quarters of a century, renew our devotions to the Government of our Fathers – a government reared by sufferings, and consecrated by their blood, and in the glories of which we have an inheritance.¹²¹

While such sentiments were in keeping with Throckmorton's own ideological leanings as a reluctant Confederate, he and others were also fully aware that they were being watched, and every move they made being judged as they worked toward re-admission.

Not only was the convention under the watchful eye of Northern critics, it was also being closely scrutinized by Texas Unionists who had ample reason to suspect the motivations and loyalty of many delegates. The February 10 message from Hamilton to the Convention was an expression of optimism, a plea for submission to the Union, and a call for fundamental civil rights for the former slaves. At the same time, Hamilton was fully aware that his position was far more Republican than the Convention would be willing to accept:

I cannot assume to know the individual views of the gentlemen who compose this body; but I have reason to apprehend, from what has met my eye, in the form of published circulars to the people, before whom many of you were candidates, and

¹²⁰ *Journal of the Texas State Convention*, assembled at Austin, Feb. 7, 1866. Adjourned April 2, 1866, 5, 37.

¹²¹ *Journal of the Texas State Convention*, assembled at Austin, Feb. 7, 1866. Adjourned April 2, 1866, 7.

leading articles in many of the most influential presses of the State, that my views on this subject will not be acceptable to a majority of the members of this Convention.¹²²

For Hamilton, Davis, or any other staunch Unionist, anything less than a Constitution written out of a sense of complete loyalty would be unacceptable. Indeed, President Johnson's liberal approach to the question of amnesty for former Confederates had drawn the ire of Texas Unionists since its introduction on May 29, 1865.¹²³

A simple oath of amnesty allowing maximum participation by the whites of the conquered Southern states was sufficient for the rebuilding of loyal civil government, in Johnson's mind. His May 29 proclamation thus demanded that those persons who had participated in the war take only an oath of future loyalty to the Union and allowing even high-ranking former Confederates the option of seeking amnesty via a presidential pardon.¹²⁴ Administered at the county level, Hamilton and others were dubious from the start, for such a relaxed interpretation of Reconstruction would put the bulk of control into the hands of the very people to be reconstructed. This logical absurdity had kept Hamilton on edge long before his

¹²² *Journal of the Texas State Convention*, assembled at Austin, Feb. 7, 1866. Adjourned April 2, 1866, 24.

¹²³ Johnson's approach to amnesty was more in line with Lincoln's 10% plan for readmission, a plan detested by Radical Republicans in Congress as well as Texas Unionists.

¹²⁴ Presidential Speeches: Andrew Johnson Presidency, "May 29, 1865: Proclaiming Pardoning Persons who Participated in the Rebellion," Miller Center, University of Virginia, <https://millercenter.org/the-presidency/presidential-speeches/may-29-1865-proclamation-pardoning-persons-who-participated>.

message to the Convention delegates. In his Proclamation to the People of Texas on July 25, 1865, for example, he had cautioned citizens not to take the oath in bad faith.¹²⁵ And his suspicions were well placed, as the composition of the body of delegates at the Convention makes perfectly clear. E.J. Davis was similarly aware that Johnson's approach to amnesty was simply allowing for the presence of too many political enemies. On February 12, he called for the removal of those who Johnson had demanded secure a special presidential pardon in order to gain amnesty (such as those who had violated a previous oath of allegiance to the Union, high ranking Confederate government officials, and those holding more than \$20,000 in property). The measure was submitted to committee, where it subsequently languished for the duration of the Convention.¹²⁶

Despite such disputes, some issues would draw little debate: slavery was finished and secession should be nullified.¹²⁷ These points were included in Hamilton's message for the delegates, and despite the reality of secession's illegality, almost immediately the question of war debt repudiation drew controversy. For the Unionists, and for observers in the North, declaring secession illegal meant any debt incurred in the name of the secessionist cause was similarly unlawful. For secessionists, this opened a piñata full of problems, as all transactions conducted in Confederate currency would become meaningless and thus complicate local economies.¹²⁸ Out of this would come an even broader debate known as *ab initio*, which would

¹²⁵ Moneyhon, *Republicanism in Reconstruction Texas*, 23.

¹²⁶ Moneyhon, *Edmund J. Davis*, 81.

¹²⁷ Ramsdell, *Reconstruction in Texas*, 85.

¹²⁸ Moneyhon, *Republicanism in Reconstruction Texas*, 36.

have declared all acts of the secessionist government null and void. This would have resulted in countless land transactions, marriage licenses, and legislation over railroad charters losing their basis in law. The resultant compromise voided only laws passed in support of the Confederate cause, and retained all laws which did not contradict the U.S. Constitution. While this proved satisfactory for Throckmorton, Davis and other radicals were incensed.¹²⁹

Even more damning in the eyes of the Unionists was the convention's treatment of the Freedmen. Article III, Section 1 of the 1866 Texas Constitution excluded "Africans and descendants of Africans" from suffrage, and few of the protections for freed slaves that Hamilton had advocated in his message to the convention would be realized.¹³⁰ The right of black Texans to testify in court, a point which Throckmorton desperately opposed for its implication of equal legal status with whites, was ultimately compromised in Article VIII, granting the legislature the power to extend it to African Americans as necessary.¹³¹ In all, the convention fell well short of what Hamilton, Davis, and others sought for civil rights. This prompted a call from the Unionists for division, a special exception allowed under the Statehood Provision of 1845 which allowed Texas to divide into as many as 5 different states. Such a move would have granted quicker re-

¹²⁹ Howell, *James Webb Throckmorton*, 109.

¹³⁰ *The Constitution, as Amended, and Ordinances of the Convention of 1866, Together with the Proclamation of Governor Declaring the Ratification of the Amendments to the Constitution, and the General Laws of the Regular Session of the Eleventh Legislature of the State of Texas* (Austin: 1866). Article III, Section 1.

¹³¹ *The Constitution, as Amended, and Ordinances of the Convention of 1866*, Article VIII, Section 2.

admission for loyalist regions, and likely given more prominent Unionists, like Davis, a political advantage.

In Carl Moneyhon's analysis, the Constitution of 1866 did little more than make the minimum number of amendments to the 1861 Constitution needed to gain re-admission.¹³² On March 31, with the convention winding down, Hamilton warned the convention that their intractable stance on civil rights would likely result in the new Constitution's undoing. *The Texas Republican*, reprinting a report from the *Henderson Times* a month later, said:

Gov. Hamilton, in his speech to the Convention, denounced its members, among other things, for not placing the negro, politically, completely upon an equality with the white man, their refusing to give the blacks any portion of the school fund, and making no provision to allow them the right of suffrage. He charged them with having taken an oath upon the holy evangelists which they had violated, and told them that they would go down to their graves as perjured men; that the negroes were their inferiors only in education, but that in moral honesty, patriotism, and loyalty to government, they were infinitely their superiors.¹³³

New battle lines were already being drawn. The fight between North and South was over, but a new one defined by Conservative versus Radical would determine what Reconstructed Texas would look like. For the Conservative elements of East Texas, such an affront by the forces of radicalism expressed in Hamilton's speech could only be interpreted as a call to arms. With the convention finished and the June elections looming, both sides were emboldened, for no participant or observer should have imagined that Reconstruction was actually over.

¹³² Moneyhon, *Edmund J. Davis*, 85.

¹³³ *Texas Republican*, May 12, 1866.

Throckmorton Takes Over

With the Convention over, the next order of business was deciding who would wield power in Reconstructed Texas. Elisha Pease was nominated for governor by what became the Union Party, as Provisional Governor Hamilton had reached the point of exhaustion. The conservatives nominated James Throckmorton, a move quickly attacked by critics. While he may have been a hesitant Confederate who had once bravely stood up to the unruly mob that raced toward secession, his service as President of the Constitutional Convention had, for many, been indicative of a pattern of behavior that was an impediment to re-admission and Reconstruction. On the one hand, his hardline stance on black suffrage was sure to upset the Radicals. But on an even deeper level, his devotion to Union principles had become suspect, as he had seemingly done nothing to prevent the obvious shortcomings of the Constitution of 1866 that would ultimately prolong Reconstruction.¹³⁴ Unsurprisingly, the *Texas Republican* wasn't shy in its advocacy for what became the Conservative Union ticket, with Throckmorton nominated for Governor and George Washington Jones, another Unionist turned reluctant Confederate, nominated for Lieutenant Governor:

It would be a great misfortune to the State and to the country, if by any means a radical should be elected. Taking the situation of affairs as we find them to exist, we this week hoist the names of gentlemen of known conservative views, whose chances of election seem to us the best. In taking this course, we intend to cast no reflection on the merits of other conservative gentlemen already in the field. We are laboring to defeat radicalism, and we believe the union upon this ticket will do it.¹³⁵

¹³⁴ Howell, *James Webb Throckmorton*, 113.

¹³⁵ *Texas Republican*, June 9, 1866.

A week later, reprinting from the *Galveston News*, the *Texas Republican* cautioned its readers to avoid falling into a state of apathy when the fight was so far from finished:

THE RADICALS – Quite a full vote of conservatives in Texas will be needed to neutralize the multitude of Mexican votes which the Radicals expect to introduce along the Rio Grande. We understand that Pease expects immense majorities all along down from El Paso to the Boca. It has often been the fate of a large, apathetic and honest party to be beaten by one which was much smaller but compact and unscrupulous. We warn the conservatives that there is danger in their apathy.¹³⁶

The election of 1866 in Texas became almost a proxy for the events shaping the national debate over Reconstruction. With Throckmorton as a loyal devotee of the soft approach to Reconstruction allowing for quick re-admission while neglecting a number of civil rights issues, and Pease commonly recognized as a radical, the ideological split mirrored that of President Johnson and the radical Congress. It is important to note that although Pease was perceived by the opposition as being a radical, he was not ideologically in line with Hamilton and Davis with regard to race. As a former Governor and devoted Unionist, Pease had political clout, but contrary to popular belief among Texas media outlets, he didn't support universal suffrage for freed slaves.¹³⁷ This point was buried amid the rush among conservative outlets to play upon the racial fears of white voters. "Pease is a Hamilton man and Hamilton is an unequivocal negro equality man, and the people of Texas cannot be forced to swallow this damnable doctrine" reported the *Dallas Herald*, reprinting from the *Crockett Sentinel*.¹³⁸ The *San Antonio Herald* was even more dramatic:

¹³⁶ *Texas Republican*, June 16, 1866.

¹³⁷ Howell, *James Webb Throckmorton*, 113.

¹³⁸ *Dallas Herald*, May 5, 1866.

The handful of Radicals in this State are very moderate in their pretensions. They only require the people of Texas to get down on their knees before them and humbly acknowledge that they have been fools for the last twenty years; that they never had the least idea of the true meaning of the Constitution and the rights of the States who formed it; that they have just been constantly encroaching upon the liberties of the Northern people, and have always been wrong in all their controversies with them; that they must abuse all the men whom they have heretofore trusted and honored, and praise and vote for men in whom they have no confidence, men who have no sympathy for them, no regard for their interests or feelings, who wish to degrade and oppress them, who love the little finger of a negro more than the whole body and soul of a white man, that they must cease to think of act for themselves, and become the mere tools for the immaculate Radicals to work with for their own profit and glory.¹³⁹

The single sentence rant demonstrated the conservative determination to disparage the loyal Unionists as radicals, while hopefully preserving key elements of antebellum society through the election of the conservative ticket. Pease, to his credit, accurately predicted that the election of Throckmorton would automatically make Texas suspect in the eyes of the North.¹⁴⁰ Pease consistently preached in his campaign that re-admission without further demonstration of change to satisfy Northern observers was a fantasy.

Austin's *Southern Intelligencer*, while endorsing Pease, also foresaw the problems that conservative victory would bring the state in the process of Reconstruction. "Dr. Throckmorton was not originally a secessionist, but he has not been very consistent in his course, is in bad company and has no experience as Governor," reckoned the editors. "He might make a very fair Governor under Jefferson Davis, but he don't suit for one under Andrew Johnson."¹⁴¹ Pleas for moderation to the will of the national government in the name of quick and lasting re-admission

¹³⁹ *Dallas Herald*, May 5, 1866.

¹⁴⁰ Moneyhon, *Edmund J. Davis*, 89.

¹⁴¹ *Southern Intelligencer*, May 31, 1866.

were steamrolled by the tide of racial fears and conservative hyperbole, which Throckmorton wholeheartedly encouraged. Ultimately, the election wasn't close, with Throckmorton taking 48,631 out of 60,682 votes.¹⁴² His dominance in both Harrison and Collin Counties was absolute. Once again, it would be easy to point to this result as the product of elite puppet masters, but this would ignore the chief factors that had brought political change and shaped Texas culture through 1866. The loss of the war and the loss of the antebellum social framework as manifested in granting civil rights to black Texans had generated an unstoppable momentum among Texas voters. Within a single year, the culture had moved from a weary acceptance of reality at the war's end to one of continued resistance to federal authority. To conservatives, Throckmorton represented the end of the perceived transgressions committed by the North against the former Confederacy, and his landslide victory demonstrated that most white Texans believed they could still preserve an element of Confederate honor.

Texas was not alone in its stubborn renewal of the political fight. Across the South other states were similarly electing and installing civil governments comprised primarily of former Confederates. What the media outlets championed as a natural right for the state - the ability to preserve local control by electing whoever the white voters saw fit - stood in direct opposition to the will of the increasingly incensed Congressional majority who was fighting both the conquered states as well as President Johnson, who had done little to discourage the states. Republicans increasingly feared that they had won the war but lost the peace. So in addition to the pressing state issues that Throckmorton and the 11th Legislature faced when they arrived in Austin in August 1866, the Texas government was already on shaky ground. Again, the national

¹⁴² Howell, *James Webb Throckmorton*, 113.

debate was heavily intertwined with events on the ground in Texas, as Throckmorton openly expressed his admiration of Johnson during his inaugural address on August 9, 1866, “His [Johnson] generous policy has endeared him to the great mass of the people, in every party of the country. This liberality has deeply touched the tenderest chords of the Southern heart.”¹⁴³

As expected, Throckmorton emphasized the monumental nature of the work faced by the newly established civil government of Texas, and professed a newfound sense of loyalty to the United States. Never one to forget the constituents of Collin County, Throckmorton emphasized frontier protection in his address: “In the event, a sufficient number of troops cannot be procured from the Government [Federal], for the protection of the frontier, I shall not hesitate to urge expenditures by the States for this purpose. The people of that region, have already suffered with a patience and fortitude truly commendable.” This message was by no means new for Throckmorton, who had a long track record of aggressive support of the expectations of his loyal constituents. At the same time, despite Throckmorton’s platitudes about patriotism to the American Union and his invocation of the names of numerous founding fathers, there is an unmistakable sense of Confederate pride in his address. While encouraging the legislature and the people of Texas to move forward, there is an implicit framing of an Us versus Them divide, “Under the most trying of circumstances, the people of the South have shown a constancy and devotion, rarely equaled, to a cause considered by the as sacred and holy.”¹⁴⁴

¹⁴³ *Journal of the House of Representatives. Eleventh Legislature, State of Texas* (Austin: Printed at the Office of the “State Gazette,” 1866).

¹⁴⁴ *Journal of the House of Representatives. Eleventh Legislature, 22.*

Naturally, race remained on the minds of all, and we can once again get a sense of what would become a political tactic for the conservatives. If the position of Throckmorton and the more extreme conservatives was to stand firm against black suffrage and only accept a bare minimum of civil rights protections, then it was necessary to build a political façade of paternalism. Throckmorton said, “The day is not far distant, in my judgment, when the black people will be convinced that their truest friends are those with whom they have sported in youth, and have cared for them in their infancy.”¹⁴⁵ For Throckmorton, the dividing line between the factions vying for the hearts and minds of the freedmen had the benevolent conservatives on one side promising protection and employment, and the opportunistic radicals on the other, seeking only the black vote and oblivious to their need for protection.

In the 11th Texas Legislature, Collin County was represented by John Kendall Bumpass in the Senate, and Edward Chambers in the House of Representatives. Charles Clark Coppedge represented Harrison County in the Senate, while Robert Garrett and Samuel J. Richardson served in the House. All five were veterans of the Confederate military. Samuel Richardson had even been a member of the Knights of the Golden Circle, the clandestine precursor to the Ku Klux Klan devoted to the preservation of slavery.¹⁴⁶ Following Throckmorton’s recommendation, the legislature intentionally chose not to act on the 13th Amendment, eliminating slavery nationally, and they rejected the 14th Amendment entirely. For the

¹⁴⁵ *Journal of the House of Representatives. Eleventh Legislature, 22.*

¹⁴⁶ Aragorn Storm Miller, “Richardson, Samuel J. (1826-1876)” *The Handbook of Texas Online*, <https://tshaonline.org/handbook/entries/richardson-samuel-j> accessed Mar. 3, 2021.

conservative majority in the legislature, granting citizenship rights to the former slaves while a number of former Confederates remained disenfranchised was simply too much to swallow.¹⁴⁷

It took little time for the 11th Legislature to offend the sensibilities of Congressional Republicans. Faced with what the Legislature saw as nothing less than the complete destruction of their economy and way of life, the establishment of the Black Codes in Texas set the stage for future segregation, restricted civil rights, and established control over Black labor. Similar measures were adopted across the South, with the final result being the establishment of an institution that was just short of being slavery.¹⁴⁸

But in many ways, it was the choice of Oran Roberts as U.S. Senator that really set off the Republicans.¹⁴⁹ In fact, perhaps even more fundamental for radical critics than the greater South's rejection of civil rights and instillation of Black Codes was the very makeup of the state governments that had been assembled under Presidential Reconstruction. German-born publisher and critic of all things slavery and all things secession, Ferdinand Flake, did not hold back his outrage over the selection of Roberts for the U.S. Senate:

Judge Roberts, as is well known, was not only one of the most prominent secessionists, but was the President of the Convention of 1861, which took, or attempted to take the State out of the Union. He was also Colonel of the Confederate Army. It is no secret matter that these are the chief recommendations he possesses for the high place of Senator. Neither eloquence nor commanding talents are claimed for him by his warmest

¹⁴⁷ Carl Moneyhon, *Texas After the Civil War* (College Station: Texas A&M University Press, 2004), 53.

¹⁴⁸ Howell, *James Webb Throckmorton*, 116.

¹⁴⁹ Howell, *James Webb Throckmorton*, 115.

friends. But he was and is the representative of the class most obnoxious to the Government of the United States.¹⁵⁰

The other U.S. Senator chosen was David G. Burnet, an old school veteran of the Texas Revolution who, like Throckmorton, had opposed secession only to later become absorbed by the Confederate tide, which in turn developed into a strong distrust for Republicans. Randolph Campbell notes that the instillation of former secessionists into positions of power under the Throckmorton government was prevalent at all levels as local governments, county governments, and district judges statewide were predominantly former Confederate officers.¹⁵¹ Ultimately neither Roberts nor Burnet were allowed to serve, under the restrictions of the “Ironclad Oath” required by the Reconstruction Acts.¹⁵²

Throckmorton Falls Apart

Ever faithful to his constituents, if not simultaneously seizing the opportunity to rankle federal authorities, Throckmorton prioritized frontier defense and began requesting additional troops while vowing to raise a state force should the federal authorities fail to deliver, a promise

¹⁵⁰ *Flake's Weekly Galveston Bulletin*, August 29, 1866.

¹⁵¹ Campbell, *Grass-Roots Reconstruction*, 11.

¹⁵² Originally devised during the war, it was meant to remove ex-Confederate political influence during Reconstruction and was widely detested in the Southern states due to its broad nature. In addition to eliminating former Confederate soldiers and officers from public service, it also prohibited civilians whose work had in any way aided the rebellion.

delivered by the 11th Legislature, at least on paper.¹⁵³ In November 1866, the Legislature authorized the creation of a state militia for frontier protection, but no officers were appointed and the militia dissolved along with Presidential Reconstruction. It was becoming clear that the divide between state and federal authorities was growing, and Throckmorton's own ideological development had culminated in his assumption of the role of resistant contrarian, unwavering in his defense of states' rights and committed to frustrating federal authorities at all fronts.

By Spring 1867, Throckmorton's governorship was in peril as Congress began taking a more aggressive tact in the Reconstruction process. In fact, Southern intractability had finally pushed the Republican-controlled body to its limit, and the first of the Reconstruction acts was passed on March 2, declaring the new governments of the Southern states illegitimate and splitting the South into military districts pending their adoption of new, more satisfactory constitutions.¹⁵⁴ Tennessee was the only Southern state exempt from this, as they had adopted the 14th Amendment the year before. The Fifth Military District, encompassing Texas and Louisiana, was placed under the control of General Philip Sheridan. General Charles Griffin, staunch supporter of the Union, the Republican Congress, and the Freedman's Bureau, assumed control of Texas.¹⁵⁵ Sheridan's influence on the course of Texas Reconstruction cannot be overstated, as he was firmly allied with Elisha Pease and shared a less than harmonious relationship with Throckmorton. Charles Ramsdell's initial history of post-war Texas pinpoints

¹⁵³ Barry A. Crouch and Donaly E. Brice, *The Governor's Hounds: The Texas State Police, 1870-1873* (Austin: University of Texas Press, 2011): 14.

¹⁵⁴ Moneyhon, *Edmund J. Davis*, 102.

¹⁵⁵ Ramsdell, *Reconstruction in Texas*, 149.

the Reconstruction Acts as something of a breaking point, although given Throckmorton's performance up to this point, it would be difficult to argue that former Confederates had ever been cooperative with the Reconstruction process. For Ramsdell, the first Reconstruction Act was nothing less than martial law and an overt attempt to remove the leading political elites of the day from positions of power that were otherwise legitimate. According to Ramsdell, "It was expected by the framers and advocates of these measures [the Reconstruction Acts] that the negroes and their white radical friends would control the states, thereby insuring 'loyal governments.'" ¹⁵⁶

Whatever impressions Texas political leaders might have had regarding ulterior motives on the part of the Radicals, compliance with Congressional Reconstruction was required. Motivated by a genuine desire to protect freedmen and Unionists as well as a determination to enlarge their political base by making possible a Republican Party in the South, Congress turned to the United States Army to implement its will. ¹⁵⁷ The civil government elected following the Constitution of 1866 was now considered provisional, and the district military leadership was charged with ensuring the election of delegates for another constitutional convention. Universal suffrage regardless of race was mandatory, and the first legislature elected would be required to pass the 14th Amendment. ¹⁵⁸ While the continuing policy of Congress did little to affect the

¹⁵⁶ Ramsdell, *Reconstruction in Texas*, 148.

¹⁵⁷ Robert Wooster, *The United States Army and the Making of America: From Confederation to Empire, 1775-1903* (Lawrence: University of Kansas Press, 2021), 204-206, 211-212.

¹⁵⁸ Moneyhon, *Texas After the Civil War*, 69.

voting rights of rank-and-file former Confederates, the shock of political equality for former slaves sent some Texas communities into an existential crisis not felt since before the war.

Congressional Reconstruction meant, for many Texans, the breaking of a promise they assumed they had from President Johnson. Robert Loughery reflected on the first Reconstruction Act's breach of the Constitutional promise of the 10th Amendment and saw this as the moment in which the soft hand of the conquerors became pronounced vengeance:

The Congress of the United States have passed a bill, or enacted a law, ostensibly for the "more efficient government of the rebel States," but really to embarrass and cripple our industrial and mechanical enterprises, to injure us financially, to harass and goad us individually and collectively, to degrade us morally and socially, to oppress us politically, and to establish in our midst eventually a government only preferable to anarchy; and which, we very much fear, will lead to it, or at least to the inauguration of a reign of terror similar to that enacted during the dark days of the French revolution, when that nation "got drunk on crime to vomit blood."¹⁵⁹

From Loughery's perspective, any sense of peace with honor following Appomattox had been hijacked by Radicals in Congress over the subsequent two years which called into question why the South had ever laid down its arms at all. Loughery followed up his editorial by insisting that "the Union of States has been sundered, and the last tie that bound them as one has been riven."¹⁶⁰ This assertion would form the basis of the historical myth making that characterized the early Reconstruction histories. In fact, well into the 20th century as Texas sought to reform and remold its cultural identity, Congressional Reconstruction was framed as an aggressive maneuver carried out by Yankee hardliners that could only be purified or "redeemed" once the military occupation was finished.

¹⁵⁹ *Texas Republican*, March 23, 1867.

¹⁶⁰ *Texas Republican*, March 23, 1867.

Throughout the Spring and into the Summer of 1867, in a last ditch effort to satisfy the military authorities as a means of maintaining his grip on power, Throckmorton began to take a more aggressive tact in controlling the behavior of government officials at the county level, who were either refusing or simply unable to check the rampant violence being committed toward Freedpeople. However, the rift between Throckmorton and Griffin and Sheridan was simply too much to overcome. A supplementary reconstruction act of July 1867 gave military authorities the power to remove state officials as they saw fit, and Throckmorton's tenure came to an end.¹⁶¹

Pease Takes Over

Charles Ramsdell's general argument regarding the developments of 1867 leading to the provisional governorship of Elisha Pease is that military officials (Sheridan and Griffin) were frequently operating unilaterally, making them a potentially more dangerous enemy to the status quo than the Radical Congress itself.¹⁶² However biased Ramsdell's work may be, the military districts were most definitely empowered to act as they saw fit, as they were crucial to congressional plans regarding Reconstruction in Texas and the rest of the former Confederacy. Continuing violence toward Freedmen and Republicans was having a destabilizing effect and couldn't escape Griffin's notice. Griffin's so-called "Jury Order" of April 27th, 1867 effectively barred former Confederates from jury service while guaranteeing jury rights for Freedmen. The

¹⁶¹ Howell, *James Webb Throckmorton*, 154.

¹⁶² Ramsdell, *Reconstruction in Texas*, 163.

Texas Republican's reprinting of the order came under the simple, but very telling headline, "Another Military Order: White Men Still on the Downward Grade."¹⁶³

Gauging the policy ramifications associated with maintaining a government of loyal Confederates is difficult, but some general assessments can be made. Reconstruction violence, which would become a major issue in the Constitutional Convention of 1868 and during the Davis administration, has been categorized as racially or politically motivated, and sometimes both. As the historiography developed, so too did the perspective on the efficacy of the military's very presence as an occupying force. The earliest writings did not probe deeply into the social-psychological impact of the military presence in the state. That the occupation was hated by whites is understood, and expected given the circumstances. But interpretations regarding the conduct of the military and the impact it had on further consolidating an already resistant political culture has often changed.

Barry Crouch notes post-revisionist William Richter's relatively conservative argument that military commanders had a strong political incentive to guarantee Republican success at all fronts.¹⁶⁴ This would, in turn, inspire within devoted former Confederates a sense of victimhood not too far removed from the sense of intrusion felt at the time of the secession crisis, when states' rights were perceived to be under assault. This feeling of vulnerability at the hands of their Union conquerors would subsequently shape the historical memory of Reconstruction and serve to refashion post-war Texas identity. However, much like the critical moments leading to

¹⁶³ *Texas Republican*, May 11, 1867.

¹⁶⁴ Barry A. Crouch, "Unmanacled" Texas Reconstruction: A Twenty-Year Perspective," *The Southwestern Historical Quarterly* 93:3 (January, 1990): 278.

secession, the preponderance of evidence suggests that heavy handed intrusion on the part of the military authorities was a necessary reaction to increasing instability. Gregg Cantrell argues that Reconstruction violence had subsided a bit in the first half of 1867, even with the passage of the first two Reconstruction Acts and the transition to Congressional Reconstruction. He also argues that high levels of violence resumed with the removal of Throckmorton from office and continued to rise until the election of 1868, suggesting a strong political motivation.¹⁶⁵ The same can be said for the Freedman's Bureau, which consistently drew the wrath of even the most mildly conservative media outlets throughout the period. The contentious viewpoints on the military presence offered by historians as the field developed are important, for they demonstrate a state culture, and a maturing field of study, that was coming to terms with its past.

The purge of ex-Confederates from state government continued, and overwhelmed Pease's term as Provisional Governor. While for some observers Pease as governor may have been nothing more than a puppet of Yankee tyranny, even Ramsdell expresses a certain admiration, acknowledging him as "the most moderate of all those who had the confidence of the military authorities."¹⁶⁶ Assuming office on August 8, 1867, Pease was immediately placed in an unenviable position as Republicans statewide began pressing him to plead with Griffin and Sheridan for the removal of local officials deemed unsatisfactory. The political motivation was twofold, for quick readmission as well as the disenfranchisement of future delegates to the Constitutional Convention were at stake, and Pease generally complied.¹⁶⁷ *The Texas Republican*

¹⁶⁵ Cantrell, "Racial Violence and Reconstruction Politics in Texas," 349.

¹⁶⁶ Ramsdell, *Reconstruction in Texas*, 172.

¹⁶⁷ Moneyhon, *Republicanism in Reconstruction Texas*, 69.

similarly interpreted the removal of Throckmorton and his replacement with Pease as a harbinger of things to come: “It shows clearly and conclusively what they have to expect from the present extraordinary and anomalous misrule...”¹⁶⁸

After a brief pause in September following Griffin’s death, Pease continued to establish a sense of ideological unity across Texas government under General Joseph J. Reynolds that increasingly drew the objections many whites in both Harrison and Collin Counties. Coupled with the legal protections offered by the 2nd Reconstruction Act guaranteeing the African American vote, an exhaustive effort to register as many Freedmen as possible for the early 1868 election of delegates for the Constitutional Convention on the part of Texas Republicans was driving an even deeper wedge between conservatives and radicals.¹⁶⁹ The concerted effort to remove conservative elements from state government ended when Sheridan was replaced as commander of the Fifth Military District in Fall 1867 by General Winfield Scott Hancock, who staunchly disagreed with Congressional Reconstruction and sought to reestablish the primacy of civil government over the military.¹⁷⁰ However, much was accomplished during the brief time that Pease, Griffin, Reynolds, and Sheridan worked together, and Republican hopes for the 1868 election and subsequent Constitutional Convention were high.

1868

¹⁶⁸ *Texas Republican*, August 3, 1867.

¹⁶⁹ Campbell, *Grass-Roots Reconstruction*, 116.

¹⁷⁰ Hancock, of course, would be the Democratic Party’s nominee for president in the election of 1880.

While Republican momentum was growing throughout late 1867, on a more local level the people of Collin County were becoming further and further enculturated with ex-Confederate conservatives, and any sense of the cultural contrarianism which had shaped public opinion prior to secession was disappearing. Special Order Number 195, which had been issued on November 1, 1867, had allowed Reynolds to remove over 400 county officials statewide.¹⁷¹ Collin County was no exception to this, as the elected County Judge, County Commissioners, and Sheriff were all replaced with appointees deemed more appropriate. Up to this point, Collin County had not been a hotbed of resistance and was generally quiet and compliant. Late 1867, however, saw the beginning of a four year conflict known as the Lee-Peacock feud. The feud was a series of hostilities surrounding progressive Union League supporter Lewis Peacock and ex-Confederate officer Robert Lee which resulted in a dozen deaths and (rightly or wrongly) lumped Collin County into the category of lawless backwaters that the army authorities were trying to clean up. Stambaugh and Stambaugh note a military report sent to Reynolds conveying the public's impression of Lee and the ongoing violence; as this observer concluded, "Lee seems to be the most popular man in this section of the country, and I am sure that the citizens of that neighborhood would not only give him all the aid in their power, but will even help him with force of arms if necessary."¹⁷² For Collin County, the spirit of reconciliation was gone, and the pre-war Unionism that had motivated the Throckmorton and the people he represented was similarly extinguished.

¹⁷¹ Carl Moneyhon, "Reconstruction," Handbook of Texas Online,

<https://www.tshaonline.org/handbook/entries/reconstruction>, accessed May 20, 2021.

¹⁷² Stambaugh and Stambaugh, *A History of Collin County, Texas*, 72.

The dictates of Reconstruction had guaranteed a Constitutional Convention that would be controlled by the Republican Party, and the results of the February 1868 election of delegates demonstrated such. With most ex-Confederates either disenfranchised through the military authority's interpretation of the Reconstruction Acts or simply refusing to vote as a matter of principle, the election of delegates ultimately hinged upon the Black vote.¹⁷³ The sense of dread felt among the white conservatives of Harrison County (where they were now a legal and political minority) was obvious. In anticipation of the election for the convention, the *Texas Republican* continued to stoke the fires of racial doom, "The white people of Texas will never consent, in our judgment, to negro suffrage in any form and if the Convention fails to take the broad ground in favor of a *white man's government*, it will fall short of public expectation, and impair confidence in its action."¹⁷⁴ Despite such alarmism, the conservative fear of a unified party of Radical Republicans and their freedmen allies was not based in reality. The Republicans would indeed dominate the Convention and guide the creation of the new Texas Constitution, but Republican cohesion was anything but certain.

Carl Moneyhon points out that the factions within the Republican Party were significantly more varied in their positions on the fundamental issues of the day: the legality of wartime and post-war legislation (the *ab initio* controversy), development of transportation, education spending, civil rights, frontier protection, and the provision of law and order. This factionalism actually gave the Democratic Party a louder voice than their numbers would warrant, as the Republican factions frequently spent their energies opposing one another. The

¹⁷³ Moneyhon, *Republicanism in Reconstruction Texas*, 71.

¹⁷⁴ *Texas Republican*, January 18, 1868.

best way to characterize the larger portion of the Republican coalition guiding the events of the Constitutional Convention of 1868 would be to liken it to the pre-secession Unionism of 1861. Most Republican delegates favored transportation improvements, continued settlement of the frontier, but only minimal protections of civil rights and suffrage. Ideological variations among the Republican factions were typically based in sectionalism. For example, future Convention President E.J. Davis by then was part of the group most receptive to equal rights. Moneyhon notes that Davis was chosen to represent Nueces County, where African Americans did not represent a major portion of the population. Therefore, Davis could afford to take a progressive stance on equal rights without causing controversy among his constituents. By contrast, James Flanagan of Rusk County did not hold back in his antagonism to civil rights, as freed slaves represented the better part of his section's labor force and fears brought on by emancipation continued to grip his constituents.¹⁷⁵

Electing delegates for the 1868 Constitutional Convention took place in February 1868, with the Convention itself meeting starting June 1, 1868. Collin County was represented by James W. Thomas, editor of the *McKinney Messenger*, which is indicative of his continuing influence despite the cultural realignment of the county.¹⁷⁶ Harrison County's representatives included two of the ten African American delegates elected to the Convention. Mitchell Kendal and Wiley Johnson were both former slaves who had served as voter registrars for Harrison County, and Kendal would subsequently serve in the 12th Texas Legislature as part of the

¹⁷⁵ Moneyhon, *Republicanism in Reconstruction Texas*, 83, 85.

¹⁷⁶ *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas. Constitutional Convention (1868-1869)* (Austin: Tracy, Siemering & Co., printers, 1870), 534.

Republican majority coalition. The changing demographics of state leadership further antagonized Harrison County's Robert Loughery, who had dim hopes for what he called a "mongrel Convention" and he urged organization and resistance on the part of conservative whites.¹⁷⁷

The Reconstruction Convention of 1868 faced a number of highly consequential political challenges when it was called to order on June 1, 1868. Disorder and lawlessness by that time were impossible for even the most avid conservative to ignore. Cantrell notes that violence spiked around the time of February 1868 elections, and while it marginally subsided, he supports Moneyhon's contention that parts of Texas remained in a state of virtual war by the Summer. The first reports of the Ku Klux Klan from the Freedman's Bureau showed up in May, and political and interracial violence would play a prominent role in the actions of the Convention.¹⁷⁸ Varying perceptions of the violence and the steps necessary on the part of the Convention to address it, along with the continuing general questions of civil rights, would do little to help the strength of the Republican coalition as factionalism threatened to tear it apart.

Once called to order, the Convention's first order of business was the election of leadership. E.J. Davis was nominated for President of the Convention by Morgan Hamilton, representative of Bastrop and brother of Colossal Jack.¹⁷⁹ Despite Davis's wartime distinction among Texas Unionists, he was generally viewed as a moderate, likely owing to his law

¹⁷⁷ *Texas Republican*, February 22, 1868.

¹⁷⁸ Cantrell, "Racial Violence and Reconstruction Politics in Texas," 350.

¹⁷⁹ *Journal of the Reconstruction Convention: which met at Austin, Texas. Constitutional Convention (1868-1869)*, 3.

experience which many hoped would make him an unbiased adjudicator. In a message to the Convention read on June 3, 1868, Provisional Governor Pease noted the extreme difficulty and undesirable nature of his position. He declared the state of the Provisional Government as being one of “extreme difficulty and embarrassment,” and expressed his hope for the legitimacy to be gained through the Convention and the Constitution they would create. He also pushed for solutions to the rampant violence afflicting the state, nullification of legislation passed in aid of the rebellion, an end to payment of debts incurred in aid of the rebellion, civil rights, taxation for the establishment of free public schools, and the temporary disenfranchisement of former rebels in order to gain readmission.¹⁸⁰ Violence and lawlessness reigned as the most pressing issue, and a special committee was two days later.¹⁸¹

The early resolution for the creation of the Committee on Violence and Lawlessness is indicative of how bad instability had gotten. The preponderance of violence in the state since 1865 carries a great deal of significance on a number of dimensions. On the one hand, it is evidence of continued resistance and the uphill battle the moderate and radical elements of the Convention were facing when trying to assemble a Constitution that would be agreeable to enough people to gain readmission. The early historians, the revisionists, and the post-revisionists have presented every conceivable explanation for the ongoing violence, but for the

¹⁸⁰ *Journal of the Reconstruction Convention: which met at Austin, Texas. Constitutional Convention (1868-1869)*, 14.

¹⁸¹ *Journal of the Reconstruction Convention: which met at Austin, Texas. Constitutional Convention (1868-1869)*, 30.

Committee on Lawlessness and Violence, in a report issued to the Convention on July 2, 1868, the truth was inescapable:

This great disparity between the numbers of the two races killed, the one by the other, shows conclusively, that “the war of races” is all on the part of the whites against the blacks. The evidence in our possession also shows that a very large portion of the whites murdered were Union men, and that the criminals, with remarkably few exceptions, were and are disloyal to the Government. We are, hence, directed to the hostility of feeling entertained by ex-rebels against loyal men of both races, for the discovery of the cause of a large proportion of these outrages.¹⁸²

For Davis, there was no question that the violence was tied to secession and continued resistance. From 1865 to the time of the Convention, just under 1,000 homicides had occurred and disproportionate number of the dead were former slaves. The following day, Davis thus offered a resolution to send two liaisons to Washington, D.C. to address Congress on the state of low-level war in Texas. The appointed men were instructed to press Congress on the organization of a loyal state militia to be controlled by the Provisional Government.¹⁸³ More than any other issue that would later impact E.J. Davis’s time as Governor of Texas, his approach to lawlessness and violence and the measures he would take, including the creation of a state police force, would elicit the angriest response from Conservatives and Moderates, and cement his name in the early Texas Reconstruction histories as a tyrant.

That the Constitutional Convention of 1868-1869 completed anything is a small miracle. Four factions of Republicans and a small contingent of Democrats frequently led the proceedings

¹⁸² *Journal of the Reconstruction Convention: which met at Austin, Texas. Constitutional Convention (1868-1869)*, 195.

¹⁸³ *Journal of the Reconstruction Convention: which met at Austin, Texas. Constitutional Convention (1868-1869)*, 213.

in unanticipated directions. Adjourning from late August until the beginning of December to ensure peace and stability during the 1868 General Election, the Convention would last until February 1869.¹⁸⁴ Some elements of what would ultimately become the 1869 Constitution were expected. Acceptance of the 14th and 15th Amendments to the U.S. Constitution, universal male suffrage regardless of race, strict protections of black labor, encouragement of immigration to the state, and a statewide education system were all adopted, signaling a Republican effort (however disjointed) towards progressivism in the face of conservative resistance. These measures stood in stark contrast to the Constitution of 1866, and did not reflect the seemingly interminable debate over questions like *ab initio* and state division.

The *ab initio* controversy was ultimately settled through a committee proposal from A.J. Hamilton, who by this point had grown increasingly at odds with Davis. It nullified legislation in aid of the rebellion but protected governmental measures over routine domestic concerns that would have otherwise created a bureaucratic nightmare had they been dissolved. State division in the name of ensuring quick admission for regions of the state willing to act in accordance with the rules of Reconstruction elicited strong reactions across party lines, and while Davis favored it, it was ultimately left to Congress to decide and it never happened.¹⁸⁵ The most significant themes of the 1869 Constitution were centralization, progressivism, and submission to federal authority. Davis's early endorsement of education over railroads and strong law enforcement measures to protect Freedmen and Unionists had earned him a reputation as the singular face of Radicalism in the state.

¹⁸⁴ Moneyhon, *Edmund J. Davis*, 125.

¹⁸⁵ Ramsdell, *Reconstruction in Texas*, 208, 212.

The radical shift of tone from 1866 to 1869 is apparent in Article I, Section 1 of both documents. Like the Texas Constitution of today, both begin with a Bill of Rights, a stylistic choice that is unmistakably Texan. Section 1 of the 1866 Constitution read: “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform or abolish their form of government, in such a manner as they think expedient.”¹⁸⁶ While not expressly addressing any specific issue of legislative importance, this statement revealed the ideological tone that ultimately led to the dissolution of the document. Its insistence on the perpetuation of states’ rights, using the 10th Amendment to the U.S. Constitution as its foundation, did nothing to win the favor of the Radicals of the North. The same passage in the 1869 Constitution, on the other hand, expressed both subservience to the U.S. Constitution and a spirit of agreement:

The Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law; that this Constitution is framed in harmony with, and in subordination thereto; and that the fundamental principles embodied herein can only be changed, subject to the national authority.¹⁸⁷

¹⁸⁶ *The Constitution, as Amended, and Ordinances of the Convention of 1866, Together with the Proclamation of Governor Declaring the Ratification of the Amendments to the Constitution, and the General Laws of the Regular Session of the Eleventh Legislature of the State of Texas* (Austin: Printed at the Gazette Office, by Jo. Walker, state printer, 1866), 3.

¹⁸⁷ *Constitution of the State of Texas, Adopted by the Constitutional Convention Convened under the Reconstruction Acts of Congress Passed March 2, 1867, and the Acts Supplementary thereto; to be Submitted for Ratification or Rejection at an Election to Take Place on the First Monday of July, 1869* (Austin, Texas: Printed at the Daily Republican Office. 1869), 3.

Robert Loughery and the *Texas Republican* were well aware of the implications for self-determination brought by the new state supreme law. While advocating for a Democratic Convention to combat the almost certain Radical juggernaut that would be seeking statewide office after the Constitution's ratification, the *Republican* expressed what it saw as a sacred mission to protect the old order of dual federalism:

The principles of that party [Democratic}, as to the origin and powers of the government, are as true today as they were when in periods of tranquility they presented a stern and unyielding opposition to the exercise of all doubtful or implied powers by the Federal Government, with the intention of averting the very evils that are now upon us.¹⁸⁸

By June 1869, cracks in the façade of Republican unity were on full display for the people of Texas. The Republican Convention, held in Houston by the publisher of the *Houston Union*, James G. Tracy, didn't even include Jack Hamilton in an official capacity, as he and Pease sensed a lack of support and chose to observe rather than participate. By this point Hamilton had begun moderating his positions in order to attract progressive Democrats to aid his future political ambitions, and E.J. Davis easily took the Republican nomination for Governor.¹⁸⁹ But even among traditionally Republican Texas media outlets (which were growing fewer in number) there was little fanfare as the absence of Hamilton signaled a lack of desperately needed unity as the party worked toward ratification of the Constitution, readmission, and electoral victory after the restoration of civil government. Exemplifying this trend, the *McKinney Messenger* was rapidly losing its influence in Collin County. Typically devoting a full column to rebutting the indictments of rival publications, the *Messenger's* fall from favor coincided with the rise of its conservative rival, the *McKinney Enquirer*, run by former Confederate Captain

¹⁸⁸ *The Texas Republican*, April 2, 1869.

¹⁸⁹ Moneyhon, *Edmund J. Davis*, 138.

John H. Bingham.¹⁹⁰ Of the Republican Convention, the *Messenger* reiterated unflattering reports from the *Austin Republican*, noting that, “The Tracy Convention is a complete failure” on the first day, and that, “The Convention today is more of a farce than yesterday.”¹⁹¹

The race for Texas Governor in 1869 was, predictably, a proxy for Reconstruction itself. E.J. Davis received considerable support from the national government, which was also expected. President Grant endorsed his candidacy, which gave a certain legitimacy to the otherwise unremarkable Republican Convention in Houston. At the same time, the growing rift between General Reynolds and Jack Hamilton, as well as Elisha Pease, finally burst wide open when the two refused to signal Republican loyalty and participate in the Convention. For Reynolds, Hamilton’s stubborn refusal to cooperate and compromise with the Davis faction of his party spelled doom for the Republicans in Texas, and he informed Grant of his concerns in a private letter.¹⁹² As Grant’s favor of Davis grew, so too did the President’s use of patronage in the form of federal office appointments reflect his increasing support. Members of Grant’s cabinet began removing federal office holders at the state and local level who were opposed to Davis. Pease, increasingly incensed by the federal enthusiasm for Davis and the removal of Hamilton supporters from the ranks of Texas government, resigned from office. The *Houston*

¹⁹⁰ “Capt. John H. Bingham,” Collin County History, accessed May 26, 2021,

www.collincountyhistory.com/bingham1.html.

¹⁹¹ *McKinney Messenger*, June 19, 1869.

¹⁹² Moneyhon, *Republicanism in Reconstruction Texas*, 116. For Reynolds’ letter to Grant of September 4, 1869, see John Y. Simon, *The Papers of Ulysses S. Grant* (Carbondale: Southern Illinois University Press, 1995) 19: 216n.-218.

Telegraph speculated as to the cause of his resignation, “Perhaps too, after Gen. Reynolds threw himself into the hands of the Radicals it became difficult to harmonize the civil with the military administration, in our abnormal half military, half civilian form of government.”¹⁹³ Whatever the personal or political reasons, Carl Moneyhon notes, Pease’s resignation signaled two options for the voters: Davis, who dutifully obeyed the federal government that was perpetuating the military presence in the state; or Hamilton, who wanted to end the occupation as a matter of reestablishing Texas’ autonomy.¹⁹⁴ The media revulsion against all things “Radical” grew accordingly, as the split between Hamilton and Davis became the new battle for the soul of Texas. The *Houston Telegraph* summarized the controversy as the election neared:

It is astonishing that Texas Radicals have not been able to see the utter foolishness of their course. They could have done nothing that could make their defeat more overwhelming than the very thing they have done. While professing to be very liberal, they have shown themselves bitterly proscriptive, by having our officials removed because they support Gen. Hamilton. Thus do they make their professions a mockery.¹⁹⁵

Without major party support, Hamilton campaigned as a more moderate choice than Davis. Davis, and the Republican Convention that had nominated him in June, were now synonymous with radicalism, and the more conservative media outlets of the state were predicting success for Hamilton. Davis campaigned by defending himself against charges of radicalism, while at the same time indicting Hamilton for having sold out his party. He repeatedly emphasized that his stance on the *ab initio* controversy was an effort to recover money taken from the state education fund and given to the railroads under the Confederate

¹⁹³ *The Houston Telegraph*, October 7, 1869.

¹⁹⁴ Moneyhon, *Republicanism in Reconstruction Texas*, 116.

¹⁹⁵ *Houston Telegraph*, September 30, 1869.

government. By declaring all acts of the legislature under the Confederacy null and void (*ab initio*), Davis believed that the state could then recover the money as well as thousands of acres of land granted to speculators. Hamilton and his supporters immediately pounced on this as an effort on the part of Davis to erase every marriage license, land sale, and contract created during the war.¹⁹⁶ Neither Davis nor Hamilton took particularly loud or aggressive stances on civil rights and thus their differences were only marginal. Ultimately, Davis would acknowledge that Hamilton was simply more adept at the game of politics, wherever the actual truth lay.

With easily discernable battle lines drawn, virtues became shortcomings and vice versa in the campaign for governor. For the *Houston Telegraph*, the political developments of the state amounted to nothing more than a Radical conspiracy, and by this time a vote for Davis meant a vote for radicalism. *The Telegraph* said, “Though Gen. Hamilton was the father and leader of negro suffrage in Texas, the Radicals had managed to sow distrust of him among the negroes, and in the coast counties where the leagues are active, they had lead off the negroes to the support of Davis by making them believe that Gen. Hamilton had sold out to the Democrats.”¹⁹⁷ In the same issue, *The Telegraph* endorsed Hamilton for governor and encouraged Davis to withdraw as a matter of duty to Texas. This is a rather telling stance from a media outlet which in 1862 had referred to Hamilton as a “waste of ammunition” and shows the consolidating power of cultural change. There was nothing in *The Telegraph’s* track record that would indicate an affinity for Hamilton at all, but in this case he simply *wasn’t* Davis, which was good enough.

¹⁹⁶ Moneyhon, *Edmund J. Davis*, 145. Davis, for his part, attempted during the convention to create a compromise solution to the issue.

¹⁹⁷ *The Houston Telegraph*, October 7, 1869.

Fortunately for Davis, Texas Democrats did little more than put up a token fight. This was simultaneously unfortunate for Hamilton, who had hoped to draw Democratic support, only to see them effectively abstain from participation. Although Texans would have a choice in the election, the federal government had ensured that it would be a Republican fight. In early October 1869 a Democratic Convention was held in Brenham and newspaper editor Hamilton Stuart was nominated for governor.¹⁹⁸ Another Harrison County paper, the *Harrison Flag*, decried the Brenham convention as unrepresentative of Texas Democrats, noting a growing sectional divide which was further relegating East Texas interests. Reprinted in the Austin's *Tri-Weekly Texas State Gazette*, the *Flag* said:

The affair at Brenham seems to us little more than a political spree. It is, moreover, remarkable that every candidate for Governor is selected from the West. We think the East is entitled to some consideration. There are now in the field three candidates [Davis, Hamilton, and Stuart] for Governor – all from the West. The West has no right to gag the voice of the people of this section, and if the politicians expect that the East will submit to and endorse everything that is put forth by the cliques which assemble in Austin, Houston, and Brenham, they will reckon without their host.¹⁹⁹

The Gazette was even less charitable, referring to the Democratic Convention as “The Brenham Abortion.”²⁰⁰ More conservative sections of East Texas were clearly feeling the loss of their former political influence, as they were left with no choice but to support the lesser of two evils. For Hamilton, this represented an opportunity, for while Davis had made major headway in courting the Freedman vote and strengthening the prospects for Republicanism, Hamilton would attempt to spin the changing demographics to his favor.

¹⁹⁸ Moneyhon, *Edmund J. Davis*, 147.

¹⁹⁹ *Tri-Weekly Texas State Gazette*, October 18, 1869.

²⁰⁰ *Tri-Weekly Texas State Gazette*, October 18, 1869.

Ultimately, Hamilton could draw neither black supporters nor wayward Democrats. While never turning away from the enfranchising of the Freedmen, he attempted to cast Davis's version of Republicanism as the party of Black Rule while trying to appeal to conservative whites.²⁰¹ The moderation of his platform (tangible or not) in an effort to become a more conservative Republican movement left loyal Republicans uneasy, and despite the minimal differences between the two on most positions, Davis retained the support of Texas African Americans and the federal government.

Davis's margin of victory in the gubernatorial contest was razor thin, receiving 39,838 votes to Hamilton's 39,055.²⁰² Statewide, demographics decided the outcome, as black support for Davis was unified and strong in the face of continued violence and intimidation while the conservative whites Hamilton hoped to attract simply chose to sit out the contest. Davis, for example, won the predominantly African American voters of Harrison County, receiving 1,847 votes to Hamilton's 570.²⁰³ Republicans similarly dominated the contests for county office. On the North Texas frontier, the people of Collin County, demographically the opposite of their East Texas counterparts, sided with Hamilton by a margin of 723 to 28.²⁰⁴ This result should not necessarily be interpreted as a product of the changing political culture of Collin County, for the racial sensibilities of North Texas settlers were determined long before the war. More likely, the Davis victory is simply a product of Hamilton's race-baiting, despite his own long history as a

²⁰¹ Moneyhon, *Republicanism in Reconstruction Texas*, 119.

²⁰² Moneyhon, *Edmund J. Davis*, 151.

²⁰³ Campbell, *Grass-Roots Reconstruction*, 122.

²⁰⁴ *Dallas Herald*, December 11, 1869.

racially progressive man. However, the lopsided nature of the results in Collin County illustrate a political culture that was shifting in a more conservative direction.

Ultimately it was Davis's actions while in office that would force the final realignment of Collin County's political culture. A few media outlets, including the *McKinney Messenger*, expressed cautious optimism based on Davis's previous demonstration of unbiased leadership, particularly over the Constitutional Convention. As he struggled to maintain his paper's waning legitimacy, editor Thomas explained:

It is passing strange men will write and even print what they do not believe true. If any ex confederate soldiers voted for General Davis for Governor, they have done nothing of which they need feel ashamed. Governor Davis is a gentleman and a patriot. It is true he is liable to make mistakes like other men, but we know him well enough to feel assured that if he errs he will do so honestly, and with the best of intentions.²⁰⁵

But such was a lonely voice among the increasingly conservative Texas media, which reviled Davis from the outset. Thomas's political leanings were well known, and it was also common knowledge that Thomas and Davis were friends, so any attempt to quell fears of the coming Radical administration in Austin among the citizens of Collin County might have been wasted ink. The expectation of a Hamilton victory among Texas newspapers was likely the result of a lack of communication between white and black communities. *The Houston Telegraph*, for example, passed off black Texans as little more than pawns in Davis's quest for power:

While Hamilton's supporters were thus unorganized and unharmonious, the party organization of the Radicals, effected at Houston, enabled them to march their voters to the polls in solid phalanx, and vote the straight ticket with unquestioned obedience to their file leaders. The colored men turned out with great unanimity, and with alacrity obeyed commands of the [Union] League.²⁰⁶

²⁰⁵ *McKinney Messenger*, July 16, 1870.

²⁰⁶ *The Houston Telegraph*, December 16, 1869.

The Davis Administration

With the new Constitution ratified by the voters of Texas, General Reynolds having formally handed authority over to the Provisional Government, and a special legislative session called, Edmund J. Davis was inaugurated on April 28, 1870. His inaugural address was focused on reconciliation with promises of representation for all, lest conservative Democrats feel their interests were being forsaken. But suggestions of a coming ideological change in the tone of government was evident in certain parts of Davis's speech. For Davis, assuming leadership of a formerly rebellious state now re-entering the Union under terms dictated by the victors, certain inevitabilities had to be accepted before the state could resume moving forward. Slavery was finished and guarantees of civil rights were necessary for readmission, which meant new economic and social modes of thinking. Law and order had to be restored quickly, which meant additional unilateral powers for the Chief Executive were necessary. Improvements in transportation and education would require additional revenue, which meant an unavoidable change to tax policy. More than anything, as Davis stressed to the crowd gathered at the capital, Texas needed a fresh start and unity of purpose. Davis knew this was a lot to ask in light of recent history and the steady shifting of Texas culture, and he noted, "But sensible men can even now agree to accept the situation as they find it, and after ten years of war and civil disorganization, take a fresh departure in political affairs."²⁰⁷

Historians have long sought to delineate the source of Davis's personal feelings about taking the reins of power. Removing his approach to the office from his personal experience

²⁰⁷ *House Journal of the Twelfth Legislature, State of Texas. First Session* (Austin: Tracy, Siemering & Co., State Journal Office, 1870), 14.

during the time of secession, through the war, and through the first phase of Reconstruction, however, is not possible. More than any other Texas Unionist involved in politics, Davis possessed an idealism shaped by his war experience. At the same time, the consolidating political culture that took Texas out of the Union in 1861 also victimized the opposition of which he was a prominent part. The state that was so philosophically consumed with the primacy of local control had also fallen victim to the forces leading to secession. This was a process that Davis, along with his fellow Unionists, could ill afford to let happen again:

While the general government was restrained from all violation of the right of life, liberty and property, it was conceded that the local government had no such restraint, accordingly local despotism often flourished under the name of State government. There, free speech and thought was limited by the will of the majority, until individual freedom disappeared. It is not so now, and cannot (it is sufficient to say) be so hereafter.²⁰⁸

Here Davis expressed not only the validation of U.S. Constitutional Supremacy, but also the end of Texas independence in the sense of how it had existed before 1861. He went on to say, ““While local self-government still remains, it is within the just bounds that there is supervisory power over all, far withdrawn from local prejudice and bias, which will temper State action within the limit of security, freedom, and justice to all.”²⁰⁹ Along with Davis’s clear admonition to former rebels that their dream of state sovereignty would no longer be tolerated in the new America, he is also striking at the political culture that wrought disunion. Under Davis’s watch, no longer would the Vox Populi be the voice of God, rather the spirit of Constitutionalism that focused on the individual in the face of the tyrannical masses would reign supreme. How the people of Texas would adapt to this new reality remained to be seen.

²⁰⁸ *House Journal of the Twelfth Legislature*, 15.

²⁰⁹ *House Journal of the Twelfth Legislature*, 15.

While his inaugural address was relatively brief, his speech to the legislature the following day, April 29, 1870, provided a more specific outline of his policy initiatives, and drew political fire from his opponents. The key elements to Davis's plan were the restoration of law and order (including frontier protection), education, and internal improvement. Davis believed the latter two were reasonable Republican solutions to continued state underdevelopment, as well as the roots of lawlessness. Davis's less controversial initiatives involving education and railroads were widely expected, and although they weren't as contentious and represented forward thinking governance, they would nonetheless stir the passions of the opposition throughout his tenure. The reinstatement of law and order under a civilian government, however, would occupy the majority of his energies, as well as his political capital through the first called session of the 12th Legislature. As the people of the frontier believed themselves to be in an increasingly desperate situation, Davis understood that he was assuming office in unprecedented times which would require unprecedented solutions: "I esteem this matter of first importance, because, having peace and security for life and property, everything else will follow, of course. I recommend the passage of a law for efficient organization of the militia, embracing all able-bodied males, between the ages of eighteen and forty-five."²¹⁰ He followed this with a call for the establishment of a state police force, as well as unilateral gubernatorial powers to react in situations of extreme lawlessness: "These measures will not be complete without such powers are conferred on the Executive as will enable him in

²¹⁰ *House Journal of the Twelfth Legislature*, 18.

any emergency to act with authority of law.”²¹¹ For Davis’s critics, this controversial measure amounted to nothing less than martial law in the hands of an authoritarian government.

Skeptical Texas newspapers, already dubious of the forthcoming experiment in Radical rule and reflecting traditional American fears of military despotism, expressed astonishment at Davis’s proposals on law enforcement. Austin’s *Weekly State Gazette* judged them as autocratic and tyrannical, a sentiment frequently expressed statewide:

We announce that Edmund J. Davis is paving the way for a centralization of power in the hands of the Governor of the State and the establishment of a despotism in proposing that the Legislature provide for 1st. THE NATIONAL GUARD. 2nd THE ESTABLISHMENT OF MARTIAL LAW IN THE HANDS OF THE EXECUTIVE. Read his suggestions. Will the people any longer dream as to the aims and results of Radicalism and the designs of its leaders! We ask those conscientious Radicals who are actuated by motives springing from their best judgement and who may not see the designs of the leaders to think well and consider the words of Edmund J. Davis and the change he is contemplating... And finally, we ask those Radicals who planned this programme, and Edmund J. Davis as its head, to pause and weigh well the consequences of the establishment of a NATIONAL GUARD and MARTIAL LAW AT PLEASURE OF THE GOVERNOR – pause long and well before they adopt those tools of despotism, those instruments of tyrants.²¹²

Houston’s *Evening Telegraph* questioned the legality of the exceptional delegation of autocratic power for the Executive included in the militia bill: “The constitution clearly contemplates that the power to suspend the writ of Habeas Corpus shall be exercised only by the Legislature, and it never was intended that it should be delegated to the Governor.”²¹³ The *Belton Weekly Journal* was more succinct in its criticism, saying, “Governor Davis spoiled an excellent message by

²¹¹ *House Journal of the Twelfth Legislature*, 19.

²¹² *Weekly State Gazette*, May 7, 1870.

²¹³ *Evening Telegraph*, May 9, 1870.

recommending the Martial Law and Police bills.”²¹⁴ The pace at which Davis’s policy ideas were enacted by the Texas Legislature would make a modern legislator blush with embarrassment. Although some lingering issues involving the establishment of the state school system remained to be resolved, most of Davis’s agenda was in place by the time the legislature adjourned in August 1870.²¹⁵

Despite Davis’s success in shepherding his bills through the legislature, the common interpretation of his policy actions was less than kind, and he would later pay dearly for his aggressive action. Part of Davis’s success in achieving his legislative goals came from parliamentary tactics that some would characterize as forceful, and others as necessary. Either way, he did little to improve his own reputation among his enemies. Faced with the prospect of pushing a legislative agenda that secured his own political base (Radicals and Black Texans) in the face of a factionalized majority party, Davis could ill afford to be diplomatic. For example, the 12th Legislature under Davis created both a militia bill and a State Police force. The debate over the militia bill was particularly contentious, and saw an episode that would be repeated in the late twentieth and early twenty-first centuries. Faced with almost certain defeat while opposing the militia bill, the 10 Democratic Senators and a handful of opposition Republicans chose to walk out of the Senate chamber. This act, according to the rules of the Senate, would break the necessary quorum for Senate work to continue, and thus prevent a vote on the bill. The President of the Senate, in turn, ordered the Sergeant-at-Arms to arrest the dissenting Senators for contempt. An investigation was ordered and 8 of the agitators remained under arrest while the

²¹⁴ *Belton Weekly Journal*, May 14, 1870.

²¹⁵ Moneyhon, *Texas After the Civil War*, 135.

militia bill was successfully passed, followed by the similarly controversial bill creating the State Police just six days later.²¹⁶ Such maneuvering reflected Davis's uncompromising political character, which undoubtedly endeared him to his base, while turning him into an object of scorn among white conservatives.

Understanding how E.J. Davis, as the face of Texas government, also became the face of Texas Radicalism and therefore a symbol of federal tyranny isn't difficult. The militia bill and State Police upset many over their cost, their questionable Constitutionality, and the unilateral power bestowed on the Governor. Ideologically speaking, this expansion of gubernatorial power came at the expense of local control, which, like so many elements of Davis's Administration, went against Texas political tradition. But in a broader sense, by looking at Davis's major policy initiatives individually, along with the justification used by those opposed to them, we can see how Davis's foes were fueled more by a sense of cultural contrarianism than any legitimate ideological motivations.

One example of the opposition's flagrant disregard for deliberative and prudent policy action would be on the subject of railroads, where the passions of political resistance made them oblivious to their own hypocrisy. Davis had been a vocal supporter of the railroads. In his speech to the 12th Legislature, he had acknowledged the widespread pro-railroad sentiment among Texans and prioritized the creation of a line from the Red River to the Rio Grande with the hope of fostering intrastate communication.²¹⁷ However, Davis was also realistic in his approach, and

²¹⁶ Moneyhon, *Texas After the Civil War*, 132.

²¹⁷ *House Journal of the Twelfth Legislature*, 23.

mindful of the high cost of state support in the past. With little state revenue presently on hand to fund his initiatives, Davis urged a conservative approach to railroad development:

The experience of Texas in subsidizing public works has not been very satisfactory. We have invested in this way (including principal and interest due thereon,) near two and three-fourths millions of specie, or its equivalent, and upwards of five million of acres of our best lands, (worth fully ten millions more in specie,) and we have somewhat less than five hundred miles of railroad, which the State has mainly built, (but does not own or control,) to show for it.²¹⁸

Davis advocated a more free market approach, with the railroads investing their own resources rather than reducing the public domain, revenue from which held enormous future potential. For his efforts, Davis made enemies of the railroad lobby, which in turn pressured the legislature to override any vetoes from the Governor on railroad development bills. Davis also lost the support of Senator James Flanagan, formerly the Texas Lieutenant Governor. Flanagan expressed his disappointment over the taxes passed by the legislature while simultaneously berating the Governor for his hesitancy to support the railroads. Moneyhon points out that Flanagan, despite his bluster about taxes, also held a major financial interest in the Southern Pacific Railroad. Davis likewise angered Morgan Hamilton, Texas's other U.S. Senator, who coincidentally owned a significant piece of the International Railroad.²¹⁹ With these kinds of friends in his own political party, Davis hardly needed enemies from the Democratic side. As things were, Democratic resistance to Davis's miserly approach to railroad development had already turned the majority of the state press against him. For all of Davis's hesitancy and despite his imploring

²¹⁸ *House Journal of the Twelfth Legislature*, 22.

²¹⁹ Moneyhon, *Texas After the Civil War*, 134.

the legislature to be mindful of retaining Texas public land, most of the railroad development bills passed and he became the focal point of opposition for many over high taxes.²²⁰

Another example of a political culture consolidating against its opposition was the creation of a state school system. The State Police, itself a relatively small and inexpensive body (less than 300 officers), had upset some over its cost despite Davis's advocacy of the group simply as a means of quelling unrest when local authorities were unable to do so at a minimum of expense.²²¹ But it was the omission of a discrimination clause that really shook cultural sensibilities, as the prospect of a black police officer was a Texas traditionalist's worst nightmare. The same cultural shock was felt over Davis's education plan. Nothing scared conservative Texans more than an educated Freedman, and with protections of political rights in place for black Texans, former slaves had become unified and relatively loyal Republicans. Signed into law in April 1871, the implementation of the centralized state education system took place during that year's Congressional electoral campaign, and naturally became a flashpoint of controversy. The black-owned Galveston newspaper, *The Representative*, reprinting an article from the *National Monitor*, summarized the newfound political empowerment felt by Freedmen throughout the South: "Let them be educated, then they will shape their own destiny, and will not have need of advice from carpetbaggers of any stripe how to vote so as to protect their rights as citizens."²²² That Davis saw the promotion of schools for black children as a means to ensure long term Republican electoral success is fairly obvious and political common sense. At the

²²⁰ Yes, you read that right.

²²¹ Crouch and Brice, *The Governor's Hounds*, 28.

²²² *The Representative*, July 15, 1871.

same time, conservative media outlets had been portraying black Texans as uneducated since the first days after emancipation. Logic would then dictate that Davis's bill should have been universally supported and uncontroversial.

A quick study of the evolving historiography on Texas's opposition to Davis's school bill reveals a repeating process of cultural consolidation focused on resistance to opposition, rather than unified in good sense and policy. Dunning School historians attributed the distaste for Davis's school system to a number of factors, but ultimately settled on anger over paying a state tax for education. This is not completely unwarranted, as Davis was attacked for every new tax that came along and the school system was no exception. The Revisionists focused more on pure racism at the heart of the controversy, which is also a self-evident point as white supremacy reigned in both Traditionalist and Individualist sections of the state. Post-Revisionist Carl Moneyhon, on the other hand, focuses his argument on political motivations, wherein the Democrats sought to dismantle every aspect of the Radical agenda, no matter the damage.²²³ While such political resistance was certainly palpable, the widespread backlash found in Texas media outlets suggests that resistance to all things Republican was even broader, taking on a widespread cultural character.

Moneyhon's political argument is compelling, for the record of events post-1872 as Radical power began to dissolve make it clear that the Democrats were willing to place political rivalry over modernization in every conceivable instance. However, this argument is too restrictive, as racially-based developments in Collin County prior to the establishment of Davis's

²²³ Carl Moneyhon, "Public Education and Texas Reconstruction Politics, 1871-1874," *The Southwestern Historical Quarterly*, 92:3 (1989):394.

school system suggest a larger cultural backlash had been brewing, which was then exploited by the Democrats for political gain. Concurrent with the *McKinney Messenger's* decline in influence, the conservative *McKinney Enquirer* was gaining readership, validating the argument for greater emphasis on cultural change. In Spring 1870 *The Messenger* reprinted a short comment from the *Enquirer* regarding the establishment of a new school: "We learn that a negro school has been established on the prairie near town, presided over by a genuine, black, greasy, saucy buck negro, who, ten years ago, would have brought \$1500, gold.-*Enquirer*.-" *The Messenger*, ever true to its progressive nature, rebutted the *Enquirer's* racist assault:

The above paragraph is, to say the least, exceedingly unmanly. The blacks constitute numerically a very small proportion of the population of this county. Had they no other defence, their very weakness ought to protect them from insult and injury. The author of the paragraph does not seem to consider that they are human beings and as such entitled at our hands to encouragement in every laudable undertaking; much less apparently, has he reflected on the fact that they are citizens, and as such entitled to the equal protection of the law. We know nothing personally of the teacher of this school. It is said, however, that he is capable, and a strict disciplinarian. We hope he is also worthy; and if such should prove to be the case, it will afford us great pleasure to see him liberally sustained by the people of his own color, and to chronicle his success even to a very limited extent, in dispelling the mental darkness which has so long enshrouded this race.²²⁴

An expression of racist sentiments in 1870 frontier Texas is hardly noteworthy. But a mere six weeks later, the aforementioned school on the edge of town was burned to the ground by arsonists.²²⁵ The acts of violence and vandalism that had characterized so much of the Deep South, including East Texas, had finally taken hold on the significantly less racially diverse frontier. The self-perpetuating panic of racial doom had manifested itself in an area with a

²²⁴ *McKinney Messenger*, April 30, 1870.

²²⁵ *McKinney Messenger*, June 18, 1870.

drastically different demographic makeup than that of Harrison County. The once dissenting Collin County was now firmly aligned with the conservative elements of the state.

Due the enormous political backlash that Davis faced as a result of the State Police and its makeup, the railroads, and the school system, it was easy for early Texas historians to ignore a number of things that went right during his time in office. Carl Moneyhon, one of Davis's chief defenders in the modern era, notes that State Police accumulated an exceptionally good track record of arresting fugitives during its brief existence, only to be overshadowed by a handful of instances of police abuse.²²⁶ Even Charles Ramsdell, despite reemphasizing the corruption and unpopularity of the State Police (which was certain), grudgingly acknowledged its necessity. Ramsdell summarized Davis's unique, and perhaps unwinnable situation: "In actual fact the liberty and life of every citizen lay in the governor's hands. It is not easy to prove that Davis consciously intended to abuse this power; on the contrary it would seem that what others regarded as an abuse he considered a necessary extension of authority."²²⁷ Unfortunately for Davis's political career and historical legacy, actions taken as a matter of necessity in the fight for law and order also established him as the focal point of cultural opposition for the majority of white Texans. Arresting murderers and protecting the racial and political minority fell by the wayside when evaluating the merits of the State Police, and the body's mere existence became a symbol of excessive executive power, limited local control, and a radical push toward racial equality.

²²⁶ Moneyhon, *Texas After the Civil War*, 140.

²²⁷ Ramsdell, *Reconstruction in Texas*, 303.

Despite the cultural resistance and exaggeration of the ills of Davis's plan for law enforcement, the first called legislative session produced a number of important policies. The militia bill, technically passed before the divisive creation of the State Police, was supported by all as the pressures (or perceived pressures) of the frontier needed immediate action. Davis supported railroad expansion in principle, but was relatively conservative when it came to government land subsidies. His hesitation and vetoes were overridden by a relatively united Legislature on this issue, and subsequent Legislative sessions saw even more public land pledged in support of the railroads.²²⁸ The bill for establishing a state board of education passed, and had it survived beyond the later purge of Davis's policies, would have done much to improve universal education for Texas children of all races. Still sparsely populated, Texas needed to encourage continued immigration, which the 12th Legislature did by authorizing the creation of a state Immigration Bureau. Had the circumstances that had shaped Texas political culture through the war, Presidential Reconstruction, and Congressional Reconstruction been different, E. J. Davis might have been celebrated as a man of vision who wanted nothing more than to modernize the state.

Implementing the programs of the Republican-led legislature took little time, and incidents of violence throughout the state quickly tested Davis's resolve, the professionalism of the State Police, and the impatience of Texas conservatives. The murder of two black citizens in Hill County in December 1870, for example, inspired little reaction from the local citizenry, the county having already earned a reputation for lawlessness. Likely owing to the social status of one of the suspects in the murder (son of the richest man in the county, James Gathings), local

²²⁸ Moneyhon, *Texas After the Civil War*, 133.

law enforcement's response was similarly tepid. Members of the State Police were dispatched to Hill County to make arrests, only to be arrested themselves by a mob of citizens likely under the direction of James Gathings, under the pretense of having conducted an illegal search. The officers were released, but Davis had little choice but to proclaim martial law in response to this usurpation of power. The presence of State Police enforcing the Davis order only lasted for a week in January 1871, and Hill County stabilized over the subsequent months, but the greater share of the public controversy over the incident involved Gathings and the dispute with Davis over his State Police, rather than justice for the murdered freedman and his wife.²²⁹ The fallout from the Hill County fight, along with other incidents, would follow Davis until the day he left office.

The unsympathetic conservative press was relentless in its criticisms. Austin's *Tri-Weekly Gazette*, on the heels of the Hill County fiasco, devoted ample space to its excoriation of Davis. "Time has proved that the lives of the people are not safe I the hands of the State police under the direction of king Davis," the editors proclaimed, "and he must be disarmed of this power to oppress, outrage, imprison, and murder the citizens, by the repeal of the law creating this police army; and it is to be hoped that this legislature, seeing their great error, will have the manliness to do it."²³⁰ A piece from the *Houston Telegraph* published in August 1871 in anticipation of the coming election season battered Davis for his unilateral exercise of power:

THE FIRE IS BURNING – Yes the Democratic fire. It is mad from just indignation, and will consume the Radical obstacles in its way. It is manifesting itself all over the State. It shows itself at public meetings, at barbecues, in the virtuous press of the State of all parties, and it burns in the hearts of the people. It is a holy fire, such as burns up vice

²²⁹ Crouch and Brice, *The Governor's Hounds*, 69.

²³⁰ *Tri-Weekly State Gazette*, January 20, 1871.

wherever found. The Radicals have fed it with the militia, police, election, enabling and tax-acts timber. They have fed it by the money subsidy acts to railroads. They have fed it by every act and every step they have taken since they have been in power. It burns and will burn them up.²³¹

And the cultural revulsion to the actions of the State Police in places like, Hill, Walker, Limestone and Lampasas counties did remain significant, and the fires of opposition did continue to burn.

In 2012, historian and long-time state archives staffer Donaly Brice convincingly dissected the popularly-held conspiratorial viewpoint regarding Davis's master plan for Texas. First, by shocking the citizens of Texas regarding instances of violence throughout the 1868 Constitutional Convention through the Committee on Violence and Lawlessness, Davis could then theoretically achieve the proper level of public concern necessary to implement radical solutions. The second part of the supposed master plan was the creation of a State Police that would become a de facto team of hired thugs that Davis could control at will.²³² This line of thinking took hold in conservative sections of the state. The fact that the State Police force was not reserved exclusively for white males only further reinforced a growing perception that Davis sought the most extreme version of Radicalism and authoritarian control. Despite the nickname, "Negro Police," the State Police was actually multiracial and included officers who had fought for both the Union and the Confederacy, although they were predominantly Republican. While there were acts of violence committed against the State Police, the Texas press was far more

²³¹ *Houston Telegraph*, August 17, 1871.

²³² Donaly Brice, "Finding a Solution to Reconstruction Violence: The Texas State Police," in *Still the Arena of Civil War: Violence and Turmoil in Reconstruction Texas 1865-1874*, ed. Kenneth H. Howell (Denton: University of North Texas Press, 2012), 189.

interested in the acts of violence committed by the force, thus shaping their legacy for generations to come.

In some ways, the undoing of Davis and Republicanism in Texas was brought on by factionalism within the party itself. An unlikely oppositional coalition developed as Jack Hamilton spoke out against Davis's police and tax policies, alongside Texas Democrats who were working to reestablish the viability of their own party. Moneyhon goes so far as to argue that Hamilton's efforts to undermine Davis had been occurring since 1868, and it seemed that momentum for the opposition was building rapidly.²³³ The oppositional coalition manifested itself in the Taxpayers Convention of September 1871. Both Jack Hamilton and Elisha Pease were featured speakers, and the Democratic press endorsed their actions, even if it wasn't necessarily a formal coalition between Democrats and oppositional Republicans. Of the tax burden being placed on Texans by Davis's initiatives, the *Weekly Statesman* claimed, "That a great wrong is being done [to] the people of Texas, there can be no doubt. To doubt it, would be the exhibition of an imbecility of intellect, and perversity of spirit, so great as to shock the moral sense of all honest and candid men."²³⁴ In fact, a number of traditionally Republican newspapers had never ceased their enthusiasm for Hamilton, as his reputation for being a devout and progressive Unionist stretched further than that of Davis. Although many Texans were still having difficulty deciding who to support politically, it had become clear who they did *not* support. 1871 saw all four Texas seats in U.S. Congress up for grabs, and would signal a drastic

²³³ Moneyhon, *Texas After the Civil War*, 171.

²³⁴ *Weekly Democratic Statesman*, August 31, 1871.

change in Texas political momentum, as growing numbers of whites, the army's control having ended with the return of a legitimately-recognized civilian government, returned to the polls.

The sense of unity among Democrats which propelled four conservative Democrats to victory in that election is obvious from contemporary media accounts. Further fueling the consolidation of the oppositional party was Davis himself, who, in anticipation of electoral violence assumed control of ALL police forces for protection at the polls in early October.²³⁵ This attempt to guarantee police protection for all Texans regardless of color was turned into a perceived act of autocracy, and the threat served to unify Texas Democrats. The steadfast *McKinney Messenger* stood by Davis, printing a letter from a Kentucky transplant who appreciated Davis's aggressive actions in protecting the vote: "The people in this county need severe rules and laws. I wish Governor Davis would issue an order to fine any bully \$500 and two years imprisonment for carrying concealed weapons, or even making threats to law abiding citizens."²³⁶ That same issue of the *Messenger* went on to proclaim that complaints and indictments of Davis's so-called tyranny were "grossly incorrect" and that his actions were merely meant to "interdict shouting and riotous conduct immediately at the polls..."²³⁷ Unfortunately for Davis, perception is reality. Violence and intimidation at the polls *did* occur in both 1871 and 1872, yet Davis suffered politically by attempting to address it. At the same time the *McKinney Messenger* was downplaying the significance of Davis's election order, Austin's *Weekly Democratic Statesman* was openly daydreaming about what the next session of the Texas

²³⁵ Moneyhon, *Texas After the Civil War*, 181.

²³⁶ *McKinney Messenger*, September 16, 1871.

²³⁷ *McKinney Messenger*, September 16, 1871.

Legislature might bring in response: “As to the impeachment of Governor Davis, we can only say that any man who will undertake that measure will entitle himself to a crown of unfading glory and the everlasting gratitude of a once free people.”²³⁸ For all of Davis’s best intentions, his autocratic wielding of power was quickly developing into his own undoing.

1872: The Democrats Regain Control of the Texas Legislature

With Democratic victory in 1871, it was clear that the fire of conservative resistance was still burning, and for Davis, looking ahead to the Texas Legislative elections in 1872, the result was a grim foreshadowing. Across the south, a new policy movement was taking shape that would serve as the precursor for the Redeemer Democrats who would dismantle Davis’s legacy and install Texas’s painfully flawed Constitution in 1876. What some historians have dubbed the “New Departure” for the Democratic Party was based on building political success from the bottom-up, with an acceptance of the temporary reality of black suffrage and the Reconstruction Acts as fixtures of the new political reality. Addressing this trend, the *Weekly Statesman* said:

In fighting the common enemy, an invitation is extended to all good men “whatever may have been their past political preference, to unite with the Democratic party in removing from place and power those who now control the State Government, in order to release the people from oppressive revenue and unequal taxation, to insure an honest administration of laws and an honest and economical expenditure of the public moneys and to throw the aegis of justice and protection over the person and property of every individual whatsoever in the State of Texas,” in the language of the platform itself. We fight standing on that platform, and most earnestly desire that every good man within the broad limits of the State, will come to our help, and the help of the Democracy, to aid in putting a stop to the vice, demoralization, and crime, now daily, if not hourly, perpetrated by the thieves, robbers, and cut-throats, who in one shape and another control the State Government.²³⁹

²³⁸ *Weekly Democratic Statesman*, September 14, 1871.

²³⁹ *Weekly Democratic Statesman*, August 24, 1871.

The New Departure, at least in the case of Texas, brought a new sense of unity by dropping some of the more hardline conservative positions in favor of a reorganized and refocused Democratic party devoted to electoral success and reclaiming political victories within the established system.

The ultimate dissolution of the State Police was not the only act of revenge against Radicalism sought out by the Texas Democratic Party, but it certainly carried the most emotional and cultural weight. With controversial incidents involving State Police officers as ammunition, the Texas press had little difficulty keeping emotions high going into the state elections of 1872. Along with a Presidential election, the entire State House of Representatives and one-third of the Texas Senate were up for grabs. Texas Democrats, alongside dissenting Republicans, routinely attacked Davis on the issue of taxes, which immediately put his State Education system in jeopardy.²⁴⁰ Also threatening Davis's legislative accomplishments were accusations of corruption against a number of his appointees, including Superintendent of Public Instruction Jacob C. DeGress and Adjutant General James Davidson, Chief of the dreaded and feared State Police. Unfounded claims of malfeasance against DeGress would later inspire a House investigative committee on the second day of the 13th Legislature.²⁴¹ And while DeGress would retain his reputation throughout the scandal, the mere accusation was enough to drag Davis down during the 1872 election. Davidson did even more to bring Davis down, disappearing from Texas

²⁴⁰ Moneyhon, *Texas After the Civil War*, 184.

²⁴¹ *Journal of the House of Representatives of the State of Texas: Being the Session of the Thirteenth Legislature begun and held at the city of Austin, January 14, 1873* (Austin: John Cardwell, State Printer, 1873), 12.

altogether after the discovery of significant embezzlement in his office.²⁴² For the already hostile press, this was a gift that confirmed their brewing suspicions.

The Democratic victory in 1872 saw a transfer of power in both the Texas House and Senate, which spelled legislative doom for Davis. Although the Democratic victory was not as complete as the 1871 election might have portended, the trends indicating the Republican decline were obvious. Three thousand fewer Republicans turned out to vote in 1872, contributing to the loss of legislative control.²⁴³ With the army gone, declining Republican voting numbers, less money for effective campaigning as the national party decided Texas was unwinnable, and continuing intimidation and violence at the polls, the days of Texas Radicalism were numbered.²⁴⁴ Nationally, the Democrats had thrown their support behind Horace Greeley, running for President as a Liberal Republican, as the most likely means for defeating Grant. Although Greeley lost on the national stage, Texans largely supported Greeley, who took 66,455 votes to Grant's 47,426.²⁴⁵ Also at stake were two new Congressional seats resulting from the 1870 census. Democrats Roger Quarles Mills and William Pinckney McLean, both former Confederate officers, cruised to easy victory. Harrison County voters, including a large number of blacks still staunchly Republican in sentiment, overwhelmingly voted for Republican candidates who lost. Collin County, now firmly Democrat, strongly supported Greeley, Mills,

²⁴² Moneyhon, *Texas After the Civil War*, 187.

²⁴³ Campbell, *A Southern Community in Crisis*, 308.

²⁴⁴ Moneyhon, *Republicanism in Reconstruction Texas*, 182.

²⁴⁵ Moneyhon, *Texas After the Civil War*, 186.

and McLean.²⁴⁶ But the most telling development was, of course, the Democratic dominance in the Texas Legislature, as well as in local races.

The 13th Legislature wasted little time when it convened in January of 1873 dismantling everything built under Radical rule. The State Police was repealed. An unpopular printing law, which Charles Ramsdell later referred to as little more than Republican propaganda, was repealed. The militia act that had empowered Davis's autocratic exercise of power was amended to remove the Governor's power to declare martial law.²⁴⁷ The Texas press wasted no time in proclaiming the dawn of a new era as Davis's legislation was decimated piece by piece. As Brice points out, following the repeal of the State Police Act by the 13th Legislature in 1873, the *Dallas Daily Herald* included a special insert reading, "THE SCEPTER OF THE TYRANT BROKEN! THE CHAINS SHATTERED! THE PEOPLE FREE!"²⁴⁸ Despite all exaggerations, what Davis perceived as not only proper in his role, but also as essential for rebuilding the state, represented nothing short of despotism in the eyes of the general public, still reeling from the war and clinging to dreams of antebellum life.

Davis Voted Out

The term "lame duck" is normally applied to an executive that his completing his or her tenure in office and unable to seek further terms. Despite the fact that Davis would run for reelection in 1873, he was essentially completing his term in office with no reasonable chance for reelection. His school system, his conservative approach to railroad development, and his

²⁴⁶ *Houston Telegraph*, November 14, 1872.

²⁴⁷ Ramsdell, *Reconstruction in Texas*, 313.

²⁴⁸ Brice, "Finding a Solution to Reconstruction Violence," 203.

state police force were all long gone. The Texas Republican strategy in 1873 was focused entirely around preserving whatever they could from Davis's agenda, and reframing the contest through a class lens. Republicans now claimed to be the party of the common man, while presenting Democrats as representing moneyed interests like large landowners and railroad speculators.²⁴⁹ Given the Democratic attack on the school system which would have benefitted all Texans regardless of class, and the overly liberal advocacy of railroad interests, this point is difficult to argue with. Unfortunately the power of cultural forces shaping individual behavior are strong enough to surpass an individual person's critical reasoning. The result is a governmental choice that goes against rational self-interest.

Harrison County, reflecting its demographics, voted for Davis 2,313 to 997, but was ultimately unable to impact the state result in 1873.²⁵⁰ Collin County, one of the few areas defiant and independent enough to resist the tide of secession, voted for Democrat Richard Coke over Davis by a margin of 1,500 votes, a landslide victory for the former Confederate Captain who had voted for secession as a delegate to the convention in 1861.²⁵¹ Texas Republicans, most notably Davis, had by no means given up the fight, but the governorship of Richard Coke would be the nail in the Republican coffin, and saddle the state with political changes that resonate today.

²⁴⁹ Moneyhon, *Edmund J. Davis*, 221.

²⁵⁰ Campbell, *A Southern Community in Crisis*, 310.

²⁵¹ *Dallas Weekly Herald*, December 6, 1873.

Chapter IV

Davis Leaves Office...Eventually

Much of Davis's downfall is attributable to the loss of political will in Washington D.C. as President Grant and others simply had no more energy to waste trying to stop the cultural tide that ended Texas Republicanism. This was also the case in the post-election standoff between Davis and Coke, an incident that Carl Moneyhon feels has been heavily exaggerated, but nonetheless became part of the collective memory. Much was made in the early histories about Davis's refusal to leave office because it reaffirmed suspicions about his character, pointed to a larger Republican conspiracy, and gave the Redeemer Democrats all the ammunition they needed when they got the opportunity to destroy his legacy.

On January 6, 1874, the Texas Supreme Court ruled in the case of *ex parte Rodriguez* that the 1873 election was invalid and unconstitutional because it did not meet the polling station requirements of the 1869 Texas Constitution. The actual basis of the case involved Joseph Rodriguez, a man arrested for voting more than once in Harris County. Rodriguez was represented by Chauncy Sabin and Jack Hamilton, who argued that the 1869 Constitution provided for elections held at county seats and polls open for four days.²⁵² Because these requirements were not met, the court held that the election was invalid and Rodriguez should be released. Davis, always a man of the law, interpreted this to mean that he would remain in office, at least in the interim until the legal questions were sorted out and he received word from

²⁵² Carl Moneyhon, "Ex parte Rodriguez," *The Handbook of Texas Online*,

<https://tshaonline.org/handbook/entries/ex-parte-rodriguez>, Accessed July 2, 2021.

President Grant. The result was a controversy where the legend became significantly more compelling than the reality.

Despite Richard Coke being inaugurated as governor on January 15, 1874, Davis refused to leave office as a result of the court's decision and a crisis of legitimacy briefly ensued. Davis, feeling he was acting in accordance with the law, requested federal troops for protection against a mob of angry Coke supporters. Thomas Benton Wheeler, the mayor of Austin during the standoff, had been previously removed from his position as Travis County attorney during the purge of ex-Confederates deemed impediments to Reconstruction.²⁵³ In a 1907 piece entitled "Reminiscences of Reconstruction in Texas" Wheeler recalled factions of Coke and Davis supporters on the edge of a violent melee, where the forces of good ultimately triumphed when the oppressive forces of Davis backed down. Wheeler's is a personal account, and clearly meant to demean Davis, Reconstruction, black Texans, and to a certain extent, the Federal Government, while praising Coke and all "Redeemer Democrats."²⁵⁴ Carl Moneyhon's account of the event is characterized by fewer fireworks, and describes a Davis who adhered more to the letter of the law than any political passions. Ultimately, despite Davis's questions over the *ex parte Rodriguez* decision and the official start date of his four-year term, President Grant refused to send the army and Davis had no choice but to relinquish office.²⁵⁵ But the larger point is that

²⁵³ Claudia Hazlewood, "Wheeler, Thomas Benton (1840-1913)," *The Handbook of Texas Online*, <https://tshaonline.org/handbook/entries/wheeler-thomas-benton> Accessed July 1, 2021.

²⁵⁴ T.B. Wheeler, "Reminiscences of Reconstruction in Texas," *The Quarterly of the Texas State Historical Association* 11:1 (July, 1907): 56-65.

²⁵⁵ Moneyhon, *Edmund J. Davis*, 223.

Wheeler's account became the historic memory for a very long time. Davis was not the only Union man to be tarnished, but he became the final symbol of Radical tyranny.

The Thirteenth Texas Legislature had already undone most of Davis's work long before Coke took office. On their second day in session, a bill to repeal the state police was presented in the Texas House of Representatives. Davis's veto was then overridden by the House and Senate on the 19th and 22nd of April, 1873, respectively, and the state police ceased to exist.²⁵⁶ The 13th Legislature also passed a new school bill that dismantled Davis's program, which had put roughly half of the state's children in school in 1871. Incorporation of new railroads and the provision of public land subsidies also continued despite Davis's wishes.²⁵⁷

When Coke assumed office after the short standoff with Davis, calling a new constitutional convention was not part of his initial legislative agenda. But the sense of urgency in destroying Texas Republicanism came from the 13th and 14th Legislatures. State Senator, and former Confederate Lieutenant Colonel, David Browning Culberson presented a bill for a constitutional convention on the second day of the 14th Legislature in January 1875.²⁵⁸ Having

²⁵⁶ *Journal of the House of Representatives of the State of Texas: Being the Session of the Thirteenth Legislature Begun and Held at the City of Austin, January 14th, 1873* (Austin: John Cardwell, 1873), 723.

²⁵⁷ Moneyhon, *Republicanism in Texas*, 184.

²⁵⁸ *Journal of the Senate of Texas. Fourteenth Legislature – Second Session* (Austin: Caldwell & Walker, Printers, 1875), 100. Culberson would later resign in order to serve in U.S. Congress from 1875 to 1897. Anne W. Hooker, "Culberson, David Browning (1830-1900)," *The Handbook*

passed the Senate and the House, the measure was subsequently sent to the people of Texas, who approved the convention, which was set for September 1875. The new Constitution would erase the last vestiges of Davis and Republicanism, providing for decentralized power, a plural executive, shorter terms of office for state officials at lower salaries, local control over segregated schools, lower taxation and state expenditures, and continuing land subsidies for railroads.²⁵⁹

But the greatest flaw in the Texas Constitution of 1876 is in its very structure. Unlike the U.S. Constitution, which grants powers to the branches of government over time and over the course of changing historical events as necessary and proper, the Texas Constitution requires that all powers be enumerated in the Constitution itself, requiring a multitude of amendments to keep the government going. Article XVII lays out the process of amendment, which is necessary for any constitution, but its significance in Texas is especially important. With the Legislature and the Governor both constrained by a fundamental law that does not allow for necessary and proper changes or any semblance of implied powers, the only means for changing the law becomes amendments, which voters ratify by a simple majority. In this way, the Texas Constitution defies the very simple premise purported by constitutional law scholars that the best kind of constitution is short and vague. Instead, as amendments have been added over time, the Texas Constitution has come to resemble a code of law, rather than a fundamental law.

to Texas Online <https://www.tshaonline.org/handbook/entries/culberson-david-browning>. Accessed July 3, 2021.

²⁵⁹ Joe E. Ericson and Ernest Wallace, "Constitution of 1876," *The Handbook to Texas Online* <https://www.tshaonline.org/handbook/entries/constitution-of-1876> Accessed July 3, 2021.

A long-standing myth regarding the 1875 Constitutional Convention is the unanimity of the Patrons of Husbandry, otherwise known as The Grange. The Grange is a national interest group of farmers first established in Texas in 1873, and the commonly accepted version of events in early histories was that Grangers (who made up half the membership of the Convention) pushed for a more agrarian focused document, to the detriment of Texas' industrial development. Their preferences for lower taxes, lower salaries, less spending, and shorter terms for state officials supposedly won the day at the Convention and set Texas on a course of perpetual underdevelopment.²⁶⁰ And while many of the policies created at the Convention suited the members of the Grange, historian Patrick Williams noted a number of questionable conclusions that became part of the legend. Their preferences for lower taxes and salaries, along with shorter terms of office, were by no means restricted to purely agrarian interests. In fact, most of what was later attributed to the Grange was actually a part of the larger Democratic plan for the state. Williams' analysis of roll call voting at the Convention demonstrates that lack of Grange unity. For example, the Convention decided against monetary grants to railroads, while sticking with land grants as a means of encouraging development. This can hardly be attributed to the Grange, as nobody at the Convention was arguing for grants of money, and so the final choice was between land grants for development, or nothing at all.²⁶¹

The truth is that Texas, over the course of war and Reconstruction, had achieved a more consolidated and unified political culture than what existed prior to the Civil War. Much of this unanimity hinged upon race. As Campbell notes:

²⁶⁰ Williams, "Of Rutabagas and Redeemers," 232.

²⁶¹ Williams, "Of Rutabagas and Redeemers," 240.

On February 15, 1876, Texans overwhelmingly ratified the new constitution and elected state and local officers under its terms. Harrison County's Republican majority was on the losing side of virtually every contest that extended beyond the community's borders. They carried the county against the constitution 2,713 to 1,036 and voted for all of the unsuccessful Republican candidates for state offices.²⁶²

Harrison County had become a Republican stronghold due to its black majority, and remained "radical" long after the government in Austin was redeemed. At the same time, Collin County became staunchly Democratic. The February 22, 1876 *Galveston News* reported voting results for the Constitution, as well as the Governor's race wherein Davis was attempting to regain office, "McKinney, Feb. 21 – Collin county, official: For constitution, 2824; against, 157; Coke, 3131; E.J. Davis, 2."²⁶³

Of course, the deficiencies of the Texas Constitution have not escaped notice. While attempting to create a document that would limit the scope of government, the Texas framers unknowingly set up a document that could only grow to excess, and Texas lawmakers have not been oblivious. The most serious attempt at Constitutional revision after 1876 came in 1974. Article XVII did not originally contain provisions for the calling of a new constitutional convention, so an amendment was presented to the voters, which they overwhelmingly approved. Voters in 1974 understood the quagmire the constitution had become, for in the 20 years preceding the convention of 1974, the bulk of the growth of the Texas Constitution was amendments to amendments.²⁶⁴ Initially authorized to work for ninety days, the Constitutional

²⁶² Campbell, *A Southern Community in Crisis*, 313.

²⁶³ *Galveston News*, February 22, 1876.

²⁶⁴ Janice C. May, *The Texas Constitutional Revision Experience in the 70s* (Austin: Sterling Swift, 1975), 25.

Convention of 1974 was extended by an additional sixty days, only to fail by three votes to achieve the necessary two-thirds majority required to send a document to the voters. The political accusations flew, with some arguing in favor of maintaining the limited power of the Texas Executive Branch, which was a key philosophical feature of the 1876 Constitution. Most, including Convention President Price Daniel Jr., attributed the failure to the influence of organized labor, which had virulently fought against the new Constitution on the grounds of its right-to-work provision.²⁶⁵ Wherever the truth lay, the Constitution of 1876 remains in effect today.

Measuring Political Change

In 1993, political scientist Joel Leiske noted that Elazar's initial classification scheme of political subcultures was not based on a particularly rigorous statistical methodology by today's standards.²⁶⁶ Elazar's work argued that political subcultures are established in identifiable geographic areas due to migration patterns, the perpetuation of cultural patterns due to shared ethnic and religious values among people who settle in the same area, and the process of enculturation for those who don't share the same old world values. Space for subjective interpretations abounds in Elazar's work, and any sort of comparative predictive power is based on past behavior, which can be problematic for identifying change, no matter how lumbering. In other words, Elazar's theory is limited in its power to understand and explain how entire cultures experience ideological shifts. Yet, Elazar's work remains a fixture in political culture literature,

²⁶⁵ May, *The Texas Constitutional Revision Experience*, 148.

²⁶⁶ Joel Lieske, "Regional Subcultures of the United States," *Journal of Politics* 55:4 (November, 1993): 889.

and his classification scheme is one of the few culturalist ideas of its time that has achieved staying power in mainstream higher education. A greater refinement of the concept of political culture came in the late-1980s through the 1990s, and remains a growing subgenre of political science today.

Richard Ellis and Aaron Wildavsky's 1986 piece hints at reactionary cultural forces pushing the south toward secession. The examples of Harrison and Collin counties in Reconstruction have done something similar. Ellis and Wildavsky broke from the dominant paradigms of the time used to outline the causes of the American Civil War by presenting abolitionism as its own political culture. More than just two cultures defined by drastically different patterns of economic development and divided by their stance on slavery, Ellis and Wildavsky's conception of the roots of the war brings the abolitionists to the forefront. Although previous theories had accounted for the impact of fringe extremists creating a false sense of emergency for the larger culture, in turn fostering a snowball effect that quickly subsumed the larger populace and making war inevitable, Ellis and Wildavsky took their cue from anthropology and appropriately defined cultural types based on two variables: grid and group. The grid spectrum measures the degree to which an individual's behavior is shaped by social cues. The group dimension measures the extent to which an individual's life is absorbed by group membership.²⁶⁷ Using these two variables, the authors define a hierarchal culture as one where authority is institutionalized to a high degree and inequality is justified in the name of

²⁶⁷ Richard Ellis and Aaron Wildavsky. "A Cultural Analysis of the Role of Abolitionists in the Coming of the Civil War," *Comparative Studies in Society and History* 32:1 (Jan., 1990): 92.

social harmony. Strong boundaries preserve differences between races, and the end result is a cultural type not far removed from Elazar's traditionalist type defined two decades earlier.

This classification scheme can be applied to Harrison and Collin Counties. For Harrison County, modeled upon the plantation-style economy of the Deep South, hierarchy was a way of life. Owing to a completely different social, racial, and economic order, Collin County in 1861 was classified as significantly less hierarchal, having no practical reason to embrace a comparable level of group identity. However, by the end of Reconstruction, Collin County had fallen in step with the rest of the state culturally.

It would be easy to point to the hierarchal traditional culture of the South and explain its incompatibility not only with the developed non-slave owning North but also with the very philosophical tenets of the American founding. The day slaveholders successfully defended their practice as a social good (at least in the minds of Southern whites who otherwise had no reason to support the practice) was the day the divide between North and South became so entrenched that only a war could solve it. But at the same time, it is important to account for the oppositional culture, which can likewise escalate tensions.

For Ellis and Wildavsky, it was the abolitionist movement, as a veritable culture, that exacerbated the already uneasy social and economic duality that defined the United States during the first part of its history by forcing the cultures of the North and South to articulate their positions, fostering violent conflict.²⁶⁸ On the other side of the war, the staunchest of former

²⁶⁸ Ellis and Wildavsky. "A Cultural Analysis of the Role of Abolitionists in the Coming of the Civil War," 116.

Confederates similarly fanned the flames of discord during Reconstruction, thus forcing Texans to choose sides. But at the same time, while extreme elements played a role in escalating conflict in Reconstruction Texas, clearly discernable cultural change took place that was even greater than the extremist influence. The natural process of enculturation, political socialization, and the psychological effects of losing a war changed the face of Collin County between 1861 and 1876 from dissenting Unionist to die hard rebel. Texas Reconstruction, therefore, is an exceptionally useful case study for both historians and political scientists because it demonstrates how behaviors change on the mass level, something not easily accounted for through quantitative modeling.

The Death of Texas Republicanism

By the time the 1876 Constitution was ratified by Texas voters, the *McKinney Messenger* was already gone. James Waller Thomas, friend of Sam Houston and E.J. Davis and fearless advocate for Unionism had finally ceased its publication in 1875.²⁶⁹ This followed multiple attempts on Thomas's life, one of which in 1871 nearly killed his daughter, an incident the rival *McKinney Enquirer* couldn't help but make light of:

Mr. Jas. W. Thomas, editor of the McKinney Messenger, has been shot at several times on account of his Republicanism, but the Ku Klux can't hit him. We believe a light scratch would wake him up and do him good. His paper, like several other Republican sheets in Texas, needs improvement.²⁷⁰

In post-1876 Harrison County, we catch a glimpse of how conservatives worked to manipulate public opinion by targeting the county's black majority. In the buildup to the 1878

²⁶⁹ *McKinney Courier*, November 9, 1906.

²⁷⁰ *McKinney Enquirer*, May 29, 1871.

election, the work of the Radicals to protect black interests in an uncertain social and political environment was flipped. Propagating the myth of the Texas carpetbagger, later disproven by Campbell and other post-revisionist historians, proved an effective way to convince black voters that they were simply pawns in the Radical struggle for power. Additionally, emphasizing fears over taxes and the disproportionate burden being carried by the poor went far in convincing black voters to abandon the Republicans.²⁷¹ In Harrison County, the “Redeemers,” now branded as the Citizens Party, managed to engineer a significant swing in favor of conservative candidates despite an actual increase in black voter turnout. The politics of fear had triumphed. The Republican Party was relegated to the political wilderness in Texas until the 1960s, when ideological splits over Civil Rights finally disrupted Democratic dominance.

Epilogue

In Summer 2020, as Black Lives Matter protests were taking place nationwide following the death of George Floyd at the hands of a white police officer, a public outcry erupted in historic downtown McKinney, Texas over a statue of James Webb Throckmorton that stands in front of the old Collin County Courthouse. A petition to remove the statue read:

James W. Throckmorton was not the worst confederate to come out of Texas, but he was a poltroon. He was given many opportunities to fight with the Union for the freedom of all men, but he was only looking out for himself. We, as McKinney citizens, will not have our city defined by a coward who was ultimately removed from office because of his racist policies.²⁷²

²⁷¹ Campbell, *A Southern Community in Crisis*, 340.

²⁷² Savannah Jordan, “Remove the McKinney, TX confederate status!” Change.Org, Accessed July 4, 2021, www.change.org/p/remove-the-mckinney-tx-confederate-statue

The matter was taken up by the McKinney City Council, who commissioned a public survey in September 2020 regarding community sentiment on the statue. Over 2,000 respondents, 85% of whom were McKinney residents, both black and white, responded in favor of keeping the statue in place.²⁷³

²⁷³ Frank Heinz and Demetrius Harper, “McKinney Tables Decision to Remove Confederate James Throckmorton Statue from City Square,” NBC DFW, February 3, 2021, updated March 19, 2021, accessed July 4, 2021 www.nbcdwf.com/news/local/mckinney-tables-decision-to-move-james-throckmorton-statue-from-city-square/2540935/.

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