“FARE WELL TO ALL RADICALS”: REDEEMING TENNESSEE, 1869-1870

A Dissertation Presented for the
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DEDICATION

To my loving wife, Heather Michelle Hardy,
who shared in the highs and lows of my pursuit to become a historian.

ACKNOWLEDGEMENTS

One of the first lessons that I learned in graduate school was that scholars stand on the shoulders of those who came before them. I have collected a great many debts from a number of master teachers and professors whose passion for history, creative teaching methods, wisdom and encouragement have sustained me as I plow through the vineyards in my quest to pursue a career in history. I can neither repay the debts incurred nor find the words to properly acknowledge those who have meant the most to me during my graduate studies.

Two master professors stand above all others as unfailing sources of encouragement, support, and guidance throughout the many years that it took to reach this point. I would never have pursued a master's or doctoral degree in history, not to mention developed an interest in the Civil War and Reconstruction era, had it not been for Thomas C. Mackey at the University of Louisville. His office was always open. Above all, he instilled confidence in me and continues to urge me to "press on" to the next challenge. In the midst of putting the final touches on my master's thesis and applying to a doctoral program, Mackey gave me his copy of Stephen V. Ash's *Middle Tennessee Society Transformed, 1860-1870*. Within a week I ordered Ash's *When the Yankees Came* and *A Year in the South* and decided that if accepted, whether funded or not, I would enroll in the doctoral program at the University of Tennessee. I am forever indebted to him for his careful guidance as a patient mentor. I owe him for several red pens that were no doubt sacrificed during his close reading of the dissertation.

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I owe thanks to a number of archivists and the staff of several institutions that I became acquainted with over the course of the past few years. Regrettably, I cannot name here all those who have assisted me during my research. I will, however, thank in particular William Eigelsbach and Nick Wyman at the University of Tennessee Special Collections Library, Steve Cotham and Sally Polhemus at the Calvin M. McClung Historical Collection, Susan Gordon and Tom Kanon at the Tennessee State Library and Archives, and Amber Paranick at the Library of Congress. In addition, Tiffani Connor, the staff, and the advisory group of the Volunteer Voices digital project deserve a special thanks. Tennessee's free online database of original archival material enabled me to access a number of manuscripts from the convenience of my home, thereby permitting me to save much-needed personal days to visit family in the "Bluegrass State." I am also grateful to the University of Tennessee's History Department for financial support.

I would be remiss if I did not mention the support of my colleagues at the East Tennessee Historical Society who have encouraged and supported me throughout my doctoral studies. Stephanie Henry, the Society's grammatical guru, read drafts of a couple of chapters, thus providing me with the confidence that the quality of my writing was up to snuff before submitting for review by advisor's critical eye. Lisa Oakley and Cherel Henderson have been supportive and understanding as I strived to finish the dissertation while living a triple life as University of Tennessee graduate student, Lincoln Memorial University adjunct professor, and working full-time as an East Tennessee Historical Society education staff member.

I owe an enormous debt of gratitude to my family. My parents, David and Rosa Hardy, whose lifetime of love and support I can never repay. My in-laws, Thomas and Linda Watson, have also provided moral support throughout the course of my graduate studies. Although he remarkably never asked when I would finish, my son, Matthew, has never known a time in which his daddy was not in his office surrounded by stacks of books, microfilm, or typing away on his laptop for at least a few hours a day. I permitted the dissertation and my other job responsibilities to intrude too often over the course of Matthew's five and half years. I look forward to much needed quality father-son time. The arrival of my daughter, Kate Elizabeth, provided me with the impetus and an uncanny endurance in which I pulled several all-nighters to bring the dissertation to a close. Kate was the best gift that I could have received upon completing and successfully defending the dissertation. My greatest debt, however, is to my wife, Heather, who has shared in the highs and lows of my pursuit to become a historian. Without her love and support, this dissertation would never have been completed.

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ABSTRACT

On February 10, 1869, Tennessee Governor William G. "Parson" Brownlow tendered his resignation as he prepared to take his seat in the United States Senate, to which his Radical allies in the General Assembly had elected him in the aftermath of the 1867 state election. On resigning, Brownlow expressed full confidence in DeWitt C. Senter, the man who would succeed him. Stunningly, six months later Brownlow's Radical party verged on collapse after its Conservative rivals captured control of the General Assembly in the August 1869 state election. The new legislature speedily repealed many of the enactments of the five years of "Brownlowism" and called for a constitutional convention. That convention met in January 1870 and produced a new state constitution in less than six weeks. The Radicals' pleas to Congress and President Ulysses S. Grant for federal intervention fell on deaf ears. Conservatives and ex-Confederates crushed the Radicals in the August 1870 judicial and November 1870 gubernatorial and legislative elections. With the election of Governor John Calvin Brown, a former Confederate general and Ku Klux Klan member, Tennessee's Reconstruction era ended.

This study explores the last chapter in Tennessee's Reconstruction, which took place between February 1869 (Brownlow's resignation) and November 1870 (Brown's election). During that pivotal period, Tennessee's political parties converged and then dissolved into intraparty factionalism, which had profound consequences for white Radicals and the state's freed people. How these political developments came about is the central historical question addressed in this dissertation, which fills a glaring gap in the understanding of Tennessee's Reconstruction.

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INTRODUCTION

The American Civil War shook the South to its core and triggered numerous aftershocks. In 1865, in some ways, the war remained unfinished. In the North, the war shifted from the battlefield to the political arena, where the contestants debated the nature of Reconstruction. In the South, in addition to fierce political arguments, Civil War aftershocks spawned a savage climate in which the war continued to claim casualties—both black and white, Unionist and Rebel. White Unionists and the freedmen struggled in the face of Confederate opposition. Indeed, Reconstruction constituted both a military and political continuation of the Civil War. "This war ain't over," Ringo, the former slave in William Faulkner's *The Unvanquished*, astutely observed after the surrender of the Rebel armies. "Hit just started good."[1]

Tennessee's Reconstruction era, in particular, proved a turbulent one. However, certain commonalities in Tennessee's post-Civil War experience and that of the other former Confederate states existed: a desperate struggle among Radicals, Conservatives, and the ex-Rebels for control of state government; a campaign of terrorism that targeted white Radicals and blacks, and the quest of freedmen for social, political, legal, and economic equality. On the other hand, Tennessee's Reconstruction experience was in some ways unique. First among the former Confederate states to be readmitted to the Union, Tennessee avoided the Military Reconstruction program imposed by Congress in 1867. Despite this, Tennessee became the first Southern state

[1] William Faulkner, *The Unvanquished* (New York, Random House, 1938), 228-29.

to enfranchise all black men. The Radicals who controlled the state government employed the state militia to police elections, protect recently enfranchised blacks, suppress paramilitary terrorism, and thwart their political opponents. Rather than achieving reconciliation, Tennessee's Reconstruction drove a deeper wedge between the state's Unionists and former Confederates.

In Tennessee, the war and its aftermath brought to the forefront men unaccustomed to practicing the art of political compromise. Confederate governor Isham G. Harris and Union military governor Andrew Johnson, although veteran politicians, governed during the war with an authoritarian style of leadership. Harris trampled on the state constitution and aligned Tennessee with the Confederacy before the state officially seceded while Johnson wielded unprecedented power (conferred by President Abraham Lincoln) in an effort to reestablish civil government in Tennessee. Johnson achieved his mission. However, as he departed for Washington to commence his new role as Lincoln's vice president, he left behind a state torn by war and political disorder. Tennessee's postwar governor, William G. "Parson" Brownlow, exacerbated tensions between Unionists and the former Confederates. Schooled in the art of invective as a circuit-riding Methodist preacher and partisan newspaperman, Brownlow brought to the governorship his own special blend of vituperation and uncompromising politics; in doing so, he stoked Tennessee's superheated postwar atmosphere.[2]

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[2] The most recent studies of Isham G. Harris and Andrew Johnson during the Civil War are Sam Davis Elliott, *Isham G. Harris of Tennessee: Confederate Governor and United States Senator* (Baton Rouge: Louisiana State University Press, 2010), and Paul H. Bergeron, *Andrew Johnson's Civil War and Reconstruction* (Knoxville: University of Tennessee Press, 2011). Brownlow is long overdue for a new biographer. E. Merton Coulter's work remains the best available study of the Parson's life; see E. Merton Coulter, *William G. Brownlow: Fighting Parson of the Southern Highlands* (Chapel Hill: University of North Carolina Press, 1937).

Governor Brownlow's resignation in February 1869 offered some hope of reconciliation, an end to nearly a decade of bitter partisan warfare. Having engineered his election to the United States Senate, Brownlow turned over power to his successor, DeWitt Clinton Senter, speaker of the Tennessee Senate. On resigning, Brownlow expressed full confidence in Senter, proclaiming, "My regrets, on retiring, would be greater were it not that the gentleman who will succeed me for the remainder of my official term . . . is a loyal man, capable, tried and trusty, who is sound in his principles, and who will steadfastly adhere to them upon the platform of the Union Republican [i.e., Radical] Party of Tennessee." But Senter, like many wartime Unionists before him, had begun to break with his party's leader over the administration's proscriptive measures. Once in the governorship, Senter signaled a departure from the extreme partisanship of his predecessors, a possibility of compromise. Yet he struggled to stay afloat amid the strong political tides generated during the autocratic administrations of Harris, Johnson, and Brownlow.[3]

The era of Reconstruction in Tennessee came to an impromptu—but decisive—close with Brownlow's departure, or so goes the traditional narrative. According to this version of events, Senter, with no warning, broke with the Radicals and cast his lot with the Conservatives. Historian Roger L. Hart observes that from the viewpoint of the anti-Radicals, Senter deserved the lion's share of the credit for "redeeming" Tennessee from Radical rule.[4]

Yet Tennessee's Reconstruction did not cease with Senter's ascension to the

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[3] Resignation of the governor, February 10, 1869, in Robert H. White, Stephen V. Ash, and Wayne C. Moore, eds., *Messages of the Governors of Tennessee*, 11 vols. to date (Nashville: Tennessee Historical Commission, 1952-), 5: 652-53.
[4] Roger L. Hart, *Redeemers, Bourbons, and Populists: Tennessee, 1870-1896* (Baton Rouge: Louisiana State University Press, 1975), 2.

governorship. Senter neither colluded with nor abdicated power to the former Confederates. Rather, he sought to achieve the impossible: to inject the essence of democracy—compromise—into Tennessee politics. At this tumultuous period in Tennessee's history, no one could have governed in a way that was acceptable to all—Radicals, Conservatives, ex-Rebels, and the freedmen. At best, unable to bridge the political divide, Senter proved an unwitting redeemer whose policies hastened the end of Tennessee's Reconstruction.

Confident that Senter would continue the Radical Reconstruction program that he had initiated, Brownlow received a shock when, shortly after his departure from Tennessee, his protégé relaxed voting restrictions. Six months later, in the August 1869 statewide elections, the Conservatives triumphed over the Radicals. The new legislature began to dismantle the Radical state, repealing nearly five years of "Brownlowism" one act at a time. The legislature furthermore acceded to the anti-Radicals' call for a constitutional convention, and in early 1870 a new state constitution was drafted. The Radicals' desperate pleas to Congress and President Ulysses S. Grant for federal intervention went unheeded, and in the August 1870 judicial and November 1870 gubernatorial and legislative elections Conservatives and ex-Rebels crushed their Republican opponents. With the election of Governor John Calvin Brown, a former Confederate general and Ku Klux Klan member, Tennessee's Reconstruction ended.

Tennessee's redemption came by a number of steps, both small and large. Combined, those steps led to unanticipated, as well as anticipated, consequences. Each step in the struggle that pitted Radicals and the freedmen against Conservatives and ex-Rebels for control of the state government presented a different set of challenges with different potential solutions. The outcome of each step dictated the next step's range of possible responses, and the possible responses grew more restricted with each step.

This study analyzes a series of political events and violent incidents that took place within a limited space and time: Tennessee, from the late winter of 1869 (Brownlow's resignation) to the fall of 1870 (Brown's election). These closing acts of Tennessee's Reconstruction unfolded in partisan newspapers, meetinghouses, and courtrooms, as well as in the state legislature, at the constitutional convention, and at the ballot box. Over that span of twenty months, Tennessee's Reconstruction era came to a close and the New South era began.

During this pivotal period, Tennessee's political parties converged and then diverged, eventually dissolving into intraparty factionalism, all of which had profound consequences for Radicals and the freedmen. A stalwart West Tennessee Radical, postmaster, and school superintendent, Dr. William H. Stilwell was caught in the storm that swept Radicalism from power. From his vantage point in Humbolt, Gibson County, Stilwell saw ominous clouds on the horizon in the summer of 1869: "All this revolution has come upon us like a clap of thunder in a clear sky!" Following the ratification of the new state constitution in late March 1870, Stilwell exclaimed that "All is lost! When I saw rebel leaders take freedmen by dozens to the polls, I knew the worst had come. And we foresaw all. Will Congress help us or not? If not, farewell to all hope for the Union." And yet, Stilwell and many other steadfast Radicals persisted in the notion that they could enlist congressional Republicans to intervene. Only with Brown's election did Reconstruction in Tennessee come to a close. As Radicalism retreated for the most part into the mountains and valleys of East Tennessee in the winter of 1870-1871, Stilwell, politically stranded in West Tennessee, asked, "Is all hope of Reconstruction gone?" How these political developments occurred and what were the consequences of this momentous shift in power are two of the central questions addressed in this work, which significantly revises our understanding

of Tennessee's Reconstruction.[5]

While in some respects told well by earlier historians, the story of Tennessee's Reconstruction is long overdue for reexamination given significant changes in both nineteenth-century United States political historiography and Southern studies. With the exception of Thomas B. Alexander's *Political Reconstruction in Tennessee* (1950), none of the book-length studies of Tennessee's Reconstruction—all but one of which were written prior to Alexander's book—say much about the immediate post-Brownlow era. Though he offered some interesting insights, even Alexander touched only lightly on this key transitional period. For the most part, historians have been drawn to Brownlow's administration and have skimmed over Senter's. In this outdated narrative of Tennessee's Reconstruction, the state's history is too neatly divided between Brownlow and Senter, Reconstruction and the New South. Yet, in fact, there was a remarkable degree of continuity from secession through redemption. One wonders how Tennessee's Reconstruction era managed to escape not only the sweeping tide of late twentieth-century revisionism but also post-revisionism. This study corrects this historiographical deficiency by offering the first full-length reevaluation of the final months of Tennessee's Reconstruction.[6]

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[5] William H. Stilwell to John Eaton, Jr., June 10, 1869, March 28, 1870, January 30, 1871, John Eaton Papers, Special Collections, University of Tennessee, Knoxville. For an excellent study on Republicanism in southern Appalachia in the post-Civil War era, see Gordon B. McKinney, *Southern Mountain Republicans, 1865-1900: Politics and Appalachian Community* (Chapel Hill: University of North Carolina Press, 1978).

[6] Thomas B. Alexander, *Political Reconstruction in Tennessee* (Nashville: Vanderbilt University Press, 1950); James W. Fertig, *The Secession and Reconstruction of Tennessee* (Chicago: University of Chicago Press, 1898); John R. Neal, *Disunion and Restoration in Tennessee* (New York: Knickerbocker Press, 1899); James Welch Patton, *Unionism and Reconstruction in Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1934); Coulter, *William G. Brownlow*; Benjamin H. Severance, *Tennessee's Radical Army: The State Guard and Its Role in Reconstruction, 1867-1869* (Knoxville: University of Tennessee Press, 2005).

Reconstruction-era political labels can be confusing. Scholars have applied different names to the factions within the national Republican and Democratic parties as Reconstruction underwent numerous twists and turns prior to the 1874 Democratic sweep. Political labels in Tennessee can be particularly confusing. At the onset of the Civil War, Tennessee divided between Unionists and secessionists. Prior to the firing on Fort Sumter, Unionist sentiment predominated, although the secessionists, led by Governor Harris, constituted a strong minority. Much of Tennessee Unionist sentiment was conditional. The Conditional Unionists opposed taking Tennessee out of the Union, but only so long as Lincoln and the Republicans refrained from coercing the seceded states of the deep South. After Fort Sumter and Lincoln's subsequent call for 75,000 troops to put down the rebellion, the Conditional Unionists flipped and became secessionists. Over the course of the war the remaining Unionists fractured into two factions: the Conservative Unionists and the Unconditional Unionists. Johnson's tenure as military governor from early 1862 to early 1865 did much to create this rift. Determined to achieve his mission to set the state on the path to civil government and reunion, Johnson governed with an iron fist. His stringent loyalty oaths and his hard line toward Confederate sympathizers exacerbated tensions among Tennessee's Unionists. However, the most significant source of division among the Unionist coalition was the Lincoln administration's adoption of emancipation as a war aim. In the wake of the Emancipation Proclamation, Rhoda Campbell Williams of Knoxville wrote to her son, "[Lincoln's] policy has been such as to drive hundreds of men in the South into the rebel army, who would today be for the Union if they had not been convinced that his purpose is to crush the South and make us all slaves. I am as firm in my [Union] principles as ever, but never will I sanction the abolition policy of Abraham Lincoln." In contrast, the Unconditional Unionists supported the Lincoln administration, its policies of uncompensated emancipation, and

the Republican party. As the war progressed, it degenerated into a grisly internecine war, especially in the mountains and valleys of East Tennessee. The Unconditional Unionists became radicalized as they endured abuse at the hands of the Confederate government and their Rebel neighbors.[7]

The collapse of the Confederacy and the ensuing struggle to restore civil government in Tennessee further radicalized these Unconditional Unionists, who, with the inauguration of Brownlow as governor, adopted with pride the Radical label. To be sure, these Tennessee Radicals never wholeheartedly embraced Northern Radicalism as their political faith, nor did they fully abandon Southern cultural values. They did, however, enact proscriptive measures designed to ensure a "loyal" electorate and keep former Confederates from regaining political power by restricting the franchise to Unionists. The Radical-dominated legislature passed a franchise law in June 1865 that denied the former Confederates the vote for five years and established a voter registration system administered by county court clerks. The Conservative Unionists, ready to welcome the ex-Rebels back as citizens, favored a policy of reconciliation and presented the Radicals and the voters of Tennessee with a formidable slate of candidates in the August 1865 congressional elections—the first trial of Radicalism. The election resulted in a draw, with Radicals and Conservatives each winning four seats, but only after Governor Brownlow threw out enough "fraudulent" votes in one district to secure the seat for Radical Samuel Mayes Arnell, the principal author of the franchise law. In early 1866, popular

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[7] Rhoda Campbell Williams to Rufus Morgan Williams, November 15, 1864, John and Rhoda Campbell Williams Papers, Calvin M. McClung Historical Collection, Knoxville; Peter Maslowski, *Treason Must Be Made Odious: Military Occupation and Wartime Reconstruction in Nashville, Tennessee, 1862-65* (Millwood, New York: KTO Press, 1978), 34-151; Mark A. Weitz, "'I Will Never Forget the Name of You': The Home Front, Desertion, and Oath Swearing in Wartime Tennessee," *Tennessee Historical Quarterly* 59 (2000): 38-59; Bergeron, *Andrew Johnson's Civil War and Reconstruction*, 13-64.

condemnation of the Radical program resulted in a Conservative sweep in the county elections outside of the Radical stronghold of East Tennessee. Those congressional and county elections sent a clear message to the Radicals: substantial Conservative opposition to Radical Reconstruction existed in Tennessee. Moreover, evidence of illegal voting revealed loopholes in the state statute and registration system that needed to be closed.[8]

The Radicals had no legal means to deprive the Conservatives of the vote; however, they managed to silence their opposition in the legislature through various parliamentary maneuvers, thereby prompting a number of Conservative lawmakers to resign their seats in a move to prevent a quorum on key Radical measures. Brownlow reacted swiftly, calling a special election to fill the vacant Conservative seats. The election proved an embarrassment to Brownlow. Twelve Conservatives who had resigned were returned to their seats while the Radicals won only four of the eighteen vacant seats. The election results notwithstanding, Brownlow saw to it that the Conservatives were excluded and the Radicals admitted, thus securing a bare quorum to push through a new franchise act in May 1866. That law disfranchised all former Confederates, voided previous voter registration certificates, and created commissioners of registration for each county. Appointed by the governor, those election officials examined all eligible voters, who were required to present two witnesses to testify to their loyalty, and rejected any whose loyalty was in any way suspect. A clause in the franchise act permitted the commissioners to hear evidence contrary to the testimony offered on behalf of an applicant. Thus empowered, the

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[8] Tennessee General Assembly, *Public Acts of Tennessee*, 34th General Assembly, 1st sess. (1865), chap. 16, 32-36; Samuel Mayes Arnell, "The Southern Unionist," unpublished manuscript, n.d., Special Collections, University of Tennessee, Knoxville, 272-77; Alexander, *Political Reconstruction in Tennessee*, 18-112; Kathleen R. Zebley, "Unconditional Unionist: Samuel Mayes Arnell and Reconstruction in Tennessee," *Tennessee Historical Quarterly* 53 (1994): 246-59.

commissioners disfranchised many likely Conservative voters.[9]

Brownlow worried as Conservative opposition to his administration mounted. To bolster the party's strength, a few leading Radicals pressed the governor to announce his support for black suffrage. "[W]e need their help, in the coming election, to secure us a sure victory. . . . There is no use, in allowing our prejudices to control us any longer," insisted Congressman William B. Stokes. "It is a fixed fact, they will vote & it is only a question of time." But many Radicals—Brownlow included—were reluctant to confer the right to vote on blacks. Stokes, a potential rival for the 1867 gubernatorial race, won the support of the party's hardliners when he publicly announced that he favored extending the suffrage to the state's approximately forty thousand adult black males. As black suffrage gained traction among leading Radicals, Brownlow had a change of heart. "[N]ow is the time for Tennessee to show to the world," he declared in January 1867, "that she belongs to the advance guard on the great question of equal suffrage. . . . Without their votes, the State will pass into disloyal hands, and a reign of terror . . . will be the result." The governor's conversion from prewar racist proslavery ideologue to postwar radical defender of black suffrage stirred up dissension among the Radicals, driving some into the Conservative fold. But in early 1867, when Radical legislators introduced a bill granting black men the right to vote, it passed in short order. The bill enfranchised forty thousand people. Tennessee thus became the first Southern state to establish biracial democracy in the aftermath of slavery.[10]

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[9] Tennessee General Assembly, *Public Acts of Tennessee*, 34th General Assembly, 2nd sess. (1865-66), chap. 33, 42-48; Alexander, *Political Reconstruction in Tennessee*, 98-112.

[10] William B. Stokes to John B. Brownlow, December 26, 1866, E. E. Patton Papers, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville; Message to the Senate and House of Representatives, January 23, 1867, in White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 546; Kyle Osborn, "Reconstructing Race: Parson Brownlow and the Rhetoric of Race in Postwar East Tennessee," in Andrew L. Slap, ed., *Reconstructing Appalachia: The Civil War's Aftermath*

Black suffrage constituted one of the strongest Civil War aftershocks that rattled Tennessee. Whites bristled at any assertion of black independence. They were particularly rankled by the sight of blacks voting at the ballot box. In a letter to his father, Samuel Fain, a Conservative from Rogersville in Hawkins County, confided that "I had a vote, and I tell you it was hard for me to vote side by side with a negro." Racial tension escalated as ex-Rebels, excluded from the political process, sought recourse in the politics of force. Disguised in robes and hoods, and riding under the cover of darkness, these vigilantes spread terror among their foes—blacks active in politics and whites allied with them. Their goal became to overthrow the Radical Republican state government, restore Democratic party power, and reestablish white racial hegemony. The Radicals reacted by building and funding their own army, the Tennessee State Guard. Its primary purpose was to uphold Brownlow's administration and provide protection for Radicals and freedmen.[11]

Such was the political scene on February 25, 1869, when Brownlow relinquished the governorship. Enter DeWitt Clinton Senter.

(Lexington: University Press of Kentucky, 2010), 163-83; Alexander, *Political Reconstruction in Tennessee*, 122-40; Marsha Young Darrah, "Political Career of Col. William B. Stokes of Tennessee" (M.A. thesis, Tennessee Technological University, 1968), 124-26, 132-33.

[11] Samuel Fain to Richard G. Fain, May 1, 1869, John N. Fain Collection, Calvin M. McClung Historical Collection, Knoxville; Severance, *Tennessee's Radical Army*, 1-21; Alexander, *Political Reconstruction in Tennessee*, 149-52, 176-98; George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984).

CHAPTER ONE

THE BREACH: JULY 1868-FEBRUARY 1869

As a light mist fell on Maury County, the evening calm was punctuated by the thundering of rapid hoof-beats. A squad of United States soldiers led by Brevet Major C. H. Frederick of the 45th United States Infantry raced along the Duck River to investigate the human remains that had washed up on the riverbank. Earlier that evening, two black men, wishing to conceal their identities, arrived at Frederick's headquarters in Columbia to report that they had found the body of a white man while fishing at Booker's Ferry Bridge, two miles below town. Frederick, thinking that the remains might be those of a private detective whose mysterious abduction by the Ku Klux Klan had been reported in newspapers nationwide, led the recovery party. On arriving at Booker's Ferry, he and his men dismounted and began searching below the bridge where they had been told they would find the body. They soon found the remains wedged between two large logs. Stepping across one of the logs, Frederick slipped and fell into the river. After rescuing their commander, the soldiers dragged the body out of the water. By the light of a lantern, Frederick examined the terribly disfigured remains. All traces of hair had disappeared from both the face and head. The man's nose was missing and both ears had apparently been nibbled by fish. Much of the outer skin had decayed and peeled off; what skin remained was a dark blue color, suggesting that the body had been submerged in the water for some time. The man's hands were bound behind his body with a linen handkerchief. A rope about two feet in length was tied around his neck with a noose at the other end that evidently had slipped off from a rock or something else intended to weigh the body down. On closer inspection, it was

discovered that the man had been shot through the top of his head. The bullet, creating a hole nearly large enough to insert a thumb, apparently lodged somewhere in his head since there was no indication of an exit wound. Frederick sent word to William Wood, the town's coroner, to conduct an immediate examination. He also dispatched soldiers to round up people who had been acquainted with the missing detective, to identify the body. This last measure, however, was merely protocol. The man's clothing, a scar on the right side of the upper lip, and a few items found on the body, particularly two golden rings and a diamond cross lapel pin, were evidence enough that Frederick had found Seymour Barmore, the missing detective.[1]

Nearly six weeks earlier, in the late hours of January 11, 1869, Barmore had boarded a train at Pulaski, in Giles County, bound for Nashville. He took a seat in the rear coach and, covering himself with a shawl and drawing his cap down over his eyes, went to sleep. He had been summoned to Pulaski as a witness in the trial of two black men charged with robbery. However, his visit to Pulaski served a dual purpose. For months, the former special agent for the United States Treasury Department had been employed by Governor William G. Brownlow to expose and destroy Ku Kluxism in Tennessee. In spite of the state's stringent anti-Ku Klux law, Brownlow had failed to convict a single Klansman. Determined to win his personal war against the Klan, Brownlow adopted the tactics employed by other Southern governors, hiring special agents to infiltrate and obtain hard evidence on the Klan. Evidently, Barmore managed to worm

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[1] *Nashville Union and American*, February 23, 26, 1869; *Nashville Republican Banner*, February 23, 24, 1869; *Nashville Daily Press and Times*, February 23, May 5, 1869; *Memphis Daily Appeal*, February 21, 22, 23, 24, 26, 1869; *Memphis Daily Avalanche*, February 26, 1869; *Bolivar Bulletin*, February 27, 1869; *Knoxville Press and Messenger*, February 24, 1869; *New York Times*, February 27, 1869; Stanley F. Horn, *Invisible Empire: The Story of the Ku Klux Klan, 1866-1871* (Boston: Houghton Mifflin Company, 1939), 111; Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, Publishers, 1971), 178; United States Congress, House *Executive Documents, Report of the Secretary of War*, 40th Congress, 3rd Session (1868), 199.

his way into a Klan den and, after testifying at the Pulaski trial, actually attended a Klan meeting. Barmore had earlier boasted of breaking up the Klan to guests at the Nashville St. Cloud Hotel, where he stayed. Somehow the Klan was warned of the spy in the midst and a telegraph message was sent to the nightriders of Maury County to intercept Barmore on his way back to Nashville from Pulaski.[2]

As the train pulled into the depot at Columbia in the early hours of January 12, conductor Thomas Moore stepped off the train and onto the icy platform. As he assisted several ladies down the steps of the car, he saw a masked man in the distance approaching with rapid strides. When the man asked to let him pass, the conductor stepped aside. Suddenly, a number of other disguised men surrounded the train. Two hopped up into the locomotive with pistols drawn and told the engineer that they "now had other conductors who directed the movements of the train." At the rear, four masked men entered the car in which Barmore slept. Passing along the aisle, they examined each passenger. When they found Barmore, one of the men thrust the muzzle of his pistol into the detective's side, rousing him from his slumber. He told Barmore to get up, saying that he and his associates wanted to talk with him outside. Barmore stood but feigned lameness. Grabbing him arms, the intruders dragged him from the train. Barmore offered no further resistance as they put him on a horse. The whole party of masked men then rode off on

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[2] *Nashville Republican Banner*, January 13, 14, 15, 16, 20, 29, February 23, 27, 1869; *Nashville Daily Press and Times*, January 15, 1869; *Nashville Union and American*, January 13, 15, 19, 22, 26, 30, February 7, 1869; *Memphis Daily Appeal*, January 15, 1869; *Knoxville Whig*, January 20, 1869; *Bolivar Bulletin*, January 23, 1869; Horn, *Invisible Empire*, 16-17, 108; Thomas B. Alexander, *Political Reconstruction in Tennessee* (Nashville: Vanderbilt University Press, 1950), 196-97; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 623-24; George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984), 14; United States Congress, *Ku Klux Conspiracy: Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States*, 13 vols. (Washington, D.C.: Government Printing Office, 1872), 7: 743-48.

horseback into the night with their captive. The incident was over in less than three minutes. Left among Barmore's belongings on the train was a silver-headed cane and a carpetbag, which, when opened by railroad officials and police investigators in Nashville, contained a full Ku Klux disguise.[3]

In the wake of Barmore's abduction, newspapers throughout the nation speculated about his fate. One report claimed that he was discovered dangling from a tree a few miles from where he had been kidnapped, while another claimed that his remains had been fished out of the Duck River at Williamsport, several miles downriver from Columbia. Alleged eyewitness accounts placed the missing detective in each of Tennessee's three grand divisions—West, Middle, and East—at the same time. The *Athens Post* reported that he spent several days traipsing around the gold mines of Coker Creek in Monroe County. One of the more bizarre rumors placed him in Mississippi purchasing cotton.[4]

Tennessee's Conservative and Democratic newspapers cast doubt on Barmore's abduction. "Our quiet big town was thrown into quite a fever of excitement by the sensational story in the Nashville newspapers," remarked the editor of the *Columbia Herald*. "So much news proving entirely without foundation, the people became at last quite skeptical, and believed nothing. . . . If there is one witness to testify in the affirmative, there is much strong

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[3] *Nashville Republican Banner*, January 13, 14, 15, 16, 20, 29, February 23, 1869; *Nashville Daily Press and Times*, January 15, March 12, 1869; *Nashville Union and American*, January 13, 15, 19, 22, 26, 30, February 7, 1869; *Memphis Daily Appeal*, January 15, 17, 1869; *Knoxville Whig*, January 20, 1869; *Bolivar Bulletin*, January 23, 1869; Trelease, *White Terror*, 178; Horn, *Invisible Empire*, 66, 110-11; Alexander, *Political Reconstruction in Tennessee*, 196-97; United States Congress, *Ku Klux Conspiracy*, 7: 748.

[4] *Nashville Republican Banner*, January 14, 15, 16, 20, 29, 1869; *Nashville Daily Press and Times*, January 18, 1869; *Nashville Union and American*, January 15, 22, 26, 30, February 7, 1869; *Memphis Daily Appeal*, January 15, 17, 1869; *Athens Post*, January 29, 1869; *Louisville Courier-Journal*, January 20, 1869; Horn, *Invisible Empire*, 111.

circumstantial evidence on the negative side." The *Knoxville Daily Press and Herald* wondered "if, indeed, we can believe any report about [Barmore]." Some papers denied the existence of the Klan altogether. Others, while acknowledging its existence, insisted that it had nothing to do with Barmore's disappearance, suggesting that the abduction was not a political act but merely brigandage. "[E]verything done in mask now-a-days is perpetrated by the Ku Klux," the *Nashville Union and American* commented sardonically. "If a bank is robbed, a rape committed, a dead man found, or any other crime perpetrated, it is directly laid to the charge of the Ku Klux." But as reports of Klan outrages multiplied in the weeks following Barmore's abduction, and Governor Brownlow threatened to call out the State Guard to restore peace, anti-Radical editors increasingly found themselves on the defensive.[5]

While Major Frederick's troops transported Barmore's remains to Columbia, news that the detective's body had been recovered raced ahead to Nashville. Governor Brownlow got the report in the waning hours of February 20 and immediately expanded his war on the Klan. He imposed martial law in nine Middle and West Tennessee counties (Giles, Jackson, Lawrence, Marshall, Maury, and Overton in Middle and Gibson, Haywood, and Madison in West) and directed state adjutant general Joseph A. Cooper to deploy the State Guard, Tennessee's Radical army, to preserve the peace and enforce the laws (see Figure 1).[6]

Why Brownlow selected these particular counties is something of a mystery. Not all were hotbeds of Klan activity; and the list did not include certain counties that were hotbeds,

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[5] *Columbia Herald*, January 16, 1869, as reported in the *Nashville Daily Press and Times*, January 18; *Nashville Daily Press and Times*, January 20, 21, March 13, 1869; *Knoxville Daily Press and Herald*, February 24, 1869; *Nashville Union and American*, January 13, 17, 19, 1869; *Bolivar Bulletin*, January 23, 1869, *Memphis Daily Appeal*, January 21, 1869; Elaine Frantz Parsons, "Klan Skepticism and Denial in Reconstruction-Era Public Discourse," *Journal of Southern History* 77 (2011): 61-62; Trelease, *White Terror*, 41.

[6] White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 651; *Nashville Republican Banner*, February 21, 1869; Severance, *Tennessee's Radical Army,* 206.

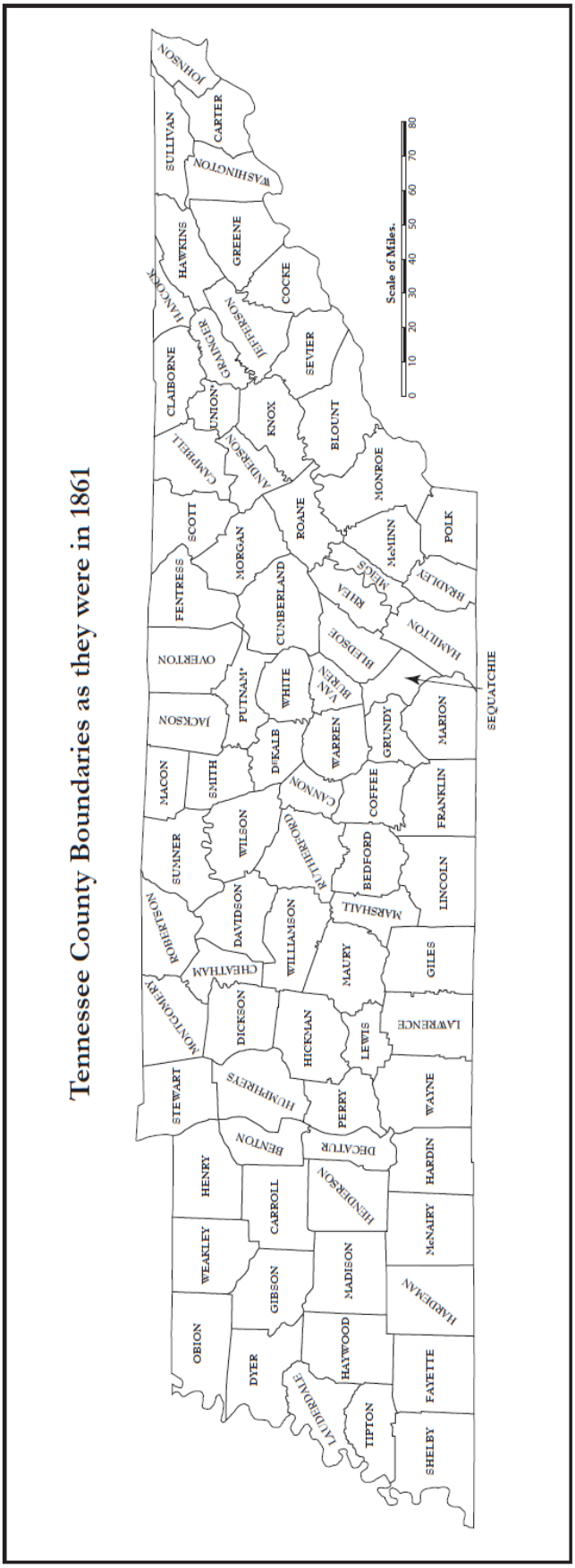

Figure 1. Tennessee Counties, 1861, by Charles Reeves, Jr.

such as Bedford, Lincoln, and Rutherford in Middle Tennessee and Dyer and Obion in West Tennessee. Radical state representative W. P. H. Turner of Lawrence County expressed his astonishment on seeing his "peaceable, quiet and law-abiding" county included in Brownlow's proclamation: "I am at a loss to know why troops should have been quartered upon the people of my county without consulting their immediate representative." Partisan politics does not seem to have been a factor in Brownlow's selections. It is possible that his aim was simply to deploy the State Guard over a wide region. Whatever his purpose, the reaction among those directly affected by the proclamation and the anti-Radical press was swift and denunciatory. The *Knoxville Press and Messenger* described Brownlow's proclamation "as the wild utterance of an insane man." "The proclamation means, if it means any thing, civil war," declared the editor of the *Nashville Republican Banner*. "It is a last desperate move," the "crowning infamy of his gubernatorial administration."[7]

The *Nashville Republican Banner* questioned not only Brownlow's timing—he had only five days remaining in office—but also his motives for saddling Senter with the burden of martial law: "Mere party courtesy would have suggested that so weighty a question should have been left to the decision of his immediate successor, since the latter will have to bear the responsibility and odium of the fatal step." The *Knoxville Daily Press and Herald* suggested that the Brownlow camp thought Senter insufficiently Radical: "The prime object in calling out the militia and in the declaration of martial law was to embarrass Senter and force him into the Brownlow policy."[8]

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[7] *Nashville Daily Press and Times*, February 22, 1869; *Nashville Republican Banner*, February 21, 23, 1869; *Knoxville Press and Messenger*, February 24, 1869; Severance, *Tennessee's Radical Army*, 206; Trelease, *White Terror*, 470.
[8] *Nashville Republican Banner*, February 21, 1869; *Knoxville Daily Press and Herald*, February 28, 1869.

Few, however, publicly doubted Senter's fidelity to Brownlow and the Radicals. The son of a prominent East Tennessee Methodist preacher and Whig, Senter quickly scaled the political ladder, winning a seat in the lower house at the age of twenty-seven in 1857. When Tennessee seceded from the Union, Senter, unlike most other Unconditional Unionists, retained his seat in the legislature, despite voting against the secessionist majority on numerous issues. Professing to represent Tennessee's Unionists, Senter even followed the General Assembly to Memphis in February 1862 when it and Governor Isham G. Harris fled Nashville to escape capture by Union forces. The legislature adjourned a month later and Senter made his way back home to Grainger County. With tens of thousands of Union and Confederate troops occupying Tennessee, his trip was fraught with danger. In April 1862, Senter stumbled on Confederate pickets and was taken prisoner. For the next six months, Confederate officials moved him around Tennessee, Alabama, and Georgia before finally releasing him on his posting a four-thousand-dollar bond and taking an oath not to bear arms against the Confederacy. Even at home, Senter could not rest easy. A detachment of Rebel troops took him prisoner, yet he managed to escape while the men were plundering his home by overpowering his guard and jumping out a window. East Tennessee was also the scene of unrelenting guerrilla warfare between Union and Confederate partisans. As a prominent Unconditional Unionist, Senter was frequently harassed by Confederate guerrillas. On one occasion, he was pursued and his horse was shot from under him; however, he reached Union lines by swimming the Holston River. Following the restoration of civil government in Tennessee, Senter served two consecutive terms in the state Senate and in his second term was elected speaker. During his tenure in the Senate, Senter confirmed his Radical credentials by

framing the legislative agenda and supporting some of the administration's most controversial policies, including Rebel disfranchisement and black enfranchisement.[9]

While Radical and anti-Radical newspapers agreed that Senter was a partisan stalwart, a close examination of his voting record indicates that he was not consistently in the Radical camp. In fact, Senter and a minority bloc of moderate Republicans repeatedly aligned with Conservatives when the question of extending rights other than suffrage to blacks surfaced in the Senate. They opposed black court testimony, jury service, and office-holding, as well as the recognition of pre-Civil War slave marriages, protection of laborers' wages, the right of blacks to make and enforce contracts and to sue and be sued, and the desegregation of railroad and street cars. Although he voted in favor of black enfranchisement in February 1867, Senter's speeches and a series of parliamentary maneuvers he engineered to obstruct and defeat equal rights legislation during the previous session suggest that his vote for black suffrage was based on political necessity rather than personal conviction. On numerous occasions he openly clashed with John Trimble of Davidson County, one of the most extreme Senate Radicals. When

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[9] Robert M. McBride and Dan M. Robison, *Biographical Directory of the Tennessee General Assembly*, 6 vols. to date (Nashville: Tennessee Historical Commission, 1975-) 1: 656-57; *Nashville Republican Banner*, February 18, 1869; Oliver P. Temple, *Notable Men of Tennessee, from 1833 to 1875: Their Times and Their Contemporaries* (New York: Cosmopolitan Press, 1912), 182-85; Alexander, *Political Reconstruction in Tennessee*, 20; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 364, 371-72; Tennessee General Assembly, *Senate Journal*, 34th General Assembly, 1st sess. (1865), 195-96, 483; 34th General Assembly, 2nd adjourned sess. (1865-1866), 306; 35th General Assembly, 1st sess. (1867-1868), 4-10; *Nashville Daily Press and Times*, April 26, 27, 1866. After a month of haggling over various franchise bills following the restoration of civil government, Senator Senter offered a resolution to focus first on bills for the protection and safety of Unionists, to raise revenue, and for redistricting the state before enacting a franchise law. Although this resolution was never formally adopted, its provisions, with the exception of a bill to authorize Governor Brownlow to call out the militia, were enacted prior to the passage of a franchise bill. Tennessee General Assembly, *Senate Journal*, 34th General Assembly, 1st sess. (1865), 102. For a study of guerrilla violence in East Tennessee during the Civil War and Reconstruction, see Noel C. Fisher, *War at Every Door: Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1997).

Trimble introduced a bill in October 1865 providing for the gradual enfranchisement of blacks, Senter accused him of opening Pandora's Box: "There is trouble in this question, and, if introduced, it will, before the session is over, shake this body from its centre to its circumference." Anticipating that such legislation might split the Unionists, especially East Tennesseans, who overwhelmingly opposed equal rights for blacks, Senter called on Trimble and other Middle and West Tennessee Radicals to exercise restraint. "You will go too far, mark it, just as [the secessionists] went too far in 1861," he insisted. "[G]ive us time, and soon we shall catch up with the tone of public opinion. . . . Don't urge the question on the people just now. The Union party needs all the strengthening it can get." Like Conservatives and Democrats, Senter and a majority of East Tennesseans believed that if blacks were granted equal rights, Southern freedmen would flock to the state. While Tennessee's Republican party was born amid the tumult of war and Reconstruction, achieving power by Rebel disfranchisement and sustaining it with black suffrage, the moderate, centrist wing of the party intended it to be a bulwark against social and legal equality.[10]

Senter's legislative record notwithstanding, his sphinx-like silence preceding the inauguration fueled speculation. Conservative and Democratic newspapers ran numerous editorials comparing and contrasting Brownlow and Senter. Some concluded that Senter, even at his worst, would be an improvement over his predecessor. According to the *Memphis Daily*

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[10] *Nashville Daily Press and Times*, April 21, 22, 24, October 6, 18, 20, 21, 1865, April 26, 27, May 2, 6, 26, 1866; *Nashville Republican Banner*, April 26, 1866; William G. McBride, "Blacks and the Race Issue in Tennessee Politics, 1865-1876" (Ph.D. diss., Vanderbilt University, 1989), 41-43, 84-86, 100, 104, 115, 231-35, 241-42, 249, 252-53; Alrutheus Ambush Taylor, *The Negro in Tennessee, 1865-1880* (Washington, D.C.: Associated Publishers, Inc., 1941), 16-18; Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill: University of North Carolina Press, 1984), 43-48; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 737-38. The opposition of East Tennesseans to the extension of rights to blacks supports Gordon B. McKinney's conclusion that mountain white Republicans accepted the end of slavery but resisted laws intended to grant equal or greater rights to the former slaves. See McKinney, *Southern Mountain Republicans*, 29.

Appeal, Senter possessed neither the "will or the capacity for evil that has rendered Brownlow's rule the subject for execration in all succeeding generations." The *Nashville Republican Banner* noted that "The prospective Executive maintains a rigidly Grantonian silence on the [policy he will pursue as governor], but those who are best acquainted with his views intimate that he will be as moderate in the use of his official powers as is compatible with the safety and interest of the 'party.'" Most, however, abjured prophecy and resolved simply to wait and see what Senter would do.[11]

If the Brownlow camp had indeed called out the militia to ensure that Senter upheld its policies, as the *Knoxville Daily Press and Herald* suggested, they were perhaps impelled not by uncertainty about Senter's course but by a desire to stem the hemorrhaging of Radical power. Personal ambition and petty jealousies had plagued the Radical party since the election of Brownlow to the United States Senate by the General Assembly in 1867. Numerous Republicans who had been excluded from political races by Brownlow Radicals, or defeated by them in a race, felt betrayed and therefore distanced themselves from the Brownlow camp. As these embittered Republicans began to jockey among themselves for the 1869 election, intraparty factional rivalries emerged. Some of the party's hard-liners, led by General William B. Stokes, organized an alliance in opposition to the Brownlow Radicals. Blindsided by Brownlow's last-minute decision to enter the U.S. Senate race, Stokes, who had coveted the seat himself, alienated himself from the governor when he refused to withdraw his name from the contest. Stokes believed he had earned the seat after campaigning tirelessly for the governor's reelection. Other Republicans, such as Secretary of State Andrew Jackson Fletcher and influential party leader Leonidas C. Houk, who were denied seats in the U.S. Senate and House respectively,

[11] *Nashville Republican Banner*, February 19, 1869; *Memphis Daily Appeal*, February 27, 1869.

adopted moderate positions on several key issues in an effort to attract anti-Radical support.[12]

Intraparty factional rivalry intensified in the summer of 1868 when the governor called a special session of the General Assembly to combat the Ku Klux Klan's violent campaign of counter-Reconstruction. Tennessee's State Guard had suppressed Klan activities during the campaign of 1867, but had by no means destroyed the organization. Indeed, the Guard had spent most of its time chasing ghosts and rumors while the Klan went underground. Subsequently, the General Assembly, fooled into thinking that the Klan no longer posed a threat and seeing no point in maintaining an expensive army that had no enemy to fight, repealed the militia act and disbanded the State Guard. But no sooner had the Guard demobilized than the Klan's deception became apparent. Emerging from the shadows, the Klan unleashed a reign of terror in 1868 that provoked Brownlow to reconvene the General Assembly. Determined to neutralize the Klan, he issued a forceful message to the legislators, chastising them for letting themselves be duped into repealing the militia law while rebellious elements were biding their time, secretly arming themselves with the aim of overthrowing the state government and carrying Tennessee in the presidential and congressional elections. He requested the State Guard's reactivation and an

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[12] Alexander, *Political Reconstruction in Tennessee*, 199-214; McBride, "Blacks and the Race Issue in Tennessee Politics," 260; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 136-54; Amos Leo Gentry, "The Public Career of Leonidas Campbell Houk" (M.A. thesis, University of Tennessee, 1939), 11-24. In a lengthy January 1868 letter to General John Eaton, Jr., Dr. William H. Stilwell, a fiercely partisan West Tennessee Radical, identified Fletcher as a potential troublemaker for Brownlow: "When will Fletcher resign & cease to act as a political ferment in our party?" See William H. Stilwell to John Eaton, Jr., January 27, 1868, Eaton Papers. Following his 1865 defeat in the second congressional district to Horace Maynard, a close friend of Brownlow, Houk wrote David T. Patterson: "[T]he Brownlow's proved my worst enemies. That party which has now become a faction, caused my defeat for Congress. . . . I have been a Brownlow man, as you know, on all sorts of ground. But no longer will I fight his battles, for I have found him to be personally corrupt." Houk was an influential party leader and his feud with the Brownlows, which led him to adopt a more moderate tone, had significant consequences for the Republican party. Houk would serve, in effect, as Senter's campaign manager in the 1869 gubernatorial election. See Leonidas C. Houk to David Patterson, September 25, 1865, Andrew Johnson Papers, Library of Congress.

anti-Klan law that carried the death penalty. Sensing a softening on the franchise issue among Northern and Southern Republicans in the wake of Republican presidential candidate Ulysses S. Grant's call for sectional harmony, Brownlow admonished the legislators not to consider the removal of the former Confederates' political disabilities during the extraordinary session. In closing, he warned that if they failed to take decisive action, they would be responsible for the fate of every loyal Tennessean intimidated, driven from home or ballot box, or "butchered in cold blood."[13]

The governor's provocative message elicited a predictable anti-Radical response. The *Nashville Republican Banner* denounced Brownlow's "bloodthirsty manifesto" as yet another attempt to "fulminate his wrath against his imaginary enemies, the ghostly Kuklux Klan." Tennessee Conservatives blanketed President Andrew Johnson's desk with pleas to relieve them of Brownlowism. Columbia resident A. O. P. Nicholson feared that the governor's declaration of war would "inevitably result in a wide-spread & bloody collision." Some called on the president to send in the United States Army, and further urged him to replace General George H. Thomas, commander of U.S. forces in the region, with someone less prejudiced against them. "[Thomas] is the tool of Brownlow and the most vindictive Radical we know of," insisted Robert A. Bennett and William Wright of Gallatin. Conservative petitions also flooded the state

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[13] Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 8-15; Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 3-11; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 608-17; Severance, *Tennessee's Radical Army*, 61-180; Alexander, *Political Reconstruction in Tennessee*, 149-52, 176-87. Grant struck the keynote of the 1868 election with a single sentence in his formal letter of acceptance: "Let us have peace." Grant's maxim promised an end to a long, bitter conflict over national Reconstruction policy. See Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill: University of North Carolina Press, 1991), 246; Perman, *Road to Redemption*, 87-107; Michael Perman, *Pursuit of Unity: A Political History of the American South* (Chapel Hill: University of North Carolina Press, 2009), 126-30; William Gillette, *Retreat from Reconstruction, 1869-1879* (Baton Rouge: Louisiana State University Press, 1979).

legislature. The most noteworthy of these was signed by thirteen former Confederate generals, all suspected Klan members, four regarded as high-ranking officers. Denying any association with terrorism, they pledged to use their influence to uphold the law and preserve order in their communities. Reactivating the State Guard would not bring peace, the generals asserted, and might even provoke another civil war. Maury County farmer Nimrod Porter summed up the sentiment of many anti-Radicals: "Brownlow is mad."[14]

Governor Brownlow dismissed the Confederate generals' petition as an attempt by "unreconstructed Ku Klux rebels and their sympathizing supporters" to derail the passage of a militia bill. Radical postmaster and school superintendent William H. Stilwell of West Tennessee agreed: "What does this rebel attempt to intimidate—that's the word, disguise it as they may—the Legislature, & stop it from arming the State [mean]? Will they succeed? Will they find enough members weak enough, silly enough to be hoodwinked, & turned aside from the great, & vital purpose for which they were convened? Are not the evidences palpable as the rocks of the Capitol Hill, that all this stir in the rebel camp is only a ruse?"[15]

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[14] *Nashville Republican Banner*, July 29, 1868; A. O. P. Nicholson to Andrew Johnson, July 24, August 6, 1868, Robert A. Bennett and William Wright to Andrew Johnson, July 31, 1868, John W. Leftwich to Andrew Johnson, August 7, 1868, Robert P. Cypert to Andrew Johnson, August 18, 1868, Jesse B. Ferguson to Andrew Johnson, August 27, 1868, and William P. Payne to Andrew Johnson, August 27, 1868, in LeRoy P. Graf, Ralph W. Haskins, and Paul H. Bergeron, eds., *The Papers of Andrew Johnson* (16 vols., Knoxville: University of Tennessee Press, 1967-2000), 14: 419-20, 461-62, 483-84, 487, 512-14, 553-56; *Knoxville Whig*, August 26, 1868; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 42-44; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 618-19; Severance, *Tennessee's Radical Army*, 181; Nimrod Porter Journal, July 29, 1868, Nimrod Porter Papers, Southern Historical Collection, University of North Carolina, Chapel Hill. Several of the Confederate generals who signed the August 1 petition, along with numerous other prominent Democrats, visited Brownlow at the beginning of the session. According to the marginal notation by John Bell Brownlow on the editor's bound copy of the *Knoxville Whig*, July 29, 1868 (Library of Congress), they "solemnly pledged themselves to stop all Kukluxing & violations of Franchise Law."

[15] White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 617-19. Stilwell questioned the timing and sincerity of "these peaceful & law abiding ex rebel Generals." "No, they Run all," he wrote. "They winked at all, & gloated over the fondly hoped for result. Gloss it as they may, disclaim any agency, or sympathy with the Ku Klux as they may, they are, & feel themselves responsible for all

The extraordinary session of the Thirty-fifth General Assembly was a significant milestone on Tennessee's road to redemption. The factional struggle in the state Republican party was publicly exposed in debates that were often heated and occasionally mean-spirited. While the legislators brooded over the threat of civil war, several moderates and a few prominent Radicals joined the chorus of Conservatives endorsing universal suffrage as a solution to the crisis. In a highly unexpected move, and in spite of his plea to the General Assembly not to remove political disabilities during the current session, the governor gave universal suffrage advocates a boost when, eight days into the session, he submitted a supplementary message containing Nashville Judge John M. Lea's "plan of settlement" to end Reconstruction. Exclusion of former Confederates from the ballot box, Lea argued, was the chief issue roiling the state's political waters. It had been proper to restrict the restoration of civil government to the loyal element, said Judge Lea, but now the need for proscription had ceased. If the franchise restrictions were lifted following the 1868 election, a lasting reconciliation might ensue and secret political organizations such as the Rebel Ku Klux Klan and the Radical Loyal League would disband. Since the Tennessee Supreme Court had recently held that the franchise law was a part of the state constitution, Lea urged the adoption of a constitutional amendment commissioning the General Assembly to serve as a constitutional convention that would have the power to repeal disfranchisement. Judge Lea's proposal would undergo some modifications as universal suffrage gained momentum, but the core of it became the 1869 state election's key

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the bloody deeds that have been done. Do they not publicly proclaim their power over the rank & file of the ex rebel soldiery? Do they not publicly declare that they can & will control the soldiers of their late commands, & cause them to keep the peace, & obey the laws in the future? Yes, they promise all this, conscious of their ability to do it—but, they will control the disloyal only on condition that no State Guards, no large body of militia shall be called out!" See William H. Stilwell to John Eaton, Jr., August 2, 1868, Eaton Papers.

issue.[16]

Brownlow's apparent endorsement of Lea's plan sent shockwaves throughout Tennessee. "The Devil Not So Bad As He Is Painted," exclaimed the rabidly anti-Brownlow *Nashville Republican Banner* in an editorial headline. "[Brownlow] has shown more liberality and fairness than some of his political brethren." Brownlow biographer E. Merton Coulter argued long ago that the governor agreed to submit Lea's plan not because he really approved it but because of his high regard for the judge's integrity and loyalty to the Union. Brownlow was indeed fiercely loyal to his friends; however, it is quite possible that the governor really did endorse the plan, if only because he sensed that numerous Republicans were trending toward support for Confederate reenfranchisement and, bowing to its inevitability, he was trying simply to delay it until the next legislative session, after the 1868 election.[17]

The aftershocks caused by Brownlow's message and Lea's plan revealed the extent of the Republicans' intraparty conflict. On August 4, Judge James O. Shackelford of the Tennessee Supreme Court and several other prominent citizens arrived at the state capitol bearing a petition with over four thousand signatures from Davidson County. It urged Brownlow to call a state constitutional convention for the sole purpose of restoring the franchise to the former Confederates. An intense debate erupted when Thomas A. Kercheval of Davidson moved that Shackelford be permitted to address the House. Eventually, Shackelford was permitted to speak, but only after numerous Radicals tried to stop him with parliamentary maneuvers. Advancing to the speaker's desk, Shackelford delivered an address that was brief but was perhaps one of the most poignant of Tennessee's Reconstruction. "The time, I feel, has come," he said, "when all

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[16] Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 45-47; Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 71-75; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 619-22.
[17] *Nashville Republican Banner*, August 5, 1868; Coulter, *William G. Brownlow*, 360.

citizens of Tennessee should be restored to those rights and privileges they inherited from their fathers, and which your predecessors, under the powers delegated to them from considerations of public policy, thought it expedient, for a time, to deprive them. . . . The supremacy of the State Government is now too well established to be shaken; the Ship of State has been brought back to her ancient moorings. Then let us restore to all equal rights and privileges. This will bring peace—blessed peace to our divided population."[18]

The significance of the moment was lost in the firestorm of Conservative and Democratic condemnation of the Radicals' behavior. The anti-Radical press decried the Radicals' contemptuous treatment of a Supreme Court judge, but neglected to ponder the profound implications of a Supreme Court justice coming out in favor of universal suffrage. Although the Tennessee Supreme Court, in its 1866 decision in *Ridley* v. *Sherbrook*, had upheld the state's right to grant or deny a citizen the right to vote, numerous challenges to disfranchisement remained in the state's legal pipeline, notably *State* v. *Staten*. How the court would deal with these cases remained to be seen.[19]

On August 10, several moderates and Radicals read petitions from their constituents protesting the militia's reactivation and calling for the repeal of the franchise law. Later in the afternoon, William F. Prosser of Davidson County offered a resolution to extend the franchise to the former Confederates, arguing that disfranchisement "was never intended to be permanent, but transitory, depending for its limit of life altogether upon the conduct of those who had acted in

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[18] *Nashville Republican Banner*, August 5, 1868; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 493-94, 814, 999.
[19] *Nashville Republican Banner*, August 5, 1868; *Ridley* v. *Sherbrook*, 43 Tenn. 569 (1866); R. Ben Brown, "The Tennessee Supreme Court During Reconstruction and Redemption," in James W. Ely, Jr., ed., *A History of the Tennessee Supreme Court* (Knoxville: University of Tennessee Press, 2002), 115-21. The Court's decisive ruling in two momentous franchise cases—*State* v. *Staten* and *Williams* v. *Boughner*—are the subject of Chapter 4.

such a way as to bring themselves within its provisions." Prosser insisted that the ex-Rebel soldiers would imitate the example of their former leaders, the generals who had recently pledged to uphold the state's laws and preserve the peace. Although carpetbaggers were generally unpopular among Tennesseans of both political parties, Republican hard-liners were particularly prejudiced against non-natives such as Prosser, a Pennsylvanian who had settled near Nashville following his service as an officer in the Union army. Denounced as "bummers and office seekers," non-natives often found refuge by aligning with moderates as Republican party conflict intensified.[20]

While the first few weeks of the session were mostly spent wrangling over the franchise law, party leaders did move forward on the two key points outlined in Governor Brownlow's message—enacting a stringent militia enforcement law and a punitive Ku Klux Act. The House and Senate agreed to divide the tasks, with the former assuming responsibility for drafting a militia law and the latter an anti-Klan bill. But Republican factionalism soon intruded. Moderates and Radicals found little common ground on the militia bill. Some Republicans were reluctant to reactivate the State Guard for fear that Brownlow intended to impose military rule. A number of moderates joined Conservatives in calling on President Johnson to employ the United States troops garrisoned in Tennessee and adjoining states to preserve peace. They pointed to a July 30 letter to moderate congressman Isaac R. Hawkins of Carroll County from Secretary of War John M. Schofield stating that federal forces could "readily be made available . . . to suppress any insurrection against the [state] government." Most Republicans dreaded the financial strain on the state treasury that would result from extended State Guard operations.

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[20] *Nashville Republican Banner*, August 11, 1868; Alexander, *Political Reconstruction in Tennessee*, 190, 208; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 745.

Saddled with more than $40 million in debt, Tennessee ranked second only to Virginia among indebted states. The Guard's 1867 activities had cost the state $100,000, and militia opponents argued that a remobilization might be even more costly. Another contentious issue was the use of black troops, who had comprised nearly a quarter of the 1867 State Guard. Many Republicans feared that remustering Brownlow's Radical army, especially if any of the troops were black, would trigger a full-scale civil war. Furthermore, several moderates had by now embraced the strategy of winning support among respectable white Southerners. Fully aware of the extent of Klan violence, these cooperationists believed that the best way to restore law and order was to ally themselves with prominent Conservatives and act with them.[21]

Radical lawmakers became more reluctant to take action as the session went on and anti-militia sentiment and the Conservatives' movement to attract moderate Republican support for reenfranchisement gained momentum. With the state Republican convention scheduled to meet in Nashville on August 12-13, most seemed anxious to ascertain the wishes of the party. Unable to attend due to his feeble health, Governor Brownlow implored Republicans to seek party unity: "At a time like the present a true man would rather sacrifice his own interest and submit to forego his own personal claims than to imperil the success of the cause on which so much

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[21] *Nashville Republican Banner*, August 8, 12, 1868; *Nashville Daily Press and Times*, September 1, 2, 4, 1868; Severance, *Tennessee Radical Army*, 181-82; Alexander, *Political Reconstruction in Tennessee*, 168-72; McBride, "Blacks and the Race Issue in Tennessee Politics," 280; Perman, *Road to Redemption*, 34-36. The origins of Tennessee's post-Civil War debt stretch back to the 1830s; however, the Civil War era drastically altered the nature and size of the debt. Robert B. Jones argues that "wartime devastation, the enlargement of the debt by Republican administrators, and resentment of Republican policies during Reconstruction charged the debt issue with emotion and threw the problem into the political arena." See Robert B. Jones, *Tennessee at the Crossroads: The State Debt Controversy, 1870-1883* (Knoxville: University of Tennessee Press, 1977), vii. Once the Democrats returned to power in 1870, Tennessee's debt became the central state political issue, persisting for more than a decade.

depends, by insisting upon them."[22]

The convention's first day proceeded harmoniously for the most part. Radical leaders achieved a semblance of party unity by dominating the proceedings, quelling any signs of division. Brownlow Radicals and Stokes Radicals worked hand-in-hand to draft and adopt a resolution that garnered unanimous support. Tennessee Republicans endorsed Grant's nomination for president and the platform adopted at the Republican national convention, pledged to sustain Governor Brownlow's administration, upheld the rights of non-native residents, and rejected repudiation of the state debt. Addressing the two most controversial issues that had surfaced in the special session, the delegates agreed to postpone further consideration of the franchise issue and called on the legislature to pass "an efficient militia bill." To win over legislators concerned about the state's financial crisis, the convention proposed that the taxpayers of Klan-infested counties should pay for the State Guard's remobilization. With General William Stokes and Reverend Thomas H. Pearne, a close friend of the governor, at the helm of the Committee on Resolutions, the Radicals achieved their main goals—stiffening the resolve of hesitant Radicals and redirecting attention from the franchise question toward militia enforcement and Ku Klux legislation.[23]

Having rallied their base, Tennessee's Radicals pressed to complete the extraordinary session's business. That task was made easier by the incessant activities of the Ku Klux Klan. Klan violence strengthened the Radical element in Tennessee's Republican party. Indeed, Radical hard-liners sought to use the Klan's reign of terror to counter the party's centrist

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[22] William G. Brownlow to the President and members of the Republican State Convention, August 10, 1868, in *Nashville Republican Banner*, August 13, 1868.
[23] *Nashville Republican Banner*, August 13, 1868; Samuel M. Arnell to William G. Brownlow, September 1, 1868, E. E. Patton Papers; Verton M. Queener, "A Decade of East Tennessee Republicanism, 1867-1876," *East Tennessee Historical Society's Publications* 14 (1942): 63.

strategy. Even as the legislature's Joint Military Committee was concluding an extensive investigation into Klan violence in the state, collecting more than eighty affidavits from former Union soldiers, freedmen's school teachers, and blacks, the masked nightriders launched a campaign that not only spread throughout Middle and West Tennessee but also reached into portions of East Tennessee.[24]

One of the more violent encounters occurred just before the Republican state convention convened. In the early hours of August 12, a band of six armed and masked men rode up to the Hickman County home of Lewis Powell, a black Union League member known to the Klan. Powell fled in fear for his life. Hiding in a barn a hundred yards from his house, he could not see the scene unfold as his wife confronted the men. Three of them dismounted and demanded food for themselves and their horses. Shielding her three young daughters, Powell's wife protested that they were poor and had little even for themselves. The three dismounted men stepped forward and opened fire. Hearing the gunfire, Powell rushed back to the house. The masked men fled into the night. Powell found his wife lying on the porch; two bullets had penetrated her lungs, killing her instantly. Powell's daughters relayed a warning from one of the masked marauders to their father: "No damned Union League niggers should rule the country."[25]

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[24] Perman, *Road to Redemption*, 35-36. For the Joint Military Committee's report of Ku Klux Klan outrages, including extensive sworn testimony collected by the committee, see Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 131-68; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 185-223; Tennessee General Assembly, Senate, Committee on Military Affairs, *Report of Evidence Taken Before the Military Committee in Relation to Outrages Committed by the Ku Klux Klan in Middle and West Tennessee* (Nashville: S.C. Mercer, 1868), 1-67; United States Congress, House, *Sheafe* v. *Tillman*, 41st Congress, 2nd sess., House Misc. Doc. 53, 1-321.

[25] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 137, 153; Tennessee General Assembly, Senate, Committee on Military Affairs, *Report of Evidence Taken Before the Military Committee in Relation to Outrages Committed by the Ku Klux Klan in Middle and West Tennessee*, 45-46; United States Congress, House, *Sheafe* v. *Tillman*, 302; *Knoxville Whig*, August 26, 1868.

As the fall elections approached, the Klan directed its efforts toward intimidating Republican voters. Lt. Col. Fred S. Palmer, a Freedmen's Bureau agent in Memphis, reported that "There is not . . . a doubt but that the conservative, or democratic party, intend, at the coming election, to prevent, either by chicanery, intimidation, or violence, the freedmen from voting any other than their ticket." John Wilson, a Bureau agent in Johnsonville, warned that white Southerners "are talking loudly of voting by force, and not letting the negroes vote at all."[26]

Armed with plentiful evidence of the Klan's intentions, House Radicals moved swiftly to pass the militia bill. On August 25, the Military Affairs Committee reported the bill and recommended its passage. Anti-militia bill lawmakers rallied behind Republican Martin T. Ryder of Shelby County, who submitted the committee's minority report. Ryder called attention to two laws on the statute books that gave the governor and sheriffs the necessary power to protect Tennesseans from outlawry. Moreover, Ryder argued, there was no need for the militia because President Johnson and Secretary Schofield had promised federal troops to aid the state government. Discussion then degenerated into a frivolous debate over printing copies of the majority and minority reports. William Bosson of Rutherford County, who had championed the services of federal troops throughout the session, asked a combative Radical colleague why he was so afraid of the minority report being printed. "What we want is light, all the information that we can obtain on this vital subject," said Bosson. "It is only by such means that we can have united and intelligent action." East Tennessee Radical Newton Hacker engaged Ryder in a fierce exchange, accusing him and his supporters of acting against the interests of the Republican party. Pointing to the recent murder of two Unionists at the hands of Klansmen in Franklin, Hacker

[26] United States Congress, House, *Sheafe* v. *Tillman*, 301-302.

asserted that "the signs of the times were not as black and portentious [sic] then [i.e., when the earlier laws were passed] as they are now. The laws then passed have not been found to meet the emergency." With the tension in the House chamber becoming thicker by the minute, lawmakers agreed to adjourn. The next day, Radicals pulled the plug on anti-militia opposition and moved for a vote. After a brief series of parliamentary maneuvers to table the bill, fifty-one Radicals passed it over the objection of seventeen members.[27]

While waving the "bloody shirt" had in recent years proved useful for both Northern and Southern Republicans, it was now failing to work its magic in Tennessee. Enacting a militia bill was proving much more difficult for Brownlow and his party than it had the previous year. Instead of uniting Tennessee Republicans, the issue of responding to Klan violence was exacerbating the party's factional discord.[28]

Brownlow and Radical hard-liners were confident that with Speaker Senter at the helm the Senate would pass the militia bill in short order. However, a widely published interview containing warlike statements by former Confederate general Nathan Bedford Forrest that appeared shortly after the passage of the House militia bill unnerved moderate Republicans. Speaking to a reporter for the *Cincinnati Commercial*, Forrest, a titular leader of the Ku Klux Klan, denied that he belonged to the organization. Yet he professed sympathy for it, describing it as a "protective, political, military organization" in support of the Democratic party. Forrest claimed that he had counseled peace and had pledged, along with several other former Confederate generals, to preserve order and uphold the laws of the state if the militia was not

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[27] *Nashville Republican Banner*, August 26, 27, 1868; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 145-48, 153-60; Severance, *Tennessee's Radical Army*, 17-21.
[28] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, Publishers, 1988), 487-88n, 509.

called out. Although he deemed the Radical state government illegitimate, he declared himself "willing to submit to it for a time, with the hope that the wrong might be righted peaceably" by legislation. Still, he believed that the government's oppression of the disfranchised class was growing worse by the hour. Forrest admitted that he opposed black suffrage under any circumstances, but he promised that if blacks were willing to work with and enfranchise the former Rebels, then he would accept their enfranchisement: "I have no powder to burn killing negroes. . . . I would sooner trust [the black man] than the white scalawag or carpet-bagger." When asked whether a conflict could be avoided if Brownlow called out the militia, Forrest replied, "if the militia are called out, we can not but look upon it as a declaration of war." We will respond, he vowed. "There will be war, and a bloodier one than we have ever witnessed. . . . Not a Radical will be left alive."[29]

Forrest's statements infuriated Radicals and alarmed moderate Republicans. Some moderates were persuaded that reactivating the State Guard would do more harm than good. Instead, they proposed sending a joint legislative delegation to President Johnson to urge him to send troops to Tennessee. Radical lawmakers were particularly incensed when House moderates lobbied their colleagues in the Senate to derail the militia bill. Speaking on behalf of House Radicals, Newton Hacker asserted that the movement to call on the president for federal troops "has done more than anything else to retard the passage of an efficient military bill, and is today being paraded everywhere through the rebel press as a sign that we are backing down." Moderate Republicans had shirked their duty, according to Hacker. "This Legislature," he declared, "presents a most humiliating spectacle to the world."[30]

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[29] *Nashville Daily Press and Times*, September 3, 1868; Severance, *Tennessee's Radical Army*, 88.
[30] *Nashville Republican Banner*, September 3, 1868; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 622-23; Severance, *Tennessee's Radical Army*, 184-85; Alexander, *Political*

Meanwhile, the factional struggle carried over into the Senate as Senter traded verbal jabs with moderate Republican Adrian Van Sinderen Lindsley of Davidson County. On August 31, Senter delivered an impassioned plea to Senate Republicans to pass the militia bill before dealing with a resolution to call on President Johnson for federal troops. It was unlikely, he declared, that Johnson would act to restore order in Tennessee until all "loyal men are driven from the ballot-box and rebel rule and ruin are forced upon us." After a lengthy debate on the resolution, Senter then excused himself. Late in the day's proceedings, and with few senators remaining in the chamber, Lindsley seized the opportunity to respond to the absent speaker: "It almost breaks my heart, and I feel that I could shed tears of blood, to hear . . . such a declaration as that [Senter] did not want the militia to put down Kuklux, to suppress lawlessness and preserve peace, but to surround the ballot-box with armed men." The following day Senter rose in his own defense, insisting that he was in favor of calling out the militia solely to preserve the peace and uphold the law and declaring that "such a version [of my sentiments] as that given by the gentleman from Davidson (Mr. Lindsley) is, at this time, and under these circumstances, calculated to do me injustice." This confrontation with Lindsley was neither the first nor last time that Senter would be forced to fend off a Republican challenge to his position as a party leader.[31]

Reconstruction in Tennessee, 188-89. General Forrest's statements also alarmed Conservatives seeking to build support among disillusioned Republicans. James B. Bingham, editor of the *Memphis Bulletin*, informed President Johnson that Forrest's "unwise statements . . . have caused much apprehension here, lest their influence in the Northern States may injuriously affect our friends." See James B. Bingham to Andrew Johnson, September 8, 1868, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 34.

[31] *Nashville Republican Banner*, September 1, 2, 3, 1868; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 534. In the months leading up to Senter's assumption of the governorship, several Republicans began plotting to undermine him. The Brownlows responded with an editorial defending Senter: "He deservedly enjoys the undivided confidence of the loyal people of the State. He is one of the rising young men of the State, one to whom the loyal people of the State look with pride and confidence. That Col. Senter should be denounced and traduced by men of the Republican party is, to us, a matter of profound astonishment. Such, however, is the case. The only cause for this, in our humble judgment, is mean, despicable jealousy." See *Knoxville Whig*, July 29, 1868.

Tennessee's Radicals were deeply disappointed with the legislature's lack of progress. They had left the Republican state convention convinced that they had shored up support among Republican lawmakers for both a militia and a Klan bill. The House had managed to pass the militia bill within two weeks of the convention; however, the publication of Forrest's bellicose remarks and a surge in Klan activity now threatened to derail Brownlow's agenda. Conservatives successfully lobbied battle-weary moderates to consider the United States Army as an alternative to the State Guard. This strategy stalled action on both the militia and Ku Klux bills in the Senate.[32]

After nearly seven frustrating weeks, and amid growing concern among Tennessee Republicans over the party's future, several Radical lawmakers indicated a willingness to compromise on a few key provisions, particularly the death penalty for convicted Klansmen, to win over hesitant moderates. With the impasse resolved, the Radicals pressed forward with a vote on the anti-Klan bill. It passed by fifteen to seven. The House quickly followed suit, passing the bill by forty-six to twenty-one. Officially entitled "An Act to Preserve the Public Peace," it imposed stiff penalties on Klansmen, defined as anyone who joined or aided the organization as well as anyone who willfully interfered with the electoral process.[33]

The Radicals next moved to bring the militia bill to the Senate floor. The considerable opposition in the House to the Klan bill (twenty-one negative votes) compared to the militia bill (seventeen) disturbed some Radical lawmakers, for the former bill should have been less

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[32] Severance, *Tennessee's Radical Army*, 183-85.
[33] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 186-87; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 252-55; Tennessee General Assembly, *Public Acts of Tennessee*, 35th General Assembly, extra sess. (1868), chap. 2, pp. 18-23; *Nashville Republican Banner*, September 8, 11, 1868; Severance, *Tennessee's Radical Army*, 185-86; Alexander, *Political Reconstruction in Tennessee*, 188; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 623.

objectionable to anti-Radicals than the latter. With opposition to the State Guard gaining momentum among moderates and even a few Radicals fearful of another civil war and worried about the cash-strapped treasury, Senate Radicals amended the bill to restrict the governor's power to declare martial law by requiring the consent of any affected district's circuit judge and attorney general, its senator and representatives, and ten "unconditional Union men, of good moral character." Speaker Senter pleaded with his colleagues to support the House bill and not to hamstring the governor's power to declare martial law. "It is our last hope of refuge," he proclaimed. He warned the members that if they failed to pass the bill outlaws and assassins would run roughshod throughout Tennessee. In closing, Senter acknowledged that Klan violence and the Conservative movement had intimidated Republican lawmakers: "Gentlemen may tell me that the militia will bring bloodshed. The want of it has brought bloodshed. They may tell me it will bring a reign of terror throughout the country. The want of it has brought terror throughout the State. [I] would rather be bankrupt in everything else than in government. What is your money worth when your State is turned over to assassins?"[34]

Despite Senter's call, some Radicals were not willing to risk losing additional Republican votes. The Radical amendment proved decisive as the militia bill passed fourteen to seven. For the sake of party unity, Senter supported the amended bill. The next evening, the House consented to the amended bill by a vote of forty-five to thirteen and it became law. Officially entitled "An Act to Enforce the Laws of the State," it authorized the governor to reorganize, equip, and call into service the State Guard. Six days later, Brownlow reactivated his Radical

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[34] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 186-87; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 252-55; *Nashville Republican Banner*, September 9, 10, 1868; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 623.

army. However, given the opposition among moderate and even some Radical legislators, as well as the U.S. government's promise of federal troops to sustain Tennessee's state government, the governor opted not to deploy the State Guard for now.[35]

The anti-Radical *Nashville Republican Banner* decried the "needless and tyrannical measures" enacted by Brownlow's "legislative henchmen." Klan violence was only a pretext for this noxious legislation, the editor claimed; the Radicals' real objective was to control the ballot box by intimidation and to seduce Tennessee blacks and turn them into "disciplined and armed voters." However, Conservatives predicted, the militia and anti-Klan laws would fail to deter the former Rebels from resorting to every remedy short of bloodshed to hurl Radicalism from power. With a few exceptions, Tennessee Klansmen adopted a wait-and-see approach while working closely with prominent Conservatives and Democrats to prevent the deployment of Brownlow's Radical army. As reports of Klan violence waned in the fall of 1868, Conservative and Democratic forces began developing a nonviolent electoral strategy, one that sought to create an intersectional party of the political center that could attract the discontented ranks of Tennessee's Republican party. "From this hour," proclaimed one Conservative, "the campaign will begin in dead earnest."[36]

Brownlow Radicals hailed the passage of the militia and Klan bills as key victories for the administration. However, a closer examination of the extraordinary session reveals quite the

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[35] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 198; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 258-59; Tennessee General Assembly, *Public Acts of Tennessee*, 35th General Assembly, extra sess. (1868), chap. 3, 23-25; *Nashville Republican Banner*, September 10, 11, 1868; Severance, *Tennessee's Radical Army*, 186-88; Alexander, *Political Reconstruction in Tennessee*, 188; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 623-24.

[36] *Nashville Republican Banner*, September 12, 1868; Perman, *Road to Redemption*, 9-16; Rable, *But There Was No Peace*, 95.

opposite. Although the Radicals commanded strong majorities in both houses, they failed to pass either bill easily. The session dragged on for nearly seven weeks. Besieged by a campaign of intimidation, mired in debt, and plagued by Republican factionalism, the Radicals were compelled to compromise with moderates on several issues. Two crucial concessions were limiting the governor's power to declare martial law and removing the death penalty for convicted Klansmen. An analysis of the voting reveals a troubling development for the Radicals. Although East Tennessee lawmakers were nearly unanimous in support of the Klan bill and the final militia bill, Middle and West Tennessee members voted collectively for the bills by thirty-five to twenty-one and twenty-two to twelve respectively. Despite their concessions, the Radicals struggled to attract moderate votes. Most moderates, even those who had benefited politically from the State Guard in 1867, remained fearful of sparking another civil war. The Radicals could rightly claim one major victory—they had managed, for now, to stifle further consideration of universal suffrage.[37]

The extraordinary session exposed factional differences in Tennessee's Republican party, but there was even more trouble brewing. A breach in the ranks of Memphis Radicals at the Republican state convention was a harbinger of fatal conflict within the Radical faction itself.

The rift between native-white and Northern-born Radicals in Shelby County originated in September 1867, when Radical James M. Tomeny, the United States marshal for West Tennessee, filed suit in chancery court to collect debts owed by Lucien and John Eaton, former Union soldiers from New Hampshire who had settled in Memphis following the war and founded

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[37] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, extra sess. (1868), 186-87, 198; Tennessee General Assembly, *House Journal*, 35th General Assembly, extra sess. (1868), 145-48, 153-60, 252-55, 258-59. *Nashville Republican Banner*, August 27, September 8, 11, 1868; Severance, *Tennessee's Radical Army*, 186-87.

the Radical *Memphis Post*. Tomeny, a political chameleon courting moderate Republicans, aligned with James B. Bingham, publisher of the Conservative *Memphis Bulletin*, and Samuel B. Beaumont, the Radical superintending commissioner of the Memphis Metropolitan Police, along with other enemies of the Eatons, to put the *Post* out of business. The *Post* was a very influential Radical organ. The Eatons allied with Judge Barbour Lewis, a New England-born Radical lawyer who had also settled in Memphis after the war. Lewis conspired with judges friendly to the Eatons to win a favorable judgment for the cash-strapped *Post*. With the *Post* secured from further litigation, the Eaton-Lewis coalition became a formidable opponent to potential rival Radical or Conservative organizations.[38]

As one crisis passed for the Eatons, another arose. The Eaton-Lewis organization sought victory in the 1868 Memphis mayoral contest over the Tomeny-Beaumont organization. After their first choice dropped out of the race, the Eaton-Lewis camp backed Dr. P. D. Beecher, who commanded the support of the city's blacks. Beecher's candidacy forced the Tomeny-Beaumont faction to switch candidates in favor of an independent, Colonel W. H. Fitch, Jr., an intrepid proponent of black interests who commanded respect from both factions. As the two Radical organizations battled one another, the Conservatives bided their time. With three days remaining until the election, the Conservatives nominated former congressman John William Leftwich, who went on to defeat both Radical candidates with a majority of 350 votes. General Gordon Granger, commanding officer of the U.S. troops stationed in Memphis on election day,

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[38] Walter J. Fraser, Jr., "Lucien Bonaparte Eaton: Politics and the Memphis *Post*," *West Tennessee Historical Society Papers* 20 (1966): 20-32; Walter J. Fraser, Jr., "Barbour Lewis: A Carpetbagger Reconsidered," *Tennessee Historical Quarterly* 32 (1973): 148-68; McBride, "Blacks and the Race Issue in Tennessee Politics," 267-68.

telegraphed President Johnson: "Memphis redeemed. . . . Free White Suffrage Vindicated."[39]

Licking their wounds, the Eaton-Lewis forces prepared for a showdown with the Tomeny-Beaumont organization in the November 1868 eighth congressional district race. They would face a more formidable foe in this contest because the *Memphis Bulletin* was now under the managerial and editorial control of Tomeny. When the Shelby County Radicals met in convention on July 21, H. E. Hudson, an Eaton-Lewis supporter heading the Resolutions Committee, instructed the delegates to the eighth congressional district Radical convention at Brownsville to cast their votes for General William Jay Smith. The Tomeny-Beaumont camp immediately bolted from the convention and agreed, on the following evening, to support the incumbent, David A. Nunn. The Democratic *Memphis Appeal* bellowed, "Hurrah for the great fraternal Radical party! Our time will soon come now, for when thieves fall out, honest men get their due." At the eighth district Radical convention, the division among Memphis Radicals spread to the county delegations. General Smith garnered the support of delegates from Hardeman and Tipton counties while those from Haywood, Madison, McNairy, and Fayette counties aligned with Nunn. Memphis Mayor John Leftwich, the Conservative candidate for the eighth congressional district, confidently reported to President Johnson that the Conservatives could carry the district and possibly the state "if allowed a fair show even under the present odious [franchise] laws." As a consequence of the breach in the Radicals ranks, he said, several Radicals had pledged their support to the Conservatives and it appeared some blacks intended to

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[39] Fraser, "Lucien Bonaparte Eaton," 25-31; McBride, "Blacks and the Race Issue in Tennessee Politics," 267-68; General Gordon Granger to Andrew Johnson, January 2, 1868, Andrew Johnson Papers, Library of Congress. The next day, President Johnson tendered his thanks for the "good news" to General Granger, proclaiming, "The day is not distant when Tennessee will be redeemed." See Andrew Johnson to General Gordon Granger, January 3, 1868, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 13: 435.

do likewise. Leftwich gleefully proclaimed, "the radicals themselves have split into atoms."[40]

The Eaton-Lewis and Tomeny-Beaumont camps began a vigorous campaign for the eighth district seat that aggravated the enmity between the two. The disease of division began to spread throughout West Tennessee in the weeks leading up to the August Radical state convention in Nashville. Despite the Radicals' best efforts to preserve harmony, the Memphis Republican intraparty struggle spilled over into the convention's proceedings. General Stokes pleaded, "Let these rival factions settle their difficulties in Shelby County." Party leaders then assumed control over the proceedings and adjourned the convention. The rift in the Shelby County Radical ranks permitted the Conservative Leftwich to win on election day. But Governor Brownlow exercised executive power to cast out enough votes in two anti-Radical counties to give the victory to Smith and the Eaton-Lewis camp.[41]

Shelby County was not the only place where Radical factions fought one another. Davidson and several other counties had also sent two rival delegations to represent their congressional district at the state convention. In each case the delegations contested the claims of the other, delaying the convention's business. The appearance of a number of rival Republican delegations throughout Tennessee with the potential of obstructing the state convention was an ominous development for the party.[42]

Discontent among Tennessee's black voting population also portended trouble for the Radicals. More than sixty years ago, historian Thomas Alexander concluded that the "freedman

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[40] *Memphis Daily Appeal*, July 23, 1868; John W. Leftwich to Andrew Johnson, July 27, 1868, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 14: 434-35; Barbour Lewis to John Eaton, Jr., July 25, August 3, 1868, Eaton Papers; Fraser, "Lucien Bonaparte Eaton," 34-37.
[41] *Nashville Republican Banner*, August 13, 14, 15, 1868; Alexander, *Political Reconstruction in Tennessee*, 210-12; Fraser, "Lucien Bonaparte Eaton," 36-43; Coulter, *William G. Brownlow*, 366-67.
[42] *Nashville Republican Banner*, August 13, 14, 1868; McBride, "Blacks and the Race Issue in Tennessee Politics," 272.

was remarkably tractable in Tennessee" and that he "was never an acceptable partner to the Radicals in politics." This so-called Dunning school interpretation, which Alexander adopted, prevailed until the first waves of revisionism swept over Tennessee's Civil War-era historiography in the mid-1970s. Recent scholarship has demonstrated that blacks not only played an active role in breaking the bonds of slavery but also sought full equality before the law and participated actively in politics in the postwar years. Their votes, in addition to the disfranchisement of former Confederates in some states, provided Southern Republicans with electoral security. Yet their political participation also presented Southern Republicans with difficulties, as blacks contested with whites for control of the party. The result in Tennessee, as elsewhere in the South, was a Republican party torn by factionalism that consequently struggled to marshal its full strength to combat its political opponents.[43]

Tennessee's freedmen faced numerous obstacles in their path to independence, poverty and white racism among them. In the spring of 1865, when Tennessee's Unconditional Unionists restored civil government, black political activity was poorly coordinated and the freedmen were shut out of the constitutional convention. In August 1865, black leaders,

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[43] Alexander, *Political Reconstruction in Tennessee*, 240-41; Perman, *Road to Redemption*, 22-56; Michael W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South* (Chicago: Ivan R. Dee, 2007), 119-21. For a brief survey of the Dunning school and revisionist Reconstruction historiography, see Foner, *Reconstruction*, xix-xxvii. For influential revisionist studies documenting black agency during Tennessee's Civil War, see John Cimprich, *Slavery's End in Tennessee, 1861-1865* (Tuscaloosa: University of Alabama Press, 1985); Hart, *Redeemers, Bourbons, and Populists*; McBride, "Blacks and the Race Issue in Tennessee Politics"; Severance, *Tennessee's Radical Army*. A notable early-twentieth-century challenge to the Dunning school is Alrutheus Ambush Taylor's 1941 study of post-Civil War Tennessee. Though largely ignored by the historical profession in the first half of the twentieth century, Taylor and a small fraternity of black historians produced several key Reconstruction studies emphasizing the political, social, and economic contributions of blacks in the post-Civil War era. See Taylor, *Negro in Tennessee*. In a private letter to General John Eaton, Jr., Barbour Lewis, who played an instrumental role in attracting Memphis blacks to the Eaton-Lewis camp, revealed the struggle between whites and blacks in the Republican ranks: "Our colored people ought to be willing to wait a while until they are competent, but they are not. It requires real work to lead them right." See Barbour Lewis to John Eaton, Jr., February 5, 1868, Eaton Papers.

primarily ministers and urban professionals, published a call for a "colored convention." The convention's delegates were predominantly blacks from the state's four major cities: Memphis, Nashville, Knoxville, and Chattanooga. A majority pressed for immediate access to the ballot box; however, a vocal minority argued that blacks should educate and otherwise improve themselves before demanding suffrage. In the end, the convention adopted a resolution in favor of pressing the Radical-controlled state government to adopt black suffrage. In the face of growing Conservative opposition, the disillusionment of some Radicals over Brownlow's proscriptive measures, and the appearance of violent white clandestine organizations in the South, a more aggressive black leadership emerged in the summer and fall of 1866 that demanded full equality. In February 1867, Governor Brownlow pushed his party to adopt black enfranchisement, although more as a practical political maneuver than as a response to the freedmen's demands. Once Tennessee blacks secured the right to vote, thus gaining real political influence, they immediately called on the Radical legislature to lift restrictions on jury service and office-holding. As the Radicals grudgingly responded to the freedmen's demands, some native white Unionists abandoned Tennessee's Republican party. The alliance of Tennessee white Radicals and blacks, while never fully harmonious, endured because the two needed one another to accomplish their goals.[44]

The high tide of black political power during Tennessee's Reconstruction spanned a period of approximately seventeen months between February 1867 and July 1868. During this period the Conservatives made a bid for the black vote. But by the fall of 1868, Conservatives,

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[44] McBride, "Blacks and the Race Issue in Tennessee Politics," 56-64, 184-227; Alexander, *Political Reconstruction in Tennessee*, 123-24, 129-31; Taylor, *Negro in Tennessee*, 45-47. John W. Leftwich to Andrew Johnson, July 27, 1868, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 14: 434-35.

aligned with Democrats, reversed course and called for the establishment of a party based on white supremacy. Meanwhile, the freedmen launched a concerted campaign to win local, county, and state offices and sought a leading role in the Republican conventions. Some Republican leaders, however, expressed concern that the party was too closely identified with blacks, arguing that the exercise of black political rights while a majority of whites were disfranchised was the cause of the decline in Republican ranks. Some moderate Republicans defected to the Conservatives; others abstained from voting on legislation demanded by blacks. Many Republicans simply took the freedmen's votes for granted and appealed only for white votes.[45]

Increasingly, black leaders spoke out publicly against the Radical leadership. In late July 1868, Randall Brown, a prominent Nashville black recently elected to the Davidson County court, addressed an assembly of freedmen in the courthouse. "You all, gentlemen, voted for Brownlow. What has he done for you? He may be a clever man; I hope he is; but what has he done for us? He has been governor a long time. He has appointed about one hundred and twenty men to office, and has never put a colored man in office." Brown held office by virtue of local election; if it were left up to Brownlow, he claimed, he would not be in this position. He told the crowd that he owed his own election to the Northern Radicals who had come south and relieved blacks from bondage. "I tell you, gentlemen," said Brown, "it is in the blood of a Southern man not to mix with the Negro; he won't do it." Some discontented blacks went so far as to sign petitions to the legislature demanding universal suffrage. When Radical Lynville M. Mynatt of Knox County denounced those who signed such petitions as Rebels, W. B. Offutt, a Tullahoma

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[45] McBride, "Blacks and the Race Issue in Tennessee Politics," 228-88; Alexander, *Political Reconstruction in Tennessee*, 204-205; Taylor, *Negro in Tennessee*, 47-60.

barber, responded in the *Nashville Republican Banner*: "I am a colored man, have always voted with the radical party. . . . You stigmatize the signers of that petition as rebels and traitors whose hands are red with loyal blood. For one, I say you have stated what is false, for I know of many prominent radicals here both white and colored whose names are appended thereto and who cordially indorse [sic] the spirit and sentiment of the petition." The resentment among many blacks caused some Conservatives to think they still had a chance to win the black vote. "They are properly estimating radical influence," John Leftwich informed President Johnson, "and are determined to be influenced by them no longer." Despite their frustration with Brownlow and the legislature, however, Tennessee blacks clung to the Republican party. Able neither to leave the party nor control it, Tennessee black Republicans became, in effect, second-class partners.[46]

Given Brownlow's control of voter registration and the dispersal of twenty companies of federal troops throughout Middle and West Tennessee to oversee the balloting, few doubted Republican success in the 1868 presidential and congressional contests. On election day there were no reports of any serious trouble at the polls. Ulysses S. Grant carried the state over Horatio Seymour by a better than two-to-one margin. However, a close examination of the election returns reveals the extent to which Republican factionalism, Klan violence, and a general movement in favor of universal suffrage had eroded Tennessee's Radical party. Grant received 17,406 fewer votes in November 1868 than had Brownlow in August 1867. Even though the Conservatives endured a crushing defeat in the Tennessee presidential contest, Seymour got four thousand more votes than had Emerson Etheridge, Brownlow's Conservative

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[46] *Nashville Republican Banner*, August 1, 1868; John W. Leftwich to Andrew Johnson, September 9, 1868, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 37-38; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 658; Taylor, *Negro in Tennessee*, 59-60.

gubernatorial challenger in August 1867.[47]

For Tennessee Republicans the election results were unmistakable and alarming. The party suffered a dramatic decline in voter turnout in Middle and West Tennessee counties terrorized by the Klan (see Table 1). Fear of Klan violence undoubtedly kept thousands of black voters away from the polls. Whereas Brownlow had dispersed the State Guard over more than half of Middle and West Tennessee during the 1867 election, federal soldiers under the command of General George H. Thomas mostly remained in their garrisons on election day. Abiding by President Johnson's strict order not to interfere with, but merely to sustain, Tennessee's civil authorities, U.S. forces made no effort in the weeks preceding the election to enforce the anti-Klan law. Consequently, in 1868 Republican ballots declined by nearly 12,500 in the counties that had been policed by the State Guard in 1867. The Conservative gains were mainly a product of Republican intraparty strife. Discontented Republicans defected to the Conservative ranks because they did not want to be associated with black and Radical Northern interests. Powerful external forces bent on crushing Radicalism combined with internal party strife may have raised hopes of victory among Conservatives and some enfranchised Democrats, contributing to increased voter turnout. Though the Republican party still controlled Tennessee, the election of 1868 proved a heavy blow to Radicalism as its control was less secure than a year earlier.[48]

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[47] Charles A. Miller, *The Official and Political Manual of the State of Tennessee* 1890, Reprint (Spartanburg, S.C.: Reprint Co, 1974), 167, 170; Anne H. Hopkins and William Lyons, *Tennessee Votes: 1799-1976* (Knoxville: Bureau of Public Administration, University of Tennessee, 1978), 48-49; Alexander, *Political Reconstruction in Tennessee*, 141-62, 193-94.

[48] *Alexander, Political Reconstruction in Tennessee*, 193-94; Severance, *Tennessee's Radical Army*, 188-90; McBride, "Blacks and the Race Issue in Tennessee Politics," 282-87. William Stilwell of Humboldt, writing to General John Eaton, Jr. on the eve of the election, lamented President Johnson's instructions circumscribing the United States army's role in suppressing Klan violence: "Can Gen. Thomas do nothing in this crisis? . . . [W]e ought to have Militia. The rebels are afraid of Militia." See William H. Stilwell

Table 1. Black Voting Population and 1867 Tennessee Gubernatorial & 1868 President Electoral Results

	Approximate Black Voting Population*	Vote for Brownlow 1867	Vote for Grant 1868
Middle Tennessee Counties			
Davidson	5817	5454	4519
Giles	2300	1880	561
Maury	2405	2817	1910
Robertson	604	348	212
Rutherford	2922	2939	957
Sumner	1033	891	465
Williamson	1757	1704	561
Wilson	1281	1249	850
Totals	**18119**	**17282**	**10035**
West Tennessee Counties			
Dyer	629	316	118
Fayette	3362	1444	821
Haywood	2597	1655	1382
Lauderdale	709	296	67
Madison	1782	343	289
Obion	304	272	85
Totals	**9383**	**4326**	**2762**

* Note: In accordance with the provisions of a March 2, 1870 law, Secretary of State Thomas H. Butler reported on October 7, 1871 the numbers of Tennessee male inhabitants twenty-one years of age or older. See Tennessee General Assembly, *House Journal*, 37th General Assembly, 1st sess., Appendix (1871), 41-43; Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chap. 107, 125-26; Hopkins and Lyons, *Tennessee Votes*, 48-49.

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to John Eaton, Jr., October 16, 1868, Eaton Papers. President Johnson's orders, as communicated by General Grant, admonished Thomas "to stay politically neutral," that "the Army can't decide which election procedure is legal. All you can do is preserve the peace." See James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 229-30.

Despite Conservative gains and Radical losses, most disfranchised Tennesseans saw their prospects for enfranchisement as dim. As a new year dawned, former Confederates prayed for their redemption from an oppressive Radical state government. "The New Year opens on us with sadness," Hiram Fain of Rogersville recorded in his diary. "Our prospects are gloomy, indeed. Our republic destroyed, and the little left to the Southern people, will soon be swallowed up, by robbers . . . in this the day of our trouble." Fain asked for God's redeeming power to bring the disfranchised comfort and salvation: "[S]ave us from our enemies."[49]

Barred from the electoral process and with no liberation from their political shackles in sight, Tennessee ex-Rebels watched in astonishment as several prominent Republican leaders suddenly took up the universal suffrage banner in early 1869. In Congress, Radical Tennessee senator Joseph S. Fowler launched the first salvo against disfranchisement as congressional Republicans framed the Fifteenth Amendment (which would enfranchise black men throughout the nation). Fowler warned his colleagues that the overwhelming majority of whites perceived the Republican party as an engine of class legislation. "If a proposition is made in favor of suffrage in the Constitution . . . , it should be made in the name of humanity, not of a race," proclaimed Fowler. "Let it embrace all, not a part. Let it protect the white man as well as the colored."[50]

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[49] Hiram Fain Diary, January 1, 1869, John N. Fain Collection, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville; Daniel W. Stowell, *Rebuilding Zion: The Religious Reconstruction of the South, 1863-1877* (New York: Oxford University Press, 1998); Daniel W. Stowell, "Why 'Redemption'?: Religion and the End of Reconstruction, 1869-1877," in Edward J. Blum and W. Scott Poole, eds., *New Essays on Religion and Reconstruction* (Macon, Georgia: Mercer University Press, 2005), 133-46.

[50] *Congressional Globe*, 40th Cong., 3rd sess., Appendix, 197-98; Alexander, *Political Reconstruction in Tennessee*, 175, 202, 223-24. Following the 1867 gubernatorial election, Fowler wrote Brownlow to congratulate him on his reelection and offered his opinion on the disfranchisement of the former Confederates: "[W]e have done better without rebel votes than with them. I think some years will elapse before the genuine rebel will be fit to vote. My impression is it will be in the second generation." See

Perhaps the two most significant Republicans in Tennessee to go on record in favor of universal suffrage were Speaker of the House F. S. Richards and Secretary of State Andrew J. Fletcher. On January 9, Richards gave a long speech in the House in which he acknowledged Republican factionalism: "We are suffering greatly at this moment from local dissensions, from social discord, from party rancor, and from widespread distrust among our citizens. It is high time that all these fearful evils should be removed. It is evident to my mind that there is only one safe road out of our troubles." Richards introduced a bill calling for a state constitutional convention to establish universal suffrage. A motion to table Richard's bill carried thirty-seven to twenty. On the same day, Fletcher addressed a letter to the editor of the *Nashville Daily Press and Times* in which he stated that he had always favored "disfranchising Rebels only long enough to cool them off"; he regretted that disfranchisement had become "sweeping and perpetual" and "excessively severe." Convinced that the former Confederates had suffered long enough, Fletcher argued that ceaseless proscriptive measures offered them no incentive to become loyal, law-abiding citizens. "This excessively severe policy of our party is about to produce its natural consequences. It is about to explode for the want of calibre. . . . [W]e are growing weaker daily, and many of our best men have become disgusted and declared openly for universal suffrage at once." In Washington, President Johnson received a newspaper clipping of Fletcher's letter enclosed in a note addressed to him by his close friend R. Weakley Brown, a prominent Nashville Conservative lawyer and businessman. "I think the split in the Republican party in this state will continue to widen," reported Brown, "and I hope ere long a truly conservative restoration policy will be adopted and we shall once more have peace and good will

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Joseph S. Fowler to William G. Brownlow, August 30, 1867, William G. Brownlow Papers, Special Collections, University of Tennessee, Knoxville.

in Tennessee."[51]

Governor Brownlow was blindsided by Richards and Fletcher. He and his son, John Bell Brownlow, responded to the defection of the two high-profile Radicals in the editorial columns of their newspaper, the *Knoxville Whig*. The Brownlows were especially angry at Fletcher, whose break with the administration was a great embarrassment for the governor. Publicly, the Brownlows offered two explanations for this rift. First, Fletcher had sought the party's gubernatorial nomination in 1867 because he, like many other Radicals, suspected that Brownlow would relinquish the post on account of poor health. However, when Brownlow announced his intention to run for reelection Fletcher bowed out of the race. With his aspirations for the state's highest office thwarted, Fletcher, like other politically frustrated and disillusioned Radicals, bolted from the Brownlow camp. A second cause of the breach, claimed the Brownlows, was a quarrel over patronage. Fletcher's wife wanted Brownlow to appoint her brother attorney general for the Columbia district in Middle Tennessee. Fletcher commissioned his brother-in-law; however, Brownlow revoked the commission on learning that the appointee had reportedly been an infamous Confederate bushwhacker. In closing, the Brownlows accused Fletcher "of infidelity to party obligations, of gross faithlessness to friends . . . of reckless

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[51] *Nashville Daily Press and Times*, January 11, 1869; *Knoxville Whig*, January 20, 1869; R. Weakley Brown to Andrew Johnson, January 12, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 373-74; *Bolivar Bulletin*, January 23, 1869; Alexander, *Political Reconstruction in Tennessee*, 202. Following his inauguration, Governor Senter appealed to President Ulysses S. Grant to appoint F. S. Richards United States consulate to Leeds, England, praising Richards as a party leader working to achieve peace by advocating universal suffrage: "He took an active part from the beginning in securing the adoption of laws to establish the civil and political equality of all men. Although representing a constituency strongly hostile to liberal Republican measures, he firmly and fearlessly labored without ceasing, to open the Courts and the ballot-box to every citizen without respect to race or complexion." See DeWitt C. Senter to Ulysses S. Grant, March 6, 1869, in John Y. Simon and John F. Marszalek, eds., *The Papers of Ulysses S. Grant* (32 vols., Carbondale: Southern Illinois University Press, 1967-2012), 19: 345-46; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 766.

disregard of truth, and of a false, sickly, sentimental sympathy for rebels."[52]

If the defection of some prominent Republicans to the universal suffrage movement was not enough, the Radicals also had to contend with a resurgence of the Ku Klux Klan. When President Johnson withdrew U.S. forces from Middle and West Tennessee after the 1868 election, the Klan reemerged and struck with a vengeance. The *Nashville Daily Press and Times* reported that the "Kuklux seem to be resurrecting from their ghostly slumbers." Anti-Radical newspapers initially dismissed reports of increased Klan violence against black and white Radicals in Middle and West Tennessee, but by the first week of January they could no longer ignore them. The *Daily Press and Times* printed reports of Klan attacks almost daily throughout January. One such report carried the headline "Civil War Imminent." From Livingston, in Overton County, a terrified young girl wrote to her father, who was away on business, that "There are plenty of Kuklux in town, walking the streets, with guns on their shoulders.[53]

Brownlow implored legislators to give him a free hand to strike back at the Klan. Radical lawmakers in both houses of the General Assembly responded by pushing through an amendment to the militia act repealing restrictions on the governor's power to declare martial law. A few anti-Radical legislators attempted to defeat the amendment and redirect attention toward the issue of enfranchisement; however, the Klan's shocking abduction of detective Seymour Barmore worked against them. Legislators previously opposed to both the militia and

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[52] *Knoxville Whig*, January 20, 1869; Coulter, *William G. Brownlow*, 371-72. On the margin of pages 2 and 3 of the *Knoxville Whig* of January 20, 1869 (Library of Congress), is written in the handwriting of John Bell Brownlow: "On his death-bed Fletcher expressed his deep regret that he had quarreled with Gov. Brownlow saying he was at fault." Brownlow also wrote on the editorial page that "the franchise law was not made perpetual as Fletcher says."

[53] *Nashville Daily Press and Times*, January 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 1869; *Nashville Union and American*, January 17, 19, 1869; Severance, *Tennessee's Radical Army*, 193-95.

anti-Klan laws lined up in support of the amendment. In the Senate, William A. Garner, who represented the Klan-infested counties of Giles, Lawrence, and Wayne along the Tennessee-Alabama border, declared that it was "high time that something was done to stop the outrages." John Aldridge disagreed with the provision to tax loyal Unionists for the militia but understood that "the way to put down the Kuklux was to come right out and fight them." William Wisener countered the argument for federal troops by pointing out that they "could not swing up these assassins unless martial law was declared, for so long as civil law prevailed criminals and offenders must be tried by courts." On January 14, the Senate passed the amendment seventeen to four. Two days later, the House brought the amendment to the floor for a vote without discussion and passed it fifty-five to nine.[54]

Anticipating that Brownlow would soon unleash his "dogs of war," the anti-Radical press spoke out loudly. "The calling out of this militia will break the peace," claimed the editor of the *Memphis Daily Appeal*, "lead to a general disquiet and fear, loosen the bonds of society, injure the financial and industrial prospects of the State, prevent immigration and retard the general progress of Tennessee." Some suggested that the Radicals were manipulating the Barmore incident for political gain. The editor of the *Knoxville Daily Press and Herald*, a thorn in the Brownlows' side, published a fictitious conversation between "Ally Gator," the paper's Nashville correspondent, and John Brownlow, in which the latter gloated that "it takes a few Ku Klux outrages now and then to keep the loyal sentiment up to the mark and repress the

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[54] *Nashville Daily Press and Times*, January 15, 18, 1869; Tennessee General Assembly, *Senate Journal*, 35th General Assembly, adjourned sess. (1868-69), 101, 105, 135, 164; Tennessee General Assembly, *House Journal*, 35th General Assembly, adjourned sess. (1868-69), 168, 177, 222, 236-41, 246; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 8-9, 326-27.

revolutionary ideas of enfranchising rebels."[55]

Governor Brownlow wasted no time before issuing a call for enlistment in the State Guard. In less than a month, he had nineteen companies with a total of nearly sixteen hundred white soldiers. To alleviate anti-Radical fears of race war no black soldiers would be mustered to combat the Klan. When Barmore's body washed up on the banks of the Duck River, Brownlow immediately dispatched his forces to nine Middle and West Tennessee counties. As Senter came into office, the Radical State Guard seemed poised for a climactic confrontation with the Rebel Ku Klux Klan.[56]

At this critical time, with Tennessee's Republican party plagued by factionalism, reactionary violence, financial debt, and scandals, Senter had to decide whether to continue, modify, or abolish Brownlow's Radical policies. Taking note of the enormous responsibilities placed on Senter, the editor of the *Knoxville Press and Messenger* wrote that "it would be an easy enough thing, it is true, to mount the car of State as it now goes thundering down the inclined plane and ride with it to a speedy ruin already in sight. But to signal on the brakes, to moderate the speed and reverse the engine without a crash—this will require a steady brain and an iron nerve." How that train would fare with Senter at the controls was the question on the minds of Tennesseans of every political stripe as he took the oath of office in February 1869.[57]

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[55] *Nashville Republican Banner*, January 17, 1869; *Memphis Daily Appeal*, January 17, 1869; *Knoxville Daily Press and Herald* as quoted in *Nashville Union and American*, January 23, 1869; *Knoxville Daily Press and Herald*, January 17, 1869.
[56] Severance, *Tennessee's Radical Army*, 193-208.
[57] *Knoxville Press and Messenger*, February 24, 1869; J. A. Sharp, "The Downfall of the Radicals in Tennessee," *East Tennessee Historical Society Publications* 5 (1933): 107.

CHAPTER TWO

WALKING A TIGHTROPE: FEBRUARY-APRIL 1869

On February 25, 1869, Tennesseans prepared to install a new governor in office. Shortly before noon, guests attending the inaugural ceremonies poured into the hall of the House of Representatives. Women packed the galleries; businessmen and farmers crowded the floor. The enthusiasm of the guests was palpable. The setting itself stood in stark contrast to Brownlow's inaugurations, which had been closed to all but white Radicals—even the Senate was barred in 1865. The Conservative press observed that the Republicans had attempted to exclude blacks from the inauguration: "They have no desire for a mingling of the races." However, several black Nashvillians insisted on asserting their equality by placing bets that they could gain admittance to the inaugural ceremonies, including the evening ball. Not since Isham G. Harris's pre-Civil War inaugural ceremonies had so many people from both political parties turned out to witness the swearing-in of a new governor. The press reported the presence of a number of prominent Conservatives and Democrats inside the capitol. Among the Democrats were former Confederate general John C. Brown and Colonel J. J. Turner, as well as former Mississippi governor and Confederate congressman Henry S. Foote. Influential Conservatives included former Tennessee governor Neill S. Brown, New South prophet Arthur S. Colyar, and W. Matt Brown, who had been ousted as mayor of Nashville in October 1867 by Governor Brownlow. The editor of the Conservative *Nashville Union and American* took note: "The occasion was altogether complimentary to the new governor, in as much as there were present so many of those who differ with him politically. . . . Ruled as we have been with an iron rod, and relieved

of a despot . . . it is perfectly natural for the sovereign people to show signs of rejoicing at a change, even if it is not known what that change may bring forth." Most Tennesseans anticipated change—few expected Senter to march in lockstep with Brownlow.[1]

Precisely at noon, the 45th Infantry's band struck up "Hail to the Chief" as a committee of three representatives appointed by House speaker Richards accompanied Senter to the speaker's stand. After briefly addressing the joint session of the legislature, Richards called Supreme Court judge James O. Shackelford to the stand to administer the oath of office. Following the oath, Governor Senter delivered his much anticipated inaugural address. He began by paying homage to his native state, which he promised to restore to its pre-Civil War prosperity. He pledged to exercise fiscal responsibility, to reform the common school system, and to preserve peace and security by strict enforcement of Tennessee's laws. In closing, he requested the "cheerful co-operation of all good citizens of all classes, sects and parties." For those who wanted Senter to explain the specific policies that he would pursue in his administration, the governor's carefully worded and guarded inaugural address proved frustrating. "While not so brief or so laconic in style as the latter speeches of President Grant, it is possessed none the less of the same non-committal quality," observed the editor of the *Nashville Republican Banner*. "As to what policy is indicated, depends upon what way its language may be construed." Given the state's volatile political environment, Senter chose to proceed cautiously. Nevertheless, difficult decisions awaited him. Sooner or later he would

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[1] *Nashville Union and American*, February 25, 26, 1869; *Memphis Daily Appeal*, October 11, 1867; Benjamin Severance, "Reconstruction Power Play: The 1867 Mayoral Election in Nashville, Tennessee," in Kent T. Dollar, Larry H. Whiteaker, and W. Calvin Dickinson, eds., *Sister States, Enemy States: The Civil War in Kentucky and Tennessee* (Lexington: University of Kentucky Press, 2009), 320-37; Clyde L. Ball, "The Public Career of Colonel A. S. Colyar, 1870-1877," *Tennessee Historical Quarterly* 12 (1953): 23-47, 106-28, 213-38; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 400-407, 589-91; Coulter, *William G. Brownlow*, 341; Severance, *Tennessee's Radical Army*, 132.

have to act decisively on divisive issues that would test his political courage and mental fortitude.[2]

As Senter entered on his duties as governor, no issue loomed larger than martial law in Middle and West Tennessee. Remarkably, his inaugural address did not discuss the recent deployment of the State Guard. Two days earlier, General Joseph A. Cooper, commander of the Guard, had ordered Lieutenant Colonel Larken B. Gamble to establish a military district encompassing Giles, Lawrence, Marshall, and Maury counties in Middle Tennessee. With five companies (approximately 450 men) under his command, Gamble dispersed units throughout the region and instructed his subordinates to suspend civil law and arrest any suspected Klansmen. Those purported to be included on a list of Klansmen distributed among State Guard officers fled south across the state line into Alabama or went into hiding. Although the Guard managed to do no more than capture a few rural bandits, its activities generated sensational rumors that panicked many Middle Tennesseans. Anti-Radical newspapers printed elaborate accounts of State Guardsmen robbing local residents of coffee, cotton, and money, and carrying out mass arrests of Pulaski citizens who were then tried by drumhead court. Alarmed Maury resident Nimrod Porter deemed it "a terrible state of affairs."[3]

Martial law and the deployment of State Guard were the main topics of discussion on city streets, in businesses and workshops, and on farms. Even as the first State Guard units began moving out of their barracks in Nashville, citizens began holding "Law and Order" conventions

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[2] White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 3-5; *Nashville Republican Banner*, February 26, 1869; *Nashville Union and American*, February 26, 1869.
[3] Porter Journal, February 28, 1869; *Nashville Union and American*, February 25, 26, 27, 1869; *Nashville Republican Banner*, February 28, 1869; Severance, *Tennessee's Radical Army*, 208, 243-45. Martial rule disrupted numerous aspect of daily life, including marriage. With the county clerk's office closed, three Giles County couples were compelled to go to Alabama to obtain a license and be married. *Nashville Republican Banner*, February 28, 1869.

in meetinghouses and courtrooms in county seats throughout Middle and West Tennessee. These conventions were the outgrowth of smaller assemblies of concerned citizens who had begun meeting in their towns in mid-January following a resurgence of Klan violence and Governor Brownlow's call for militia volunteers. The Law and Order movement quickly spread beyond the counties under martial law. The conventions drew up resolutions and appointed delegations to make personal appeals to Governor Senter and General Cooper. While resolutions varied from county to county, each convention condemned the recent outbreak of violence, proclaimed that law and order had been restored, denounced secret organizations such as the Ku Klux Klan and the Union Leagues, promised all necessary assistance to civil authorities in the enforcement of the law, pledged to support all state laws including the franchise, and urged that martial law be rescinded and the militia disbanded. Chronicling the surging popular movement, the *Memphis Daily Appeal* reported that "the people throughout the State are doing what they can to show to the powers that be their willingness to avert what is so much dreaded—martial law and the militia."[4]

Senter spent his first few days in office meeting with one county delegation after another. Prior to his inauguration, many of the same delegates had visited with Senter and their lawmakers in the governor-elect's room over William T. Berry's bookstore in Nashville for discussions that often dragged on into the late hours. Then, Speaker Senter had demanded action, not simply words. Now, Governor Senter assured the petitioners that their resolutions would be carefully considered. Whereas Senter treated the delegations with great respect, General Cooper, a zealous East Tennessee Radical, was hostile and skeptical about the ex-

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[4] *Memphis Daily Appeal*, January 28, 1869; *Nashville Daily Press and Times*, January 22, 26, February 17, 21, 1869; *Bolivar Bulletin*, January 23, 1869; *Nashville Union and American*, February 14, 24, 1869; *Nashville Republican Banner*, February 4, 23, 24, 1869.

Rebels' expressions of goodwill. When Representative Robertson Medlin of Madison County attempted to ease the tension during a meeting between Cooper and a delegation from his county by stating that he thought the local authorities and citizens could preserve the peace, the general launched into a tirade: "It is remarkably strange that you gentlemen have so recently discovered your ability to enforce the laws; strange that your civil officers are now so effective." While the Radical general made preparations for additional deployments, Senter proved sympathetic, promising the county delegations that he would rescind martial law and disband the militia if the citizens actively demonstrated their commitment to upholding the law and preserving order.[5]

On February 27, Governor Senter met with a delegation of Giles County officials that included the sheriff, clerk, judge, and attorney general. Sheriff David Parsons informed Senter that he commanded the support of all Giles County citizens and reiterated an earlier pledge to arrest and punish Rebel vigilantes. In response, Senter agreed to modify General Cooper's martial edict. Following the meeting, he ordered Cooper to restore civil law by reopening all courts in the counties under martial law and to have his officers to provide all necessary aid to local law enforcement. The governor's modification of martial law was well received by most ex-Rebels. However, some insisted that he go further, demanding that he not only rescind martial law and recall the State Guard but also repudiate Radicalism and purge his administration of every last vestige of Brownlowism. Lawyer and former Confederate congressman Joseph Brown Heiskell of Memphis pressed Senter to remove Cooper from command: "I am astonished that a man raised in the Old Whig school of political principles and with such views as I believe

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[5] *Nashville Daily Press and Times*, January 26, 1869; *Nashville Union and American*, January 31, 1869; John Houston Bills Diary, January 25, 1869, John Houston Bills Diaries, Tennessee State Library and Archives, Nashville; William T. Berry & Company Bookstore sketch, Catherine Berry (Pilcher) Avery Papers, Tennessee State Library and Archives, Nashville; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 614.

you to entertain of constitutional law, did not displace him at once, and cause proceedings to be instituted against him in the criminal courts." But with the exception of a few outspoken ex-Rebels like Heiskell, Conservatives and Democrats greeted Senter's relaxation of martial law with enthusiasm, if somewhat reserved enthusiasm. Senter had demonstrated that he was his own man; but it was not yet clear how far the new governor intended to step outside of Brownlow's shadow at the risk of alienating Radical hard-liners.[6]

Numerous factors prompted Senter's modification of martial law. As a Republican leader in the General Assembly, he had compromised his moderate principles time and time again to tow the party line; yet with an eye toward the 1869 election and winning the governorship in his own right in the face of a potential Radical challenge for the nomination, he now sought to win over the "respectable" white vote. Therefore, Governor Senter welcomed the Conservative delegations that called on him in Nashville and accepted their pledges that the county authorities would effectively deal with Klan violence. In the General Assembly, moderate Republicans testified to a marked improvement in conditions in the counties under martial law. A joint resolution passed in the House authorizing the governor to disband the militia failed in the Senate by only three votes. Radical Joshua Bunyan Frierson of Klan-infested Maury County vehemently opposed the measure, insisting that "if the militia were disbanded these men who have been holding peace meetings, etc., will chuckle in their sleeves, and the Kuklux will rise up again and prowl around the country night by night." Although the resolution narrowly failed, the vote revealed that opposition to the State Guard was gaining strength among

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[6] Joseph Brown Heiskell to DeWitt C. Senter, March 5, 1869, David H. Parsons to DeWitt C. Senter, February 25, 1869, Giles County petition to DeWitt C. Senter, February 25, 1869, DeWitt Clinton Senter Papers, Papers of the Governor, Tennessee State Library and Archives; *Nashville Republican Banner*, February 28, 1869; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 354-55.

legislators. The governor was also inundated with petitions signed by thousands of Middle and West Tennesseans protesting martial law and militia occupation. One from Wilson, a county not under martial law, stretched out to thirty-three feet in length when unfurled in Senter's office. Nearly every high-ranking civil official from the martial-law counties visited the capitol to reassure Senter that they had the support of their communities to suppress the Klan.[7]

Moreover, Governor Senter received numerous reports from people he trusted claiming that conditions in Middle and West Tennessee were not as bad as originally stated and thus did not warrant martial law. The Klan violence that had swept through Middle and West Tennessee in January and early February subsided following the discovery of detective Barmore's remains. This was due in part to growing Conservative opposition to the Klan. It was becoming increasingly clear to Conservatives that Klan leaders were losing organizational control. Some Conservative spokesmen alleged that unruly poor whites were infiltrating local dens, perverting it from its original purposes and exercising mob law. In a January 13 letter intended for publication, former Tennessee governor Neill S. Brown appealed to the Klan for peace and criticized it for creating obstacles to enfranchisement, immigration, and economic prosperity: "I beg you to reflect that while I and thousands of others are struggling constantly to regain our lost privileges, we are thwarted at every step by continual reports of outrages upon the law, attributed to your organization." Brown and other Conservative leaders feared that continuing Klan

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[7] Tennessee General Assembly, *Senate Journal*, 35th General Assembly, adjourned sess. (1868-69), 279, 317; *Nashville Union and American*, February 27, 1869; *Nashville Republican Banner*, February 27, 1869; *Nashville Daily Press and Times*, February 17, 18, 1869; *Knoxville Daily Press and Herald*, February 28, 1869; Perman, *Road to Redemption*, 34-36; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 312-13; Lawrence County petition to DeWitt C. Senter, February 26, 1869, Senter Papers. The DeWitt Clinton Senter Papers contain numerous petitions and letters dated between Senter's February 25 inauguration and his February 27 modification of General Cooper's February 23 General Orders No. 4, suspending civil law.

violence would take the steam out of the universal suffrage movement at a critical time when it was beginning to make inroads into the Tennessee Republican party. In closing, Brown urged former Confederates who still harbored grudges against Unionists to abandon those sentiments and look to the future. "The past is gone; let it be buried," he declared. "The future is ours if we will only cherish and cultivate it."[8]

Although Brown exercised considerable influence among Conservatives, the marked decline in Klan violence across Middle and West Tennessee was largely a result of the increasing frustration and vocal protests of the Democratic press, community leaders, and former Confederate officers. As early as mid-December 1868, the *Pulaski Citizen*, theretofore the official organ of the Klan, published a letter to the editor asserting that Klan night raiding had gone too far, particularly raids on jails to lynch accused criminals. In DeKalb County, R. C. Nesmith, a prominent lawyer and civic leader, blamed Klan activities for impeding the reenfranchisement of the former Rebels: "I believe that if the Kuklux would quit their outrages and lawlessness the chances for such men as myself or men in like political condition would soon get better." In late December 1868, General John C. Brown joined several other former Confederate officers to publicly condemn those operating outside the Klan's aegis. Perhaps the most significant factor in the decline in Klan activity was General Forrest's supposed disbandment order. Issued secretly on January 25, the order called on all local dens to halt their activities and on all members to destroy their regalia in the presence of their Grand Cyclops. Some headstrong members had violated the organization's precepts, Forrest declared, and poor

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[8] David H. Parsons to DeWitt C. Senter, February 25, 1869, A. Cox to DeWitt C. Senter, February 25, 1869, J. C. Walker to DeWitt C. Senter, February 26, 1869, J. J. Womack to DeWitt C. Senter, n.d., Senter Papers; *Nashville Republican Banner*, January 15, 1869; *Nashville Daily Press and Times*, January 16, 1869.

whites had committed lawless acts in disguise for which the Klan had been blamed. Forrest further instructed Klan members to assist civil officials in preserving order and upholding the law. Passed around by hand, the order was disseminated among the dens, and Klan-sponsored violence abated in Tennessee as the organization went underground temporarily. As Senter weighed his options, Klan members adopted the identity of peaceful and law-abiding Tennesseans.[9]

Public opinion on Senter's modification of the martial-law decree divided sharply and predictably along partisan lines. Conservatives and Democrats lauded this evidence of the administration's first clear break from Brownlowism; the Radicals were incensed. "You know how the Rebbles hate us," declared J. W. Bailey, a former slave from Fayette County in West Tennessee, in a letter to Senter. "Still it appears to us that you take these Rebbles word for everything that they promise to do. . . . They have been shooting and killing us up." Some Radicals feared that the governor's next step would be to dismantle the State Guard. "[T]o disband the militia," claimed an alarmed Radical in Columbia in an urgent plea to General Cooper, "is to disband the Radical party."[10]

Having taken an important first step toward reconciliation by reopening civil courts in martial-law counties, Senter struggled to steer a middle course at the risk of alienating his party's Radicals. In early March, in an effort to conciliate Radicals and win his party's nomination for governor, he ordered Cooper to deploy additional troops in Middle and West Tennessee. Nearly

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[9] R. C. Nesmith to Wingate T. Robinson, December 14, 1868, January 19, 1869, Wingate Family Papers, Tennessee State Library and Archives; *Nashville Republican Banner*, December 29, 1868; Trelease, *White Terror*, 178-80, 470; Alexander, *Political Reconstruction in Tennessee*, 197-98, Horn, *Invisible Empire*, 356-57, 409; Sharon Loretta Wallace, "The Nashville, Pulaski, and Memphis, Tennessee Press Coverage and Reactions to the Ku Klux Klan, 1865-1871" (M.A. thesis, Fisk University, 1974), 75.
[10] J. W. Bailey to DeWitt C. Senter, May 15, 1869, Senter Papers; *Nashville Republican Banner*, March 6, 1869.

six hundred State Guardsmen were sent to Livingston in Overton County and more than four hundred to Humboldt in Gibson County. Conservative joy at Senter's modification of martial law quickly waned as these additional Guardsmen spread throughout the countryside in a futile effort to capture Klansmen.[11]

Most West Tennessee Radicals welcomed this reinforcement of the Guard. Lucien Eaton of the *Memphis Post* pleaded for even more troops: "We need martial law right here." In early March, Memphis became a focus of Klan activity when the Metropolitan Police captured suspected Arkansas Klan leader and former Confederate major Josiah F. Earle, who had fled across the Mississippi River to escape Governor Powell Clayton's crackdown on the Klan. Searching Earle's pockets, a policeman discovered a disbandment order, echoing General Forrest's January 1869 order, signed by the Arkansas Klan leader. As news of Earle's arrest spread, some of his friends surrounded the Shelby County courthouse demanding his release. After a judge postponed the decision on whether to turn Earle over to Arkansas authorities or release him, hundreds of Arkansas and Tennessee Klansmen descended on Memphis, holding public councils on street corners and in saloons and hotels and parading through the streets brandishing weapons. The Eaton camp and the *Memphis Post* became the target of Earle's supporters when the Radical organ ran stories connecting Earle to the Klan. On the evening of March 3, Julius J. Dubose, editor of the *Memphis Public Ledger* and a former Confederate officer with close ties to Earle, and four armed ex-Rebel ruffians confronted Lucien and Charles Eaton in the *Post*'s editorial office. Outside, Captain Matthew C. Galloway, an ex-Rebel officer and editor of the *Memphis Avalanche*, and nine Klansmen stood watch. Hoping to draw the Eatons into an altercation, Dubose denounced Lucien as "a d—d liar & a God d—d son of a

[11] Severance, *Tennessee's Radical Army*, 210-12, 245.

b—h." But Lucien remained calm and the situation was defused. The incident left Charles shaken however: "[T]he Ku Klux are too much for me in this country." Within a week, Earle was freed and Charles was bound for New England. Charles's departure was a significant blow to the Radical Eaton-Lewis camp. Faced with a decline in subscriptions, lawsuits by Radical opponents, and vituperation from Conservatives and Rebels, Lucien shouldered the entire burden of managing his Radical propaganda and keeping it solvent. The Earle incident proved that in spite of General Forrest's disbandment order Tennessee's Ku Klux Klan remained an active and formidable foe of the Radicals.[12]

Even East Tennessee, the heartland of Tennessee Radicalism, was not immune from reactionary terrorism. On several occasions, Klansmen struck on the Cumberland plateau and in the East Tennessee valley. On the morning of Sunday, March 7, as blacks in Clinton made their way to Anderson County's only freedmen's school, which doubled as a church, they discovered plumes of smoke billowing from it. After searching through the ruins, Sallie Daffin, the school's black teacher, reported to a local Freedmen's Bureau agent that bibles stored in the schoolhouse likely fueled the fire. The raising of a United States flag at the school a few days earlier in celebration of President Ulysses S. Grant's inauguration was the apparent motive. Left behind on the school's blackboard was a crudely scribbled message: "Three Cheers for U.S. Grant, President of the U. States."[13]

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[12] Lucien B. Eaton to John Eaton, Jr., March 7, 1869, Charles Eaton to John Eaton, Jr., March 7, 1869, Eaton Papers; *Memphis Daily Appeal*, March 3, 4, 5, 6, 8, 10, 14, 1869; Foner, *Reconstruction*, 440; Thomas A. DeBlack, "'A Harnessed Revolution': Reconstruction in Arkansas," in Jeannie M. Whayne, Thomas A. DeBlack, George Sabo III, and Morris S. Arnold, *Arkansas: A Narrative History* (Fayetteville: University of Arkansas Press, 2002), 219-27; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 246-47; Fraser, "Lucien Bonaparte Eaton," 20-45.

[13] Sallie L. Daffin to Bvt. Lt. Col. Thompson, March 7, 1869, Records of the Superintendent of Education for State of Tennessee, Reel 4, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870; *Knoxville Whig*, March 24, 1869; *Knoxville Daily Press and Herald*, March 9, 11, 1869; *Knoxville Press*

Freedmen's schoolhouses and churches were particular targets of the Klan. These institutions and their agents empowered blacks in the post-emancipation world by expanding their political horizons and equipping them to exercise their newly attained rights of citizenship. Schoolhouses and churches were often used for Union League meetings. The Union League, a vehicle for mass black politicization in the South during Reconstruction, was founded in the North during the Civil War as a patriotic Unionist club. As the Union army penetrated the Confederacy, the League followed. It spread into the upper South before the war ended, becoming a bastion of Radical Republicanism in Tennessee as the state's Unionists restored civil government.[14]

Tennessee's Union League chapters, especially those in East Tennessee, achieved a remarkable degree of interracial harmony, as evidenced by the Maryville chapter, which, though the vast majority of its members were white, elected a number of black officers. Moreover, the Maryville League helped secure victory in its black members' bids for several local offices, fostering a relatively peaceful, albeit short-lived, experiment in biracial democracy. The climax of this brief biracial partnership was the May 1869 election of William B. Scott, Sr., a free-born black, as Maryville's mayor. While the Maryville League's black members continued to work harmoniously alongside their white colleagues, Scott and his son, William Scott, Jr., both active

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and Messenger, 10, 17, 1869; *Nashville Press and Times*, March 12, 1869; George L. White to Lt. Col. James Thompson, February 25, 1869 in Henry Lee Swint, ed., "Reports from Educational Agents of the Freedmen's Bureau in Tennessee, 1865-1870," *Tennessee Historical Quarterly* 1 (1942): 70-74; Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill: University of North Carolina Press, 2010), 37, 165, 198n.

[14] Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003), 120, 177-89, 230-34, 276-80; Stowell, *Rebuilding Zion*, 79; Michael W. Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change during Reconstruction* (Baton Rouge: Louisiana State University Press, 1989), 2, 9-12; Foner, *Reconstruction*, 283-85; Rable, *But There Was No Peace*, 85-86; Alexander, *Political Reconstruction in Tennessee*, 142-46; McBride, "Blacks and the Race Issue in Tennessee Politics," 186-87.

in the League, assumed the lead within the chapter in breaking with the Radicals. The Scotts, who published the *Maryville Republican*, the only black-owned newspaper in the state, gave voice to Tennessee blacks disillusioned by white Radical resistance to promoting blacks to state and national office. Frustrated in his effort to advance the nomination of Thomas J. White, a black politician from Maury County, for Congress in the 1868 election, the elder Scott campaigned for Leonidas Houk, who bolted from the Brownlow camp to launch an independent bid for Congress. Prior to the election, Scott and Houk plotted privately to transfer the *Maryville Republican* to the latter's hometown of Clinton. When the payment requested up front was not received, Scott abandoned the venture and sought to heal the divisions in the League.[15]

Yet the divisions among Maryville's Radicals had deeper sources. As East Tennessee Radicals commenced political reconstruction, they also initiated an ecclesiastical reconstruction. Sharing the Northern evangelical view of Confederate defeat as God's will and judgment for the crimes of human bondage and political treason, Radicals believed that a politically and religiously reconstructed Tennessee would safeguard the civil and religious liberties of Unionists. As the head of the state and the most prominent of all religious Unionists in the aftermath of the war, Brownlow encouraged the persecution of Rebel preachers, who he argued had used the pulpit to promote rebellion in both church and state. Heeding Brownlow's call, the Maryville Union League vigorously prosecuted a religious war against Southern Methodists.

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[15] William B. Scott, Sr. to Leonidas C. Houk, July 7, October 13, 1868, Leonidas C. Houk Papers, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville; McBride, "Blacks and the Race Issue in Tennessee Politics," 186-87; Minutes of the Maryville Union League, May 28, July 9, 23, August 13, November 2, 1868, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville; Benjamin H. Severance, "Loyalty's Political Vanguard: The Union League of Maryville, Tennessee, 1867-1869," *Journal of East Tennessee History* 71 (1999): 25-46; Robert Glenn Slater, "A Distinctive Minority: The Black Leaders of Blount County, Tennessee During Reconstruction," *Journal of East Tennessee History* 81 (2009): 19-41; Alexander, *Political Reconstruction in Tennessee*, 190, 204-205, 207.

The Maryville League was credited with participating in three attacks on Southern Methodist preachers. The most brutal occurred on March 25, 1869, when a mob of white Unionists including numerous League members met the Reverend Jacob Smith as he arrived at a schoolhouse near Maryville to perform church services. The mob pulled Smith from his horse, stripped him, beat him with clubs, switches, and the butts of their guns, and left him to die. Members of the congregation rescued Smith, who, despite his injuries, insisted on preaching. Anti-Radicals condemned the Maryville "Radklux." The attack gave greater legitimacy to Conservative and ex-Rebel accusations that Union League tactics were no different from those of the Ku Klux Klan. Moderate Republicans abhorred the religious vigilantism, which reinforced their belief that the Radicals were not yet willing to renounce the ruthless partisanship of the Brownlow regime. The Scotts denounced the attack in their newspaper, calling it "injurious to our party interests." East Tennessee freedmen believed that the Radicals' holy war hindered black political and educational advancement. By late March 1869, numbers of East Tennessee blacks were joining the swelling chorus of disenchanted Tennessee freedmen.[16]

Although black voters had contributed substantially to Republican victories in the 1867 state election, the party's program was never determined by its black constituents. Republican leaders had granted concessions such as repealing restrictions on black court testimony, office-holding, and jury service in return for black loyalty; however, subsequent political achievements

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[16] *Maryville Republican*, quoted in *Knoxville Press and Messenger*, May 5, 1869; Minutes of the Maryville Union League, April 8, 11, 25, 1867; *Nashville Union and American*, April 29, May 1, 1869; *Knoxville Daily Press and Herald*, April 27, 28, 29, May 2, 1869; *Knoxville Press and Messenger*, April 28, 1869; *Memphis Daily Appeal*, April 29, 1869; Stowell, *Rebuilding Zion*, 55-57, 146-49, 156-58, 180-81; Severance, "Loyalty's Political Vanguard," 40-43; McKinney, *Southern Mountain Republicans*, 35-37; Alexander, *Political Reconstruction in Tennessee*, 173-74. It is worth noting that Unionist ministers were frequent Klan targets in Middle and West Tennessee; see *Nashville Daily Press and Times*, January 16, 1869.

by a handful of freedmen were offset by tensions that escalated following the election. Tennessee's blacks were forsaken as factional struggles set the Republican party at odds with itself. Few black leaders had publicly voiced their frustration with the party's white leadership prior to Brownlow's departure. Now, however, as Senter treaded cautiously and proved to be more conciliatory than his predecessor, blacks asserted themselves, in some cases launching independent efforts that disrupted local Republican political organizations.[17]

In the first few months of Senter's administration, the state's newspapers printed numerous reports of violent altercations between black and white Republicans. The May 13, 1869, murder of Captain Harris, a black Union veteran, in Somerville shook the black community of Fayette County. The deadly confrontation occurred when Harris, who harbored a grudge against a white Republican named Walter Graham, brushed up against Graham's sister as they prepared to attend a traveling circus. A few bitter words were exchanged before Harris walked off. When the show was over, Harris returned and found Graham speaking to Paul Reeves, a close friend and kin to George W. Reeves, a prominent Radical circuit judge. Harris walked up behind Graham and collared him. Reeves then seized Harris, which enabled Graham to slip free of his attacker's grasp. Harris drew a pistol and fired; however, his shot missed its mark. Eyewitness accounts differ as to what occurred next. According to the *Memphis Daily Appeal*, Graham drew his pistol, took aim, and fired a shot through Harris's head. Somerville blacks, on the other hand, contended that Reeves fired the fatal bullet, as he shouted, "Let me shoot the damn nigger."[18]

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[17] Hahn, *Nation Under Our Feet*, 249-59; McBride, "Blacks and the Race Issue in Tennessee Politics," 114-344; Alexander, *Political Reconstruction in Tennessee*, 204-207.
[18] J. W. Bailey to DeWitt C. Senter, May 15, 1869, Senter Papers; *Memphis Daily Appeal*, May 10, 15, 18, 1869; *Memphis Daily Avalanche*, May 16, 1869; *Nashville Republican Banner*, May 23, 1869.

Regardless of whether Graham or Reeves shot Harris, Reeves's connection to the murder stirred local blacks to a fever pitch. In a letter to Governor Senter, J. W. Bailey, a former slave, expressed the community's outrage: "[T]his was done by the niggers friend. . . . [I]f we have to stand and see the Radicals as they call themselves . . . shoot down we collored people why we had just as well to support genrel For[res]t." Many Fayette County blacks had resolved not to vote for the incumbent circuit judge, Bailey continued, because of Reeves's family ties. "What is the use of talking about ecolity before the Law there is noone," Bailey insisted. "You have been telling us that we are allowed to hold an office. I do not see noone of my collor in office and you says that we are allowed to sit on the juree bench but that is not so," he complained. "When a white man kills a black man by having black men on the juree bench we then could defend our rights before the laws." Tennessee's blacks were growing increasingly restive. They wanted white Republicans to fulfill their pledge to secure black rights and to aid in the appointment of blacks to public office.[19]

In Memphis, the Eaton-Lewis camp found itself caught between its ties with Governor Senter, through state patronage and various contracts, and its predominantly black rank and file, who were angered by the organization's tepid support for black candidates for local, state, and federal office. In February 1869, Edward Shaw, a black businessman who operated a saloon and gambling house, launched a bid for the Shelby County commission. Barbour Lewis, chairman of the commission, and Congressman William J. Smith opposed Shaw's candidacy in favor of a white Radical. They sought a lesser post for Shaw, which according to Lewis, "would hardly make the trouble for us that the other arrangement will." To counter the perception of Republicans as a black man's party, the Eaton-Lewis organization was endeavoring to develop a

[19] J. W. Bailey to DeWitt C. Senter, May 15, 1869, Senter Papers.

"respectable" white constituency at the expense of its black constituency. Frustrated by racial prejudice among white Radicals, Shaw aligned with Union veteran Hannibal C. Carter and William Kennedy, both prominent black leaders, and threatened to join an opposing Radical faction. This tactic forced the Eaton-Lewis organization to publicly pledge to promote the freedmen's political aspirations. Shaw won and unity was, for the time being, preserved in the Lewis-Eaton camp. "I think Carter and Shaw will act with us hereafter. . . . At least they say they will," wrote Lewis. "If they would have the good sense and manliness to do so freely and honorably we could make a combination here that would keep our party in power for a long series of years." The alliance forged with Shaw, Carter, and Kennedy was expected to keep Shelby County blacks solidly in the Eaton-Lewis camp; however, racial tension persisted and the alliance came unglued.[20]

The reluctance of Governor Senter and the General Assembly to ratify the recently proposed Fifteenth Amendment heightened black suspicions. On his second day in office, Senter received a telegram from the state's Radical representatives in Congress announcing that the Fifteenth Amendment, which prevented the nation or states from denying the right to vote based on race, color, or previous condition of servitude, had been passed and requesting that he keep the legislature in session to ratify it. However, the governor refused to take action and the legislature adjourned *sine die* on March 1. When pressed by some Radicals to call an

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[20] Barbour Lewis to John Eaton, Jr., February 6, March 1, 1869, Eaton Papers; United States Congress, House, *Leftwich* v. *Smith*, 41st Congress, 2nd sess., House Misc. Doc. 143, 144; McBride, "Blacks and the Race Issue in Tennessee Politics," 299-300; Walter J. Fraser, Jr., "Black Reconstructionists in Tennessee," *Tennessee Historical Quarterly* 34 (1975): 364-71. When Shaw later learned that General Smith had secretly worked with Lewis against his election to the Shelby County commission, he asked Smith's brother-in-law why the general was opposed to his candidacy. The brother-in-law reportedly replied, "He like you as well as anybody else, but he don't think a nigger should run for office." See *Memphis Daily Avalanche*, October 6, 1870.

extraordinary session to ratify the amendment, Senter pointed to the state's financial crisis. With the lengthy struggles over the militia and anti-Klan bills of the extraordinary session of 1868 still fresh in the minds of most, Senter declined to put the state through the expense of another session that might become deadlocked. Senter considered the amendment's primary objective to be to enfranchise blacks in the Northern and border states and thus solidify the Republican party's national hegemony. Given that Tennessee law already granted blacks the right to vote, and given the constitutional conservatism and commitment to federalism shared by most Tennesseans across the political spectrum, few Radicals criticized the governor's decision not to act. The *McMinnville New Era*, however, reminded the governor that since the beginning of the war Tennessee had led the South in passing sweeping political reforms. Brownlow's *Knoxville Whig* tread cautiously, announcing its support for an extra session yet commending Senter's decision, considering the depleted condition of the state treasury.[21]

By early 1869, Tennessee's financial crisis permeated the state's political atmosphere. As the Republicans expanded the scope of state government to embrace social welfare, economic development, and public education, anti-Radicals protested the increased taxation, public indebtedness, and widespread corruption that resulted. Public outcry against the $40 million state debt was amplified by the revelation of the state bond and school fund scandals. Bonds belonging to the Bank of Tennessee had disappeared after they had been turned over by military authorities, and some were reported to have been seen in the possession of East Tennessee

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[21] *Nashville Republican Banner*, February 28, 1869; *Nashville Daily Press and Times*, April 27, 1869; *Nashville Union and American*, February 28, April 29, 1869; *Knoxville Whig*, March 3, April 28, 1869; *Knoxville Press and Messenger*, March 3, 1869; Michael Les Benedict, "Preserving the Constitution: The Conservative Basis of Radical Reconstruction," in Michael Les Benedict, *Preserving the Constitution: Essays on Politics and the Constitution in the Reconstruction Era* (New York: Fordham University Press, 2006), 3-8; William Gillette, *The Right to Vote: Politics and the Passage of the Fifteenth Amendment* (Baltimore: Johns Hopkins Press, 1969).

Radicals. Anti-Radical newspapers called for an immediate investigation; however, the findings of an ongoing investigation into missing school funds, which implicated several Radical leaders including Governor Brownlow's son, deterred Radical lawmakers from pursuing another issue that had the potential of hurting the party. The *Clarksville Patriot*, a moderate Republican newspaper, decried the efforts of leading Radicals to stifle further investigation: "Whitewash as they may, . . . cover up as they may, they cannot get earth enough to shut out the sight of the festering corpse." For moderates seeking to win over "respectable" whites, the unscrupulous activities of certain leading Radicals cast a shadow on their party. The corruption among Radical lawmakers and administration officials constituted yet another factor in the split within the Republican party.[22]

In his inaugural address, Senter had pledged his commitment to financial restraint. In the weeks that followed, this vow was tested as Conservatives and ex-Rebels charged that the State Guard deployment was bankrupting the state. The anti-Radical press estimated that the militia cost taxpayers between five and six thousand dollars a day. The *Nashville Republican Banner* asked, "Who, then, we should like to know, is to pay for the elephant?" Several anti-Radical papers charged that the militia was kept in the field because the state did not have the funds to pay the soldiers. When East Tennessee Radical taxpayers demanded that their lawmakers enforce the clause in the militia act stipulating that martial-law counties foot the bill, citizens and civil officials in those counties successfully resisted payment.[23]

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[22] *Clarksville Patriot*, quoted in *Nashville Union and American*, February 26, 1869; Foner, *Reconstruction*, 364-85; Alexander, *Political Reconstruction in Tennessee*, 168-72.
[23] White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 3-5; *Knoxville Daily Press and Herald*, April 24, 1869; *Nashville Republican Banner*, March 7, 14, 1869; *Nashville Daily Press and Times*, April 22, 1869; *Bolivar Bulletin*, April 10, 1869; Severance, *Tennessee's Radical Army*, 221.

In an effort to reduce the state's expenses while still protecting blacks and white Radicals, Senter proceeded with plans to gradually withdraw State Guard units from the field. In early April, he asked Quartermaster Albert S. Bayless to calculate the financial costs of the Guard deployment. Bayless reported that the three-month deployment had cost the state $148,000, nearly half the total cost of the 1867 deployment. Senter received further distressing news when Comptroller George W. Blackburn informed him that the war against the Klan was severely draining the state's treasury. Blackburn estimated that, given the current costs of the Guard and the public school system, the state would be bankrupt in a month. Alarmed, Senter dispatched Blackburn to New York to get loans. Working tirelessly for two months, Blackburn secured $50,000 from a bank in New York and $55,000 from the First National Bank of Nashville. When news of the New York loan reached Tennessee, the editor of the *Knoxville Press and Messenger* cynically quipped, "So goes $50,000 of the people's money, and not a criminal arrested, nor a Kuklux captured."[24]

The failure to arrest and prosecute Klansmen, as well as financial considerations, weighed heavily on Governor Senter as anti-Radical opposition to martial law mounted. The *Nashville Republican Banner* suggested that "hunting missing school funds would be a much more profitable business to the State than [Guardsmen] hunting imaginary Kuklux in their dreams as they sleep away valuable time in camp at Nashville." Given the Klan's success in evading the State Guard in 1867 by outlasting Radical taxpayers' commitment to martial law, it is hardly surprising that it chose to adopt the same strategy in 1869. A few aggressive militia

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[24] DeWitt C. Senter to Albert S. Bayless, April 6, 1869, Albert S. Bayless to DeWitt C. Senter, April 14, 1869, George W. Blackburn to DeWitt C. Senter, April 23, 1869, George W. Blackburn to DeWitt C. Senter, June 29, 1863, Senter Papers; *Knoxville Press and Messenger*, May 19, 1869; *Nashville Daily Press and Times*, April 22, 24, 1869; *Nashville Republican Banner*, May 12, 1869; Severance, *Tennessee's Radical Army*, 220-21.

officers led raids in pursuit of fugitive Klansmen, including one that extended beyond the limits of martial law into Putnam County; however, such expeditions netted few nightriders. With nearly 1,600 soldiers stationed in Middle and West Tennessee and no enemy to fight, the misdeeds of a few officers and men of the State Guard precipitated an additional round of civilian protests against martial law.[25]

While the State Guard generally proved to be a well-regulated instrument of force, the opponents of martial law seized on any incidents in which the militia infringed on the civil liberties of law-abiding citizens or that reflected poorly on the professionalism or morality of the Guardsmen themselves. According to the anti-Radical press, the militia wreaked havoc in the martial-law counties, brutalizing citizens. The editor of the *Nashville Union and American* declared that the officers "cannot entirely control the ragamuffins and desperate characters." There were accounts of militiamen preying on defenseless old men, women, and children, threatening, and in some cases causing, bodily harm as they robbed their victims. "Whatever they want they take without scruple," reported the *Nashville Republican Banner*. Guardsmen stationed in cities and towns, particularly Nashville, were frequently accused of immoral activities. The capital's notorious eight-square-block nest of saloons and brothels known as "Smokey Row" benefited from the large numbers of militiamen seeking recreation. Militiamen were accused of drunkenly roaming the streets, brandishing guns, picking fights, and committing theft. The anti-Radical press also told of militiamen seen visiting houses of prostitution, where many contracted venereal disease. Such reports contributed to Senter's eventual decision (in

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[25] *Nashville Republican Banner*, March 4, April 23, 1869; *Knoxville Daily Press and Herald*, April 24, 1869; Severance, *Tennessee's Radical Army*, 208-13.

early May) that no additional State Guard units should be mustered out at Nashville; rather, they were to muster out in the counties in which they were organized (primarily in East Tennessee).[26]

The idle white State Guardsmen even began to target the freedmen they were called to protect. There were several reports of militiamen attacking and robbing blacks. Perhaps the most egregious incident of this sort during the 1869 deployment occurred on February 26. That evening, a Private Adams of Company C, 1st Tennessee State Guards, left his camp on the outskirts of Pulaski after stealing an overcoat, two revolvers, and two blankets from a tentmate. Adams then visited former Confederate general John C. Brown's farm; but finding Brown absent he stole a mule on which he rode away into the night. About two and half miles from Pulaski, Adams stopped at the cabin of Pete Howell, a freedman who had a wife and a twelve-year-old daughter. Adams told the family that he had orders to take Howell and his daughter to give testimony on Klan activity in Giles County. Howell informed Adams that he would go willingly but that his daughter knew nothing, and that given the cold temperature he preferred she remain home with her mother. Adams agreed and instructed Howell to take the mule and go over the hill, where his captain and approximately sixty soldiers were waiting. As soon as Howell was out of sight, Adams drew his pistol and forced the girl to go with him into the woods, where he raped her. Failing to find any militia force waiting for him beyond the hill, Howell returned home and discovered that his daughter had been abducted. In the meantime, the girl managed to make it to the cabin of Henry Aymett, a family friend, who carried her back home. On learning what had happened, Howell and Aymett hastily summoned a few of their friends and went in

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[26] *Nashville Union and American*, March 3, 1869; *Nashville Republican Banner*, March 17, 18, April 7, 9, 13, May 8, 1869; Severance, *Tennessee's Radical Army*, 156, 213-220, 243. For an examination of the visibility of urban prostitution that triggered contentious public debates over its legalization in Civil War Nashville, see D. Jeannine Cole, "'Upon the Stage of Disorder': Legalized Prostitution in Memphis and Nashville, 1863-1865," *Tennessee Historical Quarterly* (2009): 40-65.

pursuit of Adams. When they found him they shot him twice in the arm and beat him with the butts of their muskets, fracturing his skull. Partially covering him with leaves and bark, they left him in a pool of his own blood.[27]

The next morning, Private Adams dragged himself to the home of a Mrs. Williams, who attempted to care for him. State Guard captain Edwin E. Winters conducted an investigation and decided that if Adams survived his injuries he should suffer the extreme penalty of the law. As Adams recovered at the Williams home, a group of local freedmen went there, intent on vengeance. They found Adams lying in bed surrounded by several other Guardsmen. The freedmen convinced the militiamen that they had been sent by Captain Winters to bring Adams to town. A few moments after they left with Adams, gunshots were heard. Adams's dead body was discovered a few hundred yards from the house, riddled with bullets.[28]

The rape incensed Pulaski's blacks, who joined their white neighbors in calling for the State Guard's removal from Giles County. At a formal protest a week after the incident attended by thousands of citizens of both races, Captain Winters warned the blacks that the county's white leaders were a "G—d d—d set of rebels" and that if the militia, their "friends and protectors," left Giles, then "the Ku Klux would be as numerous as ever." Colonel Larken Gamble vowed to reinforce discipline among his men. He prohibited the consumption of liquor in the camps and barred militiamen from entering Pulaski.[29]

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[27] *Nashville Republican Banner*, March 2, 3, 1869; *Nashville Union and American*, March 2, 3, 1869; Severance, *Tennessee's Radical Army*, 214.
[28] *Nashville Republican Banner*, March 2, 3, 1869; *Nashville Union and American*, March 2, 3, 1869; *Knoxville Daily Press and Herald*, March 6, 1869.
[29] Porter Journal, March 3, 1869; *Nashville Republican Banner*, March 2, 9, 1869; *Nashville Union and American*, March 9, 1869; *Bolivar Bulletin*, March 6, 1869; Severance, *Tennessee's Radical Army*, 214-15.

Despite Gamble's efforts to impose discipline, violent altercations between the State Guard and Giles County blacks continued. In early April, three Guardsmen broke into the house of freedman Wash Black demanding money. Black recognized one of the militiamen, who then panicked and emptied his revolver into Black's chest, killing him. Two days later, a fight erupted in Pulaski's public square as two militiamen attempted to rob a freedman of some tobacco he was carrying. When he refused to give up the tobacco, the militiamen pelted him with rocks. Forced to retreat about fifty yards, the freedman picked up a huge stone and rushed toward his assailants. At this juncture, the soldiers' commanding officer and the town constable intervened. The officer promptly arrested his men. However, the constable demanded that the soldiers be turned over to him and arraigned in the civil court, to which the officer replied, "by G—d, none of my men can be tried by the civil courts of this county!"[30]

The misbehavior of State Guardsmen in Giles, the birthplace of the Ku Klux Klan and home to four Klan dens, produced an unlikely alliance between the disfranchised whites and discontented blacks. Working side by side, they prepared a petition to Governor Senter, stating that "friendly relations have existed at all times between the white and colored people of Giles" and that the county's black citizens "do not desire the presence of militia." The black signers protested that "their families and those of the white people among whom they live are constantly exposed to the danger of pillage and outrage by the vicious men who thus seek to elude responsibility for their crimes." While praising the majority of the militia officers and men, who seemed disposed to do their duty, the petitioners suggested that the Guard might better serve in a region in which Klan crimes were actually occurring. If the county's civil officers should prove unable to secure peace, they added, perhaps federal troops could be provided. Thus did the

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[30] *Nashville Republican Banner*, April 8, 9, 1869.

criminal actions of a few lawless militiamen add to the mounting pressure on Governor Senter to disband the Guard.[31]

For many white Tennesseans, the great panacea for the economic ills of the state was immigration. Bristling at black independence, Conservative and Democratic spokesmen promoted schemes to replace black laborers with Northern immigrants or imported foreigners. Some suggested that white immigrants could not only solve the labor problem but also help redeem the state from Radical rule. The *Nashville Daily Press and Times* proclaimed, "Let's welcome the immigrant and populate and develop, and place the grand old Volunteer State along side her enterprising sisters of the great Northwest, in the line of progress on the road to freedom, prosperity and happiness. . . . [T]reasures of wealth are within easy reach." The Radicals agreed on this last point. Brownlow's *Knoxville Whig* chided the legislature for its failure to act, which cost the state "millions of dollars which she needs and for want of which she is staggering under a heavy burden of debt and difficulty." Despite legislative inactivity, the state's railroads supported immigration by offering reduced rates to those who would settle in Tennessee. As in other Southern states, an immigration bureau was established in Tennessee and agents were dispatched to the North and Europe to recruit immigrants. Few came, however. Republicans claimed that Klan violence kept them away. Conservatives and Democrats countered that Brownlow's declaration of martial law and the calling out of the State Guard were to blame. Whatever the case, many potential immigrants did indeed have doubts about settling in Tennessee. "We hear a great deal about disturbances between whites & blacks in your State," wrote one Northerner. Another told a Dickson County real estate agent, "All that is wanted, is to

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[31] *Nashville Union and American*, March 4, 9, 1869; Trelease, *White Terror*, 8-10, 23-24; Severance, *Tennessee's Radical Army*, 9, 129, 176-77.

let us, up here in Ohio know that we can live in Tennessee in peace & safety, and such a stream of wealth will pour in which will be hard to stop." Governor Senter agreed that immigration would be a boon to the state and concluded that disbanding the Guard would encourage it.[32]

Constitutional issues were also on Governor Senter's mind as he considered what to do about Brownlow's proclamation of martial law and the calling out of the Guard. Ex-Confederate and Memphis lawyer Joseph Heiskell denounced martial law as unconstitutional and urged Senter to revoke it: "I do hope my dear sir that you have not forgotten the ideas you once had of free government & of the sacredness of constitutional rights and that you will decline to emulate the bad eminence of your predecessor in regard to outrages on the constitution." On the day Senter succeeded to the governorship, the *Nashville Daily Press and Times* took note of Radical judge J. F. Lauck's return from Gainsboro, the county seat of Jackson County, one of the nine included in Brownlow's martial-law edict, where he had presided over a two-week session of the chancery court. During that time Lauck met with men from all parties and from every portion of the county and was favorably impressed by the peaceful conditions and general sentiment of law and order. The newspaper commented that "it is not to be presumed that his impressions were

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[32] *Nashville Daily Press and Times*, January 18, 22, April 8, 9, May 7, 10, 1869; *Knoxville Whig*, March 3, 1869; *Memphis Daily Appeal*, January 17, 1869; *Nashville Union and American*, January 29, 1869; James H. Owings to Henry Clements Collier, May 17, 1869, J. C. Ford to Henry Clements Collier, March 10, 1869, E. Higham to Henry Clements Collier, April 3, 1869, Collier Family Papers, Tennessee State Library and Archives; *Nashville Republican Banner*, June 8, 1869. Anti-Radicals also pointed to the state's franchise and registration laws as a formidable barrier to immigration. See *Nashville Daily Press and Times*, July 21, 1869; *Nashville Republican Banner*, June 20, 1869. One of the more bizarre foreign immigration schemes, led by former governor Isham G. Harris and Confederate general Gideon J. Pillow, was to import Chinese laborers to work in the cotton fields. A convention was called in Memphis in July 1869 to discuss Chinese immigration; however, the plan was derailed in the fall of 1869 when the legislature passed a law prohibiting the importation of Chinese into Tennessee. See Lennie Austin Cribbs, "The Memphis Chinese Labor Convention, 1869," *West Tennessee Historical Papers* 37 (1983); 74-81; Lucy M. Cohen, *Chinese in the Post-Civil War South: A People Without a History* (Baton Rouge: Louisiana State University Press, 1984), 65-66; *Columbia Herald*, July 30, 1869; *Nashville Republican Banner*, July 1, 1869, November 24, 26, 1869.

made by any prejudice in favor of the ex-Confederates." Such evidence was flaunted by Conservative and Democratic newspapers as they editorialized against the "spiteful infliction" of martial law and militia tyranny.[33]

Judge James Shackelford of the Tennessee Supreme Court probably influenced Governor Senter's decision to relax martial law. Shortly after Senter's inauguration, Shackelford met privately with the governor and General Cooper and offered his opinion "that in times of peace no power existed to declare martial law, and if men were tried, they . . . and the officers engaged, would ultimately be held amenable." Shackelford added that the other two justices on the court concurred. Given the court's apparently waning support of Radical legislation, and the editorials of Conservative and Democratic papers urging the friends of any Tennesseans arrested by the State Guard to apply immediately to Judge Connelly F. Trigg of the United States Circuit Court for East Tennessee for a writ of habeas corpus, the question of the constitutionality of martial law weighed heavily on the mind of Governor Senter as he considered disbanding the militia.[34]

As he contemplated these political, economic, and constitutional issues stemming from martial law, the governor left Nashville bound for East Tennessee and a couple of relaxing weeks at home with his wife in Grainger County. Reporting that the governor was considering an extensive reduction of militia forces and noting that he had relaxed martial law prior to his previous visit to East Tennessee, the *Nashville Republican Banner* quipped, "Hurrah for Mrs. Senter." When the governor's train arrived in Knoxville on April 1, he was met by a large crowd clamoring for a speech. He gave them one, taking the opportunity to assert that the counties placed under martial law had proven to be among the most peaceful in the state. He applauded

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[33] Joseph Brown Heiskell to DeWitt C. Senter, March 5, 1869, Senter Papers; *Nashville Daily Press and Times*, February 25, 1869; *Nashville Union and American*, February 26, 1869.
[34] *Nashville Union and American*, April 28, 1869.

Middle and West Tennesseans' Law and Order conventions, which denounced Klan violence and pledged the public's cooperation with civil authorities in the enforcement of the law. "Under this beneficent state of affairs," announced Senter, "the militia might soon be disbanded and sent home to plow." He cautioned, however, that if vigilantes continued to persecute loyal citizens and the State Guard had to be called out again, "then wo[e] be unto those upon whom the hand of stern justice should fall!"[35]

The much anticipated large-scale disbandment of the militia had in fact commenced days before Senter's departure from Nashville. By mid-April, only five companies, consisting of approximately five hundred militiamen, remained on duty, stationed in the three militia districts of Pulaski (Giles County), Humboldt (Gibson County), and Livingston (Overton County). Senter believed that these forces, strategically placed across Middle and West Tennessee, were sufficient to deter Rebel lawlessness. With judicial and state elections looming on the horizon, and still anxious to maintain Radical support for his gubernatorial bid, Senter declined to disband the Guard completely.[36]

Middle and West Tennessee Radicals were shocked and incensed at Senter's refusal to continue Brownlow's policies. From mid-April through May, his office was inundated with letters and petitions reporting renewed Rebel lawlessness and appealing for militia protection. Writing on behalf of their frightened constituents, Congressman David A. Nunn and other leaders in Haywood County warned that, for the time being, it would not be safe to withdraw the militia. William A. Peffer of Clarksville informed Senter that "The spirit of the democracy in

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[35] *Nashville Republican Banner*, April 2, 1869; *Nashville Union and American*, April 4, 1869; *Nashville Daily Press and Times*, April 5, 1869.
[36] *Nashville Daily Press and Times*, March 31, April 3, 6, 10, 1869; *Memphis Daily Appeal*, April 3, 1869; *Knoxville Press and Messenger*, April 7, 1869; *Nashville Republican Banner*, April 24, May 15, 1869; *Bolivar Bulletin*, April 10, 1869; Severance, *Tennessee's Radical Army*, 216-20, 243-44.

this city and county today is as violent as it could have been in 1860-1." "No Colored man can have justice done him," proclaimed William Stilwell of Humboldt. The Klan, he said, had resumed its midnight rides in Gibson and surrounding counties, preying on the black community. When the militia made arrests, Stilwell noted, friendly judges and juries acquitted the accused and billed the state for the costs incurred. He and other Radicals therefore insisted that without martial law behind it, the Guard was impotent. Stilwell was certain that "if the militia could be permitted to work upon the rebels here one month" it could flush out the Klan and bring the Rebels to heel. He informed General John Eaton, Jr., that "Only yesterday a Conservative friend told me that so soon as the Guards are withdrawn, the Radicals will be punished for bringing them here!" In a candid letter to Senter, Major Judge K. Clingan of the State Guard bluntly warned of the political cost of failing to defend the Klan's victims: "These people want protection and will support the man who they think will do it."[37]

As the Radicals protested Senter's policy on martial law and the State Guard, Senator William Brownlow came to his successor's defense. Brownlow remained a respected figure among Tennessee Radicals in spite of General William B. Stokes's campaign to assume leadership of the party's Radicals. The senator and his son, John, continued to publish the influential *Knoxville Whig*. Decrying Republican attacks on Senter as unjust, the Brownlows pointed out that he had inherited a militia law enacted by a decided majority of the legislature and a State Guard activated by Governor Brownlow:

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[37] David A. Nunn et al. to DeWitt C. Senter, May 4, 1869, Tennessee's Adjutant General's Office Records, RG 21, Tennessee State Library and Archives, Nashville; William A. Peffer to DeWitt C. Senter, May 31, Judge K. Clingan to DeWitt C. Senter, May 15, 1869, Giles County petition to DeWitt C. Senter, April 12, 1869, Senter Papers; William H. Stilwell to John Eaton, Jr., May 10, 14, 1869, Eaton Papers; Severance, *Tennessee's Radical Army*, 218-20.

> To have precipitately disbanded—even if Ku Klux outrages had not been imminently threatening, would have enabled the rebel sheets to have proclaimed throughout the land, that the Governor did not sustain his party, and in a measure to have imposed upon the country as a truth their constant false assertion, "that all was peace," when there was no peace. Moreover, such a course would have tended to sow the seeds of mistrust and want of confidence in his party. . . . Gov. Senter has shown, we think, all due regard to economy in this particular, by disbanding the State Guards as rapidly as public safety and the personal security of loyal citizens were assured.[38]

While Senter moved away from Brownlow's policies, his efforts did not wholly appease Conservatives. They demanded that he go further. The anticipation of change that Senter's inauguration had generated among Conservatives gave way by mid-April to disillusionment. The *Nashville Union and American* lamented that "Governor Senter is content to run the machine in the old rut. With the exception of fewer proclamations one would not know that there was a change of rulers. We have simply swapped the devil for a witch." West Tennessee Conservative businessmen protested the criminal actions of the militiamen quartered in Humboldt. M. G. Senter begged Governor Senter to "relieve us from this State of Thieves" that have desecrated "our little town." Certainly the Conservatives were pleased by Senter's relaxation of martial law and subsequent reduction of the militia; however, they continued their protests in the hope of inducing the administration to completely disband the militia. The Conservatives' reaction was an indication that Senter, heading into the gubernatorial election, had failed to win over the "respectable" white voters he so desperately sought.[39]

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[38] *Knoxville Whig*, May 19, 1869.
[39] *Nashville Union and American*, April 24, 1869; M. G. Senter to DeWitt C. Senter, April 28, 1869, Senter Papers.

The remaining units of the State Guard did not formally muster out of service until July 1869; however, once the administration commenced the extensive reduction of the Guard, after nearly two months of active service, Tennessee's Radical army ceased to be a reliable, well-regulated enforcement arm of the state's Republican party. Although the Guard generally behaved professionally as it sought to defend Radicals and protect the freedmen's rights, the actions of a few lawless militiamen undermined its efforts. The Guard's brief deployment in 1869 was a short-term success, for it stifled Klan violence and restored order in Middle and West Tennessee for the time being. It was a failure in the long term, however, for the Klan adopted the same strategy of evasion that had proved effective during the 1867 deployment. When the governor withdrew the militia, the Klan and kindred organizations emerged from their hiding places and resumed their reign of terror. The editor of the Radical *Nashville Daily Press and Times* lamented on March 12 that "While the assassins lurk in the State, unpunished and undiscovered, the law remains unvindicated and the people can feel no security." State Guard historian Benjamin H. Severance concludes that "the Rebels' paramilitary defiance outlasted the Radicals' commitment to armed suppression." That persisting defiance would prove disastrous for Tennessee's Radicals, particularly the freedmen.[40]

Governor Senter inherited a precarious position. Thereafter he walked the political tightrope cautiously in the hope of forging an alliance between moderate Republicans and Conservatives without altogether alienating Radicals. But Tennessee's Republican party was under pressure from a variety of sources. The deployment of the State Guard generated tensions within the party, angering many whom it was intended to help—white Radicals and the

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[40] *Nashville Daily Press and Times*, March 12, 1869; Severance, *Tennessee's Radical Army*, 233.

freedmen. Battered by financial crisis, scandals, militia lawlessness, and doubts about the constitutionality of martial law in peacetime, Tennessee's Republican party was torn asunder. As the election season approached, it remained to be seen whether Senter could unite the Republican party while appealing successfully to Conservative voters. The involvement of President Andrew Johnson in the canvass and the Radicals' efforts to mobilize the freedmen for their cause would plunge Tennessee's Republican party into turmoil.

CHAPTER THREE

TENNESSEE REPUBLICANS' HOUSE DIVIDED: MARCH-MAY 1869

They began arriving early, shortly after daybreak on Saturday, March 20. Some traveled by train from nearby cities and towns; others rode on horseback or in buggies from the countryside and outskirts of town. But many more came on foot to welcome home their adopted son, Andrew Johnson. A brass band entertained the large crowd that gathered around the depot in Greeneville. The depot's platform, cars, and practically everything else to which a flag could be affixed were decorated with the national colors. Local dignitaries occupied a covered archway on the platform and were joined by young women dressed in white and crowned with wreaths of flowers. The platform and benches were filled by ladies and businessmen, while the railroad tracks were flanked by East Tennessee's yeomanry. The drizzle that had been falling since daylight soon ceased and the clouds parted to permit the sun to shine brightly over the festivities. Abruptly, the shrill whistle of a train engine in the distance denoting the coming of Johnson and his family created a sensation among the well-wishers. As the former president's special train adorned with national flags and bunting came to a stop, it was immediately encircled by a throng of supporters, the men cheering, the women waving handkerchiefs. When Johnson and his party emerged from the train, a tumultuous roar of applause broke forth. Johnson reveled in the outpouring and spent several minutes speaking with old friends before being taken away in a carriage. The procession then rode down Main Street to the courthouse. Along the way, Johnson's party passed the very spot in which he had in June 1861 last spoken for the cause of Unionism prior to Tennessee's secession. Then, a banner had been suspended

across the street by Confederate supporters reading, "Andrew Johnson, Traitor," and bearing a crude sketch of then-Senator Johnson hanging by his neck. Eight years later, ex-President Johnson now passed under quite a different banner strung across the street; it read, "Welcome Home, Andrew Johnson, Patriot."[1]

At the courthouse, James Britton, Jr., the attorney general of the circuit court and longtime Johnson acquaintance, delivered an address that highlighted the former president's political career and his devotion to the Constitution. Following Britton's speech, Thomas Amos Rogers Nelson, an influential Tennessee Conservative, introduced the man of the hour. Johnson then addressed the crowd, which had by now swelled to nearly a thousand well-wishers vigorously waving American flags. He reminisced about the town that had welcomed him as a young tailor and subsequently nurtured his political career. He defended his tenure as president and challenged his critics to prove him wrong. He proclaimed March 4, his last day in office, to be his personal emancipation day and announced that he was now home again and his public career was over. Concluding his brief remarks, Johnson stepped back into the carriage and the procession continued down Main Street to his home, where he was greeted warmly by his daughter Mary and his grandchildren. As the former president thanked the crowd, the band struck up "Home, Sweet Home." "Andrew Johnson's presence was felt in Tennessee so soon as his foot pressed its soil," declared the editor of the *Nashville Republican Banner*. "The country is not done with A. Johnson yet. Tennessee is not done with him."[2]

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[1] *Knoxville Daily Press and Herald*, March 21, 1869; *Nashville Daily Press and Times*, March 23, 1869; *Knoxville Whig*, March 24, 1869; Robert Winston, *Andrew Johnson: Plebeian and Patriot* (New York: Henry Holt and Company, 1928), 488-89; James S. Jones, *Life of Andrew Johnson* (Greeneville, Tennessee: East Tennessee Publishing Company, 1901), 335-36.

[2] *Knoxville Daily Press and Herald*, March 21, 1869; *Nashville Republican Banner*, April 10, 1869; Henry H. Ingersoll to Andrew Johnson, March 8, 1869, speech at Greeneville, March 20, 1869, address

Few took Johnson's pledge of retirement seriously. Augustus Ricks, an East Tennessee correspondent for the *Cincinnati Commercial*, failed to find a single Greeneville resident who believed that the former president would remain quiet for long. One said that "private life will be to him what dry land is to a fish." Another, who had known Johnson since he moved to the mountain community in 1826, expected him to reenter the political fray because "Greeneville is too small a place to contain so large a man." Indeed, Johnson himself agreed. "Greeneville is a dull place and seems likely to continue so," he admitted in a letter to his youngest son, Andrew Johnson, Jr. Politics and power were the passions of Johnson's life, and not even the nation's highest office could wholly satisfy his desire for them. George Townsend, a Washington reporter, observed that "Mr. Johnson will hardly consent to relapse quietly into private life, after enjoying the sweets of office for so many eventful years, and holding the reins of power until a desire for authority has become a second nature." Johnson remained tightlipped about his political future, but reports of his plans soon leaked into the press. The *Bolivar Bulletin* claimed even before his return that he was planning a speaking tour across Tennessee. A person who traveled with Johnson from Washington to Greeneville claimed to have overheard him on the train remarking that "There is a good deal of life in me yet. If the people of Tennessee should require my services, I would not feel justified in refusing them in behalf of the public good."[3]

Johnson spent his first few days in Greeneville receiving visitors from all parts of the state. Passersby often caught a glimpse of him sitting in his yard engaged in vigorous political

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by James Britton, Jr., March 20, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 522-24, 535-36, 629-31; Jones, *Life of Andrew Johnson*, 336-39.

[3] *Nashville Union and American*, March 31, 1869; Andrew Johnson to Andrew Johnson, Jr., May 11, 1869, Andrew Johnson to Martha Johnson Patterson, May 22, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 6, 8; *Nashville Daily Press and Times*, January 4, March 23, 1869; *Bolivar Bulletin*, March 3, 1869; *Knoxville Daily Press and Herald*, March 21, 1869; *Knoxville Press and Messenger*, March 24, 1869; *Nashville Republican Banner*, March 27, 1869.

talks. Johnson was willing to discuss with his callers the situation in Tennessee, but he became much more animated when the conversation turned to national politics. He was anxious to defend his administration. Acquittal in his Senate impeachment trial was not enough; he sought full vindication. Still, he refused to reveal his immediate plans to any except a few members of his inner circle.[4]

The pending statewide elections offered an opportunity for vindication. Johnson had his eye on the U.S. Senate seat soon to be vacated by Joseph Fowler. The elections would obviously garner national interest if Johnson entered the canvass. "If Johnson should take the stump," wrote an anonymous Nashville correspondent to a Cincinnati newspaper, "he would make a tremendous stir." Tennessee's Conservatives agreed. Shortly after the November 1868 presidential election, Conservatives began writing Johnson to see if he could be induced to run for governor. Edward Golladay, a Lebanon lawyer and former Confederate officer, predicted that once Johnson had "redeemed the state" he would be rewarded with a U.S. Senate seat. As his last day in office neared, President Johnson was deluged with messages from Tennesseans assuring him that with the Republicans mired in a factional struggle he could easily win the governorship and usher in a Conservative revolution. Longtime friend Robert Weakley Brown told him "that you may be the Providential instrument to redeem Tennessee from Radical—bondage and misrule." It remained unclear to most Tennessee Conservatives whether Johnson intended to lead them to their promised land. But those in Johnson's inner circle knew that his quest for vindication was driving him to plunge into Tennessee's roiling political waters.[5]

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[4] Interview with *Cincinnati Commercial* correspondent, March 22, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 538-43; *Nashville Union and American*, March 28, 31, 1869.
[5] *Knoxville Whig*, March 24, 1869; Edward H. East to Andrew Johnson, November 9, 1868, Edward I. Golladay to Andrew Johnson, November 10, 1868, R. Weakley Brown to Andrew Johnson, January 7, 12, 1869, Peter Donan to Andrew Johnson, January 8, 1869, Absalom A. Kyle to Andrew Johnson, January

From Greeneville, Johnson announced an ambitious speaking tour throughout Tennessee. He was careful, however, not to declare his intention to seek office, depicting himself instead as just a public citizen. "I will indulge in no set speeches," he claimed, "but I will have a few simple conversations with the people here and there." He was eager to get started, to test the public pulse. And no one could deny that he was one of the ablest campaign stumpers that the American political system had ever produced. However, the revolutionary events of the past eight years had profoundly altered the political landscape. On the one hand, Johnson was hated by ex-Rebels for his wartime Unionism and his fierce suppression of secessionism as military governor. On the other hand, he was despised by Radicals for his abandonment of the Union party and his lenient Reconstruction policies as president. "I shall not be surprised, therefore, if he is not as successful as in former years," Gideon Welles, Johnson's secretary of the navy, recorded in his diary. "[U]nder the sweeping proscription by which Brownlow and his [Radical] faction have aimed to disfranchise all who are opposed to them, the ex-President may find it more difficult than he apprehends to serve the State." The Conservatives' only hope lay in the complete breakdown of Republican unity.[6]

The Republicans had, of course, been gradually splitting since Brownlow's reelection as governor and subsequent election to the U.S. Senate in 1867. Johnson, fully aware of the rupture

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16, 1869, Narcissa P. Sanders to Andrew Johnson, February 1, 1869, Bromfield Ridley to Andrew Johnson, February 2, 1869, Francis H. Gordon to Andrew Johnson, February 4, 1869, Natus J. Haynes & Sons to Andrew Johnson, February 8, 1869, Joseph H. Thompson to Andrew Johnson, February 9, 10, 1869, Andrew Johnson to Natus J. Haynes & Sons, February 15, 1869, interview with *New York World* correspondent, February 28, 1869, Albert A. Fagala to Andrew Johnson, March 4, 1869, Augustus H. Garland to Andrew Johnson, March 19, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 213, 217-18, 361-62, 366-67, 373-74, 389-90, 414-17, 421-24, 430-31, 435-37, 448, 490-95, 501-5, 532-34; Alvan C. Gillem to Andrew Johnson, August 9, 1864, ibid., 7: 87n.

[6] Winston, *Andrew Johnson*, 490; Howard K. Beale, ed., *Diary of Gideon Welles: Secretary of the Navy Under Lincoln and Johnson* (3 vols.; New York: W. W. Norton & Company, 1960), 3: 565-66; Hans L. Trefousse, *Andrew Johnson: A Biography* (New York: W. W. Norton & Company, 1989), 355.

in the Republican party, saw in it an opportunity, and thus took to the hustings to appeal to Conservatives and moderate Republicans. From Greeneville he journeyed to Knoxville, Chattanooga, Nashville, and Memphis. At each stop he advocated the removal of all political disabilities, attacked President Grant, and reminded his listeners that their constitutional liberties were threatened by a usurping Congress. Bidding for the support of moderate Republicans, he reminded them of his unwavering fealty to the Union throughout the war and claimed credit for preserving republican government. His tone changed depending on the venue. In East Tennessee he emphasized his wartime Unionism, but in Middle and West Tennessee he emphasized his antebellum accomplishments as a stalwart Democrat and his postwar clashes with congressional Republicans bent on thwarting his plan to swiftly restore the former Confederate states to the Union. The *Knoxville Daily Press and Herald* predicted that the ex-president's decision to enter the fray would likely alter the election: "Andy is only shelling the woods now. When he develops the enemy's position and strength, he will order up and train his artillery. We guess most of the people of Tennessee will be within hearing of the battle before it's over." Johnson's canvass across the state had indeed kicked off the state election campaign.[7]

One of the more curious features of Johnson's 1869 campaign was that he sought black votes. By the fall of 1868 most Democrats had rejected further appeals to black voters; but Johnson, sensing that Tennessee's blacks were becoming increasingly discontented with the Republican leadership, made a bid for their support. Like most other Conservatives, who were

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[7] Speech at Knoxville, April 3, 1869, speech at Nashville, April 7, 1869, speech at Memphis, April 15, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 565-75, 579-83, 594-614; *Knoxville Daily Press and Herald*, April 4, 7, 1869; *Nashville Republican Banner,* April 8, 1869; *Nashville Union and American*, April 11, 1869; *Memphis Daily Appeal*, April 16, 1869; Robert B. Jones and Mark E. Byrnes, "'Rebels never forgive': Former President Andrew Johnson and the Senate Election of 1869," *Tennessee Historical Quarterly* 66 (2007): 252-53; Aaron Scott Crawford, "The Resurrection of Andrew Johnson: His Return to Tennessee Politics" (M.A. thesis, Virginia Tech University, 2002), 20-21.

gradually accommodating to the new political order in the South, he acknowledged the reality of black suffrage and officeholding. He hoped to siphon off the votes of restless Tennessee blacks and moderate Republicans by defusing a critical Reconstruction issue that helped unify the national Republican party. Johnson reminded his audiences that he had freed the slaves in Tennessee and had advocated the extension (albeit limited) of the franchise to blacks in the provisional Southern state governments that preceded congressional Reconstruction. Speaking directly to blacks in the audience, Johnson told them that they were slaves to the Union Leagues and, by association, the Republican party, which relied on the votes of its "second-class partners" to remain in power. The Union Leagues had failed to raise the status of blacks beyond freedom, a freedom that he—not Lincoln's Emancipation Proclamation or the Thirteenth Amendment—had bestowed on them. "Where is the forty acres and the mule they promised you?," Johnson asked. The Union League, he argued, had done nothing but give blacks a new master. Harking back to his October 1864 "Moses" speech delivered from the steps of the state capitol, Johnson proclaimed, "Your Moses has come to free you again." He also urged blacks to support universal male suffrage, not just their own voting rights. Reenfranchising the ex-Confederates would, he claimed, bring an end to the violence that plagued Tennessee.[8]

Many black Tennesseans were skeptical of Johnson's professed friendship. Some asked that he elaborate on his views of black equality. The Reverend Daniel Wadkins, Sr., of Nashville sought answers to two questions: Did Johnson support black civil and political equality with whites? Did he regard Tennessee's government as the representative of the black man as well as the white man? Wadkins sent a letter with these questions to the editor of the *Nashville*

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[8] Speech at Memphis, April 15, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 611; *Nashville Union and American*, February 17, April 11, 1869; *Nashville Daily Press and Times*, April 12, 13, 1869; Bergeron, *Andrew Johnson's Civil War and Reconstruction*, 35-37, 41-45, 89-95.

Republican Banner, hoping to induce Johnson to respond publicly. The editor alluded to the letter in a column on the *Banner's* back page but refused to publish it. Instead, he suggested that Wadkins meet with Johnson while he was in Nashville. A couple of days later the editor of the Radical *Nashville Daily Press and Times* published Wadkins's letter in full. Tennessee's Moses chose not to respond. Rather, he continued to deliver the same stump speech highlighting his policies as military governor of Tennessee and professing to be the freedmen's best friend.[9]

Johnson's bid for black support created a stir among Tennesseans of all political stripes. Some Democrats acknowledged that he might succeed where others had failed due to his support of emancipation as military governor but most thought it more effective to coerce blacks with economic pressure or violence. An editorial in the *Memphis Daily Appeal* cast doubt on the efficacy of Johnson's strategy in these words: "We have no faith in the negro and prefer that we should owe our manumission to the efforts of our own race." Moderate Republicans looking to Senter as their candidate in the upcoming state election were worried. Judge Leonidas C. Houk, a close confidant of Senter, received word from a friend in Nashville that "Andy Johnson . . . is making a marked impression upon the negroes." Moderates had two concerns: on the one hand, Johnson's campaign could pay dividends for Conservatives by attracting disgruntled black voters whom the moderates were relying on to counter the Radicals; on the other hand, the ex-

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[9] *Nashville Republican Banner*, April 13, 1869; *Nashville Daily Press and Times*, April 15, 1869; speech at Memphis, April 15, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 609-12; *Memphis Daily Appeal*, April 16, 1869. For discussions of Johnson's racial attitudes from a revisionist perspective, emphasizing racism as a prime motivator of his policies, see Eric L. McKitrick, *Andrew Johnson and Reconstruction* (Chicago: University of Chicago Press, 1960); LaWanda Cox and John H. Cox, *Politics, Principle, and Prejudice, 1865-1866: Dilemma of Reconstruction America* (New York: The Free Press of Glencoe, 1963), 151-71; Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction, 1863-1869* (New York: W. W. Norton and Company, 1974), 100-16; Foner, *Reconstruction*, 179-81, 191; Trefousse, *Andrew Johnson*, 223-24; David Bowen, *Andrew Johnson and the Negro* (Knoxville: University of Tennessee Press, 1989); Fitzgerald, *Splendid Failure,* 22-46.

president's rhetoric might re-radicalize the Republican party. The Radicals agreed on the last point. The *Nashville Daily Press and Times* boasted, "The Republicans are not half as sick of the Johnsonian lectures as the Democrats are. We can stand it a good deal better than they can, for while they disgust not a few Democrats, they unite and consolidate the Republicans."[10]

With his sights set on Fowler's soon-to-be vacant Senate seat, Johnson addressed the political situation in Tennessee, if only in closing. In East Tennessee, he astutely kept his remarks brief, speaking of Tennessee and the Southern states in general. In Nashville, however, he attacked Brownlow, and by association Senter. Claiming that he had left the state in a flourishing economic condition in early 1865, Johnson pointed out that now bonds belonging to the state bank were missing, the school fund had been plundered, and long-promised internal improvement projects remained unfinished. He accused Brownlow's administration of mishandling state funds and driving the state into debt. His most bitter criticism of the administration was aimed at the declaration of martial law and the deployment of the militia. Although Senter's administration had, by this time, commenced a large-scale reduction of the State Guard, Johnson drew on popular discontent to whip his audiences into a frenzy. Maintaining a standing army was, he claimed, unconstitutional and a subversion of civil government. "You may call them 'guards,' 'militia,' or just what you please," he said, but "they are just as offensive, and it smells just as bad as it would [by] any other name."[11]

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[10] *Memphis Daily Appeal*, April 16, 1869; Jo. Lockhart to Leonidas C. Houk, April 9, 1869, Houk Papers; *Nashville Daily Press and Times*, April 16, 1869; Perman, *Road to Redemption*, 57-63.
[11] *Nashville Union and American*, April 11, 1869; speech at Knoxville, April 3, 1869, speech at Nashville, April 7, 1869, speech at Memphis, April 15, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 565-75, 579-83, 594-614; *Knoxville Daily Press and Herald*, April 4, 28, 1869; *Knoxville Press and Messenger*, April 14, 1869; *Nashville Republican Banner*, April 8, 1869; *Memphis Daily Appeal*, April 16, 1869.

With the Republican state convention not scheduled to meet until late May, Johnson's speaking tour garnered a lot of attention in early April as it moved westward across the state. Most Conservative papers lauded him as a powerful speaker and welcomed him into the ranks of those fighting to wrest control of the state away from the Radicals. Some, such as the *Columbia Herald*, acknowledged having disagreed with him in the past: "[T]he people can both help and forgive him," if he would "prove his sorrow by destroying Radicalism in the State." But not all Conservatives, nor most former Confederate leaders, greeted Johnson's speaking tour so favorably. Rather, they expressed concern that his canvass might derail the movement among moderate Republicans in favor of universal suffrage. According to John DeWitt Clinton Atkins, a former Confederate congressman and editor of the *Paris Intelligencer*, "The only possible effect it can have will be to unite the different factions of the Radical party into a compact mass." The *Pulaski Citizen* warned its readers against short-sightedness: "[W]e confess an utter aversion for the man, and feel an apprehension that his canvass of the State, while it may elevate our hopes and spirits for a season, will eventuate in confusion and more oppressive laws against the disfranchised." Such contempt for Johnson among ex-Rebels was not uncommon. The *Memphis Public Ledger* reminded its readers that "We should not forget what we are now and what we should have been but for Andrew Johnson." Prominent leaders, such as former Mississippi governor and Tennessee Confederate congressman Henry S. Foote and secessionist governor Isham G. Harris, spared no effort to defeat Johnson. Foote debated Johnson supporters before large crowds in Nashville while Harris penned an anonymous letter to the *Public Ledger* in which he charged that Johnson, as military governor, had initiated "a policy of hate," resulting in the disfranchisement of three-fourths of the state's citizens. Furthermore, Harris argued, Johnson empowered blacks and endeavored to place them over their former masters. A Memphis

correspondent of the *Cincinnati Commercial* explained that the Rebels' hatred for Andrew Johnson was unabated: "They can't let 'by-gones be by-gones' sufficiently to take by the hand a man who was such a bitter enemy of their darling project, a Southern Confederacy." A former Rebel soldier expressed the sentiment shared by many disfranchised Confederates: "If [Johnson] has not changed, I have no use for him: if he is changed, I can not trust him."[12]

Congressman William Stokes, who sought the Republican nomination for governor, set his sights on Johnson as he prematurely launched his campaign in a bid to seize the Radical base. In a lengthy speech delivered to a large crowd of blacks on the steps of the Nashville courthouse, Stokes gave a scathing review of the former president's career. He accused Johnson of insanity, profanity, and drunkenness and charged him with cowardice for shunning the battlefield and barricading himself inside the fortified, hilltop state capitol during the war. In closing, Stokes ardently appealed for black support and admonished the disfranchised to abide by the law if they wanted to regain access to the ballot box.[13]

Meanwhile, Governor Senter and his moderate Republican supporters kept a close watch as Johnson and Stokes canvassed the state. Few Senter Republicans revealed any concerns regarding their candidate's decision to remain on the sidelines. While they conceded the hard-line Radical constituency, Senter Republicans regarded Stokes as too timid, too cowardly to meet

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[12] *Columbia Herald* as quoted in *Nashville Daily Press and Times*, April 12, 1869; *Paris Intelligencer* as quoted in *Nashville Daily Press and Times*, April 14, 1869; *Pulaski Citizen* as quoted in *Nashville Daily Press and Times*, April 19, 1869; *Memphis Public Ledger* as quoted in *Nashville Daily Press and Times*, April 17, 1869; *Cincinnati Commercial* as quoted in *Nashville Daily Press and Times*, April 21, 1869; *Memphis Evening Post*, April 15, 17, 1869; *Memphis Daily Appeal*, April 15, 1869; *Nashville Union and American*, April 11, 1869; *Nashville Republican Banner*, April 10, 11, 1869; *Lincoln County News* as quoted in *Nashville Daily Press and Times*, April 26, 1869; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 20-21; Jones and Byrnes, "Rebels never forgive," 258; *Nashville Daily Press and Times*, 7, 8, 12, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 49-50; Elliott, *Isham G. Harris*, 204-205.

[13] *Nashville Daily Press and Times*, April 17, 20, 1869; *Nashville Republican Banner*, April 18, 1869.

Johnson on the stump. They also believed Johnson's diatribes would unite Tennessee Republicans and they still hoped to forge an alliance with Conservatives. In a letter to President Grant, who would closely monitor the Tennessee state elections from the White House, John Eaton, Jr., expressed an opinion shared by most moderates: "Some of us do not believe it expedient to put a Republican after [Johnson], hoping to close him out by ex-Rebel influence, in which we have quite a show of success."[14]

Tennessee Republicans did not have to wait long before Johnson's speaking tour imploded. It had begun smoothly; however, things took a turn for the worse as Johnson arrived in Memphis. It was apparent to those who had caught a glimpse of the former president emerging from his train that he was ill, for he uncharacteristically spoke in a low tone and offered but a few remarks before retiring to his hotel. Although he managed to recover to an extent and delivered his standard stump speech the following day, those in his camp suspected that he had pushed on too soon after a serious bout of bilious fever, which had disabled him for nearly two weeks after he returned to Greeneville. He was so ill on that occasion that rumors spread throughout the nation that he had died. Though unwell, Johnson went on with his tour, unwilling to halt his search for vindication. But then tragedy struck. While at a brief stop in Athens, Alabama, prior to another round of speeches in Middle Tennessee, Johnson was informed by telegram of the death of his thirty-five-year-old troubled son, Robert, who, having long suffered from alcoholism and depression, had committed suicide. Johnson then stepped off his train and addressed the cheering crowd that had gathered, explaining that he would have to return immediately to Greeneville to attend his son's funeral. For the time being, Johnson's

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[14] Leonidas C. Houk to *Hartsville Vidette*, March 26, 1869, Jo. Lockhart to Leonidas C. Houk, April 9, 1869, Houk Papers; John Eaton, Jr., to Ulysses S. Grant, April 21, 1869, Eaton Papers.

speaking tour was on hold.[15]

Yet neither illness nor bereavement could deter Johnson from his quest for vindication. As he attended to matters in Greeneville, he instructed his advisor John Williams to confer confidentially with Secretary of State Andrew J. Fletcher in the hope of enlisting him to run against Stokes. Johnson had met with Fletcher during his speaking tour to discuss Tennessee's political situation and had offered to canvass the state on his behalf, with the possibility of a Senate seat as his reward. Fletcher's break with the Radicals over disfranchisement made him a much more attractive candidate to the Conservatives than Senter, who maintained a moderate position on the franchise issue while adopting both Conservative and Radical positions on various other issues as he sought to control the center of the political spectrum. As the Republican state convention neared, Williams reported to Johnson that Stokes would win the party's nomination. "We must do something to defeat him if possible," he said. "I will write to Fletcher to-night, & see if he is in the same state of mind that he was when we last saw him. Senter has been so completely set aside, that I think he will be mad; & probably Fletcher can manage him. If so, Stokes can be defeated." Though Fletcher would not seek the gubernatorial nomination, Johnson continued to position himself for election to the U.S. Senate in the fall by what he hoped would be a more conservative state legislature.[16]

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[15] Beale, ed., *Diary of Gideon Welles*, 3: 560; Annie Coyle to Andrew Johnson, March 27, 1869, George H. Locey to Andrew Johnson, March 27, 1869, Sarah Magruder to Andrew Johnson, March 29, 1869, James F. Irvin to Andrew Johnson, March 30, 1869, John F. Coyle to Andrew Johnson, March 31, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 551-55, 557-58; *Nashville Daily Press and Times*, March 26, April 15, May 1, 1869; *Nashville Union and American*, March 26, 1869; *Nashville Republican Banner*, April 8, 24, 1869; Paul H. Bergeron, "Robert Johnson: The President's Troubled and Troubling Son," *Journal of East Tennessee History* 73 (2001): 19-20; Winston, *Andrew Johnson*, 494; Trefousse, *Andrew Johnson*, 354-55.

[16] John Williams, Jr., to Andrew Johnson, April 26, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 624-25; John Williams, Jr., to Andrew Johnson, May 11, 1869, ibid., 16: 6-7; *Nashville Republican Banner*, April 13, 1869; Bergeron, *Andrew Johnson's Civil War and*

While Johnson's speaking tour served as the inaugural event of the 1869 state election, his departure from the stump, if only temporarily, set the stage for the Conservatives and Democrats to adopt an electoral strategy designed to undermine Tennessee Radicals by seizing the political center and ultimately the state legislature. The excitement generated by Johnson's tour led some newspapers to call on Conservatives (Johnson included) to enter the gubernatorial and legislative races. But the Rebels' inability to forgive Johnson prevented a serious Conservative gubernatorial challenge to the Republicans. To ensure its continued viability, Tennessee's Conservative party changed tack. Eschewing confrontation, including political terrorism, they decided to defeat the Radicals through the normal competition of party politics. Party leaders advocated what ex-Rebel newspaper commentators coined a policy of "masterly inactivity." They advised against fielding a gubernatorial candidate or candidates for local or legislative offices in races in which a bolting Republican faction emerged. In these cases, they said, Conservatives and Democrats should back the more "conservative" Republican candidate. Conservative candidates should run only in local or state races in which a single Republican was on the ballot. In advocating "masterly inactivity," the editor of the *Cleveland Banner* advised, "We think that the Democrats should pursue this style of warfare . . . by fighting Radicalism with Radicals." In a widely published letter to the editor of the *Winchester Home Journal*, Colonel Peter Turney urged all former Confederates to become "apolitical noncombatant[s]" in the

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Reconstruction, 222-23. Thomas Alexander mistakenly interpreted the April 26, 1869, letter from John Williams, Jr., to Johnson as evidence of a prior meeting between Johnson and Senter, rather than Johnson and Fletcher. Other historians have relied on Alexander's account, without specifically citing the letter from the Johnson Papers, thus perpetuating the erroneous view that Senter, reinforced by subsequent events during the 1869 election, collaborated with Conservative leaders such as Johnson, who "persuaded Senter that Radicalism was dying in Tennessee and that he could be the hero instead of the goat." See Alexander, *Political Reconstruction in Tennessee*, 219-20, 275n.; Trefousse, *Andrew Johnson*, 357, 442n; Foner, *Reconstruction*, 413-14; Perman, *Road to Redemption*, 12-13.

coming gubernatorial canvass: "Now let us be hands off and abide our time; let us be patient, the day of our deliverance is bound to come, and the sooner by our present political silence." The May judicial election would prove to be the testing ground, the first occasion in which the Conservatives and Democrats implemented this new electoral strategy of embracing disaffected Republicans as a means to their great end—the restoration of voting rights to former Confederates.[17]

If Johnson's speaking tour was the opening act of the election, then the Republican judicial nominating convention and the election that followed constituted a dramatic turning point with a surprise plot twist. Radical Reconstruction rested ultimately on a favorable judicial interpretation of its constitutionality. Governor Brownlow had been well aware of this, and thus in early 1865 he suspended judicial elections—a violation of the state's code—and began appointing judges and district attorneys when vacancies occurred. Throughout Tennessee's Reconstruction, Radical judges intervened in every major political issue with an eye toward safeguarding Unionists and freedmen. Eschewing judicial standards such as a reverence for legal

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[17] *Cleveland Banner* as quoted in *Nashville Republican Banner*, May 28, 1869; Peter Turney to editor of the *Winchester Home Journal*, February 15, 1869, as quoted in *Nashville Union and American*, February 20, 1869; *Nashville Republican Banner*, February 11, April 11, 16, 1869; *Nashville Union and American*, February 17, 19, 20, 21, 1869; *Murfreesboro News*, February 19, 1869; *Murfreesboro Monitor*, February 20, 1869; *Bolivar Bulletin*, February 27, 1869; *Nashville Daily Press and Times*, March 23, April 2, 3, 5, 8, 14, 22, 1869; *Pulaski Citizen*, April 16, 1869; *Paris Intelligencer*, April 17, 1869; *Memphis Daily Appeal*, April 25, 1869. In his study of post-Civil War Southern politics, historian Michael Perman refers to the electoral strategy employed by Conservatives and Democrats in 1869 in Tennessee, Virginia, Mississippi, and Texas as the "new movement," a precursor to the New Departure. The strategy succeeded in Tennessee and Virginia; however, the outcome was less satisfactory in Mississippi and Texas. For overviews of the "new movement" see Perman, *Road to Redemption*, 9-21; Foner, *Reconstruction*, 412-25; Jack P. Maddex, Jr., *The Virginia Conservatives, 1867-1879* (Chapel Hill: University of North Carolina Press, 1970); 66-82; William E. Parrish, "Reconstruction Politics in Missouri, 1865-1870," in Richard O. Curry, ed., *Radicalism, Racism, and Party Realignment: The Border States during Reconstruction* (Baltimore: Johns Hopkins University Press, 1969), 25-27.

precedents, the strongly politicized Tennessee judiciary viewed its role as remaking the state's law, politics, economics, and society along Radical lines.[18]

By early 1869, however, Republican dissension had taken a heavy toll on the party. That discord permeated every aspect of Republicanism, including jurisprudence. When Secretary of State Andrew J. Fletcher's quarrel with Governor Brownlow over the franchise issue became public in January, it was suggested that a disagreement over a judicial appointment had precipitated their feud. Fletcher charged Brownlow with infringing on the constitutional rights of Tennesseans by not permitting judicial elections. By early February, public outcry against the appointment of judges and district attorneys reached a fever pitch. Meetings were held across the state in which Tennesseans of all political stripes condemned Brownlow's judicial appointments. The *Knoxville Daily Press and Herald* pointed to such meetings attended by prominent Radicals as evidence that "the absolutism of Brownlowism is not much longer to be quietly tolerated by the people." In response to the strong tide of public opinion, the legislature passed a law by a wide margin two days prior to Senter's inauguration mandating a judicial election.[19]

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[18] *Nashville Daily Press and Times*, March 11, 1869; *Nashville Republican Banner*, January 7, 1869; Brown, "The Tennessee Supreme Court during Reconstruction and Redemption," 99-115; Alexander, *Political Reconstruction in Tennessee*, 213; *Nashville Union and American*, September 22, 1868; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 5: 595-97, 6: 7-8.

[19] *Knoxville Daily Press and Herald*, February 11, 1869; *Knoxville Whig*, January 20, February 2, May 19, 1869; *Nashville Union and American*, January 26, February 4, 13, 14, 1869; *Nashville Daily Press and Times*, March 27, 1869; Philip M. Hamer, *Tennessee: A History, 1673-1932* (4 vols.; New York: American Historical Society, 1933), 2: 647; Tennessee General Assembly, *House Journal*, 35th General Assembly, adjourned sess. (1868-69), 61, 263, 270, 367, 373, 375, 441; Tennessee General Assembly, *Senate Journal*, 35th General Assembly, adjourned sess. (1868-69), 5-6, 11-12, 15, 188, 284-85, 298, 330; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 7-8; *Nashville Republican Banner*, November 17, 1868. One of the public meetings calling for open judicial elections, held in Maynardville in Union County, was attended by Radical judge James P. Swann, who criticized Parson Brownlow's judicial appointments. The *Whig* responded by asking sarcastically, "Does Judge Swann desire the disruption and overthrow of the Republican party and the ascendancy of the Conservative rebel-democratic party?" See *Knoxville Whig*, February 17, April 14, 21, 1869.

Rebel disfranchisement notwithstanding, a statewide judicial contest without Republican control of the election machinery could result in sweeping Conservative victories in Middle and West Tennessee. The Republicans were understandably concerned. Bitterly divided among themselves, they realized that desertions from their ranks since war's end had bolstered the Conservative electorate. By early March, Radical newspapers were reporting that Democratic leaders intended to field a full slate of Conservative judges for the Supreme Court. Many feared that if a Conservative supreme bench were elected it would hold a special session and rule the franchise acts unconstitutional, thereby paving the way for Rebel gubernatorial and legislative electoral victories and ultimately the dismantling of the Radical state. The Radical press called on all Republicans to support a united judicial ticket, warning readers that the gubernatorial contest hung in the balance. The *Nashville Daily Press and Times* described the judicial election as "the preliminary and, at the same time, deciding battle of 1869 in this State."[20]

Governor Senter fully appreciated the gravity of the situation. Shortly after taking office, he began exercising his patronage powers to build support among Conservatives and moderate Republicans. In addition to relaxing martial law, he appointed pro-universal-suffrage men, both Conservatives and moderate Republicans, to vacant judicial seats throughout Middle and West Tennessee. Prominent Conservatives whom he appointed to key judicial posts included William McFarland to the Second Circuit Court and William H. Wisener, Jr., as attorney general of Bedford County. These actions were applauded by Conservatives. However, in several instances, Senter resorted to the same controversial procedures employed by Brownlow to curry favor with the Radicals. By the first of May, he had declared null and void all voter registrations

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[20] *Nashville Daily Press and Times*, March 12, 13, 27, April 7, 23, May 1, 3, 4, 1869; *Knoxville Whig*, April 28, May 5, 19, 1869.

in Giles, Madison, Maury, and Shelby counties on the grounds of fraud and voting irregularities. In addition, he removed commissioners of registration in Conservative strongholds who had displayed antipathy to the franchise law.[21]

The Conservatives and Democrats predictably condemned these latter actions. The exasperated outburst of the editor of the *Memphis Daily Appeal* on April 29 exemplified the anti-Radical viewpoint: "We did have hopes that Senter would be advised to his own and the State's benefit, but seeing that he still continues the militia, has ordered a re-registration of voters in counties enjoying the most profound peace, and where there was no shadow of excuse for so arbitrary and Brownlow-like a proceeding, we have given him up as sealed in wickedness and utterly given over to the devil whose successor he is in the gubernatorial chair." Despite Senter's hope of attracting the support of Conservatives, many of them concluded that he could not be trusted.[22]

Meanwhile, Senter also found himself under attack from Radical hardliners. Although he had reaffirmed his Republican credentials by removing unfriendly county registrars and calling for the re-registration of voters in Conservative counties, ultra-Radicals were not willing to accept him as the party's gubernatorial nominee. They were displeased with his disbandment of the State Guard and his appointment of Conservatives and universal-suffrage Republicans to judicial posts, and they were incensed by his ties to the Brownlows. Curiously, the Brownlows

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[21] *Knoxville Daily Press and Herald*, April 28, 1869; *Nashville Republican Banner*, March 7, 10, 11, 13, 16, 25, 26, April 30, 1869; *Nashville Union and American*, March 13, April 2, 30, May 6, 7, 1869; *Nashville Daily Press and Times*, May 1, 1869; *Memphis Daily Appeal*, April 3, 1869; *Knoxville Press and Messenger*, April 7, 1869; *Bolivar Bulletin*, April 10, 1869; William H. Stilwell to John Eaton, Jr., n.d., Eaton Papers; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 813-14; McBride, "Blacks and the Race Issue in Tennessee Politics," 298-99; Alexander, *Political Reconstruction in Tennessee*, 213-14; Severance, *Tennessee's Radical Army*, 223.
[22] *Memphis Daily Appeal*, April 29, 1869; *Nashville Union and American*, April 2, 1869.

found themselves defending Senter on these issues of the Guard and judicial appointments. Unable to win over the ultra-Radicals, Senter was endorsed by few Radical newspapers. Indeed, as the Republican state convention loomed on the horizon, he received more endorsements from Conservative than Radical papers.[23]

By late April, William Stokes had emerged as the Republican gubernatorial frontrunner by appealing to the anti-Brownlow Radicals and by securing the support of black leaders in Memphis and Nashville. With the exception of calling for a constitutional amendment to end suffrage restrictions, he had avoided taking a definite position on the thorny issue of universal suffrage and had made it clear that he would not discriminate against Northern-born Republicans in the disbursement of state patronage. Pledging to adhere to Radical Republicanism, he garnered the endorsements of nearly every Radical newspaper in the state. In hoisting his name alongside its masthead, the *Nashville Daily Press and Times* referred to Stokes as the "Atlas of the Republican party, supporting its principles and defending its policy and acts, everywhere and on all occasions." On the eve of the judicial and state nominating conventions, Stokes and his supporters stood poised to wrest control of the party from Governor Senter and the Brownlow Radicals.[24]

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[23] James A. Griffes to John Eaton, Jr., May 18, 1869, Eaton Papers; *Knoxville Whig*, May 5, 19, 1869; *Knoxville Daily Press and Herald*, April 24, May 14, 1869; *Nashville Union and American*, May 6, 1869. Besides the *Loudon Union Pilot* and the *Knoxville Whig* (the latter initially half-hearted in its support of the governor) the only Radical paper that supported Senter was the *Memphis Post*, which remained non-committal prior to the May 20-21 Republican state convention. See Robert B. Jones, "The Press in the Election: Ending Tennessee's Reconstruction," *Tennessee Historical Quarterly* 65 (2006): 322.

[24] *Knoxville Daily Press and Herald*, May 14, 1869; *Nashville Daily Press and Times*, May 8, 13, 19, 1869; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 125-26, 132-33, 178, 181, 198; McBride, "Blacks and the Race Issue in Tennessee Politics," 299-302; Alexander, *Political Reconstruction in Tennessee*, 216; McKinney, *Southern Mountain Republicans*, 37.

But Stokes made a significant misstep, perhaps his most serious in the 1869 canvass, by forging an alliance with Alfred M. Cate, the chairman of the Republican state executive committee. Cate first gained notoriety during the war for organizing Unionist guerrilla strikes on bridges over the Tennessee River in lower East Tennessee intended to sever the Confederacy's communication and supply lines ahead of a planned Union invasion of the region. Evading capture by the Confederate authorities, he went to Kentucky and enrolled in a Union regiment, later becoming a captain. Following the restoration of civil government in Tennessee, he was twice elected to a state Senate seat and became an influential Republican party leader. However, his opposition to the militia and anti-Klan bills in the summer 1868 special legislative session tarnished his reputation among Brownlow and Stokes Radicals. In an October 5, 1868, meeting in Chattanooga, Stokes offered Cate redemption. According to a Radical party leader in attendance, Stokes suggested that Cate propose a resolution to expel Senter from the Senate on the ground of his ineligibility under the Fourteenth Amendment for having served in the Rebel state legislature and taken an oath to support the Confederacy. When Cate introduced this resolution, a dead silence ensued on the Senate floor, moderate and Radical Republicans staring at one another in astonishment. The resolution was shelved indefinitely; and, soon after, Congress responded favorably to an appeal from Tennessee Republicans to remove Senter's political disabilities. Stokes's involvement in this plot to oust his political rival from office remained largely secret until it was revealed in April 1869 with the publication of letters exchanged between two Stokes Radicals in attendance at the October meeting. The Conservative press suggested that a mutual ambition for higher political office motivated Cate and Stokes: Stokes wanted the governorship to attain a United States Senate seat and Cate sought Stokes's seat in Congress. Stokes adamantly denied any role in the conspiracy, maintaining that he had

simply read and explained the Fourteenth Amendment to Cate, nothing more. And yet despite the disgust at Cate's tactics expressed by a majority of Republicans, Stokes chose not to cut ties with him. By virtue of his party office, Cate constituted a formidable obstacle to Senter's quest to become the Republican gubernatorial nominee.[25]

The "Senter-Cate feud," as it was referred to in the press, continued with increasing bitterness as the judicial election neared. When Cate scheduled a Republican state executive committee meeting shortly after Senter issued a proclamation setting the judicial election for May 27, Senter Republicans charged that the meeting was intended as a convention to secure Stokes's gubernatorial nomination and to select ultra-Radical judicial candidates. They also contended that Cate scheduled the meeting for an early date (March 25) to prevent Senter from taking full advantage of his patronage power to build support for himself. The intraparty dispute spilled into the pages of Republican newspapers. Senter's supporters sought to delay the nomination of judicial candidates until the May 20 state convention, arguing that it was fiscally irresponsible to hold a separate meeting given the state's financial crisis. Interestingly, the *Knoxville Whig* joined Cate in support of a judicial convention held in advance of the state convention to give sufficient time to properly nominate candidates for the bench. After a fierce debate among Senter Republicans and Stokes Radicals at the March 25 committee meeting, the two factions agreed to meet in convention at Nashville on April 20 to determine the party's

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[25] Temple, *Notable Men of Tennessee*, 85-87; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 147-48; Fisher, *War at Every Door*, 52-56; Alexander, *Political Reconstruction in Tennessee*, 212; E. A. James to A. G. Sharp, April 15, 1869, A. G. Sharp to E. A. James, April 15, 1869, as quoted in *Nashville Union and American*, April 23, 1869; *Nashville Republican Banner*, November 13, 14, 1868, April 17, 18, May 1, 19, 20, 1869; William Stokes to A. G. Sharp, May 5, 1869, as quoted in *Knoxville Whig*, May 18, 1869; Tennessee General Assembly, *Senate Journal*, 35th General Assembly, adjourned sess. (1868-69), 7-9, 318-22; L. M. Blackman to Leonidas C. Houk, May 11, 16, 1869, Houk Papers; McBride, "Blacks and the Race Issue in Tennessee Politics," 297.

judicial ticket. "The evidences of an 'agreeableness' in the Radical household are not very abundant in this region just now," the editor of the *Knoxville Daily Press and Herald* reported gleefully. "There are signs of inharmoniousness in all directions." Tennessee Republicans recognized that the repeated elections were tearing their party apart. Memphis judge Barbour Lewis predicted that "Our present system of an election every two or three months will kill off the Radical Party in our State in a year or two if we continue it."[26]

Tennessee's Republicans hoped the April 20 judicial convention would inaugurate a new era of reconciliation for the party. But on the eve of the convention, a powerful spring thunderstorm brought tornadoes and torrential rains that wreaked havoc across the state and further divided the party. Nearly all the roads leading to Nashville were flooded out or blocked by fallen trees and debris. Sixty-four West Tennessee delegates en route from Memphis failed to arrive because their train derailed. In all, ninety-four of the convention's 326 delegates were unable to reach the capitol. Losing candidates subsequently cried foul, claiming that the convention was not properly representative.[27]

Although there were rival candidates for numerous judgeships and other judicial positions, most attention at the convention was focused on the three Supreme Court seats. The balloting for these nominations began with the selection of a candidate to represent East Tennessee; incumbent George Andrews, a Brownlow appointee, was unanimously approved.

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[26] *Knoxville Whig*, March 17, 31, 1869; *Knoxville Daily Press and Herald*, April 9, 1869; Barbour Lewis to John Eaton, Jr., March 23-25, 1869, Eaton Papers; *Nashville Daily Press and Times*, March 15, 26, 1869; McBride, "Blacks and the Race Issue in Tennessee Politics," 298. The Conservative and Democratic press lambasted the Republicans' decision to hold a judicial convention as carpetbagger trickery intended to "prostrate and debauch the judiciary" and maintain their political control over the state government. See, *Knoxville Daily Press and Herald*, April 20, 1869.

[27] Mattie [Martha] Herron to Topie [Utopia] Herron, April 20, 1869, in Mary U. Rothrock, ed., "Family Letters: Home Life in Gibson County, Tennessee, January-June 1869," *West Tennessee Historical Society Papers* 26 (1972): 127-28; *Nashville Union and American*, April 21, 1869; *Knoxville Whig*, May 5, 1869; Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 117.

The two other incumbents, both Brownlow appointees, were Henry G. Smith of West Tennessee and James O. Shackelford of Middle Tennessee. Smith lost the nomination to Alvin Hawkins by a single vote on the first ballot. The fiercest contest of the three pitted Shackelford against four Radical rivals. Shackelford secured a sizable lead over the others on the first ballot, but with each successive ballot Judge Andrew McClain of the sixth circuit gained momentum. McClain won on the fourth ballot with 157 votes to Shackelford's seventy-five.[28]

Then, in an astonishing turn of events, Shackelford announced that he would not be bound by the results of the convention. He charged that it had been called at the instigation of Radical Republican leaders in Washington because he and Smith had expressed support for universal suffrage and, in a recent case, had struck down a school tax that lined the pockets of the state's Radical party leaders. He pointed also to the flooding that had prevented a majority of the state's western delegates from attending the convention, insisting that those men had been instructed by their county conventions to vote for him and that both he and Smith would have won nomination on the first ballot if those delegates had been present. Whereas Smith accepted his defeat without protest, Shackelford bolted the Republican party and ran as an independent candidate.[29]

Radical reaction to Shackelford's move was swift and derisive. "We have no respect for bolters," the editor of the *McMinnville Enterprise* howled. "No party can succeed or survive such

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[28] *Nashville Daily Press and Times*, April 21, 1869; Ely, ed., *History of the Tennessee Supreme Court*, 337.

[29] *Nashville Daily Press and Times*, April 21, 24, 27, May 3, 17, 1869; *Nashville Republican Banner*, April 21, 25, 28, May 28, 1869; *Nashville Union and American*, April 28, 1869; *Knoxville Daily Press and Herald*, April 29, May 12, 1869; *Memphis Daily Appeal*, May 28, 29, 1869; Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 117; James O. Shackelford to Leonidas C. Houk, May 10, 1869, Houk Papers; Shelby County judicial election returns (newspaper clipping), May 29, 1869, Thomas Amos Rogers Nelson Papers, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville (hereafter cited as Nelson Papers).

a policy if it becomes general." The Radicals rejected Shackelford's claim that the absent delegates were pledged to him. Moreover, they said, with the attendees so divided among themselves over the candidates on the first ballot, the missing delegates would have had to vote nearly unanimously for Shackelford to ensure his nomination; as the field dwindled, the Radicals coalesced behind McClain as a viable alternative to Shackelford. Conservatives observed that though Shackelford had once marched in lockstep with Brownlow and the Radical Republicans, he now diverged from them on several issues, particularly the extension of the franchise to former Confederates and the imposition of martial law in peacetime; his apostasy had proven fatal to his aspirations, as Radical leaders decided to cast him aside.[30]

The outcome of the judicial convention and the subsequent nomination of a Radical slate of judges were welcome and reassuring to Tennessee's Conservatives and Democrats. Although the Radicals' stringent franchise laws, bolstered by Senter's rejection of voter registrations in selected Conservative strongholds, remained in effect, the Conservatives and Democrats intended to use the judicial election to test the efficacy of "masterly inactivity" with an eye toward the subsequent gubernatorial and legislative elections. They agreed to back Shackelford, the more conservative candidate, for the middle division seat and commenced soliciting Conservatives to challenge Andrews in the east and Hawkins in the west. No viable candidate emerged to compete against Hawkins, but Thomas A. R. Nelson of Knoxville stepped forward to take on Andrews. Shackelford, convinced that he could garner many Radical white and black votes in and around Nashville, agreed to campaign for Nelson in Middle and West Tennessee in

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[30] *McMinnville Enterprise* as quoted in *Knoxville Whig*, May 5, 1869.

return for Nelson's support in East Tennessee.[31]

There were many Democrats, however, who had doubts about the strategy of supporting moderate Republican candidates running against Radicals. "It is evident that if the Radical party is left to itself, it will tumble to pieces," declared the editor of the *Murfreesboro Monitor*. "Let them rend each other." The *Paris Intelligencer* agreed: "With extreme Radicals in office we will be more likely to reach the end of this day's damning work than with mild conservatives, who sympathize ever so much, but who have not the nerves to take the bull by the horns and declare for our freedom and equality at every hazard." Some former Confederates implied that neither Conservatives nor moderate Republicans could be trusted. The Democratic press assailed Judge Shackelford, who, having renounced the Radicals, now courted Conservative voters. "What canting hypocrisy is this!," exclaimed the *Monitor*. "After becoming the instrument by which the Radicals have perpetrated their power, . . . [Shackelford] now turns to the people he has outraged, and begs their support, telling them he desires to see everybody enfranchised. It won't do."[32]

But a few prominent Confederate leaders and Democratic newspapers counseled otherwise. "The Radicals are divided and at enmity, their rank and file are demoralized, they are without compass, rudder or pilot," said the editor of the *Memphis Daily Appeal*. "Our time is close at hand. Harmony and unselfishness among the Democracy will hasten it." The

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[31] William F. Cooper to Thomas Amos Rogers Nelson, March 10, 1869, J. H. Gaut to Thomas Amos Rogers Nelson, April 27, 1869, James O. Shackelford to Thomas Amos Rogers Nelson, May 13, 1869 (two letters), Nelson Papers; John Williams, Jr., to Andrew Johnson, April 26, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 15: 624-25; *Nashville Republican Banner*, April 29, 30; *Nashville Daily Press and Times*, April 29, 30, 1869; *Knoxville Whig*, May 5, 1869; Thomas B. Alexander, *Thomas A. R. Nelson of East Tennessee* (Nashville: Tennessee Historical Commission, 1956), 144-45; Alexander, *Political Reconstruction in Tennessee*, 213, 274n.

[32] *Murfreesboro Monitor* as quoted in *Nashville Daily Press and Times*, May, 3, 1869; *Paris Intelligencer*, April 17, 1869.

Democratic press reprinted numerous letters and editorials from frustrated Radicals revealing that Tennessee's Republican party was a house divided. These arguments eventually prevailed. Powerless to participate in the political process, and reassured by their former officers and party leaders, most ex-Rebels grudgingly accepted the necessity of embracing the lesser of the two evils.[33]

Meanwhile, Governor Senter's campaign nearly came to a dead end in the wake of the judicial convention. The Brownlows were not entirely satisfied with Senter, disapproving in particular his relaxation of martial law and disbandment of State Guard units. But Stokes was an avowed enemy and the pugnacious Parson and his son refused to let bygones be bygones. Seeking to avoid a party split, Senator Brownlow publicly professed his support for Senter—although he did not publish any official endorsement in the *Knoxville Whig*. At the same time, however, he privately tried to induce Radical congressman Horace Maynard to enter the gubernatorial race as a compromise candidate. But Maynard had his sights set on Joseph Fowler's United States Senate seat and did not want to make any new enemies in the party. The Brownlows therefore returned to Senter's camp. On April 24, the *Whig* finally endorsed Senter. It was a rather tepid endorsement, however, much of it aimed at damning Stokes rather than praising Senter.[34]

The Brownlows' lack of enthusiasm for Senter's candidacy was shared by many other nominal supporters of Senter. The Conservatives who intended to vote for him saw him, as did the Brownlow Radicals, not as the candidate who embodied their cause but as a means by which

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[33] *Memphis Daily Appeal*, April 25, 1869; *Nashville Republican Banner*, April 24, 1869.
[34] *Knoxville Whig*, April 24, 1869; *Nashville Republican Banner*, April 27, 1869; Alexander, *Political Reconstruction in Tennessee*, 215-16. See also John B. Brownlow manuscript note bound with the *Knoxville Whig*, June 9, 1869 (Library of Congress); *Congressional Globe*, 41st Congress, 2nd sess., 668; Lucien B. Eaton to John Eaton, Jr., May 26, 1869, Eaton Papers.

they might advance their cause, a bitter pill that was worth swallowing because it might ultimately bring a cure.[35]

In the weeks leading up to the Republican state convention, the Conservatives and Democrats, in particular, pressed both Senter and Stokes to clarify their stand on the franchise question, the central issue on which the election would pivot. Neither seemed willing to go on the record first. When the editor of the *Hartsville Vidette* falsely reported that Senter had declared in favor of universal suffrage during a speech in Gallatin, the governor's supporters denied that he would undo a law he had voted to enact and had upheld by suspending voter registrations. Sensing an opening, Stokes charged that Senter's rigid enforcement of the franchise law indicated that he was indeed a harsh proscriptionist, cut from the same cloth as Brownlow. Though reluctant to speak at length on the issue, Stokes reiterated his willingness to support an amendment to relax suffrage restrictions provided that the Klan would disband and the ex-Rebels would obey the law. Senter Republicans countered by questioning Stokes's commitment to the franchise law and accused him of favoring immediate enfranchisement of ex-Confederates. The pro-Stokes *Nashville Daily Press and Times* denied such claims, insisting that Stokes supported gradual enfranchisement by the state's cumbersome constitutional amendment process, which required approval by two consecutive legislatures before being put on the ballot for a public referendum. The heated exchange of charges and counter-charges placed both camps on the defensive as the county conventions met to elect delegates to the state

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[35] *Pulaski Citizen*, May 7, 1869; William H. Stilwell to John Eaton, Jr., April 26, May 14, 1869, William H. Stilwell to Horace Andrews, May 10, 1869, James A. Griffes to John Eaton, Jr., May 18, 1869, Eaton Papers.

convention.[36]

The turmoil and division in the Republican ranks evident in the judicial convention reappeared in the county nominating conventions in May. Senter Republicans knew they were at a disadvantage going into the county conventions because Stokes could count on the support of most of the party's Radicals, a majority of Republican voters. In the rural counties, the conventions instructed their delegates, with little debate, to vote for either Stokes or Senter. Predictably, a majority of these counties overwhelmingly elected Stokes delegates. In the more urban county conventions, however, the warring factions clashed, with neither side willing to compromise. In some of these cases, the conventions adjourned with the Senter Republicans forcing the election of a slate of uncommitted delegates. In some instances where Stokes supporters predominated, as in Chattanooga, Senter Republicans walked out and convened separately to nominate their own delegates. As rumors circulated that Senter Republicans intended to send rival delegations to Nashville to disrupt the state convention and foil Stokes's nomination, the *Nashville Daily Press and Times* declared that in all such cases both delegations should be excluded. The paper's editor knew full well that once all rival delegations were excluded, Stokes would emerge as the party's gubernatorial nominee.[37]

The scene that unfolded inside the Davidson County courthouse during that county's nominating convention seemed to foreshadow what might occur at the state convention unless

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[36] William Stokes to D. G. Thornburg, F. S. Singletary, and John Welsh, January 31, 1869, as quoted in *Nashville Republican Banner*, February 5, 1869; *Nashville Daily Press and Times*, April 23, May 3, 6, 14, 17, 19, 21, 1869; McBride, "Blacks and the Race Issue in Tennessee Politics," 301-302; Alexander, *Political Reconstruction in Tennesse*e, 216; William H. Combs, "An Unamended State Constitution: The Tennessee State Constitution of 1870," *American Political Science Review* 32 (1938): 518.

[37] *Nashville Republican Banner*, May 20, 1869; *Nashville Daily Press and Times*, May 5, 6, 7, 8, 10, 11, 12, 15, 18, 19, 20, 21, 1869; *Knoxville Daily Press and Herald*, May 14, 1869; James C. Parker, "Tennessee Gubernatorial Elections: 1869—The Victory of the Conservatives," *Tennessee Historical Quarterly* 33 (1974): 37-39.

Republican leaders could repair the breach in their party. From the start, each nomination was contested. The Senter Republicans, who had packed the assembly, managed to nominate Major Enos Hopkins as chairman. But James H. Sumner, a Stokes partisan and the only black captain to serve in the State Guard, defiantly nominated Abram Smith, a former slave who had served as a porter in the state capitol prior to the war. Captain S. F. Allen, the chairman of the Davidson County central committee, ignored Sumner and called for a vote, in which Hopkins was elected. Several black delegates protested and called for another vote with Smith on the ballot. Randall Brown, Nashville's most prominent black leader, rose from his seat and demanded in his stentorian voice that black Republicans be given a fair chance to vote for their chosen candidate. Allen ruled Brown out of order, and announced Hopkins as chairman. As Hopkins approached the rostrum, the black Stokes Radicals boiled over with rage and cursed him. The Senter Republicans attempted to shout down Brown and his supporters; however, the determined black leader made himself heard: "You are not the chairman of this convention," he exclaimed to Hopkins, "and you know it!" Pandemonium ensued as a black and a white delegate traded punches. Shouts echoed through the courthouse; one black delegate was heard to say, "G-d d—n we are going to have justice or have blood!" The police were called and one unruly delegate was removed. As the police monitored the proceedings, Senter and Stokes partisans pleaded with one another to settle their differences peacefully and unite behind a single candidate. "We are all Republicans," proclaimed Captain A. S. McTeer, a black Stokes supporter. Congressman Roderick R. Butler admonished the delegates to bury the hatchet: "The Democracy [are] watching for a rent in the party in order to put in a splitting wedge. . . . We can't afford to divide or split now; [we] can't even afford to quarrel in this contest." Despite these pleas for party

harmony, however, neither faction would give in. Instead, each elected its own delegates to the state convention.[38]

The county conventions portended trouble for Tennessee's Republican party. Not only did they result in the election of rival delegations from numerous counties, they also further strained race relations in the party. Despite their substantial numbers, blacks were routinely criticized by white Republicans for attempting to vote independently and demanding an active role in the conventions. An example occurred at the Knox County convention, in which black attendees, including a contingent of Maryville Union League members, were treated rather shabbily. Following the incident, the Conservative *Knoxville Press and Mes*senger proclaimed that whenever blacks sought to elect their own candidates they could expect to be snubbed by white Radicals. William Scott, Sr., who had accompanied his fellow League members to Knoxville, responded in the *Maryville Republican*, acknowledging that "We are sorry to say that such is the disposition of a great number of professed Radicals." Wracked by factional rivalries and racial conflict, Tennessee Republicans limped into the state convention with no prospect of harmony.[39]

On the morning of May 20, delegates to the state convention met at the capitol to elect their party's standard bearer for the August gubernatorial election. Many Republicans

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[38] *Nashville Republican Banner*, May 20, 1869; *Nashville Daily Press and Times*, May 20, 1869; *Nashville Union and American*, May 20, 1869; Severance, *Tennessee's Radical Army*, 51; John Cimprich, "The Beginning of the Black Suffrage Movement in Tennessee, 1864-65," *Journal of Negro History* 65 (1980): 188-89; Judy Bussell LeForge, "State Colored Conventions of Tennessee, 1865-1866," *Tennessee Historical Quarterly* 65 (2006): 232; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 105-106.

[39] *Knoxville Press and Messenger*, April 21, 1869; *Knoxville Daily Press and Herald*, April 11, 1869. Tennessee's Conservatives and Democrats were quick to exploit any indication of racial discontent in the Republican party. As the convention season commenced, anti-Radical papers repeatedly insisted that Brownlow and the Radicals were not loyal friends of the black race; rather, they intended "to make present use of the negro at the ballot box for their own promotion and the negro's own sacrifice." See *Knoxville Daily Press and Herald*, April 21, 1869.

considered this convention the last chance to repair the breaches in the party. The audience filled the public gallery of the House and overflowed onto the floor. In addition to the Republican faithful, several Conservative and Democratic partisans were among the spectators. Rival delegations joined the throng on the floor, pushing their way through reporters, spectators, and unchallenged delegates. The Senter Republicans among the challenged delegates intended to disrupt the convention and impede Stokes's nomination. Few admitted this publicly, although one prominent Senter Republican announced openly in Knoxville while en route to Nashville that he and his fellows "intended to nominate Senter or bust up the convention."[40]

At the appointed hour, Alfred M. Cate, the chairman of the Republican state executive committee and staunch Stokes supporter, called the convention to order. The first item of business was to elect a temporary chairman. The chairman's power to appoint committees—including the committee on credentials, which would determine the legitimacy of rival county delegations—made each faction desirous of this position; Senter Republicans were bent on capturing it at all costs. Almost immediately after the secretary had finished reading the roll call, Judge Leonidas Houk moved that Thomas H. Pearne, a Northern Methodist minister who had recently bought Brownlow's *Knoxville Whig*, be appointed temporary chairman. Determined to use his power to control the proceedings in favor of Stokes, Cate refused to accept Houk's

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[40] *Congressional Globe*, 41st Congress, 2nd sess., 667-68; *Nashville Union and American*, May 21, 1869; *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Knoxville Whig*, May 26, 1869. Evidence suggests that the Senter Republicans deliberately disrupted the convention to obstruct Stokes's nomination. See E. C. Camp to George E. Grisham, May 24, 1869, George Blackburn to J. C. Narramore, May 25, 1869, Houk Papers; *Knoxville Daily Press and Herald*, May 21, 1869; *Loudon Union Pilot* as quoted in *Nashville Republican Banner*, May 23, 1869; Parker, "Tennessee Gubernatorial Elections: 1869," 40-41; Alexander, *Political Reconstruction in Tennessee*, 215. Given the partisan nature of newspapers, considerable weight is given in this dissertation to the convention reports of the Conservative *Nashville Union and American* and the *Nashville Republican Banner* rather than the *Nashville Daily Press and Times* (Stokes) and the *Knoxville Whig* (Senter).

motion on the parliamentary ground that he had not called for nominations. Cate then proceeded to harangue the Senter Republicans who objected to his decision, asserting that there was a "preconcerted effort to choke him down." When he concluded his remarks, a Stokes Radicals inquired whether the convention was organized. In a stunning move, Cate announced that the convention was indeed organized and that motions were now in order. This precipitated confusion and disorder. Cries of "Mr. Chairman" came from all parts of the hall.[41]

During a lull in the wrangling, Cate recognized a Stokes delegate from Chattanooga who nominated Congressman Roderick R. Butler as temporary chairman. Abruptly, Judge Houk mounted the stenographer's stand and demanded to be heard. Treading on the fingers of a stenographer, he put the question of Pearne's nomination and declared him elected. Senter Republicans cheered and called loudly for adjournment while Stokes Radicals cried foul. Cate frantically wielded his gavel as he admonished the delegates to take their seats and "act like white men in a civilized country." This remark aroused the wrath of black Senter Republicans. One declared that black men had rights: "This [is] no white man's party; it [is] a party of the country!" A combination of Memphis and Nashville black Stokes Radicals then began to shout down their counterparts, demanding that the bogus black Senter delegates be removed from the capitol. The Senter Republicans responded by echoing Ulysses S. Grant's famous dictum of 1864: "No, we'll fight it out on this line." A brief altercation occurred between a white and

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[41] *Nashville Union and American*, May 21, 1869; *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Knoxville Daily Press and Herald*, May 23, 1869; *Knoxville Whig*, May 26, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 8; Coulter, *William G. Brownlow*, 385; Gentry, "Public Career of Leonidas Campbell Houk," 21-22; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 186-88.

black delegate in which the latter threw off his coat and defied the former to shoot him, exclaiming that he was a freeman and entitled to his rights.[42]

As the morning turned to afternoon, the arguments grew more heated, the language more vituperative, the altercations more violent. Amid the confusion, a few delegates made impassioned pleas for party unity. "In the name of God and the Republican party," said B. F. Cook, "let us have peace. Let us act like men, and not a pack of dogs." Knoxville physician Lynville M. Mynatt declared that the ungentlemanly behavior he was witnessing was an embarrassment to the party and provided the Rebels with fodder for the coming state election: "We are making a rich treat for the Democratic party." Several delegates then began singing songs, including "On Jordan's Stormy Banks I Stand," "Hail, Columbia," and "Rally 'Round the Flag." In a rare show of unity, several Senter and Stokes delegates agreed to adjourn for an hour; the truce was quickly undone, however, by a couple of drunken delegates who shouted "Go to h—l!" and "The convention is a disgrace. Let's throw it away." Bedlam ensued again, with delegates shouting for either Butler or Pearne to occupy the chairman's stand. When both of those men mounted the stand, there was a struggle to seize the gavel. Finally, General Joseph A. Cooper managed to restore order by convincing Cate, Butler, and Pearne to agree to a cooling-off period. Cooper instructed the delegates to leave the hall but assured them that "There is no trick in this. Go, and drink less bad whiskey and you will be more capable of doing business."

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[42] *Nashville Union and American*, May 21, 1869; *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Knoxville Daily Press and Herald*, May 23, 1869; *Knoxville Whig*, May 26, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 8-11; Gentry, "Public Career of Leonidas Campbell Houk," 21-22; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 186-88; McBride, "Blacks and the Race Issue in Tennessee Politics," 303.

When the hall cleared, Cooper ordered the doors to be locked and had policemen stationed at the doors with orders to admit hereafter only delegates with credentials.[43]

The afternoon session began promisingly as Senter Republicans and Stokes Radicals patiently listened to each other's claim to the chairmanship. However, the proceedings soon degenerated into anarchy, with the feuding factions trading jabs and hurling expletives at one another after Pearne refused to accept Congressman Butler's proposition that they both withdraw their claim to the position. Fed up with the partisan bickering and political posturing, State Guard captain William L. Hathaway, a Stokes partisan, unleashed a torrent of profanity and threatened to nominate the notorious Rebel Nathan Bedford Forrest for governor. As the evening wore on, a full-scale riot was narrowly averted by the Metropolitan Police's rapid response to a potential duel between Colonel David M. Nelson of the State Guard and Congressman Butler. The quarrel began after Nelson mounted a desk and made a fiery speech declaring that no avowed enemy of Governor Senter should be appointed speaker. Nelson charged that the same men who now sought control of the chair to engineer Stokes's nomination had held midnight conclaves to depose Senter. "We will never submit to be ruled by such men," he shouted, "never, by G-d!" The crowd grew turbulent and there was a general rush toward the speaker's stand. The police pushed their way past the crowd and found both Nelson and Butler brandishing pistols. A scuffle ensued as the police and delegates attempted to disarm the two. Both were taken into custody and marched off to the police station. In the midst of the scramble, the secretary's desk was overturned, its handsome marble slab broken into fragments and

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[43] *Nashville Union and American*, May 21, 1869; *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Knoxville Daily Press and Herald*, May 23, 1869; *Knoxville Whig*, May 26, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 9-11; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 658; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 186-88.

scattered over the floor. Cate still held the chair and declared an adjournment until the next morning. He then slyly slid the gavel into his pocket and left the convention. Several delegates continued in vain to nominate their candidate; however, the disturbance had effectively broken up the meeting. The antagonism between the factions had become seemingly irreconcilable.[44]

As darkness fell, there was great excitement throughout the city. The two factions held rallies at opposite ends of the capitol to boost morale and reinvigorate support for their candidate's nomination. The Stokes Radicals met in the Senate chamber, the Senter Republicans in the House chamber. The Stokes Radicals blamed Senter partisans for conspiring to divide the party to block Stokes's nomination. Captain Williams of White County warned that if the Senter Republicans succeeded in dividing Tennessee's Republican party, then Andrew Johnson, supported by a unified Conservative voting bloc, would sweep into power and crush both factions. Meanwhile, the Senter Republicans celebrated the fact that they had prevented the Stokes delegates from controlling the proceedings. "We've got these fellows by the gills," declared Judge Houk, who claimed he had paid three weeks' room and board and was prepared to remain and fight until the election was over. Eventually Governor Senter addressed the crowd. He reaffirmed his Republican credentials, pledged to abide by the convention's decision on the nominee, and chastised the Stokes Radicals for scheming to divide the party. When pressed to state his views on extending the franchise to the former Confederates, he replied that "the time might arrive when the rebels could come up to the ballot-box, but that day [is] a long way off." It was reported that Stokes, eager to avoid a brokered convention, had sent a

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[44] *Nashville Union and American*, May 21, 1869; *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Knoxville Daily Press and Herald*, May 23, 1869; *Knoxville Whig*, May 26, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 8-15; Severance, *Tennessee's Radical Army*, 222; McBride, "Blacks and the Race Issue in Tennessee Politics," 303-304.

delegation of Radical legislators to Senter to propose that they now enter the convention arm in arm to restore party harmony. Senter's friends denied that there had been any such meeting, while the Stokes Radicals insisted it had been held but that the governor rejected their plan.[45]

With the exception of threatened bloodshed, the embarrassing scenes of the first day of the convention were repeated on the second day. Scores of delegates, reporters, and curious spectators filled the porticos, terraces, and hallways of the capitol that morning, waiting to gain entry to the House chamber. When the doors were unlocked, Alfred Cate rushed toward the speaker's stand but stopped suddenly when he caught a glimpse of Dr. Pearne calmly sitting in the chair wielding a gavel of his own. Earlier in the day, Senter's supporters had slipped Pearne into the room with the assistance of Frank Hyberger, the sergeant-at-arms of the House and recently-appointed adjutant general and private secretary to the governor. Undaunted, Cate strode to the speaker's stand, positioned himself next to Pearne, took out the gavel he had removed from the hall, and called the convention to order. Pearne responded with a more emphatic gaveling and likewise called the meeting to order. Both attempted to speak over one another as the other delegates shouted for their respective candidate. The noise compelled some members to put their thumbs in their ears. Several unproductive hours passed before the delegates unanimously agreed to adjourn *sine die*. As they streamed out of the hall, a reporter for the *Nashville Republican Banner* wrote, "We are glad, for decency's sake, and the reputation of the State, to draw the curtain upon these unsightly orgies."[46]

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[45] *Nashville Republican Banner*, May 21, 1869; *Nashville Daily Press and Times*, May 21, 22, 1869; *Congressional Glo*be, 41st Congress, 2nd sess., 668; Alexander, *Political Reconstruction in Tennessee*, 215.

[46] *Nashville Republican Banner*, May 22, 1869; *Nashville Daily Press and Times*, May 22, 1869; *Nashville Union and American*, May 22, 1869; *Knoxville Daily Press and Herald*, May 25, 1869; *Knoxville Whig*, May 26, 1869; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6:

During the evening, the rival camps held meetings in which they nominated their candidates—each of whom accepted his "party's nomination." The Stokes Radicals met in the Senate chamber, where their standard bearer vowed to stand on the national Republican platform. Stokes announced his support for the Fifteenth Amendment and reassured his followers that, for now, he did not favor lifting suffrage restrictions on the former Confederates. But he also repeated an earlier response in answer to Andrew Johnson, promising the Conservatives that if the Rebels remained quiet, accepted the situation, and halted the killing of Unionists, he would eventually enfranchise them. In closing, Stokes remarked that he was certain of the support of forty thousand black voters and thirty thousand white Union soldiers. In the House chamber, Senter thanked his followers and, like Stokes, pledged to adhere to the national party's platform. But he also took the opportunity to vent his anger at Stokes and those who had plotted in midnight caucuses to remove him from office, asserting that these men were devoid of honor and that he himself would carry out the gubernatorial canvass honorably. After he finished, his supporters, with an eye to winning over black voters, passed a resolution reaffirming the party's pledge of racial equality. In addition, a group of black Senter Republicans led by Dr. Edward Shaw successfully moved that the convention appoint one black delegate from each congressional district to a state executive committee with the power to appoint a subcommittee in each county to conduct the canvass.[47]

Thus ended the tumultuous Republican state convention, which failed to restore harmony and unify the party behind a single candidate. Rather, the chaotic proceedings drove a deeper

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15; Tennessee General Assembly, *Public Acts of Tennessee*, 35th General Assembly, extra sess. (1868), res. no. 2, 33; Severance, *Tennessee's Republican Army*, 220.

[47] *Nashville Union and American*, May 22, 1869; *Nashville Republican Banner*, May 22, 27, 1869; *Knoxville Whig*, May 26, 1869.

wedge between the two factions. Given the results of the county conventions preceding the state convention, Senter had little hope of winning the Republican nomination. His supporters scored a major victory by deliberately disrupting the convention. With the party divided and each faction nominating its own candidate, Senter could claim that he was as much the Republican nominee as Stokes.[48]

The editor of the *Memphis Avalanche* correctly argued that "though partially veiled by the violence of the late Radical State Convention, [universal suffrage] was the rock on which the assemblage split." The split had been widening since Brownlow called the summer 1868 special session of the legislature. Despite the split, both Senter and Stokes had each made utterances in favor of gradual universal suffrage as bids for the Conservative vote. The election would hinge on the candidate who chose to take up the banner of immediate universal suffrage first; yet neither candidate seemed poised to act first and restore the franchise to the former Confederates.[49]

On May 27, a week after the convention, Tennesseans cast their ballots in the judicial election. Despite the effort of Republican newspapers to encourage the party faithful to vote, many Republicans abstained, perhaps out of disgust with the convention proceedings. Consequently, Conservative voters were emboldened to take an active part in the judicial contest. Although the former Confederates and many Conservatives were unable to vote due to the franchise law and Governor Senter's annulment of voter certificates, Conservative Thomas A. R. Nelson and independent James Shackelford managed to outpoll the Radical judicial ticket in several Middle and West Tennessee counties. In the state at large, however, the Radical slate of

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[48] Alexander, *Political Reconstruction in Tennessee*, 215.
[49] *Memphis Avalanche*, May 26, 1869.

judges defeated its opponents by a nearly two-to-one margin. Shackelford confided to Nelson that the newly elected "Supreme Bench would tend to perpetuate the extreme views of Radicalism."[50]

The May judicial election thus secured the state Supreme Court for the Radicals, but this proved a hollow victory. Even as the Radicals celebrated, Brownlow's lame-duck Supreme Court prepared to announce its decisions in two momentous franchise cases that would abruptly alter the course of Tennessee's Reconstruction.

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[50] James O. Shackelford to Thomas Amos Rogers Nelson, June 2, 1869, Shelby County judicial election returns (newspaper clipping), May 29, 1869, Nelson Papers; John Houston Bills Diary, May 27, 1869; *Nashville Daily Press and Times*, May 21, 1869; *Fayetteville Observer*, May 27, 1869; *Murfreesboro News* and *Loudon Union Pilot* as quoted in *Nashville Republican Banner*, May 23, 1869; *Jackson Tribune* as quoted in *Nashville Republican Banner*, May 25, 1869; *Knoxville Whig*, May 5, 26, 1869; H. Pomeroy to John Eaton, Jr., May 31, 1869, Eaton Papers; Alexander, *Political Reconstruction in Tennessee*, 215.

CHAPTER FOUR

CONSERVATIVE TRIUMPH: MAY-AUGUST 1869

In the year and a half since Governor Brownlow appointed Robert E. Bogle commissioner of registration for Gibson County, the Radicals had exercised complete control over the local election machinery. Vested with the authority to determine the qualifications of voters and protected by a company of State Guardsmen during the 1867 deployment, Bogle upheld the Radicals' policy of wholesale Rebel disfranchisement. He also added the names of 350 newly-enfranchised blacks to the county's registration rolls. But the trouble for local Radicals began after the 1867 state election, when the State Guard disbanded.[1]

No sooner had the Guard departed than the Klan resumed its terrorism across Middle and West Tennessee. It preyed on Radicals—black and white—and intimidated Brownlow's registrars. The Radicals responded by enacting in the legislature a stringent loyalty oath that extended to the Conservatives, who viewed it as simply an underhanded method of disfranchising them. In Gibson County, the Conservatives aligned with a majority of Democrats to stand between the militant ex-Rebels and the Radicals. Rather than resorting to threats, the Conservatives and Democrats curried favor with Bogle by plying him with liquor.[2]

By January 1868, hundreds of disfranchised Conservatives and ex-Rebels had procured voting certificates. Gibson County Radicals fumed. "We are on the eve of a great & perilous

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[1] Pryor Adkins to Joseph A. Cooper, July 31, 1867, Tennessee Adjutant General's Office Records; Severance, *Tennessee's Radical Army*, 108, 144-49.
[2] Severance, *Tennessee's Radical Army*, 169-75.

crisis," Dr. William H. Stilwell declared. With the county elections scheduled for March 7, the Radicals petitioned Brownlow to remove Bogle and set aside his registrations. On February 25, Brownlow invalidated the county's voter registrations and appointed a new registrar to oversee the election. The Radical ticket subsequently won a landslide victory in the county as the new registrar barred nearly four thousand Conservatives and ex-Rebels from the polls.[3]

Following the election, Gibson County Radicals discovered that William Staton, a Confederate-sympathizing farmer, had, in defiance of Brownlow's proclamation, cast a ballot. The sheriff arrested Staton and a grand jury subsequently indicted him for voting without a valid certificate. Staton's counsel filed a demurrer on the ground that the statute authorizing the governor to set aside voter registrations was unconstitutional, in that it deprived citizens of an inalienable right—the right of suffrage. Conservative judge John A. Rogers of the Sixteenth Circuit Court agreed and sustained the demurrer. The attorney general prosecuting the case against Staton appealed this ruling to the state Supreme Court, thereby setting the stage for a series of legal decisions that reshaped the political battlefield and, in time, helped end Tennessee's Reconstruction.[4]

Staton's case was argued before the Tennessee Supreme Court against the backdrop of Republican intraparty conflict. The factional bickering and fistfights that marked the Republican state convention spilled out into the streets of Nashville and beyond. In Memphis, black Senter

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[3] William H. Stilwell to John Eaton, Jr., January 17, 27, February 10, 1868, Eaton Papers; S. W. Hatchett to James E. McNair, January 31, 1868, James E. McNair to William G. Brownlow, February 3, 1868, Brownlow Papers; *Nashville Union and Dispatch*, March 12, 17, 24, 1868; *Nashville Republican Banner*, May 30, 1869; Tennessee General Assembly, *Public Acts of Tennessee,* 34th General Assembly, 2nd adjourned sess. (1866-67), chaps. 36, 56-58.

[4] *Nashville Union and Dispatch*, January 21, March 12, 17, 24, 1868; Ninth Census, 1870, Schedules of Population for Tennessee, Gibson County, 457; Gibson County Circuit Court Minutes, March 26, 27, 1868, Vol. H, 573, 588 (microfilm copy in TSLA); *State v. Staten*, 46 Tenn. (6 Coldwell), 233, 234-35, 260-62 (1869).

and Stokes partisans viciously attacked one another. "Radicalism is killing itself," the editor of the *Hartsville Vidette* reported.[5]

Senator Brownlow had made no attempt to repair the breach during the convention. Now, hard-pressed by Senter Republicans to come out strongly in favor of their candidate, he broke his silence. In a public statement, he lamented the convention's failure to unify behind a standard-bearer, but acknowledged that he "had anticipated the unhappy result." He regarded both candidates as devoted Republicans. He thanked Stokes for defending him and his administration during the 1867 gubernatorial campaign. But in concluding, he expressed his "unshaken confidence in [Senter's] honest devotion and steadfast constancy to the great principles of the Union [Radical] Republican party." It was evident to Brownlow that Senter had greater claims on him than any other Republican. Senter had not only advocated his election on every stump throughout his senatorial district, but also defended Brownlow's administration on the floor of the Senate while being assailed by Stokes's supporters. Moreover, while Stokes had sought to undermine Brownlow's U.S. Senate bid, Senter had faithfully stood by him.[6]

Responding to Brownlow's statement, the editor of the *Knoxville Daily Press and Herald* remarked, "The Senator never forgives a friend nor forgets an enemy." The *Nashville Republican Banner* wrote that Brownlow "snivels as meekly and sadly as if he was entirely innocent of the causes of the late 'split,' when it is well known that the whole anti-Stokes movement had its inspiration in his own heart and by his own dictation." Rather than heal the rupture within the party, Brownlow's pronouncement exacerbated it.[7]

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[5] *Hartsville Vidette* as quoted in *Nashville Republican Banner*, May 25, 1869; *Memphis Daily Appeal*, May 27, 1869.
[6] *Nashville Union and American*, May 27, 1869.
[7] *Knoxville Daily Press and Herald*, May 26, 1869; *Nashville Republican Banner*, May 27, 1869.

With so much attention diverted to Republican internecine rivalries and the pending gubernatorial canvass, the Republican press largely ignored the legal ramifications of the franchise cases being considered in both the Tennessee and United States Supreme Courts. Anti-Radicals, however, closely monitored the courts, anxiously awaiting the decisions that could overthrow Tennessee Radicalism. Besides the Staton case, there was *Ridley v. Sherbrook*, on appeal to the U.S. Supreme Court, which involved the validity of the 1866 (second) franchise law and the succeeding franchise laws. Bromfield L. Ridley, a former Confederate pardoned by President Andrew Johnson, had appealed to the Tennessee Supreme Court in December 1866 after his county registrar refused him a certificate to vote based on his Rebel past. That court ruled that the right to vote was a political right that was not inalienable; therefore, it could be conferred or denied by the state; the court cited the 1834 constitution, which empowered the General Assembly to prohibit criminals from voting. Ridley then appealed to the U.S. Supreme Court, but its decision was delayed due to the justices' ill health. Tennessee's Conservatives and Democrats grew impatient and suspicious at the delay. The *Nashville Union and American* questioned the U.S. court's motive: "Was this done for the benefit of the Radicals?" The Conservatives and Democrats knew full well the political implications of inaction: Tennessee would soon be holding judicial, legislative, and gubernatorial elections while nearly 100,000 potential Democratic voters remained barred from the polls.[8]

Meanwhile, the Tennessee Supreme Court took up the Staton case. Though scheduled to convene for its spring term in Brownsville on April 27, the court did not meet until the following day, when Judge Shackelford, who was busy organizing his independent bid for the judicial

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[8] *Ridley v. Sherbrook*, 43 Tenn. (3 Coldwell), 569, 571-78 (1866); Tennessee Constitution (1834), art. 4, sec. 2; Tennessee Code (1858), sec. 834, p. 5226; *Nashville Republican Banner*, March 13, 16, 17, 20, April 30, 1869; *Nashville Union and American*, March 19, April 7, 11, 18, 1869; *Nashville Daily Press and Times*, March 12, 13, 23, 1869; *Memphis Daily Appeal*, May 31, 1869.

statewide election, finally arrived. The court had a crowded docket but the justices moved expeditiously. Staton's case came up on May 18.[9]

As Tennesseans awaited the court's ruling, some read the tea leaves of Judge Shackelford's April 26 circular announcing his candidacy to determine how he might rule in the case. According to Shackelford, he had opposed stringent franchise measures during the January 1865 constitutional convention. A point of great contention during the convention, the franchise issue was compromised by delegating to the General Assembly the power to designate who was qualified to vote. Shackelford referred to a number of cases questioning the constitutionality of the franchise laws that subsequently came before the court. "As a judge, with its policy I had nothing to do," he maintained. "Believing the people, in their sovereign capacity, had the right to determine the elective franchise—I so held." But as a citizen, having resigned from the court in 1867, Shackelford had publicly professed his support for universal suffrage. Along with several prominent residents of Davidson County, he had appeared before the legislature bearing a petition with over four thousand signatures calling for the immediate restoration of the franchise to all former Confederates. Nevertheless, Governor Brownlow had reappointed Shackelford to the bench in September 1868. "Believing, as I conscientiously do, that [extending the elective franchise to all men] alone can bring peace to our State, and advance its material interests," said Shackelford, "I now hold, and I honestly believe that nine-tenths of the people are in favor of equal rights to all." "But," he added, referring to the Stokes Radicals who had cast him aside

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[9] West Tennessee Supreme Court Minutes, Tennessee Supreme Court Clerk Records, RG 191, Sub-series D, Vol. 5 (microfilm copy in TSLA); James O. Shackelford to DeWitt C. Senter, May 10, 1869, Joseph Brown Heiskell to DeWitt C. Senter, June 12, 1869, A. Wright to DeWitt C. Senter, June 14, 1869, Senter Papers; James O. Shackelford to Thomas Amos Rogers Nelson, May 13, 1869, Nelson Papers; *Memphis Daily Appeal*, April 26, 1869; *Athens Post*, May 7, 1869.

because of his moderation on the suffrage question, "political intriguers, for their own private ends, seek to keep the people thus enthralled."[10]

These remarks gave some Conservatives hope that Shackelford might be on their side. Recent statements in favor of universal suffrage by Shackelford's colleague, Henry G. Smith, likewise encouraged Conservatives. But few expected George Andrews of East Tennessee, the only sitting judge renominated by the Radical-dominated judicial convention, to be sympathetic.[11]

The hearing lasted three days, during which time Staton's lawyers, one of whom had been a Confederate congressman and the other an officer under Nathan Bedford Forrest, sharply challenged the denial of voter registration to citizens without due process of law. The attorney general made a brief but forceful defense of the franchise laws. As the justices retired to deliberate, the Republican state convention was meeting. With that party on the verge of disintegrating and the judicial election looming, Conservatives prayed that the ruling would come quickly.[12]

On May 27, the court rendered its decision in *State v. Staten*. Smith wrote the court's opinion; however, Shackelford and Andrews filed concurring opinions. The unanimous decision ruled unconstitutional Governor Brownlow's practice of setting aside voter registrations. Smith declared that the elective franchise was a vested property right and that according to the state's

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[10] *Nashville Daily Press and Times*, April 27, 1869; *Nashville Union and American*, April 28, 1869; *Nashville Republican Banner*, May 4, 1869; Alexander, *Political Reconstruction in Tennessee*, 30-31.
[11] R. Ben Brown, "The Tennessee Supreme Court during Reconstruction and Redemption," in James W. Ely, Jr., ed., *A History of the Tennessee Supreme Court* (Knoxville: University of Tennessee Press, 2002), 103-104.
[12] West Tennessee Supreme Court Minutes, Tennessee Supreme Court Clerk Records, RG 191, Sub-series D, Vol. 5 (microfilm copy in TSLA); *Knoxville Daily Press and Herald*, May 26, 1869. Staton's lawyers were Joseph Brown Heiskell and Thomas J. Freeman; see McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 354-55; John W. Green, *Lives of the Judges of the Supreme Court of Tennessee, 1796-1947* (Knoxville: Archer and Smith, 1947), 198-201.

bill of rights neither the legislature nor the governor could deprive Staton of his right to vote without due process of law. Regarding the commissioners of registration, the court concluded that their functions under the franchise laws were judicial. The office of registrar was in effect a tribunal, "awarding, declaring, evidencing and establishing the right [to vote]." Thus, chief executive Brownlow had no right to set aside registrations. Under the March 1867 franchise law, Smith held, "The Governor is, practically, made the ultimate arbiter and judge of the right of all and of every citizen to the franchise. . . . [F]rom his action the registered and qualified voter has no appeal or redress." This was plainly a violation of the separation of powers embedded in the state constitution. Therefore, the law violated a franchise holder's constitutional right to due process.[13]

In his concurring opinion, Andrews declared that suffrage was both a property right and a trust. The courts, he said, had held that the 1865 amendments conferred on the General Assembly the power to determine the qualification of voters and restrict the elective franchise. Therefore, he reasoned, the subsequent franchise laws were not contrary to the principles of republican government. Andrews's objection to the laws was not so much that they were judicial, but that they were arbitrary: "The power of the Legislature is, to regulate the exercise of the right, and not to destroy the right itself." Shackelford, in his concurrence, felt the need to

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[13] *State v. Staten*, 46 Tenn. (6 Coldwell), 233, 234, 242-44, 246-54; West Tennessee Supreme Court Minutes, Tennessee Supreme Court Clerk Records, RG 191, Sub-series D, Vol. 5 (microfilm copy in TSLA); Tennessee General Assembly, *Public Acts of Tennessee*, 34th General Assembly, 2nd adjourned sess. (1866-67), chaps. 36, 56-58; *Fayetteville Observer*, June 3, 1869. The Gibson County census and circuit court records indicate that the defendant's name was William Staton; however, the Tennessee Supreme Court misspelled his name as Staten in the official record as a consequence of the Gibson County circuit court reporter's inconsistent rendering. See Ninth Census, 1870, Schedules of Population for Tennessee, Gibson County, 457; Gibson County Circuit Court Minutes, March 26, 27, 1868, Vol. H, 573, 577, 588, index. Staton's name has been misconstrued as Stratton in two recent scholarly essays. See Jones, "Press in the Election," 324; Sarah M. Howell, "John C. Gaut: Wielding Justice in Tennessee, 1861-1869," *Tennessee Historical Quarterly* 67 (2008): 15-16.

defend his previous ruling (*Ridley v. Sherbrook*) on the franchise. Consequently, he deviated from his colleague's views, arguing that the franchise was "a political right or privilege, and not a natural or inherent right." He noted numerous precedents for this assertion, including the history of voting rights for Tennessee's free blacks, which the 1796 constitution had granted but the 1834 constitution had revoked. Shackelford declared that the state could restrict or revoke the franchise at any time "without the violation of any vested right." But he agreed that the state must comply with the U.S. Constitution's due process clause. He held that the sovereign people of Tennessee, acting in a constitutional convention, could divest a citizen of the franchise, but neither the legislature nor the governor could do so. Moreover, he said, the act empowering the governor to invalidate a commissioner's voter registration violated the separation of powers by permitting the governor to overrule the judiciary.[14]

Although the ruling was not filed until May 29, news of the court's decision began circulating earlier, even before the judicial election polls had closed. While some initially misinterpreted *Staten* as a repudiation of Rebel disfranchisement, the *Nashville Republican Banner* was quick to grasp its correct meaning thanks to Shackelford, who, on leaving Brownsville, leaked specific details of the case. The *Banner* heralded the decision as a turning point, but not a revolution: "It is the entering wedge to the general and final enfranchisement of the 80,000 Tennesseans who have heretofore been deprived of the ballot." The editor urged all county commissioners to preserve their poll books and all Conservatives to dig out their voting certificates: "We imagine there will be a general resurrection of old documents and ransacking in old cabinets, and the pockets and pantaloons that had been dismissed from service." "Let every Conservative use all honorable means to increase our vote," proclaimed the editor of the

[14] *State v. Staten*, 46 Tenn. (6 Coldwell), 233, 255-83.

Clarksville Chronicle, "and the day is not far distant when we will see our State redeemed and disenthralled." Tennessee's Conservatives—twenty to thirty thousand of whom were now reenfranchised by the *Staten* decision—potentially held the balance of power and stood poised to become a formidable force in the 1869 state election.[15]

Often misinterpreted by historians as the landmark decision that doomed Radicalism, *State v. Staten* was, as the *Banner* said, only the "entering wedge" in the demolition of the Radical edifice. The foundation of the edifice—the proscriptive franchise laws—remained firmly in place notwithstanding the decision. Republican political domination could continue so long as the party could control the county commissioners of registration. Charged with determining the eligibility of voters, the registrars were the key to Tennessee's political future.[16]

Since entering office, Senter had received numerous requests to remove Brownlow's registrars; but in the wake of *Staten*, there came a deluge of letters, petitions, and newspaper editorials from Conservatives and Democrats urging him to purge the state of all Radical registrars. While many accused the registrars of dereliction of duty—not opening their offices for voter registration as prescribed by law—most claimed that the registrars were Stokes Radicals who refused to issue certificates not only to eligible Conservatives but also to Senter Republicans. Although Senter exercised complete control over the registrars, he initially proved

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[15] *Nashville Republican Banner*, May 28, 29, 30, June 1, 5, 1869; *Clarksville Chronicle*, June 5, 1869. See also *Memphis Daily Appeal*, May 31, 1869; *Fayetteville Observer*, June 3, 1869.

[16] *State v. Staten*, 46 Tenn. (6 Coldwell), 233, 247-48, 254-58, 282-83; Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 116-20. In a private letter to Thomas A. R. Nelson, an influential East Tennessee Conservative, Judge Shackelford acknowledged that "The recent decision of the Court has changed the result of affairs very much." However, he maintained, as both he and Judge Smith had declared in *Staten*, that the legislature still had the power to limit the elective franchise delegated to it by the 1865 constitutional convention and all subsequent franchise acts. See James O. Shackelford to Thomas Amos Rogers Nelson, June 2, 1869, Nelson Papers.

reluctant to take action against them, removing only four in his first hundred days in office (two additional positions were vacated by resignation).[17]

One of Senter's correspondents was Abner A. Steele, a staunch Unionist and one of the first legislators to publicly break with Brownlow over the franchise law, resigning his seat in protest in February 1866. Identifying himself now as a Conservative Unionist, he informed Senter that Marshall County Conservatives were inclined to vote for him rather than Stokes; however, they were waiting for Senter to declare himself for immediate universal suffrage. Steele urged the governor to remove Marshall County's Radical registrar as a sign of good faith and appoint in his place a Conservative, who would ensure that those reenfranchised by the *Staten* decision received their voter certificates. "You are master of the situation and I think you might use it to your advantage & the people[s']," Steele wrote, "<u>but you can only do so, by giving the people a fair chance to register</u>, and by a full open avowal in favor of the white people

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[17] *Nashville Republican Banner*, May 30, 1869; "Old Citizen" to DeWitt C. Senter, May 28, 1869, Ben Wilson to DeWitt C. Senter, May 7, 1869, G. W. Walters to DeWitt C. Senter, May 28, 1869, Senter Papers. The Governor DeWitt Clinton Senter Papers contain a large number of letters and petitions, dated between February 25 and August 5, 1869, urging Senter to remove county commissioners of registration. Numerous studies of Tennessee's Reconstruction era offer various statistics on the number of commissioners removed from office by Governor Senter. The discrepancies are largely attributable to the conflicting numbers of removals reported in the state's partisan newspapers. Yet no one has heretofore attempted to separate the number of commissioners who resigned from the total number who left office. In addition to Tennessee newspapers, I have used two previously unexplored sources to gather reliable numbers regarding removals and resignations: a book of commissions issued during Senter's administration, located in the Governor Senter Papers; and a letter book originally kept by Horace H. Thomas, Brownlow's private secretary, in which Frank Hyberger, Senter's private secretary, later copied letters he sent to registrars. See commissions issued, 1869-1870, Senter Papers; and Letter Book No. 1, William G. Brownlow Papers, Papers of the Governor, Tennessee State Library and Archives (hereafter cited as Governor Brownlow Papers). Historian Thomas Alexander employed reports from the *Memphis Avalanche* and *Memphis Post* to assert that fifty-eight new registrars had been appointed by June 14 and seventy by July 31. My findings differ sharply from Alexander's. By mid-June, I discovered, Senter had appointed only nine registrars. The report that Alexander cited as appearing in the June 14 issue of the *Memphis Avalanche* likely originated from a list of fifty-eight registrars appointed by Senter since coming into office that appeared in the July 11 issue of the *Nashville Republican Banner*. I have found that Senter replaced a total of eighty-four registrars by July 31, fourteen more than Alexander listed. However, twenty-three of those eighty-four replacements were due to resignations. See Alexander, *Political Reconstruction in Tennessee*, 217.

voting in Tennessee, regardless of the part they took in the 'late unpleasantness.' Do this before Stokes does & you will win a good majority & Middle & West Tennessee will be yours."[18]

Senter carefully considered his options. He had walked a tightrope during the first few months of his administration. Now, he was faced with a critical decision. He could refuse to contest the universal suffrage issue with Stokes and thus move toward the Radical wing of the party, or he could take up the banner of immediate universal suffrage and thus broaden the base of moderate Republicanism by attracting the support of the newly reinforced Conservative voters. The time to act was fast approaching.

Meanwhile, Stokes received the same advice as Senter. John Bowen, who along with Steele and other Conservatives had resigned his seat in the General Assembly in February 1866, offered Stokes a proposition: if he would declare for universal suffrage, Bowen pledged, no Conservative candidate would enter the gubernatorial race. Senter's waffling on the issue, explained Bowen, presented Stokes with an opportunity to win the votes of Conservatives. "This opportunity was [Senter's] once," but "It is no longer." Bowen implored Stokes to "Take the position that the past shall be bloted [sic] out" and thereby bring peace to "the storm-lashed social and political waters" of Tennessee.[19]

Hence, in the brief interim between the *Staten* decision and the June 5 opening of the gubernatorial joint canvass, there was uncertainty over universal suffrage—the central issue of the election. Tennesseans wondered if Senter or Stokes would seize the banner of universal

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[18] Abner A. Steele to DeWitt C. Senter, June 2, 1869, Senter Papers; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 695; Alexander, *Political Reconstruction in Tennessee*, 107, 263n.

[19] John W. Bowen to William B. Stokes, May 31, 1869, Stokes and Tubbs Papers, Tennessee State Library and Archives, Nashville (hereafter cited as Stokes Papers); Alexander, *Political Reconstruction in Tennessee*, 107; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 80.

suffrage. But neither candidate seemed willing to do so. Previously, Stokes had advocated relaxation of the franchise restrictions by way of Tennessee's cumbersome constitutional amendment procedures; but on the eve of the canvass he announced in favor of a two-thirds vote in each house to remove political disabilities on a case by case basis—either of which processes would take several years to complete. Meanwhile, Senter, despite his moderate tone, had strategically shifted away from the center on the eve of the state convention in a bid to secure Radical support by retaining the militia in parts of Middle and West Tennessee and strictly enforcing the franchise law during the judicial election.[20]

Complicating matters was the return of Andrew Johnson. Only a few weeks had passed since the death of his son, but Johnson showed no signs of grief as he resumed his speaking tour. Thousands came to hear him speak in Middle Tennessee in the days preceding the opening of the gubernatorial canvass. He delivered essentially the same stump speech as before, railing more about the Radicals in Washington than those in Tennessee. Although he was no longer considered a viable gubernatorial candidate, since it was generally understood that he had his sights on the vacant U.S. Senate seat, Johnson cast a giant shadow over the election. "I think the state can be redeemed if there is a reasonable effort made in the approaching elections," he wrote to George W. Jones, an old Jacksonian-Democratic friend. He condemned disfranchisement and urged Conservatives to press both candidates to come out in favor of immediate universal male suffrage. It was by no accident that he made an appearance in Nashville on the eve of the candidates' opening speeches. He even came close to purchasing a controlling interest in both a Memphis and a Nashville newspaper in the hope of influencing the gubernatorial election and positioning himself for appointment to the U.S. Senate. In light of the court's ruling in *Staten*

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[20] *Nashville Republican Banner*, February 5, June 6, 1869.

and Johnson's much heralded return to the stump, the Conservatives had reason to be optimistic. The *Murfreesboro Monitor* predicted "rapid and repeated somersaults in the arena of politics. The most intolerant oppressors of the people will suddenly discover that they have always believed in and advocated universal suffrage."[21]

Many people were wondering which candidate, if either, would blink first on the issue of universal suffrage as the gubernatorial joint canvass opened in Nashville on June 5. The hall of the House was full to capacity, with white Radical and moderate Republicans, Conservatives, and Democrats crowding the main floor while blacks thronged the galleries. Stokes spoke first. There was something badly wrong in Tennessee, he declared, and Senter and Brownlow were to blame. The state's finances were a mess and corruption was rampant. He portrayed himself as an outsider. He had served in Washington since fighting to preserve the Union, devoting himself there to Lincoln's task of binding up the nation's wounds. He had now returned to Tennessee determined to put the state into the same healthy condition as the federal government. He pledged to wage war on the thieves who had plundered the school fund and the unscrupulous railroad schemers and corrupt politicians. He denied any involvement in a conspiracy to unseat Senter and refuted the charge, intended to reduce his black support, that he had been the last man in Tennessee to bring a slave to Nashville in chains to be sold. Finally, he briefly addressed what he referred to as "the issue of the time"—the franchise. He maintained that he had neither

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[21] Andrew Johnson to George W. Jones, June 25, 1869, John C. Burch to Andrew Johnson, June 26, July 6, August 2, 23, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 38-39, 65-66n, 86-87, 107; *Murfreesboro Monitor* as quoted in *Nashville Republican Banner*, June 5, 1869; *Nashville Union and American*, June 2, 3, 9, September 21, 1869; *Memphis Daily Appeal*, May 26, June 2, 9, 1869; *Clarksville Chronicle*, June 5, 12, 1869; *Bristol News*, May 28, 1869; *Nashville Daily Press and Times*, June 14, 16, July 7, 23, 1869; *Nashville Republican Banner*, June 1, 9, 12, July 3, 1869; Porter Journal, July 15, 1869; Bills Diary, July 24, 1869, William H. Stilwell to John Eaton, Jr., June 11, 1869, Eaton Papers; Trefousse, *Andrew Johnson*, 357; Jones and Byrnes, "'Rebels never forgive,'" 255.

equivocated nor modified his position on the issue. He clung to gradual, rather than immediate, enfranchisement. In taking this stand, he was acting as a true Republican who adhered to the national party platform on the issue. When the killing of loyal Unionists—white and black—ceased, the hellish Ku Klux Klan disbanded, and law and order was restored across the state, then, and only then, would he be willing to extend the franchise to the former Confederates. "The idea of amending the constitution so as to place the ballot in the hands of these outlaws at one clear sweep, and at the present time, would be cruel to the Union men," he proclaimed.[22]

When Stokes concluded, Senter advanced to the speaker's stand. However, his opening remarks were drowned out by noise from the galleries as many blacks rose to leave. Senter pleaded with them to stay and listen to what he had to say. While some left, others remained. When the governor resumed, he addressed the matter of the forty thousand black votes that Stokes boasted of having at his beck and call. He declared that he would win the support of half of those voters before the race was over. He then pressed forward with more attacks, branding Stokes as a slave trader and a "do-nothing" U.S. congressman. He challenged his opponent to point to a single piece of significant legislation that he had introduced that increased the prosperity and happiness of the people of Tennessee. He even questioned Stokes's loyalty, holding up a copy of the infamous "Duncan letter." In this document, which had plagued Stokes ever since he wrote it (to John Duncan of McMinnville) in May 1861, Stokes expressed his heartfelt opposition to secession; however, he echoed Tennessee's secessionist governor Isham Harris by proclaiming a state's right of revolution and the duty to resist the oppression of the federal government since Lincoln's call for troops to put down the rebellion. Although Stokes had soon changed his mind and joined the Union army, the letter was an embarrassment to him.

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[22] *Nashville Union and American*, June 6, 1869; *Nashville Republican Banner*, June 6, 1869.

Moreover, Senter found fault with his opponent's military career: "My friend Stokes would make it appear that he was a warrior bold, yet in the thickest of the fight he was generally found falling back to hunt up stragglers."[23]

Only after a long and vigorous assault on Stokes's record did Senter address the critical issues facing Tennesseans. First, he discussed the state's financial woes. True to his old Whiggish principles, he called for state-assisted internal improvements. He wanted to see Tennessee's grand divisions united by bands of iron and wanted to hear the busy hum of industry throughout the hills and valleys of Tennessee. Nothing, he proclaimed, would help direct the tide of immigration toward Tennessee more than building railroads and factories.[24]

Next the governor turned to the election's key issue. He challenged anyone in the audience who claimed to actually comprehend his opponent's stance on the franchise question to explain it. The challenge was not immediately accepted. After a moment's pause, Senter repeated it. Someone in the crowd shouted that Stokes was "trying to ride both sides of the question." A chorus of protest then erupted among the blacks in the galleries. Several minutes passed before the hullabaloo subsided and Senter was able to resume.[25]

The moment was now at hand for the governor. For weeks, his supporters had adamantly denied rumors that he intended to endorse universal suffrage. His closest associates had undertaken a campaign in the press and on the stump to portray Stokes as an advocate of universal suffrage in the hope of discrediting him among Radicals. Thus, those listening to Senter must have been stunned by the words he now uttered: "We cannot hold out in longer

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[23] *Nashville Union and American*, June 6, 1869; *Nashville Republican Banner*, June 6, 1869. Regarding the letter, see *Nashville Republican Banner*, February 5, 1869; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 64-71.
[24] *Nashville Union and American*, June 6, 1869.
[25] Ibid.

opposition to the enfranchisement of the people—ought not to make any such effort." If elected, he continued, he would recommend to the next legislature the calling of a constitutional convention to extend the franchise to all adult males. "There is no equivocation—no two sides to the mill pond," he said. "It is best to deal plainly with honest men—let all know where you stand, and what you are for."[26]

What caused Senter's abrupt conversion to universal suffrage? Historian Thomas B. Alexander proposed long ago a few possible motivating factors. First, he said, Senter may have been reacting to Stokes's bid for Conservative support. But this is unlikely, for although Conservatives and Democrats praised Stokes's gradual enfranchisement policy as a step in the right direction, they made it clear that only the candidate who declared for immediate enfranchisement would receive their support. Second, suggested Alexander, Senter may have feared defeat at the hands of a largely Radical electorate. The recent Republican conventions had served as a wake-up call. Dissension in the Republican ranks had proved too great for Senter to overcome in his first hundred days in office; only the strong-arm tactics of the governor's supporters during the conventions had preserved his candidacy. Rather than try any longer to win the Radicals to his side, Senter decided to try to enlist the support of Conservatives, hoping that their votes along with those of the moderate Republicans would give him a majority. This is a more convincing argument than the first. Finally, Alexander argued that the persistence of Whiggery in a time of shifting party alignments and its influence on Senter, a former Whig, could not be dismissed. Whereas most Tennessee Republicans had belonged to the Whig party prior to the war, a number of old-line Whigs were conspicuous in the Conservative ranks. After Appomattox, the former Confederates turned to those leaders, who

[26] Ibid.

had initially cautioned against secession. These conservative men retained Whiggish notions regarding economic development and postwar recovery. Senter and leading Conservatives thus shared a Whig tradition. This argument, too, is largely convincing.[27]

It is apparent that Senter astutely perceived that Radicalism was dying, and not just in Tennessee. Following Grant's election, the national party gradually retreated from its Southern Reconstruction program. Various factors crippled Reconstruction: administrative inefficiency, constitutional conservatism, and racism. But above all, it was the erosion of support in the North that doomed Reconstruction. Northerners were eager to settle the "Southern question." They wanted to put Reconstruction behind them and get on with matters more relevant to their lives. Grant's campaign slogan, "Let us have peace," expressed the desire of many Americans. It promised an end to a long, bitter conflict. It suggested that violence would not be tolerated. With peace came the offer of reconciliation and enfranchisement to white Southerners willing to acknowledge defeat and work toward reunion. Finally, Grant's phrase held out the promise of prosperity sustained by a system of free labor, which put an emphasis on education and enterprise. According to Republican ideology, equality of rights and opportunities for all men to

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[27] Alexander, *Political Reconstruction in Tennessee*, 219-21; Thomas B. Alexander, "Whiggery and Reconstruction in Tennessee," *Journal of Southern History* 16 (1950): 291-305; Thomas B. Alexander, "Persistent Whiggery in the Confederate South, 1860-1877," *Journal of Southern History* 27 (1961): 305-29; John Vollmer Mering, "Persistent Whiggery in the Confederate South: A Reconsideration," *South Atlantic Quarterly* 69 (1970): 142; Perman, *Road to Redemption*, 87-107. Historian C. Vann Woodward also discovered enduring Whiggery in the Southern Democratic party, but in contrast to Alexander, whose persistent Whiggery thesis applied throughout the Civil War era, Woodward contended that a resurgent Democratic party consisting of old-line Whigs reasserted itself only in the mid-1870s as Reconstruction came to an end. See C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston: Little, Brown and Company, 1951), 22-50; and C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 1-50. In an interesting, but largely ignored, study of Tennessee Whigs in the post-Civil War era, Milton Henry noted a marked tendency among antebellum Whig counties with higher farm values to become Democratic by 1876 while those with lower farm values became Republican. See Milton Henry, "What Became of the Tennessee Whigs?," *Tennessee Historical Quarterly* 11 (1952): 57-62.

bargain freely for labor and services fostered liberty and prosperity. Senter touted free labor not only as a safeguard of American republican government but also as a means for white and black Southerners to achieve prosperity, thus ushering in a New South. Senter and many other Southern Republicans sought to reconstitute their party along moderate-conservative lines by recruiting "respectable" whites and shifting away from sectional questions and black "class legislation" toward pressing issues of economic development.[28]

From the vantage point of nearly one hundred and fifty years, the failure of Southern Republicans to establish a biracial party and the subsequent collapse of their party seem preordained. But many party moderates believed they could achieve a political realignment that would give them legitimacy and competiveness in a vibrant two-party system and move the region in a new direction, toward a New South of free labor, equal rights, and economic development. To achieve this, they needed to win over a large segment of the white Southern electorate, which meant abandoning disfranchisement. With the *Staten* decision opening the ballot up to approximately twenty to thirty thousand anti-Radical voters, Senter decided it was the right moment to act. He came out in support of universal male suffrage, but only after carefully calculating his chance for success. In doing so, however, he found himself championing the interests of influential Conservatives and Democrats at the expense of black

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[28] Gillette, *Retreat from Reconstruction*, 363-80; Simpson, *Let Us Have Peace*, 246; Michael Les Benedict, "The Politics of Reconstruction," in Michael Les Benedict, *Preserving the Constitution*, 93-128; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970, 9-39; Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies during the Civil War* (Cambridge: Harvard University Press, 1997), 15-30; Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007), 21, 77-120; Perman, *Road to Redemption*, 22-56.

Republicans, whom he—and Stokes, too—took for granted.[29]

In an instant, Senter had altered the course of the campaign. "You have struck the key-note & will beat William to death as sure as his head is bald," predicted former Confederate captain James C. Fleming. The *Nashville Republican Banner* agreed: "If [Senter] uttered no other [statement] from now till August [his call for universal enfranchisement] would be sufficient to elect him overwhelmingly over any other candidate whose avowed principles fell short of [his pledge] by a hair's breadth." Many Conservatives and Democrats celebrated Senter's announcement and vowed to cooperate with him to restore harmony to Tennessee. "The road, then, to peace lies through universal enfranchisement," the *Jackson Tribune* proclaimed. "We are ready to forget and forgive the past, and to meet our Republican opponents half way." Some, on the other hand, remained skeptical. They questioned Senter's "sudden conversion," suspecting that it was motivated not by principle but by politics. The editor of the *Lincoln County News* cautioned his readers not to trust the governor, for "he seeks our aid to conquer an opponent, and suffrage is the price he offers."[30]

Senter Republicans generally accepted their leaders' decision, at least publicly. Legislative candidates who supported the governor promptly took to the stump to campaign for enfranchisement themselves. Judge Houk reported on June 16 that Senter's announcement was being well received on the Cumberland Plateau in East Tennessee: "I did not believe it, but I have learned to talk eloquently of the justice of restoring 'the tax-payers of the state' to 'their

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[29] Perman, *Road to Redemption*, 1-56; Michael Les Benedict, "The Politics of Reconstruction," in Michael Les Benedict, *Preserving the Constitution*, 93-128.
[30] James C. Fleming to DeWitt C. Senter, June 9, 1869, Robert B. Hurt to DeWitt C. Senter, June 9, 1869, J. B. Inman to DeWitt C. Senter, June 12, 1869, William R. Moore to DeWitt C. Senter, June 14, 1869, Senter Papers; *Nashville Republican Banner*, June 6, 10, 22, 1869; *Jackson Tribune* as quoted in *Nashville Republican Banner*, June 8, 1869; *Lincoln County News*, June 12, 1869.

rights.'" Privately, however, many expressed concern that the governor had now placed them at the mercy of their enemies. Others shrugged off their disappointment by reminding themselves that Rebel enfranchisement was inevitable. "Seeing the Supreme Court has decided the question for us, willy nilly, & that universal suffrage must speadily [sic] be adopted, I am still for Senter," wrote a despondent former Brownlow Radical. "Most of our Northern friends . . . have urged it upon us in a spirit of dictation, & almost menace, & surprisingly in utter ignorance or indifference to the result of such universal suffrage in our State. We did intend, all the time, to enfranchise the rebels in the end; but we could not tell them in advance, when we would do it, lest they should wrest this concession to bad ends."[31]

Perhaps even more shocking than Senter's declaration in favor of universal male suffrage was an announcement from Senator Brownlow that he too accepted the new doctrine, a position in which he joined his archenemies Andrew Johnson and ex-Rebel governor Isham Harris. Writing from his summer retreat at Montvale Springs in the Great Smoky Mountains of East Tennessee, Brownlow defended the franchise laws as necessary to prevent the state from being thrown into anarchy and to protect Unionists from proscription, violence, murder, and exile following the war. If he had the power, he said, he would disfranchise the leaders of the Confederacy for life. But the state's Republicans had voted for Grant on the platform of universal suffrage, Brownlow admitted. "Should the Republicans of Tennessee obstinately stand out any longer against the great Republican party of the nation and its entire press, and also against the President and both houses of Congress," he said, "they would simply render

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[31] Leonidas C. Houk to Frank Hyberger, June 16, 1869, Senter Papers; William H. Stilwell to John Eaton, Jr., June 10, 13, 16, 1869, Horace Andrews to John Eaton, Jr., June 7, 1869, Lucien B. Eaton to John Eaton, Jr., June 13, 1869, Eaton Papers; *Nashville Republican Banner*, June 15, 25, 1869; *Nashville Daily Press and Times*, June 15, 17, 1869; Alexander, *Political Reconstruction in Tennessee*, 216-17;

themselves ridiculous in the estimation of all besides themselves." Even those Brownlow Radicals most reluctant to endorse Senter now fell in line behind their leader. Stokes Radicals were shocked to learn of Brownlow's about-face. They claimed he had forged an alliance with Johnson and Rebel leaders. But the "Fighting Parson" soon released an indignant letter in which he expressed his hatred for the Democratic party and scoffed at the idea that he was capable of "forming any alliance, offensive or defensive, with Andrew Johnson."[32]

A closer look at Brownlow's public declaration in favor of universal suffrage is revealing. Although he lamented the recent decision of the Supreme Court—a court of his own choosing—he maintained that the Republicans held a secure grip over the entire judiciary for the next eight years as a result of their sweeping victories in the judicial elections. Moreover, he neither addressed Senter by name nor did he specifically endorse the governor's position. He contended that it would require at least two years to lift restrictions on the disfranchised should the governor urge the legislature call a constitutional convention. He further alleviated the fears of Republicans by observing that the Fourteenth Amendment still barred most former Rebel

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[32] *Knoxville Whig*, June 13, 1869, as quoted in *Nashville Daily Press and Times*, June 15, 1869; *Nashville Republican Banner*, June 15, 20, 1869; *Nashville Daily Press and Times*, June 14, 16, 18, 21, July 10, 1869; *Knoxville Whig*, June 16, 1869; *Memphis Daily Appeal*, June 20, 1869; *Athens Post*, June 18, 1869; Alexander, *Political Reconstruction in Tennessee*, 223-24; William H. Stilwell to John Eaton, Jr., June 10, 1869, Eaton Papers. In the weeks following Senter's announcement in favor of universal suffrage, scores of Radicals wrote Brownlow for his counsel as they vacillated between Stokes and Senter. The *Nashville Republican Banner* observed that the former governor wielded the largest influence among undecided Radical voters. See L. H. Passmore to William G. Brownlow, June 17, 1869, L. H. Passmore Letter, Special Collections, University of Tennessee, Knoxville; and *Nashville Republican Banner*, June 15, 1869. Andrew Johnson commented on Brownlow's announcement in favor of universal male suffrage: "Even old Brownlow is coming around, wishing to be on the winning side and seeing the change coming. . . . He does this not from principle, but from policy." See interview with *New York Herald* correspondent, June 27, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 44. The June 15 issue of the *Nashville Daily Press and Times*, a longtime Radical Stokes organ that had recently been sold to Senter Republican supporters, exclaimed "Courage, Republicans of Tennessee! Our cherished leaders are falling into line; and from every quarter comes the battle cry 'Senter and equal rights for all.'" See also Daniel Webster Peabody to John Eaton, Jr., June 8, 1869, Eaton Papers.

leaders from holding state office. Brownlow essentially endorsed long-term, gradual, rather than immediate, universal suffrage. In doing so, he agreed basically with Stokes.[33]

Yet the Brownlows remained in Senter's camp. While his father wrote letters and solicited prominent Republicans to support Senter, John Bell Brownlow took to the stump. The Brownlows had, behind the scenes, championed Horace Maynard for governor; however, having failed to entice Maynard to announce his candidacy at the state convention, they settled on Senter. Privately J. B. Brownlow thought neither Senter nor Stokes "worthy of the nomination, because both showed a willingness to subordinate the party to their interests." But publicly, he, like his father, justified the endorsement of Senter based on his long service to the legislature, his support of the Brownlow administration and its Radical policies, and his eight months spent in various Confederate prisons. Stokes, on the other hand, had twice been elected to Congress, was certain to be reelected, and, worst of all, had challenged Parson Brownlow for the U.S. Senate seat. The unwillingness to forgive a political enemy drove the Brownlows' campaign to beat Stokes at any cost.[34]

In 1869, as in past elections, the black vote was a potentially formidable force in Tennessee. Both candidates wanted black votes, yet neither actively pursued black voters. As the election unfolded, Stokes spoke less and less to the freedmen in the crowds. He assumed he had secured their support for his candidacy and therefore took it for granted. Senter, however,

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[33] *Knoxville Whig*, June 13, 1869, as quoted in *Nashville Daily Press and Times*, June 15, 1869; *Nashville Republican Banner*, June 12, July 4, 1869.

[34] John B. Brownlow manuscript note bound with the *Knoxville Whig*, June 9, 1869 (Library of Congress); *Nashville Daily Press and Times*, June 15, 1869. Historian Thomas Alexander offers two additional convincing motives for the Brownlows' support for Senter. First, on becoming governor, Senter appointed both J. B. Brownlow and his brother James Patton Brownlow as railroad receivers, a lucrative post intended to protect the interests of the state and the stockholders, but also susceptible to bribery and corruption. Second, Alexander suggests that as Parson Brownlow's health deteriorated, J. B. Brownlow influenced his father's decisions. See Alexander, *Political Reconstruction in Tennessee*, 222-23.

walked a narrow line. On the one hand, to curry favor with the Conservatives and Democrats he attempted to portray Stokes as the black man's candidate. On the other hand, he promoted education, free labor, economic development, and equal rights (although not Radical class legislation) as the keys to black social, economic, and political advancement. Brownlow addressed an open letter to Tennessee blacks on behalf of Senter in which he warned them to be weary of "political demagogues," such as Stokes, who sought black votes for their own political gain. The former governor urged the ex-slaves not to "forsake your political friends, . . . those who have heretofore stood by you and who have ever maintained your rights."[35]

Brownlow's plea may have won a few converts, but Senter was aided more by William Scott, Sr., who shared his moderate vision of black advancement and the promise of peaceful and prosperous relations between the races. Scott and his son, William Scott, Jr., the newly-appointed editor-in-chief of the *Maryville Republican*, had long since abandoned the Maryville Union League and broken with East Tennessee Radicals after becoming disillusioned by white Radical resistance to promoting blacks to state and national office. In July, the senior Scott published an impassioned editorial urging blacks to abandon Radicalism and support Senter's moderate course. For those fearful that the former Confederates might exact revenge against their Radical enemies, Scott noted that the national Republican party and the Reconstruction Amendments were still there to afford protection. He reminded the freed people that they had received social, civil, and political rights at the state and national level, and these rights were settled beyond question. The state's white voters, not blacks, would decide the current suffrage issue at the ballot box. "This is not your fight," said Scott. "[I]t is a fight between the whites,

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[35] *Nashville Republican Banner*, July 22, 1869; *Nashville Daily Press and Times*, July 22, 1869; McBride, "Blacks and the Race Issue in Tennessee Politics," 310-12; Taylor, *Negro in Tennessee*, 45-72; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 198-99.

and to bring you into it is both unwise and dangerous." The South was now trending toward support of universal suffrage, and it was in blacks' best interest to accept it. If they desired peaceful and friendly relations with their Rebel neighbors, Scott insisted, they must eschew political proscription. Moreover, they should no longer demand class legislation in their behalf and should support laissez-faire government. In closing, Scott warned the freed people "not to be led as slaves by designing white men, who inflame your worst passions" solely for their own political gain. Like Senter, Scott envisioned a new Republican party anchored at the center of the South's political spectrum. However, he also foresaw the possibility of blacks and white moderates within both parties becoming full partners in shaping a New South. Although Scott's message did not appeal to all Tennessee blacks, he exhibited considerable courage in the face of boisterous and sometimes dangerous crowds of Radicals—white and black—incensed at his call to appease their enemies.[36]

Anti-Radical candidates and newspapers made a half-hearted effort to court black voters. They predicted the Radicals' defeat and informed blacks that it was in their interest to ally with the Conservatives: "If [the black man] wants the white people to remain his friends," explained the editor of the *Columbia Herald*, "he has only to vote for the universal suffrage candidates." They warned blacks that aligning with the Radicals might lead to dire consequences. The white

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[36] *Nashville Daily Press and Times*, July 12, 13, 1869; *Nashville Republican Banner*, July 13, 1869, January 18, 1870; Severance, "Loyalty's Political Vanguard," 37-39; Slater, "A Distinctive Minority," 23-29; Taylor, *Negro in Tennessee*, 69-70; Richardson, *West from Appomattox*, 63, 86; Jones, "Press in the Election," 332-33; McBride, "Blacks and the Race Issue in Tennessee Politics," 312; Paul Coker, "'Is This the Fruit of Freedom?': Black Civil War Veterans in Tennessee" (Ph.D. diss., University of Tennessee, 2011), 182. Most Conservatives and Democrats dismissed Scott's influence in the election. One of Andrew Johnson's closest advisors, John Williams, Jr., believed that "Senter's friends have paid more for their new ally than he will be worth." See, John Williams, Jr., to Andrew Johnson, July 6, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 66-67.

Southern employer, on whom blacks' livelihood depended, might feel compelled to "turn them over to the tender mercies of their friends across the Ohio, and try John Chinaman awhile."[37]

From the outset of the gubernatorial canvass, Senter's supporters joined Conservatives and Democrats in urging him to use the Radical election machinery to replace Brownlow's registrars and thus help ensure victory. "Turn out all the registers," advised an anonymous correspondent from Memphis. "Put in your friends who will see that full and fair registration shall be made. Act boldly like Gov. Brownlow did and you will win." But Senter moved slowly at first. He put Brownlow's registrars on notice that removal from office was the penalty for refusing to certify eligible voters. By mid-June, Senter had removed three registrars as examples. Stumping across the state, he claimed that these actions were in strict compliance with the law. As proof, he pointed out that while he had removed two of those registrars for refusing to enroll Conservatives, he had removed the other for refusing to enroll a Stokes Radical.[38]

A few Radical registrars resigned rather than issue certificates to Conservatives, but most stayed on and simply ignored Senter's edict. Some challenged Senter's authority to remove registrars based on the court's ruling denying the governor arbitrary power over voter registration. Others suggested that Senter planned a wholesale removal of Brownlow's registrars to pave the way for the appointment of his own registrars to accomplish an extralegal extension of the franchise. Thomas Harris, the former registrar of Maury County, emerged as one of

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[37] *Columbia Herald*, July 30, 1869; *Nashville Republican Banner*, August 5, 1869; Jones, "Press in the Election," 334.

[38] "A Radical" to DeWitt C. Senter, June 11, 1869, A. E. Boone to DeWitt C. Senter, June 6, 1869, A. E. Boone to Thomas A. Kelly, June 7, 1869, Thomas J. Freeman to Frank Hyberger, June 9, 1869, J. B. Inman to DeWitt C. Senter, June 12, 1869, W. W. Coleman to DeWitt C. Senter, June 16, 1869, Daniel C. Trewhitt to DeWitt C. Senter, June 21, 1869, A. G. Sharp to Frank Hyberger, n.d., Senter Papers; *Nashville Republican Banner*, June 13, 1869; *Nashville Daily Press and Times*, June 17, 1869.

Senter's sharpest critics. He charged the governor with colluding with the Rebel Democracy for his own political gain: "As a Union Republican Whig, and from a sense of justice and duty, I will ever oppose such demagogue principles." Harris warned Senter that he was prepared to challenge his removals in court.[39]

The Radicals quickly grasped the precarious position that Senter had put them in by his endorsement of universal suffrage and his threat to remove registrars who refused to comply with the law. "Governor Senter has entered into a most villainous conspiracy to secure his own election," charged the editor of the *West Tennessean*. "His registrars, appointed for the purpose of disregarding the law, are his willing tools." Determined to prevent his further use of the election machinery, Stokes Radicals sought to outmaneuver the governor by proposing an agreement in which they promised to refrain from pushing forward a bill to repeal Senter's pardon in return for the governor's pledge not to remove any additional Radical registrars. Senter, however, rejected the agreement. Several registrars responded by entering the legislative races without resigning their post. Senter, whose resolve stiffened as his enemies grew more defiant, removed those registrars from office.[40]

It was clear that the outcome of the gubernatorial and legislative elections would pivot on control of the registrars. "It is important . . . to have the right sort of Registers throughout the

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[39] Thomas A. Harris to Frank Hyberger, June 15, 1869, William Wood to DeWitt C. Senter, June 14, 1869, Coleman Goad to DeWitt C. Senter, June 14, 1869, W. W. Longham to DeWitt C. Senter, July 6, 1869, H. H. Ingersoll to Frank Hyberger, July 7, 9, 1869, citizens of Wayne County to DeWitt C. Senter, July 15, 1869, F. H. Reeves to DeWitt C. Senter, July 16, 1869, Senter Papers; Frank Hyberger to Thomas A. Harris, June 10, 1869, Letter Book No. 1, Governor Brownlow Papers; *Nashville Republican Banner*, June 12, 27, July 1, August 1, 1869; *Nashville Union and American*, July 3, 1869.

[40] *West Tennessean* as quoted in *Nashville Republican Banner*, June 27, 1869; *Nashville Republican Banner*, June 18, 30, 1869; proposed election agreement between William B. Stokes and DeWitt C. Senter, June 18, 1869, Stokes Papers; Frank Hyberger to W. L. Watters, July 22, 1869, Letter Book No. 1, Governor Brownlow Papers; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 200-202; Parker, "Tennessee Gubernatorial Elections: 1869," 43.

state during the next forty days," advised William Moore of Memphis in a letter to Senter. During the three weeks following his rejection of the Radicals' proposed agreement, the governor removed thirty registrars without any explanation. In their place he appointed not only moderate Republicans but also Conservatives—a move to improve his standing among both Conservatives and Democrats. To those Stokes supporters who clearly grasped the legal implications of *Staten*, Senter's appointment of Conservative registrars portended trouble. They feared that former Confederates might acquire certificates from sympathetic registrars seeking to enlist their aid in developing a formidable Conservative party to challenge the badly divided Republican party. Several letters were dispatched to Tennessee's best legal minds inquiring about the legality of a certificate in the hands of a disfranchised Rebel. Writing to a group of concerned Greene County Radicals, Thomas Coldwell, the state attorney general, concluded that "the legal presumption is that persons holding certificates of registration are legal voters. There can be no question that a newly appointed Registrar can grant valid certificates, and persons voting upon such certificates cannot be indicted for 'illegal voting.'"[41]

As Senter's Conservative registrars assumed control of their counties' registration books and certificates, they extended the franchise to many men who had supported the Confederacy. Although there is no extant evidence to prove that Senter instructed his newly appointed registrars to issue voter certificates to ex-Rebels, he certainly did nothing to stop it. His

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[41] William R. Moore to DeWitt C. Senter, June 19, 1869, Senter Papers; Thomas Coldwell to Greene County Radicals, n.d., as quoted in *Nashville Republican Banner*, July 30, 1869; Neill S. Brown, W. F. Cooper, John C. Gaut, Abram L. DeMoss, John Lellyet, James Shackelford, and Henry Cooper to Clay Roberts, July 15, 1869, as quoted in *Nashville Daily Press and Times*, July 15, 1869; *Athens Republican* as quoted in *Nashville Daily Press and Times*, July 24, 1869; Fayetteville *Observer*, July 1, 29, 1869; Letter Book No. 1, *passim*, Governor Brownlow Papers; William H. Stilwell to John Eaton, Jr., July 8, 1869, Eaton Papers; *Congressional Globe*, 41st Congress, 2nd sess., 668; Parker, "Tennessee Gubernatorial Elections: 1869," 43.

correspondence suggests that he must have been aware that thousands of disfranchised Rebels were receiving certificates. Ferdinand S. Singletary, a Republican member of the lower house, warned Senter that "Designing men who care nothing for your election are doing their utmost . . . to procure certificates for illegal voters." In a little more than a month, nearly eighty thousand former Confederates were registered.[42]

With his stand on universal suffrage, Senter was sure to win the votes of these Rebel certificate holders, as well as the Conservative votes, including those of the twenty to thirty thousand men reenfranchised as a consequence of *Staten*. He was also fairly certain of carrying nearly half of the Republican vote. Most Senter Republicans and Conservatives, embracing the spirit of reconciliation as embodied in the national Republican party's platform, welcomed Rebel voters. But some Senter Republicans expressed grave doubts. They grudgingly accepted the situation so long as the Rebels pledged to support Senter. Yet they cautioned Senter against making promises to the former Confederates in return for their votes. "You may answer that they are pledged to you," wrote an anonymous Republican, but "Don't trust them too far." Some feared that once the Confederates obtained their certificates, the Conservatives would field their own legislative candidates in an attempt to wrest control of the state from the Republicans.[43]

Several letters from Brownlow's registrars suggest that even if the governor did not personally order his appointees to register Rebels, some of his closest supporters may have done so. "I cannot, in the discharge of my duty as I understand it, increase the registered vote of this county as is demanded by many seeking your election," wrote Montgomery County registrar H.

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[42] Ferdinand S. Singletary to DeWitt C. Senter, July 19, 1869, Senter Papers; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 824. For communications pertaining to Senter's registrars, see the Senter Papers, especially June-August 1869.
[43] "Republican" to DeWitt C. Senter, July 10, 1869, Senter Papers; *Nashville Republican Banner*, July 1, 1869; Alexander, *Political Reconstruction in Tennessee*, 217-18.

W. Bunker. Cocke County registrar William Cureton reported that he had been informed that he would be removed from office if he refused to issue certificates to disfranchised Rebels. Some Radical registrars chose to resign rather than violate the franchise law. Others dug in for a fight.[44]

A little after two on Saturday afternoon, the third of July, Knox County registrar Charles Morrow went to pick up his mail at the post office. When he unlocked his box, he found an envelope marked "Executive Department," which he hastily opened. His face turned pale as he read its contents. Then he became red with rage. Friends and curious onlookers gathered around him. Brandishing the letter, he announced that Senter had removed him and appointed George Weaver, "an arrant conservative," in his stead. "It's all a dirty piece of rebel work," he exclaimed.[45]

News of Morrow's removal spread rapidly. Quickly he and some of Knoxville's other leading Stokes Radicals gathered to discuss the matter. They then sent a letter to the governor requesting an explanation. As they waited for Senter's response, former Confederates lined up outside the newly-appointed registrar's office in the hope of receiving voter certificates. A close confidant of Andrew Johnson reported that Weaver issued a staggering total of 1,200 certificates—many of them to ex-Rebels—on his third day in office. Rumors circulated that Weaver was closeted with the Brownlows at the office of the *Knoxville Whig*, where its press reportedly printed certificates at the rate of a hundred an hour. On July 5, Frank Hyberger in the

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[44] H. W. Bunker to DeWitt C. Senter, June 30, 1869, William Cureton to DeWitt C. Senter, July 2, 1869, Senter Papers.

[45] *Knoxville Daily Press and Herald* as quoted in *Nashville Republican Banner*, July 6, 1869; *Knoxville Press and Messenger*, July 7, 1869; Frank Hyberger to Charles Morrow, July 2, 1869, Frank Hyberger to George W. Weaver, July 2, 1869, Letter Book No. 1, Governor Brownlow Papers; *Knoxville Whig*, July 6, 1869; *Knoxville Daily Press and Herald*, July 6, 1869; *Nashville Union and American*, July 6, 1869; *Athens Post*, July 9, 1869.

governor's office responded to Morrow's inquiry, saying that Senter had ordered Morrow's removal without explanation. Hyberger repeated Senter's stated policy that if any registrar failed to abide by the Supreme Court's *Staten* decision he would be replaced. Hyberger's response did not sit well with Knox's Stokes Radicals, who joined others across the state to protest Senter's removals. They feared that if Senter was not stopped, his new registrars might register ex-Rebels en masse, he would win the governorship in a landslide, and Radicals would lose control of the legislature. The stage was now set for high drama as Brownlow's deposed registrars, the last line of defense for Tennessee's Radical Republicans, prepared to take court action.[46]

Radicals rushed to court seeking restraining orders to bar Senter from removing registrars. They found some like-minded Radical chancellors, particularly William M. Smith in Memphis and Oliver P. Temple in Knoxville, who gave them what they wanted. Conservatives and Democrats derided this Radical "injunction business." "Go on with your petty attempts to stop the leviathan of universal suffrage," said the *Knoxville Daily Press and Herald*, "and you will be trampled under his enormous hoofs." The Radicals' tactic to stem the tide of Confederate registration worked, but only temporarily, for the issue soon wound up in the hands of the Tennessee Supreme Court and the result proved to be the Radicals' undoing.[47]

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[46] Charles Morrow to Frank Hyberger, July 3, 1869, Senter Papers; Frank Hyberger to Charles Morrow, July 5, 1869, Letter Book No. 1, Governor Brownlow Papers; John Williams, Jr., to Andrew Johnson, July 6, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 66-67; *Knoxville Daily Press and Herald*, July 6, 8, 1869; *Bristol News*, July 9, 1869; *Nashville Daily Press and Times*, June 14, 1869. In nearly every case in which Senter removed a registrar he did so without offering any explanation. See Andrew N. Thompson to DeWitt C. Senter, June 30, 1869, J. R. Rust to DeWitt C. Senter, July 9, 1869, William Nichols to DeWitt C. Senter, July 12, 1869, Senter Papers; Letter Book No. 1, *passim*, Governor Brownlow Papers. As in Knox County, disfranchised Confederates across the state rushed to the newly-appointed registrars' offices in the hope of obtaining certificates. The Senter Papers contain several letters from Radicals, such as Gibson County school superintendent Dr. William H. Stilwell's of June 19, 1869, warning the governor of the ex-Rebels' plans to violate the franchise law. See also William H. Stilwell to John Eaton, Jr., June 16, 1869, Eaton Papers.

[47] *Knoxville Daily Press and Herald*, July 6, 10, 1869; *Nashville Union and American*, July 9, 1869; *Nashville Republican Banner*, July 9, 1869; Russell Fowler, "Chancellor William Macon Smith and

That the injunction case of *Williams v. Boughner* would doom Tennessee's Radical Reconstruction was not yet apparent when it was rushed to the Supreme Court. But that it originated in Memphis, where the Republican split had spawned a violent tempest, came as no surprise. It began simply enough. Shelby County registrar J. E. Williams, an ardent Stokes Radical, had refused to issue certificates to those entitled to them by the *Staten* decision. Senter therefore removed Williams and replaced him with John Boughner, who had a reputation as a good Union man of unimpeachable character. Senter expected his supporters to receive this news enthusiastically, but they did not. Boughner's appointment stirred up discontent among both Stokes and Senter supporters. Notwithstanding the bitter intraparty conflict in the county, Shelby Republicans found common ground with regard to their newly-appointed registrar, for they were suspicious of Boughner's political ties to the Democratic party and his loose construction of the franchise law, not to mention his possible financial motive in accepting the post.[48]

The Senter Republicans of Shelby flooded Senter's office with letters and petitions calling on him to reconsider Boughner's appointment. Reverend W. H. Pearne, superintendent of the Metropolitan Police, insisted that Boughner was not a Republican but rather a Democrat who sympathized with the "bitter class of rebels, who hate niggers & carpetbaggers, and will rather be pleased to gratify" his Rebel friends. On hearing of Boughner's appointment, Judge

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Judicial Reconstruction: A Study of Tyranny and Integrity," *West Tennessee Historical Society Papers* 48 (1994): 51; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 202.

[48] Frank Hyberger to J. E. Williams, June 19, 1869, Letter Book No. 1, Governor Brownlow Papers; William B. Greenlaw to DeWitt C. Senter, June 15, 1869, James C. Fleming to DeWitt C. Senter, June 9, 1869, James O. Pierce to DeWitt C. Senter, June 21, 1869, John P. Boughner to Frank Hyberger, September 10, 1869, Senter Papers; *Nashville Republican Banner*, June 22, 1869; *Memphis Daily Appeal*, June 23, 26, 1869; *Nashville Daily Press and Times*, June 24, 1869; *Knoxville Daily Press and Herald*, July 8, 1869.

Barbour Lewis, Memphis's most influential and outspoken Senter Republican, became alarmed and wrote two letters to the governor urging him not to make any changes in Shelby or surrounding counties without first consulting his supporters in the region. Lewis warned Senter that he risked the defection of moderate Republicans if he kept Boughner in office. Doing so could prove "fatal to the Republican party in this County," and even the state as a whole. Lewis was convinced that Senter was being misled and manipulated in this matter by the Ku Klux Democrats, who had concealed their true intentions. They "will go for you if they don't cheat us," Lewis contended. "They are slippery dogs and it wont do to trust them far. They like you better than Stokes, or rather they hate you a little less, but they mean to squeeze a tight hard bargain out of you"—universal suffrage—in return for their votes.[49]

But Senter would not be deterred. Even as the campaign grew increasingly bitter and Stokes Radicals successfully sought injunctions in an attempt to derail his election, Senter, for the first time publicly, moved boldly toward removing all remaining political disabilities. In early July, he made it pointedly clear where he stood on the franchise issue. In a speech at McMinnville, he declared that anyone who had received a voter certificate or could make an affidavit that he would have voted in the elections designated in the franchise act if it had been convenient to do so was now entitled to vote. He further broadened the definition of those he thought entitled to vote to include all young men who had reached the legal voting age of twenty-one since the war and who had not borne arms against the Union. Moreover, in a move that shocked even those Senter Republicans unfazed by his previous statements, the governor declared that all who had been forced against their will into Confederate military service by

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[49] W. H. Pearne to DeWitt C. Senter, June 21, 1869, Barbour Lewis to DeWitt C. Senter, June 21 (two letters), 1869, Senter Papers; Barbour Lewis to John Eaton, Jr., June 24, July 5, 1869, William H. Stilwell to John Eaton, Jr., June 16, 1869, Eaton Papers.

conscription or other means were also entitled to be registered. In closing, he announced that he relished a showdown with Brownlow's Radical registrars in the courts and threatened to marshal the state's legal and financial resources to strike down the injunctions. Shortly thereafter, at Tullahoma, he announced that Tennessee's Republican party "must liberalize its policy" on the franchise to be in accord with the national party. Privately, he issued written instructions to his registrars to petition the Tennessee Supreme Court for a writ of *certiorari* to supersede the orders of Radical chancellors. By now, Senter had turned a complete political somersault. He had reversed his previous position that the "day [is] a long way off" that the Rebels would be granted the ballot, which he had proclaimed at the capitol during the state convention.[50]

As numerous injunction cases navigated the state's legal channels, Boughner's was rushed to the Shelby chancery court, whereupon Judge William M. Smith cleared his docket to hear the case. After a marathon court session, Smith rendered a decision in favor of Williams, declaring that his removal was unconstitutional. The Conservative and Democratic reaction to Smith's ruling was swift and dismissive. "It is remarkable how Radical Judges have twisted the laws to suit the exigencies of the Radical party," remarked the editor of the *Nashville Union and American*. But some Democrats counseled patience as Boughner heeded Senter's instructions and appealed to the Supreme Court to overrule Smith. They looked to an increasingly independent Brownlow-appointed Supreme Court for salvation.[51]

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[50] *Nashville Union and American*, July 7, 1869; *Nashville Republican Banner*, May 21, July 8, August 1, 1869; *McMinnville New Era* as quoted in *Nashville Union and American*, July 9, 1869; *Nashville Daily Press and Times*, July 8, 13, 1869; John P. Boughner to Frank Hyberger, August 13, 1869, "Memoranda as to the Franchise Law" (n.d.), Senter Papers; Frank Hyberger to John P. Boughner, September 21, 30, 1869, Letter Book No. 1, Governor Brownlow Papers.

[51] *Nashville Union and American*, July 1, 4, 1869; *Memphis Daily Appeal*, June 26, July 1, 4, 1869; *Nashville Daily Press and Times*, June 26, July 1, 3, 1869; Barbour Lewis to John Eaton, Jr., July 5, 1869, Eaton Papers; Fowler, "Chancellor William Macon Smith and Judicial Reconstruction," 51; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 202.

The Supreme Court extended its term a few days to hear Boughner's appeal. Senter's embattled registrar hired Joseph Heiskell, the former Confederate congressman who had successfully argued Staton's case before the court. Heiskell presented essentially the same case that Boughner's attorneys had made in Chancellor Smith's court, arguing that the power of appointment necessarily (although only implicitly) involved the power of removal. He cited multiple precedents in the U.S. Supreme Court and various state courts to conclude that the law was silent with respect to the removal of officers when the tenure was not fixed, except for crimes and misdemeanors.[52]

Judge James Pierce, Williams's counsel, argued that *Staten* curtailed Senter's removal powers. In that decision, the court denied the governor power to set aside voter registrations, a key provision of the February 1868 franchise act. The General Assembly had enacted the law to protect Radicalism amid an outbreak of renewed KuKluxism. But now, as Governor Senter employed the Radical election machinery for his own ends, Pierce took the position that many Radicals had adopted in the wake of *Staten*. He insisted that the court's denial of the governor's power to set aside voter registration extended to the 1868 law's remaining provisions, namely section two, which authorized the governor to remove registrars for dereliction of duty, fraud, or other malfeasance.[53]

The court soon rendered its decision. Shackelford, writing for a unanimous court, characterized the question of the governor's removal powers as "one of grave importance." The

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[52] West Tennessee Supreme Court Minutes, Tennessee Supreme Court Clerk Records, RG 191, Sub-series D, Vol. 5 (microfilm copy in TSLA); *Williams v. Boughner*, 46 Tenn. (6 Coldwell), 486, 490-91; *Memphis Daily Appeal*, June 26, 1869.

[53] West Tennessee Supreme Court Minutes, Tennessee Supreme Court Clerk Records, RG 191, Sub-series D, Vol. 5 (microfilm copy in TSLA); *Williams v. Boughner*, 46 Tenn. (6 Coldwell), 486, 492; *State v. Staten*, 46 Tenn. (6 Coldwell), 233, 254; Tennessee General Assembly, *Public Acts of Tennessee*, 35th General Assembly, 1st sess. (1867-68), chap. 52, pp. 68-69; *Nashville Union and American*, August 5, 1869; Severance, *Tennessee's Radical Army*, 175-80.

court sustained Senter's removals on the basis that no tenure of office had been fixed by the legislature and that the governor's power of appointment and removal was confirmed in the franchise act of 1868, which, with the exception of the power to set aside voter registrations, had not been nullified by *Staten*. In closing, Shackelford referenced Joseph Story's magisterial *Commentaries on the Constitution* to conclude that registrars held office at the pleasure of the governor. Thus, Senter's removals were constitutional.[54]

The *Memphis Daily Appeal* hailed the ruling: "Shelby [County] is saved. Indeed the whole state is saved." While Senter Republicans, Conservatives, and Democrats celebrated, the Radicals condemned the lame-duck court for exacting revenge on the party that had repudiated two of its members. They realized the gravity of the court's decision. "We are not foolish enough to deny that when the Democracy get the ballot the days of the Republican party in Tennessee are numbered," remarked the editor of the *Daily Tennessee State Journal*. "[P]roscription of Republicans from office will follow as rigid, wholesale and sweeping as it has been of the Democracy under the reigns of Brownlow and Senter." The resolve of some Radicals subsequently wavered, but others remained defiant.[55]

Excitement ran high as hundreds packed into Chancellor Temple's courtroom to hear the injunction case against Knox County's newly-appointed registrar. Five days had passed since the Supreme Court issued its ruling in *Williams v. Boughner* and many East Tennessee Radicals

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[54] *Williams v. Boughner*, 46 Tenn. (6 Coldwell), 486, 488-492; Joseph Story, *Commentaries on the Constitution of the United States* (3 vols., Boston: Hilliard, Gray, and Company, 1833), 3: 388-90, § 1531; *Nashville Daily Press and Times*, July 9, 1869; *Nashville Republican Banner*, July 9, 10, 1869; *Nashville Union and American*, July 9, 1869; *Memphis Daily Appeal*, July 9, 1869; Alexander, *Political Reconstruction in Tennessee*, 218; Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 118-21.

[55] *Memphis Daily Appeal*, July 9, 1869; *Daily Tennessee State Journal* as quoted in *Nashville Republican Banner*, July 10, 1869.

looked anxiously to Temple to stand firm against the court's decision. But few Senter Republicans, Conservatives, and Democrats expected Temple, who had enjoined George Weaver from performing his duties as registrar only hours before the news that the Supreme Court had upheld Senter's removal power reached Knoxville, to do anything more than immediately dismiss the case. On taking his seat on the bench, Temple remarked that the duty of the courts was to interpret the law. In light of the *Williams v. Boughner* decision, he said, he could not restrain the appointees of Governor Senter. To do so implied power in the chancery court to determine political questions, which exceeded its constitutional jurisdiction. Therefore, Temple dismissed the case against Weaver. He might have stopped there, but a sense of public duty obligated him to add a few words. An attempt had been made to intimidate his court, Temple declared, as well as other courts in the state. The culprit was Governor Senter, who, while on the campaign trail, had threatened to deploy the State Guard to enforce universal suffrage. Senter seems to assume, Temple went on to say, "that he is the State and that he has the power, by his will, to overthrow the courts of the country whenever they may interfere with his plans."[56]

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[56] *Knoxville Daily Press and Herald*, July 8, 13, 14, 1869; *Nashville Union and American*, July 9, 16, 1869; *Nashville Daily Press and Times*, July 12, 13, 1869; *Bristol News*, July 9, 30, 1869; *Athens Post*, July 16, 1869; *Memphis Daily Appeal*, July 9, 16, 1869; Joseph Brown Heiskell to DeWitt C. Senter, July 14, 1869, Senter Papers. Shortly after the Supreme Court handed down its decision in *Williams v. Boughner*, William Smith, the embattled Memphis chancellor who had granted the Radicals an injunction to block Boughner's appointment, wrote to Judge Temple: "Let me congratulate you that you have escaped these questions, for they cannot be decided to suit everybody. [Chancellor] Harris was applauded last year as an 'able and upright Judge' while I following in his footsteps, are called by the same people a 'partisan judge.' You have fortunately escaped." The Conservatives and Democrats had hailed Chancellor John W. Harris of Somerville when, in a vain attempt, he denied Governor Brownlow's removal of N. Shaddinger as Fayette County commissioner of registration. Yet with Senter seeking to remove Radical commissioners who failed to carry out the governor's orders, the parties reversed their positions. But Temple had not escaped. Despite Smith's letter, Temple, of his own accord, delved into a furious partisan storm over control of the county commissioners of registration. See William Macon Smith to Oliver P. Temple, July 10, 1869, Oliver P. Temple Papers, Special Collections, University of Tennessee, Knoxville; petition regarding upcoming elections, February 24, 1868, John G. Reeves to William G. Brownlow, September 10, 1868, D. A. Nunn to William G. Brownlow, September 10, 1868,

Williams v. Boughner was a key turning point on Tennessee's journey toward redemption, the defining moment in which the balance of power in Tennessee politics passed from the Radicals. Henceforth there would be no more Radical victories, only defeats. Many Rebels and Conservatives sensed the profound change in their fortunes. "Political matters seem to be assuming quite a different aspect to the downtrodden and oppressed," wrote Eliza Rhea Anderson Fain on August 2.[57]

In the campaign's final four weeks, Senter removed an additional twenty-four registrars. Seeing the handwriting on the wall, twelve other Brownlow registrars resigned. As the gubernatorial canvass came to a close, Stokes repeatedly charged that Senter had "gone over and joined the Rebel-Democracy" thus "sell[ing] out the boys in blue, lock, stock and barrel." With thousands of certificates being issued to disfranchised Rebels, the franchise law was, according to Stokes, "absolutely a dead letter." The Radicals accused Senter of disingenuousness, looking the other way while his registrars openly violated the law.[58]

In Nashville, Senter's private secretary Frank Hyberger felt compelled to respond to such criticism. When presented with yet another account of Knox County registrar George Weaver's misconduct in issuing certificates in violation of the franchise law, Hyberger fired back, erroneously stating that it was the first such charge made against that particular Senter appointee.

Brownlow Papers; United States Congress, House, *Leftwich v. Smith*, 41st Congress, 2nd sess., House Misc. Doc. 143, pp. 69-71; Alexander, *Political Reconstruction in Tennessee*, 218.

[57] Diary of Eliza Rhea Anderson Fain, 1867-70, August 2, 1869, John N. Fain Collection, Calvin M. McClung Historical Collection, East Tennessee History Center, Knoxville; *Bristol News*, July 30, 1869; *Knoxville Press and Herald*, July 13, 1869; *Nashville Union and American*, July 16, 1869. The editor of the *Nashville Union and American* observed that following the court's ruling in *Williams v. Boughner*, the Radical *Daily Tennessee State Journal* dropped its familiar call for injunctions to thwart Senter's registrars: "That was the death knell of Stokes and the organ quietly bowed its head to a decree it could not reverse." See *Nashville Union and American*, July 10, 1869.

[58] *Nashville Union and American*, August 1, 1869; *Nashville Daily Press and Times*, July 7, 1869; *Nashville Republican Banner*, August 1, 1869; commissions issued, 1869-1870, *passim*, Senter Papers; Letter Book No. 1, *passim*, Governor Brownlow Papers.

If Weaver had, in fact, abused the powers of his office as Knox County Radicals claimed, said Hyberger, Senter had nothing to do with it and knew nothing about it: "Gov. Senter is not forced to the necessity of instructing Commissioners of Registration how to perform their duties." He insisted moreover that if Senter was presented with clear evidence of a registrar's misconduct, he would remove him as soon as he could find a replacement who would faithfully administer the law. In closing, Hyberger observed that Senter "could have been easily elected as the registration stood under Gov. Brownlow's administration but being an honorable man and knowing that the different Counties was [sic] not fairly registered he has endeavored to have said registration law executed to the letter. [I]f such has not been done it is no fault of Governor Senter."[59]

In firm control of the state's election machinery, Senter was now free to reconstitute his party's organization and agenda along moderately conservative lines by expanding its base through the recruitment of "respectable" non-Republican whites and shifting away from sectional questions and black "class legislation" and toward issues of economic development. Yet it remained to be seen whether Senter could really bridge Tennessee's partisan divide and establish such a centrist party.[60]

So far everything was proceeding according to Senter's wishes. The Conservatives had managed to keep ambitious office-seekers and the former Confederates in line, in accordance with their strategy of "masterly inactivity." "Let there be no divisions," proclaimed the editor of the *Franklin Review*. "Let every one go to work in a spirit of conciliation and Tennessee will be once more redeemed, regenerated and disenthralled." Except for a few assaults on blacks, even

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[59] Frank Hyberger to W. T. Manson, July 27, 1869, Senter Papers; *Nashville Daily Press and Times*, July 9, 1869.
[60] Perman, *Road to Redemption*, 22-56.

the Klan remained quiet during most of the campaign. The governor's closest advisors were convinced that the Conservatives would keep their word. "I have no fears of the opposition party running candidates," Frank Hyberger remarked in a private letter. "They are pledged not to do so and when they can get Republicans to run on the Universal Suffrage platform it will be to their advantage for this reason." As the election neared, Senter Republicans were confident that the governor had "played a skillful game." He had not only outwitted the Stokes Radicals but also seemed on the verge of doing the unthinkable—bringing about the peaceful realignment of the party system to take control of the center of Tennessee's political spectrum.[61]

However, following the *Williams v. Boughner* ruling the Conservatives decided that their opportunity had arrived. One East Tennessee Conservative remarked, "The suffrage revolution is crushing every thing in its path way. May it continue, until the last vestige of Radicalism in Ten. is wiped out." With the ballot open to virtually all, it was time to shift strategy. The Conservatives appreciated the extralegal manipulation of the ballot that Senter had allowed; yet they coveted the next General Assembly, for that body could sweep the statute books clean and enact the new legislation needed to formally remove the Rebels' disabilities. Casting "masterly inactivity" aside, the Conservatives now hastily arranged conventions across the state to nominate legislative candidates. In contrast to the Republican conventions, which had been mired in intraparty strife, the Conservative conventions quickly reached a consensus on candidates. The Conservative platform called simply for the election of Senter and all other candidates running on the universal suffrage ticket. The editor of the *Nashville Republican Banner*, who had been the most vocal proponent of Conservatives' remaining on the sidelines,

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[61] *Franklin Review*, June 11, 1869, as quoted in *Memphis Daily Appeal*, June 14, 1869; Frank Hyberger to Robert Medlin, June 11, 1869, Letter Book, 1869-1870, Senter Papers; *Nashville Republican Banner*, June 18, 20, 30, 1869; Severance, *Tennessee's Radical Army*, 110, 137, 154.

reflected on the sea-change in Tennessee politics that had occurred over a few weeks: "The opinion was almost unanimous that the best we could hope for was the election of a General Assembly composed primarily of moderate Republicans . . . and the platform on which we all stood was—the ballot first, and the rest will naturally follow." But with Senter apparently willing to win at any cost, acquiescing in his registrars' violation of the franchise law by permitting Rebels to vote, the Conservatives asked themselves, "Why then, . . . wherever the ballot-box has been rendered accessible to such as are entitled to the rights of freemen, shall we not make assurance doubly sure by sending men of our own choice to the General Assembly?" Thus there were now three distinct groups represented on the ballot: Stokes Radicals, Senter Republicans, and Conservatives.[62]

Although their situation was dire, Stokes Radicals refused to concede defeat. They threatened legal action against commissioners who accepted Rebel registrants and against Rebels who cast ballots. Stokes told Tennesseans that if Senter won, Congress would intervene and place the state under military occupation. To secure President Grant's support, a Radical delegation was dispatched to Washington. While Grant never issued a public endorsement of Stokes, two members of his cabinet—George Boutwell (secretary of the treasury) and John Creswell (postmaster general)—did so. In a letter addressed to Stokes, clearly written for public consumption, Boutwell suggested that the enemies of the Republican party were supporting Senter. He also appealed to black Tennesseans to rally behind Stokes. But neither the threats

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[62] Absalom A. Kyle to Andrew Johnson, July 12, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 72; *Nashville Republican Banner*, July 10, 11, 13, 31, 1869; *Memphis Daily Appeal*, July 7, 15, 16, 1869; *Nashville Daily Press and Times*, July 15, 1869; *Fayetteville Observer*, July 22, 1869; Alexander, *Political Reconstruction in Tennessee*, 218-19.

nor the cabinet endorsements deterred the Conservatives and Democrats or united Republicans in opposition to Senter's candidacy.[63]

The fears of a few of Senter's staunchest Republican supporters were realized in the waning days of the campaign. They accused him of violating the franchise law and making a pact with the Conservatives and Democrats in return for their votes. "Senter has sold us out and destroyed every hope for all of us," lamented Lucien Eaton. Dr. William Stilwell, a Brownlow Radical from West Tennessee, reported that "the rebels are jubilant, insolent, & overbearing. . . . The elections in this end of the State will all be carried by force & fraud for Senter, & the rebel Democratic candidates for the Legislature! What is to become of us?"[64]

As the gubernatorial race entered the final stretch, it was no longer a question of whether Senter would win, but rather by how much. On election day, tens of thousands of previously disfranchised Rebels turned out to cast their first ballots in many years. There was tension in the air as ex-Confederates, Conservative Unionists, freedmen, moderate Republicans, and Radicals trooped to the polls, but with a few exceptions the election passed off quietly. Senter carried each of the state's three grand divisions, even the Radical stronghold of East Tennessee, receiving a statewide total of 120,303 votes to Stokes's 55,066. Of the eighty-one counties for which returns are available, sixty-six cast majorities for Senter. Stokes received 19,372 fewer votes than Brownlow had received in the 1867 election. This suggests that nearly a fourth of

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[63] George S. Boutwell to William B. Stokes, July 16, 1869, as quoted in *Nashville Daily Press and Times*, July 26, 1869; *Nashville Union and American*, July 9, 1869; *Memphis Daily Appeal*, July 27, 28, 1869; *Nashville Republican Banner*, July 30, 1869; *Athens Post*, July 30, 1869; *Clarksville Chronicle*, July 31, 1869; *New Haven Palladium*, July 29, 1869, and *Detroit Post*, July 28, 1869, as quoted in *Nashville Union and American*, August 3, 1869; William H. Stilwell to John Eaton, Jr., July 8, 1869, Eaton Papers; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 202-203.

[64] Lucien B. Eaton to John Eaton, Jr., July 19, 1869, William H. Stilwell to John Eaton, Jr., July 20, 23, 1869, Eaton Papers.

Republican voters supported Senter. Although Senter managed to siphon off some of Stokes's black support, he fell far short of his campaign pledge to win half of the state's 40,000 black votes. Black voters overwhelmingly continued to support the Radical party, constituting the bulk of its constituency in this election.[65]

The keys to Senter's decisive victory were the nearly thirty thousand white Tennesseans reenfranchised by the *Staten* decision and the additional tens of thousands illegally enfranchised by his own registrars in the wake of *Williams v. Boughner*. But more important than Senter's triumph was the fact that control of both houses of the General Assembly passed into the hands of the Conservatives. The legislative races were originally contests between Senter Republicans and Stokes Radicals. However, after Senter's registrars began a wholesale registration of ex-Rebel voters, Conservative candidates came forth, transforming most two-way races in Middle and West Tennessee into three-way contests. In the Radical stronghold of East Tennessee, Senter Republicans and Conservatives united to defeat the Stokes Radical candidates. In nearly every contest, the Conservatives achieved a clear majority or capitalized on the division between Republicans to win the seat. In the Senate, Conservatives won twenty-two of the twenty-five available seats; Senter Republicans claimed the other three seats, while Radicals got none. In the House, Conservatives won sixty-three seats, Senter Republicans and Stokes Radicals ten each.[66]

The Conservatives' triumph was the result of a series of serendipitous events and political calculations and miscalculations. Brownlow's election to the Senate had fostered Republican intraparty strife, which spawned shifting political alignments. Meanwhile, the Conservatives

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[65] Porter Journal, August 5, 1869; John Houston Bills Diary, August 5, 1869; *Bristol News*, July 23, 1869; *Nashville Republican Banner*, July 29, 1869; Hopkins and Lyons, *Tennessee Votes*, 48, 50.
[66] Alexander, *Political Reconstruction in Tennessee*, 218-19. There were eighty-four available seats in the House; however, the party affiliation of one House member is unknown. See Chapter 5 for the sources used in my analysis of party designations.

skillfully maneuvered Governor Senter, who sought to reconstitute the Republican party, into an alliance and patiently waited for their opportunity. Seemingly assured of victory once the Supreme Court issued its rulings in two momentous franchise cases, Senter outsmarted himself by appointing Conservative registrars to solidify his standing among Conservatives and Democrats and then failed to rein in those registrars when they extended the franchise to the former Confederates by extra-legal methods. Senter's acquiescence paved the way for the Radicals' downfall. The Conservatives promptly jettisoned their strategy of "masterly inactivity" and, working hand-in-hand with the ex-Rebels, seized control of the legislature. With the election over, they had no further use for Senter or the Republican party. Now the Conservatives set about completing their plan to overthrow Tennessee's Republican regime by demolishing the foundation on which Radical Reconstruction stood.

After casting his first ballot since before the Civil War, Nimrod Porter, a Maury County ex-Rebel, reflected on the recent turn of events: "Fare well to all Radicals," he recorded with satisfaction. "May you only be known by history in the future. Amen."[67]

[67] Porter Journal, August 5, 1869.

CHAPTER FIVE

CLEANING THE AUGEAN STABLES: AUGUST 1869-MARCH 1870

Tennesseans anxiously anticipated the convening of the Thirty-sixth General Assembly. For Conservatives and Rebels, the August 1869 election results were the welcome death-knell of Radicalism. For Radicals, the Conservatives' decisive victory in the legislative races was ominous. Senter Republicans, still reeling from the surprise entry of Conservative candidates into the legislative races, sought to forestall a reactionary takeover of the legislature. They persisted in their efforts to forge a new Republican party, demanding that Republicans shift their priorities and bring moderate Conservatives into the fold. Still unclear was the course to be pursued by the Conservative-dominated legislature. Certainly it would endeavor to fulfill the Conservative campaign promises to restore voting rights to disfranchised whites and revise the state constitution, but there were other volatile issues also on the legislative docket: selecting a United States senator, considering the Fifteenth Amendment, reassessing the free school system, and dealing with the resurgent Ku Klux Klan. What the legislature would do and, just as importantly, how the Republicans in Washington would respond became matters of great interest to Tennesseans of all parties and races.

Hardly was the August ballot-counting finished before a delegation of disgruntled Stokes Radicals, led by Stokes himself, descended on the nation's capital in the hope of persuading sympathetic congressional Republicans and President Grant to investigate the legality of the election. They were determined to make good on their threat that if Senter and his registrars violated the law the federal government would intervene. The national press sought out Stokes,

who reportedly held numerous meetings behind closed doors with influential men in Washington. When asked to comment on the election, he remarked, "The Republican party in Tennessee has gone to hell." He wanted the president to call Congress into special session to consider the situation in Tennessee. Initially, Stokes and his fellows pledged to remain in Washington until Grant and key members of his cabinet and Congress returned from their summer holidays. But time was of the essence, for the Tennessee legislature would convene in the first week of October. The delegation therefore headed to New York City, where Grant and his family were residing.[1]

To the Radicals' consternation, Senter and a party of his friends, who had followed Stokes to Washington, beat them to New York City. Although Senter publicly insisted that he was there to discuss the subject of railroads with Grant, his real purpose was to put the president's mind at ease over the Conservatives' victory and dissuade him from either calling Congress into session or sending U.S. troops to Tennessee. It was Senter's good fortune that, in New York, Grant was surrounded by intimate friends rather than congressional and cabinet Radicals. According to a reporter traveling with Senter, the governor found the president at the Fifth Avenue Hotel, where they spoke only briefly before Senter rose to bid Grant farewell. At that point the president asked Senter to sit back down and talk to him about the recent election. When Grant inquired if Stokes had received any Rebel votes, Senter replied emphatically that he had not. "Then the rebels all voted for you?," asked Grant. "No, sir; I did not get any rebel votes," replied Senter. "We have no rebels in Tennessee now." The ex-Confederates were, he explained, thoroughly reconstructed and his victory was due to a combination of Republicans,

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[1] *New York Herald* as quoted in *Nashville Daily Press and Times*, August 28, 1869; *Nashville Union and American*, August 10, 11, 15, 28, 31, 1869; *Nashville Daily Press and Times*, August 24, 25, September 2, 1869; *Nashville Republican Banner*, August 6, 7, September 3, 1869.

old-line Whigs, Conservatives, and moderate leaders of the old Democratic party, all of whom favored peace and order. Satisfied, Grant recognized Senter as a legitimate Republican in lock step with the party platform until he proved otherwise.[2]

Stokes met with the president the following day. Though Grant proved sympathetic to the Tennessee Radicals' plight, he refused to become involved. Likewise, congressional Republicans balked at conducting an investigation. Had East Tennessee remained loyal to the Radical party, the prospects of federal intervention might have been greater, but Senter's victory there, and in particular Stokes's defeat in his own county and congressional district, were decidedly discouraging to those in Washington who might have been inclined to intervene.[3]

Although Senter had for the time being forestalled the possibility of federal intervention, he did not rest easy. He and his supporters were still coming to grips with the Conservatives' eleventh-hour decision to exploit the divisions in the Republican party by fielding legislative candidates. Senter was angry about this treachery—as he saw it—but he still hoped to cooperate with the Conservatives to reconstitute the Republican party along moderate lines and focus on pressing issues of economic development. The task was daunting. Even his staunchest supporters wondered whether he could harness and control the diverse factions that had elected him. The editor of the *Knoxville Whig* observed that "It is sometimes more difficult to control an

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[2] *Nashville Daily Press and Times*, August 27, 30, 31, September 6, 13, 1869; *Nashville Union and American*, August 28, 29, 1869; *New York Herald*, August 26, 1869; *Nashville Republican Banner*, August 26, 1869; *Knoxville Whig*, September 8, 1869; Enos Hopkins to John Eaton, Jr., August 25, 1869, Eaton Papers.

[3] *Nashville Union and American*, August 11, 1869; *Nashville Republican Banner*, September 3, 1869; *Knoxville Whig*, August 18, September 1, 1869. Grant's reluctance to commit federal troops or to call for a congressional investigation into the Tennessee election came as a shock to Stokes. On August 11, Lt. A. A. Carter had informed Stokes that Colonel William F. Prosser, who had met privately with Grant at his New Jersey seaside cottage, was told by the president that he had agreed with his cabinet to remove all federal officeholders in Tennessee who had supported Senter. See Lt. A. A. Carter to Stokes, August 11, 1869, Stokes Papers.

army after victory than before. Here will be the Governor's trouble, in part—how to keep upon good terms with the promiscuous soldiery who helped him to fight his battles."[4]

Senter's coalition, which had begun to unravel when Conservative candidates entered the legislative races en masse, came apart in the days after the election. Some Conservatives, spurred on by Democrats, broke with their erstwhile allies over the meaning of their victory. These Conservatives and their Democratic friends saw the election as a repudiation of four years of Radicalism and looked to the incoming legislature as their vehicle of redemption. The Democratic press went beyond simply calling for the restoration of white voting rights and a state constitutional convention, demanding that the legislature reject the Fifteenth Amendment and repeal every law passed during Radical Republican rule. The Democrats and Democratic-leaning Conservatives sought, moreover, to fully clean the "Augean Stables" by purging every Radical who held state office. One such officeholder, Gibson County school superintendent William H. Stilwell, made a gloomy prediction: "After the rebel Legislature meets I judge we shall all walk out of office."[5]

Many Conservatives, however, made an honest attempt to maintain unity with the Senter Republicans. The executive committees of several counties issued congratulatory messages to the people on their triumph at the polls, and pleaded for moderation and good will between the anti-Radical factions. Davidson County's committee, for example, called on its constituents to

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[4] DeWitt C. Senter to Leonidas C. Houk, August 23, 1869, Houk Papers; *Knoxville Whig*, October 10, 1869, as quoted in *Nashville Republican Banner*, October 12, 1869.
[5] *Paris Intelligencer* as quoted in *Nashville Daily Press and Times*, August 14, 1869; William H. Stilwell to John Eaton, Jr., August 12, 1869, Eaton Papers; *Memphis Appeal*, August 10, 1869; *Nashville Union and American*, August 12, 17, 1869.

maintain a united front in order to fully redeem Tennessee from Radical oppression, and hailed Governor Senter as "the great instrument of our emancipation."[6]

Speaking in Nashville following his landslide victory, Senter called for "a new departure." He asked Tennesseans to let bygones be bygones as he sought to build a centrist party on old Whiggish principles. But Senter's hope of bringing together, and leading, such a party was unattainable. As historian Thomas B. Alexander argued many years ago, the plan presumed that ex-Whig Conservatives would reject any real alliance with Democrats, their traditional political enemies. In fact, however, the Conservatives and ex-Confederates had gravitated toward one another under Radical Republican rule and had found common ground. The Conservatives recognized Rebel voters during the waning weeks of the election and welcomed them. Conservative leaders wanted to put together a centrist party, but it was not what Senter envisioned, and they certainly did not want Senter to lead it. Their party would stand between the Radical Republican proscriptionists on the one hand and the "Bourbon" Democratic states' rights extremists on the other, but would embrace the majority of Democrats. Moreover, despite their gratitude to Senter for helping break the stranglehold of the Radicals in Tennessee, Conservatives simply did not trust him. They remained skeptical of his sudden conversion to universal suffrage, a decision they attributed to politics, not principle. Senter's own words confirmed their suspicions about his loyalty. He continued to proclaim himself a true Republican and pledged to fight to the bitter end if a reactionary legislature took extreme measures. Furthermore, the Brownlows continued to publicly back Senter, despite their reservations about his removal of Radical registrars, which had brought about extralegal Rebel

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[6] *Nashville Republican Banner*, August 7, 1869; *Paris Intelligencer*, August 7, 1869, and *Morristown Gazette*, August 11, 1869, as quoted in *Knoxville Daily Press and Herald*, August 12, 1869; *Nashville Daily Press and Times*, August 10, 1869; *Nashville Union and American*, August 10, 1869.

enfranchisement. Consequently, the Conservatives were eager to cut ties with Senter at the earliest possible moment.[7]

Political turmoil reigned as the coalition that elected Senter and a Conservative legislature unraveled. Issues thought to have been resolved by Senter's victory, such as the ratification of the Fifteenth Amendment and the calling of a constitutional convention, became topics for debate among Senter Republicans, Conservatives, and Democrats as they contested the meaning of their victory over the Radicals. In the process, it became apparent to Senter that the Conservatives had rejected his vision of a centrist party. Furthermore, a breach opened between some Conservatives and the Democrats, despite their common interests, especially over the extent of constitutional changes needed to redeem Tennessee.

The post-election split between the Senter Republicans and their erstwhile allies was first manifested in debates over the ratification of the Fifteenth Amendment. Most Democrats and Conservatives had chosen not to address the amendment during the election campaign, but rather focused their efforts on extending the vote to the disfranchised. But with the contest over, the editor of the *Nashville Union and American*, who had previously thought it inexpedient to oppose the amendment, declared war on it:

> We oppose [the Fifteenth Amendment] both on principle and expediency. We deny that "it is the only road to peace." We insist that it is the surest and swiftest road to ruin. We deny that the "refusal to pass it will open the floodgate of another eternal controversy." We insist that its rejection will put a final quiet to its agitation, rid the country forever of

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[7] *Nashville Republican Banner*, August 8, 11, September 2, 1869; Alexander, *Political Reconstruction in Tennessee*, 220-23; *Nashville Daily Press and Times*, August 7, 1869; *Knoxville Whig*, August 18, September 1, 1869; John B. Brownlow manuscript notes bound with *Knoxville Whig*, June 9, September 15, 1869 (Library of Congress); *Congressional Globe*, 41st Congress, 2nd sess., 137-40.

> one of the most dangerous innovations upon the fundamental doctrines of our republic that was ever proposed, and give the people an opportunity of considering and disposing of other dangerous heresies which threaten the life of the Constitution.

The amendment subsequently became the target of an onslaught of Democratic and Conservative vituperation. Another editor denounced it as "the meanest of all Radical cunning and villainy."[8]

Republicans fired back. The *Nashville Daily Press and Times* warned that "[W]hen radical Democracy attempts to ignore and set aside the . . . victory of free suffrage for all men won, it will fire a mine whose explosion will convulse the State and destroy itself." The moderately Conservative *Nashville Republican Banner* agreed as it struggled mightily to preserve the peace. Reminding its readers of the threat of federal intervention, its editor argued that the people, by electing Senter, had endorsed the ratification of the Fifteenth Amendment. The *Memphis Daily Appeal* countered by declaring that the Conservatives who helped elect Senter did so solely for the cause of white enfranchisement; their votes should not be construed as a pledge of support for the Fifteenth Amendment: "Does not the *Banner* know that the Conservatives took Senter as the choice of evils, when it was too uncertain whether they could succeed to risk a candidate of their own?"[9]

While the press waged a war of words, many political leaders kept quiet on this issue. Former president Andrew Johnson was not, however, among them. As he toured the state to bolster his U.S. Senate bid, Johnson held forth on the amendment, which he referred to as the greatest outrage ever contemplated against the Constitution and republican institutions. "[I]f this

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[8] *Nashville Union and American*, July 1, September 26, 1869; *Winchester Home Journal* as quoted in *Nashville Republican Banner*, October 24, 1869; *Paris Intelligencer* as quoted in *Nashville Daily Press and Times*, October 6, 1869.

[9] *Nashville Daily Press and Times*, September 25, 1869; *Memphis Daily Appeal*, August 22, September 8, 1869; *Nashville Republican Banner*, August 28, September 21, 1869.

amendment is adopted," he declared in Knoxville, "Congress takes the power away from the State, that body [Congress] becomes sovereign, and the country is swinging towards empire."[10]

In the meantime, the Radicals launched a last-ditch effort to secure the amendment's adoption. Knowing that the incoming Conservative-dominated legislature would likely oppose the amendment, the Radicals held a secret meeting in Nashville at which they decided to urge Senter to convene the lame-duck legislature in an extraordinary session to ratify it. To present Senter with this proposal, the Radicals selected Congressman Horace Maynard, who, having left the state for a tour of the West during the election after declining the Brownlows' offer to run for governor, was presumably on friendly terms with the governor. When news of the Radicals' secret conclave got out, Senter was barraged with letters from across the nation encouraging him to call the retiring legislature into session. Ohio Republican governor Rutherford B. Hayes, for one, whose state had soundly rejected the amendment earlier in the year, pressed Senter to convene that "loyal and solid body." For the time being, however, Senter refused to commit himself on the issue.[11]

Indeed, Senter found himself in a rather precarious political situation. He had spoken in favor of the amendment on nearly every stump in the state. Furthermore, congressional Republicans and President Grant were anxious for its ratification. On the other hand, if he yielded to the Stokes Radicals and convened the outgoing legislature over the protests of the Democrats and Conservatives, he risked his political future. After much deliberation, he decided

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[10] Speech at Knoxville, August 17, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 104.
[11] Rutherford B. Hayes to DeWitt C. Senter, August 27, 1869, Horace Maynard to DeWitt C. Senter, August 28, 1869, Carlin Hamlin to DeWitt C. Senter, August 26, 1869, Senter Papers; *Memphis Daily Appeal*, August 27, 1869; *Nashville Daily Press and Times*, August 30, 1869; *Knoxville Daily Press and Herald*, August 31, 1869; *Nashville Union and American*, September 2, 1869.

not to take action. In doing so, he reiterated his earlier response to Stokes and his supporters—it was simply too costly, considering the state's financial crisis, to call a special session. He dismissed Radical claims that the incoming Conservative legislators, working hand in hand with the ex-Rebels, intended to disfranchise black voters: "[The legislature] will not even touch upon that subject. It will do nothing that the Republican party can call revolutionary; nor will it do aught that will injure vital interests of the State as they at present exist." Senter was under the false impression that he was popular among all Conservatives and could persuade them to ratify the amendment. Moreover, he retained his faith in his ability to work with Conservatives and moderate Democrats across the state to forge a Republican centrist party.[12]

Another question of equal concern was calling a constitutional convention. Some Radicals thought it inevitable once the new legislature convened. The *Chattanooga Republican*, a staunch Stokes organ, declared that "The Democracy, like a fat sow over a slop bucket, caflumixed both sides, [and] is now ready to guzzle up the slop." Many Senter Republicans, on the other hand, hoped to convince Conservatives that there was no need for a convention because the franchise had now been extended to all who desired it. The *Knoxville Whig* argued that the Rebels' objective had been attained, whether lawfully or unlawfully, as a result of the state Supreme Court. Senter's mouthpiece, the *Nashville Daily Press and Times*, took a different tack, warning Democrats and Conservatives that Uncle Sam might have something to say if they acted rashly, thus raising the specter of federal intervention to overturn the Conservative victory.[13]

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[12] *New York Herald*, August 26, 1869; *Knoxville Daily Press and Herald*, June 15, 1869; *Nashville Daily Press and Times*, August 30, 1869.
[13] *Chattanooga Republican* as quoted in *Nashville Union and American*, August 10, 1869; *Knoxville Whig* as quoted in *Nashville Union and American*, August 24, 1869; *Nashville Daily Press and Times*, September 3, 25, 1869.

Most Conservatives heeded the warning. With an eye toward the congressional Republicans, they took a measured position on constitutional reforms. An editorial in the *Lebanon Herald and Register* exemplified this stance:

> A convention of the people of Tennessee will probably be called. . . . This will be by far the most important assemblage ever convened in Tennessee. It will possess unlimited power, and can either change, amend or abolish the entire constitution and form a new one. . . . The convention should be composed of men of profound intellect, liberal ideas, combined with sound judgment and wise discretion. It is no place for hot-headed impracticable men, or men of extreme and illiberal views on any question.[14]

Most Democrats agreed with the Conservatives, but a few Democratic papers called for a thorough repudiation of Radicalism, urging prospective delegates to the convention to, as the *Memphis Daily Appeal* put it, "Rub out and begin anew." Such rhetoric provoked further words of caution from Conservatives. However desirable it may be to purge the state of Radicalism, the *Nashville Republican Banner* editorialized, "[I]t is risking too much in our present situation, with a despotic military power at Washington, backed by the Radical party of the North." In response, most of the fiery Democratic papers toned down their rhetoric. Even the *Appeal* accepted, albeit grudgingly, the Conservatives' advice: "We are willing . . . to 'make haste slowly.'"[15]

Complicating matters further, the Ku Klux Klan reappeared with a vengeance in Middle and West Tennessee during the waning days of the campaign and continued its mayhem into the fall, ignoring the Conservatives' call for unity and moderation. "Surely this must be the season that the devil was turned loose," commented the editor of the *Murfreesboro News* in the latter

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[14] *Lebanon Herald and Register*, August 28, 1869; *Nashville Union and American*, August 28, 1869.
[15] *Memphis Daily Appeal*, August 15, 1869; *Nashville Republican Banner*, August 13, 1869.

part of August, "and these are only evidences of his presence in our midst." Reenfranchisement and the collapse of Radicalism were not enough; the Klansmen sought also to restore white supremacy. Their targets included not only politically active freed people, but also teachers—black and white—working in the freedmen's schools.[16]

Local authorities proved powerless, and often unwilling, to prevent the Klan resurgence. Senter, attempting to hold together the coalition that had elected him, chose not to reactivate the State Guard or request federal troops for fear of driving the Conservatives into the arms of the hard-line former Confederates. The unchecked violence prompted some blacks to abandon the state. In Maury County, a hotbed of Klan activity, hundreds of freed people left for Florida within weeks of the election.[17]

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[16] *Murfreesboro News* as quoted in *Nashville Daily Press and Times*, August 21, 1869; Jennie Starkey to Lt. Col. Fred S. Palmer, August 14, 1869, William H. Stilwell to Lt. Col. Fred S. Palmer, August 9, 1869, Records of the Superintendent of Education for State of Tennessee, Reel 2, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870, RG 105, National Archives (hereafter cited as BRFAL); William H. Stilwell to Col. James Thompson, July 27, 1869, Edward Barnetson to Lt. Col. Fred S. Palmer, August 11, 1869, Lt. Col. Fred S. Palmer to Edward Barnetson, August 13, 1869, R. M. Thompson to Lt. Col. Fred S. Palmer, August 28, 1869, Frank Hyberger to DeWitt C. Senter, September 11, 1869, Jennie Starkey to Col. Charles E. Compton, October 11, 1869, William H. Stilwell to Lt. Col. Fred S. Palmer, October 13, 1869, William H. Stilwell to Col. Charles E. Compton, January 29, June 21, 1870, Reel 5, BRFAL; Archelaus M. Hughes Diary, September 4, 1869, Archelaus M. Hughes Diary, 1867-1884, Tennessee State Library and Archives, Nashville; J. S. Webb to DeWitt C. Senter, August 28, 1869, Senter Papers; Frank Hyberger to Brig. Gen. Lovell, August 31, 1869, Frank Hyberger to Thompson A. McKinley, September 1, 1869, Frank Hyberger to J. C. Reavis, et al., September 8, 1869, Frank Hyberger to General Oliver O. Howard, September 8, 1869, DeWitt C. Senter to Frank Hyberger, September 9, 1869, DeWitt C. Senter to General Oliver O. Howard, September 11, 1869, Letter Book No. 1, Governor Brownlow Papers; *Nashville Republican Banner*, August 22, 26, 29, September 2, 3, 12, 16, 1869; *Nashville Daily Press and Times*, August 20, 23, 28, 30, 31, September 10, 11, 13, 1869; *Nashville Union and American*, September 1, 4, 9, 1869; *Memphis Daily Appeal*, September 2, 15, 21, 1869; Severance, *Tennessee's Radical Army*, 227.

[17] *Nashville Daily Press and Times*, September 21, 25, 28, 1869; *Columbia Herald*, August 13, 1869; *Nashville Republican Banner*, September 21, 28, 1869; *Knoxville Daily Press and Herald*, September 23, 1869; Taylor, *Negro in Tennessee*, 106-11; Stephen V. Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Baton Rouge: Louisiana State University Press, 1988), 225; McBride, "Blacks and the Race Issue in Tennessee Politics," 317.

Amid the political confusion and uncertainty that marked the two-month interim between the election and the convening of the new legislature, Senter's hope of forging a centrist Republican party began to fade. Meanwhile, the Democrats and Conservatives began to split over issues thought to have been resolved by the election. The ex-Rebels urged Conservatives to take bold and swift action to redeem Tennessee, and many of the newly elected Conservative legislators were persuaded by this call. Other incoming Conservative legislators, however, listened to Conservative leaders who advised them to exercise restraint, lest they provoke the federal government to meddle in the state's political affairs. Tennessee's political atmosphere was turbulent and unclear as the incoming legislature convened.[18]

Examining the backgrounds and personal characteristics of the lawmakers who served in the Thirty-sixth General Assembly is instructive. Conservatives dominated both houses, holding twenty-two of twenty-five seats in the Senate and sixty-three of eighty-four seats in the House. Senter Republicans held ten seats in the House and three in the Senate, while the Radicals held ten in the House but none in the Senate. (The party affiliation of one House member is unknown.)

The Thirty-sixth General Assembly included few experienced state legislators, but many of the members had served in other state or local offices. Conservative and Senter Republican legislators were, on average, much more politically experienced than their Radical counterparts. Seven of the thirteen Senter Republicans had previous legislative experience—all but one had held both local and state office. A majority of the Conservative legislators also had political experience at both the state and local level; however, nearly 30 percent of the Conservatives

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[18] *Memphis Appeal*, October 2, 1869; John W. Leftwich to Thomas Amos Rogers Nelson, July 23, 1869, Nelson Papers.

were serving their first term in political office. The Radicals lacked any legislative experience, with the exception of a single Radical incumbent who won reelection. In fact, a majority of the Radicals elected had not previously held any political office.

Seventy-six of the 107 legislators whose place of birth is known were natives of Tennessee. Twenty-seven were born in neighboring Southern states, primarily North Carolina and Virginia, while three hailed from the North. Senator John Cubbins, a native of England, was the sole foreign-born lawmaker. All but a few of those born outside Tennessee had come to the state prior to the Civil War. There were no Yankee carpetbaggers to be found in the Thirty-sixth General Assembly.

At an average age of thirty-nine and a half, the Radicals were six and a half years younger than their Senter Republican and Conservative colleagues. Collectively, there were twenty-four legislators thirty-five years old or younger. Few members had held public office prior to 1860; fewer still had honed their skills on the stump during the political wars waged between the Whig and Democratic parties in the decades prior to the Civil War. The Thirty-sixth General Assembly was, for the most part, composed of a younger generation shaped not so much by the social, economic, and political conditions of antebellum America as by the tumultuous years of Civil War and Reconstruction that followed. The great number of wartime Unionists and former Union soldiers among the legislators suggests that loyalty and service to the nation were virtual requirements of a successful candidacy. Nevertheless, two former Confederates managed to win their legislative races in spite of a proscriptive candidate's oath. The lawmakers represented an array of occupations; nearly half engaged in more than one occupation. A majority of the members in both houses were farmers, but almost as many were lawyers or

businessmen. There were also quite a few physicians and newspapermen, along with nine school teachers and a railroad agent.[19]

When the legislators arrived at the capitol on October 4, 1869, they found the building's interior and exterior in excellent condition. For several weeks, a squad of prisoners laboring under the state's new convict lease system had been sprucing up the landscaping, while another had painted and varnished the interior. Democratic and Conservative newspapers proclaimed that the tidy and clean capitol reflected the character of the incoming legislature, unsullied by a Radical majority.[20]

The Senate organized swiftly, naming as speaker Dorsey P. Thomas, a Conservative who represented the counties straddling the lower Tennessee River dividing Middle and West

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[19] My findings on the composition of the Thirty-sixth General Assembly differ sharply from those of Thomas Alexander in his classic study of Tennessee's postwar Reconstruction as well as Robert B. Jones and Mark E. Byrnes's recent analysis of the lawmakers who elected a senator early in the legislature's first session. See Alexander, *Political Reconstruction in Tennessee*, 226-30; Jones and Byrnes, "'Rebels Never Forgive,'" 259-61. Among the most helpful sources I have used in this regard are Robert M. McBride and Dan M. Robison, *Biographical Directory of the Tennessee General Assembly*, 6 vols. to date (Nashville: Tennessee Historical Commission, 1975-), and the *Nashville Republican Banner*, August 15, 1869, October 3, 5, 6, 7, 8, 1869. Other sources include Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 3-5; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 3-16; Justin Trotwood Moore and Austin P. Foster, eds., *Tennessee: The Volunteer State, 1769-1923*, 5 vols. (Chicago: S. J. Clarke Publishing Company, 1923); Miller, *Political Manual*, 230-31. On Tennessee's antebellum political scene, see Jonathan M. Atkins, *Parties, Politics, and the Sectional Conflict in Tennessee, 1835-1861* (Knoxville: University of Tennessee Press, 1997), and Paul H. Bergeron, *Antebellum Politics in Tennessee* (Lexington: University Press of Kentucky, 1982). Former Confederates D. Hammer King and James W. Harris, as well as several other Rebel sympathizers elected to the Thirty-sixth General Assembly, did not take the candidate's oath, which stipulated that all office-seekers swear that they never willingly borne arms against the U.S. government, provided voluntary support for its enemies, or held elective office in the Confederacy. The Radicals unsuccessfully contested the 1869 state election based on the extralegal extension of the franchise by Senter's registrars rather than the great number of Conservative and ex-Rebel legislators who refused to comply with the law requiring candidates to file their oaths with Tennessee's Secretary of State. In many respects, the candidate's oath was as much a dead letter as the franchise law during the election. See *Nashville Daily Press and Times*, July 27, 1869; *Nashville Republican Banner*, July 28, 31, 1869; *Memphis Post*, August 6, 1869, as quoted in *Nashville Union and American*, August 11, 1869; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 386-87, 497.

[20] *Nashville Republican Banner*, September 30, 1869; *Nashville Daily Press and Times*, October 4, 1869.

Tennessee. In many respects, Thomas's speakership symbolized Tennessee's redemption. (It also represented a personal redemption: Thomas had won a seat to the U.S. Congress in August 1865, only to lose it after Governor Brownlow set aside the voter registration in five of the district's eight counties, thereby handing the election to Samuel Mayes Arnell, Brownlow's faithful lieutenant and author of the Franchise Act of 1865.) The Senate, having the advantage of a good number of experienced lawmakers, completed its organization in less than two days with little or no controversy.[21]

The House, however, was anything but harmonious. The representatives put forth six nominees for speaker—four Conservatives and two Senter Republicans (the Radicals declined to make a nomination). The Conservatives soon whittled their list down to two candidates, John M. Fleming and William O'Neil Perkins, both pre-war Whigs. During the war, Fleming had become disillusioned with President Lincoln's policies and supported General George B. McClellan's 1864 presidential bid. Following the war, he became an outspoken critic of Brownlow and founded the anti-Radical *Knoxville Daily Press and Herald*. Many feared that Fleming was a Conservative in name only and that his true allegiance was to the Rebel Democracy. Perkins, on the other hand, was a moderate Conservative. With previous legislative experience (in the state's pre-Civil War Senate) and a generation older than Fleming and most other legislators, Perkins projected an image of statesmanship and magnanimity. As Fleming's candidacy gained momentum during the balloting, Senter Republicans and Radicals aligned with

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[21] Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 3-15; Alexander, *Political Reconstruction in Tennessee*, 70-75, 86-87, 93-97; Kathleen R. Zebley, "Samuel Mayes Arnell and Reconstruction in Tennessee," *Tennessee Historical Quarterly* 53 (1994): 251-52; Coulter, *William G. Brownlow*, 268-70, 280.

moderate Conservatives to support Perkins, who won the speakership on the seventh ballot by fifty-three votes to twenty-five.[22]

Following Perkins's election, the House proceeded to name its other officers, a process that took three days as the two Conservative factions (hereafter referred to as moderate Conservatives and Democratic Conservatives) struggled for control of the House. In the end, the moderate Conservatives, with Republican support, managed to stave off a Democratic-Conservative takeover of the House leadership, but this first week of the session revealed the depth of the Conservatives' factional split. Moreover, time was wasted as lawmakers quibbled over frivolous matters such as the starting and closing time of the daily sessions and whether representatives should have subscriptions to two or three newspapers. It was an inauspicious beginning for the Thirty-sixth General Assembly.[23]

On October 12, Senter transmitted his message to the General Assembly. Invoking President Grant's maxim, "Let us have peace," Senter urged legislators to renounce rankling partisanship and animosity in favor of compromise and goodwill. Although he stopped short of calling for a constitutional convention, he recommended the immediate restoration of voting rights to all former Confederates. As for the Fifteenth Amendment, he declared that ratification would "inspire confidence with the Northern people, create a friendly interest in Congress, and perhaps win the strong helping hand of the General Government in our many wants." Having addressed those key issues, Senter turned to the much-needed reforms in the state's free-school and penitentiary systems. Moreover, he implored lawmakers to take action against the Klan and

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[22] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 3-11; *Nashville Daily Press and Times*, October 5, 1869; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 583, 2: 298-99.
[23] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 11-33; *Nashville Republican Banner*, October 13, 1869.

other vigilante organizations whose terrorist attacks, he said, discouraged immigration and economic progress. In closing, he addressed the state's mounting debt crisis and the cash-strapped railroads. He rejected debt repudiation; full payment of the debt, he argued, would bolster the state's credit and the value of its securities. He recommended the sale of defunct railroads and the retirement of the railroad bonds.[24]

Reaction to Senter's message was generally positive, but his call for compromise and goodwill had little impact. In the days following the governor's message, the division among Conservatives became even clearer. The Democratic Conservatives became emboldened, whereas the moderate Conservatives remained ever conscious of the bogeyman hovering over the General Assembly—the specter of federal intervention—and therefore tempered their demands.[25]

Many anticipated that the legislature would repeal all Radical laws in short order. The editor of the *Nashville Republican Banner* predicted that "there will be a perfect avalanche of bills" once the lawmakers began the regular business of legislation. But the first two weeks of the session were unproductive due to delays in organizing the House, an occasional lack of quorums, and the diversion of attention by the governor's inauguration ceremonies. This left numerous lawmakers chomping at the bit to propose a bevy of anti-Radical bills.[26]

Yet another critical item on the agenda delayed legislative business. Joseph S. Fowler, whom the Radicals sent to the U.S. Senate in 1865, had chosen not to seek reelection, and his vacant seat needed to be filled immediately. With the election over, newspapers turned

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[24] White, Ash, and Moore, eds., *Messages* 6: 35-47.
[25] *Nashville Republican Banner*, October 13, 1869; *Columbia Herald*, October 15, 1869; *Nashville Union and American*, October 13, 1869; *Memphis Daily Appeal*, October 14, 1869.
[26] *Nashville Republican Banner*, October 6, 13, 1869; *Nashville Daily Press and Times*, October 8, 1869.

increasingly toward this senatorial question. Andrew Johnson appeared to be the leading candidate. But as the Conservative coalition divided, Senter Republicans and moderate Conservatives put forth a number of alternate candidates, most of them with Whiggish roots. Two particularly strong candidates were former governor Neill S. Brown and pre-war U.S. congressman Balie Peyton. The Radicals nominated Secretary of State Andrew J. Fletcher despite his public break with Brownlow over the franchise law; but they were willing to compromise with Senter Republicans and moderate Conservatives to prevent Johnson's election.[27]

Rounding out the list of leading candidates mentioned to succeed Fowler was Emerson Etheridge. For those old-line Whigs unwilling to forgive Johnson for his antebellum partisanship and ex-Rebels who still resented his actions as wartime military governor, not to mention the Conservatives who feared that if the former president won he would renew his bitter war against Grant and the Republicans in Congress, Etheridge became the preferred candidate. He was a pre-war Whig who had served in the Tennessee House before being elected to three successive terms in the U.S. House. He aligned himself with the Conservative Unionists when the Lincoln administration announced in favor of emancipation. After the war, he became an outspoken critic of Brownlow's administration and ran against him unsuccessfully in 1867. Having arrived in Nashville well in advance of the Thirty-sixth General Assembly, Etheridge began currying favor with the Democratic and Conservative press, and as Conservative legislators trickled into the capital Etheridge buttonholed them. Johnson's advisors, aware of Etheridge's maneuvering, urged the ex-president to make a beeline for Nashville. As the balloting for the Senate drew

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[27] Samuel D. Morgan to Andrew Johnson, August 21, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 106-107. The most thorough discussion of the 1869 senatorial contest is Jones and Byrnes, "'Rebels Never Forgive,'" 250-69.

nearer, the various factions of the legislature understood that there was more at stake in that contest than Johnson's political ambitions and thirst for personal vindication; control of the Thirty-sixth General Assembly and the future of Tennessee hung in the balance.[28]

The balloting began on October 19. Johnson gained momentum with each successive vote and at the end of the day held a comfortable lead over his nearest competitor, Etheridge. He was two votes shy of victory in the Senate, however, and even further from the mark in the House. Because it seemed unlikely that the House Radicals would support a non-Republican, both the Johnson and Etheridge camps concentrated their lobbying efforts on the Senter Republicans and moderate Conservatives who had split their votes among the less popular candidates. Prior to the second day of balloting, the two chambers agreed to meet in joint convention and to continue balloting until one candidate received a majority. The balloting went on for two more days as bottom-tier candidates fell by the wayside. Johnson was by now within four votes of winning. Meanwhile, the Radicals remained unwavering in their support of Fletcher, while the supporters of less contentious candidates such as Neill Brown and Balie Peyton failed to attract more votes. At this point, some of Johnson's enemies launched a campaign to put forth a compromise candidate to thwart him.[29]

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[28] *Nashville Daily Press and Times*, August 24, October 9, 1869; *Memphis Daily Appeal*, August 24, October 6, 11, 21, 1869; *Nashville Union and American*, August 21, 24, 1869; *Louisville Courier-Journal*, October 19, 1869; John C. Gaut to Andrew Johnson, September 27, 1869, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 121; Absalom A. Kyle to David T. Patterson, July 20, 1869, Andrew Johnson Papers, Library of Congress; John Bell Brownlow to Oliver P. Temple, April 20, 1892, Emerson Etheridge to Oliver P. Temple, July 26, 1892, Temple Papers; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 236; Alexander, *Political Reconstruction in Tennessee*, 87-89, 141-62; Trefousse, *Andrew Johnson*, 357; Howell, "John C. Gaut," 2-21. On Johnson's political and personal conflicts with Congress and Grant, see Bergeron, *Andrew Johnson's Civil War and Reconstruction* and Simpson, *Let Us Have Peace*.

[29] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 67-69, 74-76, 81-88; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 54-58, 60-63; *Memphis Daily Appeal*, October 21, 1869; *Louisville Courier-Journal*, October 21, 1869.

On the evening of October 21, Etheridge and several of his staunchest legislative allies met in secret conclave with thirteen lawmakers representing the House Radicals, Senter Republicans, and moderate Conservatives. The purpose of the meeting was two-fold—to defeat Johnson and avert federal intervention. The sticking points were convincing Etheridge to abandon the race and finding a suitable candidate all could agree on. After much deliberation, the group ironed out a deal. Etheridge agreed to withdraw and proposed that anti-Johnson legislators unite behind Henry Cooper, a moderate-Conservative jurist who had not practiced politics long enough to make many enemies.[30]

On the morning of October 22, the joint assembly met to commence the seventh ballot. But before it began, Senator Needham Autry D. Bryant stood up from his desk and nominated Henry Cooper. Johnson's supporters in the legislature, along with his loyalists who had packed the galleries to view what they presumed would be the historic vote, were shocked, for Bryant had been faithful to the former president on all of the previous ballots. Once the balloting commenced, the plan hatched in secret unfolded as expected. With 106 of the legislature's 109 members present, fifty-four votes were necessary to win. As each member cast his ballot, he did so for only Johnson or Cooper; no one deviated from the plan. While Johnson picked up some votes that he expected in the House, he did not gain all of them. In the end, Johnson had fifty-one votes, Cooper fifty-five.[31]

Cooper's victory sent shockwaves that reverberated across the nation. The news soon arrived by telegraph at the White House, where President Grant and his cabinet were waiting.

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[30] *Nashville Union and American*, October 22, 23, 24, 26, 27, 1869; *Memphis Daily Appeal*, October, 22, 1869; *Nashville Republican Banner*, October 23, 24, 1869; *Louisville Courier-Journal*, October 22, 1869; Jones and Byrnes, "'Rebels Never Forgive,'" 262.
[31] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 90-91; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 65-66.

The *Nashville Republican Banner*, a sharp critic of the former president, reveled in Johnson's defeat: Goliath, it declared, had met his David.[32]

The Senate election revealed deep fractures in the legislature. The Conservatives were split between Johnson and Etheridge until the very end of the balloting. Meanwhile, until that final ballot, the Radicals remained doggedly in Fletcher's corner and the Senter Republicans parceled out their votes among the moderate-Conservative candidates. Even at the end, most Conservatives backed Johnson, the most extreme candidate, and rejected the compromise candidate; Cooper garnered only a little over one third of the Conservative votes. Moreover, the Senate contest pitted Middle versus West Tennessee, as opposed to East versus the rest. In the final ballot Johnson and Cooper won the votes of Middle and West Tennessee's legislators respectively, while splitting the votes of East Tennessee's. The Thirty-sixth General Assembly was a divided body, its various factions at war with one another amid ever-changing political alignments. It seemed a body adrift and without focus.[33]

Charges of conspiracy flourished in the wake of the election, circulated by Johnson's loyalists. For days on end, newspapers in and beyond Tennessee printed accusatory letters and denials of wrongdoing. Amid these charges and countercharges there was also sober analysis. The *New York Times* attributed Cooper's victory to a third-party movement of moderate lawmakers sufficiently strong and well organized to wrest control of the General Assembly from the Democratic Conservatives. This editor's judgment was, however, off the mark. The combination of factions that produced Cooper's victory was not a solid political alignment based

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[32] *Louisville Courier-Journal*, October 22, 1869; *Nashville Republican Banner*, October 23, 1869.
[33] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 67-91; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 54-66; *Nashville Union and American*, October 27, 1869.

on the principle of reconciliation, but rather an ad hoc coalition built on negativity toward Johnson. The editor was not the only one who misjudged the political situation. The Radicals mistakenly believed that Cooper's moderate-Conservative supporters, all of whom were wartime Unionists, would eventually drift back into the Unconditional Unionist (i.e. Radical Republican) church. In the days following the Senate election, newspapers carried reports of Radicals celebrating with brass bands in the streets of Nashville and Memphis. Though all the anti-Johnsonians reveled in Johnson's defeat, the Radicals' exuberance in the election's aftermath did not sit well with the Senter Republicans and moderate Conservatives.[34]

With the senatorial election behind them, the lawmakers got to work on legislation. Although many Democratic Conservatives reasoned that the necessity of wiping out every vestige of Brownlowism naturally bound the Conservative legislators together, such a Conservative coalescence did not immediately ensue and, consequently, the work of demolition did not proceed apace. There were fits and starts along the road to redemption.[35]

Among the most pressing and divisive issues on the agenda was legally reenfranchising the ex-Rebels. While the legislature could repeal the Radicals' franchise laws, it could not repeal the 1865 constitutional amendment by which the legislature was empowered to determine voter qualifications. This fact was the main impetus for calling a constitutional convention. A number of perplexing questions, such as whether the 1865 convention and subsequent amendment were legally binding, could be resolved by a new convention. Three factions quickly surfaced as lawmakers argued over whether to have a convention and what powers it would have. The majority of Conservatives wanted a convention with no restrictions, so that it would have a free

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[34] *New York Times*, n.d., as quoted in *Memphis Daily Appeal*, November 5, 1869; *Memphis Daily Appeal*, October 26, 1869.
[35] *Memphis Daily Appeal*, November 6, 1869.

hand to create a new state constitution. Some moderate Conservatives and the Senter Republicans, however, favored a convention with the power only to amend the existing constitution. The Radicals opposed any convention. The battle lines were drawn for yet another showdown; however, this time the Radicals, deluded by the senatorial election into thinking that they might wrest control of the legislature from the Democratic Conservatives, were relegated to the sidelines.[36]

On October 26, Abner A. Steele, the acting chairman of the House Judiciary Committee, reported a bill calling for a state convention, its delegates to be elected by the voters for the purpose of amending the existing constitution or creating a new one. Steele, who along with eleven other Conservatives had resigned his seat in the legislature in 1866 to protest the franchise law, managed to kill a rival House bill that would convert the legislature into a convention. Although the Senate passed its own convention bill, its Judiciary Committee recommended Steele's bill. Two members of the Senate Judiciary Committee, however, issued a lengthy minority report in opposition. Moderate Conservative Edmund Cooper and Senter Republican Philip P. C. Nelson argued that the legislature could legally resolve itself into a constitutional convention and submit its proposed amendments directly to the people for ratification or rejection; they cited the January 1865 convention as a precedent. While they failed to win over the other five members on the committee, their report offered several well developed arguments. First, they insisted that the present legislature was at least as reliable and well intentioned a body as could be assembled under an election for delegates. Second, as a convention the legislature would be composed of one body, not two independent bodies on whose concurrent action the

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[36] Henry G. Smith to DeWitt C. Senter, October 26, 1869, Senter Papers; Alexander, *Political Reconstruction in Tennessee*, 18-32.

enactment of laws depended. Third, the legislators had been recently elected by the people and had a thorough knowledge of their wants and needs. Fourth, the work of the convention could be accomplished both rapidly and effectively in strict accordance to the law. Finally, by avoiding the costs of a separate election for delegates, this plan could save Tennessee's taxpayers a lot of money. The Cooper and Nelson report suggested a concern shared by most moderate Conservatives and Senter Republicans—that if a separate constitutional convention was created, ex-Rebel delegates might be elected in large numbers and hijack it.[37]

Foiled in his bid to avert a separate convention, Cooper then proposed a package of amendments to the Constitution in lieu of a convention. The Senate rejected the amendments, however, by four votes. Cooper then proposed an amendment to Steele's bill limiting the action of the convention to matters involving the suffrage, the judiciary, and taxation. The Senate approved these three significant restrictions by two votes. The Steele bill then became tied up in both houses as members debated the number of delegates to be elected to the proposed constitutional convention. Reports of public discontent over the protracted debates soon surfaced in the papers, prompting lawmakers to reach a compromise. The bill passed both houses after the legislators agreed to the fix the number of delegates at seventy-five. The third Saturday in December was designated for the election of delegates. Though the franchise laws technically remained in effect, the convention act ignored those restrictions and provided for universal manhood suffrage. A joint effort by Senter Republicans and moderate Conservatives

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[37] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 34, 53, 93, 98-99, 110-19; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 87, 96-105; *Nashville Republican Banner*, October 27, 29, 1869; November 5, 1869; *Memphis Daily Appeal*, October 29, 30, 1869, November 1, 1869; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1: 695; Alexander, *Political Reconstruction in Tennessee*, 107, 263n.

to limit the electorate to those eligible to vote under the Staten decision failed by a fifty-two to seventeen vote. Moreover, the legislature prohibited the administration of test oaths to prospective candidates or election officials.[38]

Once the issue of a constitutional convention was resolved, the legislators took up the Fifteenth Amendment, which would enfranchise black men throughout the nation. With the threat of federal intervention looming over Tennessee, moderate Conservatives and Senter Republicans implored Democratic Conservatives not to take a hard-line, state-rights stance. In the House, James Harris Agee of Campbell County, a Senter Republican, introduced a resolution calling for the amendment's ratification. The House passed the resolution and referred the matter to its Committee on Federal Relations. But on November 15, the chairman of the committee, Conservative Elbert Abdiel James of Hamilton County, submitted the majority report rejecting ratification, denouncing the amendment as "class legislation of the most odious character." The report further contended that the amendment "leads inevitably to a concession of all sovereign power to the legislative branch of the Federal Government, and consequently is destructive of the rights of the States." Senter Republican Joseph M. Baker of Hancock County drafted a minority report warning that "the days of colored suffrage [in Tennessee] are numbered" if the federal amendment was defeated and Rebel delegates to the upcoming

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[38] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 110-19, 153-54, 174-75, 185, 188-90; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 107-109, 149-50; Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chaps. 105, 115, pp. 118-21, 134; *Nashville Republican Banner*, November 9, 10, 11, 12, 14, 16, 1869; *Nashville Union and American*, October 29, 30, 1869; Alexander, *Political Reconstruction in Tennessee*, 230.

Tennessee constitutional convention carried out the will of their constituents. Baker warned also of the likelihood of federal intervention if the amendment was defeated.[39]

Undeterred by Baker's arguments, the House defeated ratification on November 16 by a vote of fifty-seven to twelve. That body then forwarded the Agee resolution to the Senate, which referred it to its own Committee on Federal Relations. There the matter remained for nearly three months, by the end of which time it seemed likely that neither President Grant nor Congress intended to intervene in Tennessee's affairs, at least not over the amendment issue. In late February, the Senate rejected the Fifteenth Amendment by a vote of twenty to four. Interestingly, some moderate Conservatives were among those voting against the amendment, an indication that as the session wore on, moderate Conservatives were growing closer to Democratic Conservatives and moving Tennessee ever closer to thoroughgoing redemption.[40]

The pace of the Conservatives' dismantling of Radicalism quickened once the legislature had settled the senatorial question and passed a convention bill. Among the legislature's subsequent enactments was a law safeguarding Senter's registrars from prosecution for any action they took during the 1869 state election. Another enactment nullified state printing contracts with Republican newspapers. (Nearly all Republican journals in the state disappeared within six months of this bill's adoption.) The Conservatives did not, however, rush headlong toward redemption. A few Democratic Conservatives sought to wipe out four years of Brownlowism abruptly in a single omnibus bill, but most Conservatives preferred a deliberate

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[39] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 53, 185-88.

[40] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 192-93; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 174, 351, 360-61, 443; Tennessee General Assembly, *Private Laws of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chap. 80, pp. 712-13; *Memphis Daily Appeal*, November 21, 1869. The legislature's rejection the Fifteenth Amendment stood until 1997, when Tennessee became the last state to ratify it.

pace less likely to provoke federal intervention. They proceeded by designating a particular Radical law as a special order of the day, with debate set typically to begin at noon, and thus undertook the destruction of Radical Reconstruction one piece at a time.[41]

Over the course of nearly five months, from October 1869 to early March 1870, the pillars that bolstered the Radical state came crashing down. The Ku Klux Klan Act and the State Guard Act were among the legislature's targets. Other Radical laws swept away *in toto* included the common carrier law that banned racial segregation in public transportation, an act that protected the rights of laborers, and an act that abolished the boards of county commissioners established in Nashville, Memphis, and Chattanooga in conjunction with the Metropolitan Police Act, which was also repealed. This last action, which restored county control to a commission of justices of the peace elected from each civil district, adversely affected the nascent black political leadership elected to those offices in county-wide races and the freed people protected by Radical police forces under gubernatorial control in the state's major urban centers.[42]

The Conservative capture of the legislature also doomed the state's free-school system. The Radicals had raised taxes during the Brownlow administration to fund the school system, which provided schooling for black as well as white children on an equal basis and was thus loathed by Conservatives and Democrats. Also motivating the legislature's abolition of the

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[41] Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chaps. 2, 17, pp. 3-4, 19-20; Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 36, 41.

[42] Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 38-39, 62, 105, 240, 290-91, 630; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 21, 30, 43, 48, 50, 185, 192, 197, 236, 248, 253-54; Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chaps. 6, 12, 15, 20, 49, 97, 112, 116, 119, pp. 7-8, 13-15, 17-18, 22, 63, 112, 131-32, 135-36; Alexander, *Political Reconstruction in Tennessee*, 230; Taylor, *Negro in Tennessee*, 74; Severance, *Tennessee's Radical Army*, 15-16; McBride, "Blacks and the Race Issue in Tennessee Politics," 320-21; Fraser, "Black Reconstructionists in Tennessee," 371.

school system was a desire to restore local autonomy and reduce state taxes and debt. Responsibility for educating the children of the state was now placed solely in the hands of county authorities. Moreover, the legislature did not mandate that the counties provide any public schools on their own. Consequently, education for whites and blacks, a cornerstone of Republican free-labor ideology, suffered. To further cut the state debt and reduce the tax burden, the legislature repealed all laws granting state aid for internal improvements, eased penalties for failure to pay taxes, and dismissed all pending lawsuits against those indebted to the Bank of Tennessee.[43]

The Conservative legislative juggernaut dismayed Republicans. "There is a general overturning of old landmarks here," wrote one despondent Nashvillian, "& a tendency to extreme & partisan measures." Republicans were particularly concerned about the repeal of the anti-Klan legislation, for Klan attacks continued unabated. Even some Democrats shared this concern. The editor of the *Nashville Republican Banner* warned that Tennessee would be scorned by "the people of the whole continent and of the civilized world . . . if cut-throats and jail-birds in disguise are permitted to ply their murderous avocation on our highways." A surge in Klan violence in January 1870 prompted legislators to consider a new enforcement act, not only to punish masked marauders but also to avert the threat of federal intervention. While nine House Democratic Conservatives defiantly opposed any such measure, other Conservatives and

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[43] Thomas Jefferson Lamar to John Eaton, Jr., July 28, 1869, M. C. Wilcox to John Eaton, Jr., August 6, 7, 1869, James H. Griffes to John Eaton, Jr., August 9, 1869, William H. Stilwell to John Eaton, Jr., September 29, December 24, 1869, W. W. Campbell to John Eaton, Jr., December 30, 1869, Eaton Papers; John Ruhm to General George H. Thomas, Dec. 23, 1869, John Ruhm Letter, 1869, Special Collections, University of Tennessee, Knoxville; Hughes Diary, October 18, 1869; Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chaps. 26, 31, 33, 50, 110, pp. 26-27, 39, 41-42, 64, 129-31; *Nashville Republican Banner*, December 8, 1869, March 11, 1870; Foner, *Reconstruction*, 142-48; Ash, *Middle Tennessee Society Transformed*, 178-79.

Republicans came together to pass an anti-Klan bill. This measure was, however, considerably different from the Radical Klan act. The latter had vested enforcement power in the governor; the new legislation, embodying the Conservatives' goal of reestablishing local autonomy, empowered local authorities.[44]

Continuing Klan violence, including incidents in which five blacks in Carroll County and two in Wilson County were forcibly removed from jail and subsequently murdered, threatened to undermine the new anti-Klan law. Local authorities seemed helpless to prevent the violence—perhaps even compliant in it—and arrests were seldom made. At this point Senter decided to step in. On February 2 he submitted a special message to the General Assembly recommending that it authorize him to appoint special officers and prosecuting attorneys to suppress the Klan. The legislature ignored this recommendation, however, and the governor remained powerless to curb Klan violence.[45]

After its opening weeks, the Thirty-sixth General Assembly avoided getting bogged down in parliamentary procedure, unproductive debates, or rancorous factional strife. By the end of the session on March 4, 1870, it had passed 125 public and private acts and ninety-three joint resolutions. The majority of the public acts repealed or amended Radical legislation. At the

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[44] G. P. Thurston to General George H. Thomas, December 25, 1869, General George H. Thomas Letters, Special Collections, University of Tennessee, Knoxville; *Nashville Republican Banner*, January 19, 20, 22, 1870; John Ruhm to General George H. Thomas, Dec. 23, 1869, John Ruhm Letter, 1869, Special Collections, University of Tennessee, Knoxville; *Nashville Union and American*, January 26, February 1, 1870; Tennessee General Assembly, *House Journal*, 36th General Assembly, 1st sess. (1869-1870), 467, 480, 486-88, 495-99, 505, 507; Tennessee General Assembly, *Senate Journal*, 36th General Assembly, 1st sess. (1869-1870), 330, 338, 343; Tennessee General Assembly, *Public Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), chap. 54, pp. 67-68; Severance, *Tennessee's Radical Army*, 227.

[45] Frank Hyberger to R. W. Vickers, January 27, 1870, Letter Book No. 1, Governor Brownlow Papers; R. W. Vickers to Frank Hyberger, February 2, 1870, Clark Jones to DeWitt C. Senter, February 8, 1870, Senter Papers; *Nashville Union and American*, January 26, 28, 30, February 1, 2, 1870; *Memphis Daily Appeal*, January 26, 1870; *Nashville Republican Banner*, February 1, 2, 3, 1870; message to the Senate and House of Representatives, February 2, 1870, in White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 75-77.

beginning of the session, Governor Senter and his supporters had entertained high hopes of a political realignment by which Radicals, Senter Republicans, and moderate Conservatives would come together and preserve the best of what the state government had achieved since the war's end. But the moderate Conservatives had other ideas. Though initially at odds with the Democratic Conservatives, the moderates gradually repaired the breach and set about undoing the work of Radical Reconstruction. Thus a Conservative-dominated legislature, composed almost wholly of Union men, took every step but the last in restoring the government of Tennessee to the ex-Rebels and the Democratic party. All that remained to complete the work of redemption was to create a new state constitution.[46]

[46] Tennessee General Assembly, *Acts of Tennessee*, 36th General Assembly, 1st sess. (1869-70), 3-724.

CHAPTER SIX

REDEMPTION: DECEMBER 1869-NOVEMBER 1870

As he did every New Year's Eve, seventy-eight-year-old Maury County farmer Nimrod Porter ended his journal for 1869 by reflecting on the events of the past twelve months. Although pleased by the downfall of Brownlow's regime, he was troubled by the lawlessness that pervaded much of Middle and West Tennessee. A period of relative peace had followed the heinous abduction and murder of Detective Barmore on the outskirts of Columbia, where Porter lived; but in the aftermath of the August state election a wave of banditry and Ku Kluxism washed over the region. The chaos in Maury County reached epic proportions, with five murders in four days around Christmas. Concluding his chronicle of lawlessness, Porter closed his journal. Then, as midnight approached, a heavy rain began to fall. Unable to sleep, he reopened the journal and took up his pen to begin the first entry for 1870: "Fare well to the year 1869. The people all over the state of Tennessee will long remember the many tryals and dificulties the people both white and black have indured during the year 1869. The many (day & night) Roberies, the cold blooded murders all over our county & all over the State. The many R.R. accidents & deaths, the burning of houses and sinking & burning of boats & the many lives lost during Roberies, departing after all. [T]his year past 1869 will long be remembered. I say fare well 1869."[1]

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[1] Porter Journal, December 31, 1869, January 1, 1870. On the violence in Maury County around Christmas 1869, see *Nashville Republican Banner*, December 28, 1869, January 23, 1870; *Columbia Herald*, January 7, 1870.

While many Tennesseans shared Porter's apprehensions about the crime wave, some—the ex-Rebels—had reason for optimism about the future. On December 18, 1869, sixty thousand Tennesseans went to the polls. They approved the call for a constitutional convention by a five-to-one margin and overwhelmingly elected Conservative and Democratic delegates to the gathering. The chief objective of the great majority of the voters was to remove all remaining restrictions on voting, thus restoring to full citizenship the former Confederates, who had been disfranchised by the Radical Republicans. But the threat of federal intervention still hung over Tennessee. Congressional Republicans had not hesitated to return Georgia to military rule in late December 1869, after that state's legislature expelled its black members. In addition to demanding that the Georgia legislature purge its ineligible ex-Confederate members and reseat its eligible black members, Congress stipulated that the state must ratify the Fifteenth Amendment as a condition of its readmission. This action stood as a warning to those delegates elected to Tennessee's constitutional convention who opposed a biracial democracy. All but the most unrepentant Rebels understood the need to proceed cautiously.[2]

The activity of Tennessee Radicals in Washington likewise discouraged any attempt to use the convention to disfranchise blacks. Despite having failed to secure federal intervention to stave off the Conservative takeover of the state government, the Radicals managed to persuade President Grant to replace several Conservative federal appointees in Tennessee with Radicals loyal to Stokes. As the election for the constitutional convention neared, Tennessee's Radical congressmen renewed their efforts to block redemption. On December 11, William J. Smith of

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[2] *Journal of Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis & Co., 1870), 3-4 (hereafter cited as *Convention Journal*, 1870); *Nashville Union and American*, December 22, 1869; Olive Hall Shadgett, *The Republican Party in Georgia: From Reconstruction through 1900* (Athens: University of Georgia Press, 1964), 12-18.

West Tennessee introduced a resolution in the House to annul the August state election. Though it failed to pass, it signaled the Radicals' fierce determination not to surrender Tennessee to the redeemers. In the meantime, the Radicals kept an eye on events at home for any evidence of Ku Kluxism or other illegal acts that might bolster their argument for federal intervention.[3]

With this in mind, Tennessee's Conservative and Democratic newspaper editors demanded that only sensible and moderate men be considered as delegates to the convention; "the architects of ruin," that is, the reckless ex-Rebels unwilling to forget the past, should be shunned. Once the convention bill passed both houses of the General Assembly, petitions were printed in the newspapers calling on some of the state's most distinguished figures to announce their candidacy. Several Confederate military officers and politicians were among those persuaded to run. The Radicals cried foul, pointing to section three of the Fourteenth Amendment, which barred Rebels from federal or state officeholding if they had taken an oath to support the U.S. Constitution before the war.[4]

Surely Tennessee's Radicals expected the Republicans in Congress to take immediate action against such an egregious violation of the Fourteenth Amendment; but the ensuing silence was deafening. A group of black leaders meeting in Nashville called on Stokes to renew the call for an investigation into the validity of the August election and the constitutionality of all laws passed by the Conservative-dominated legislature. Writing from Washington, Stokes shared their outrage: "The whole movement in the way of a convention is illegal, unconstitutional, void,

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[3] *Louisville Courier-Journal*, October 6, 7, 1869; *Congressional Globe*, 41st Congress, 2nd sess., 76.
[4] *Nashville Republican Banner*, November 17, 20, 25, 28, December, 15, 1869; *Clarksville Tobacco Leaf*, November 10, 1869; *Nashville Union and American*, November 16, 1869; U.S. Constitution, amend. 14, sec. 3; Tennessee Constitution (1796), art. 11, sec. 1; Tennessee Constitution (1834), art. 1, sec. 1; George W. Stanberry, II, "The Tennessee Constitutional Convention of 1870" (M.A. thesis, University of Tennessee, 1940), 7-8.

and revolutionary; the constitution and laws having been wholly disregarded in the late election, necessarily making void all laws passed by that illegal and unconstitutional body." Moreover, he criticized Republicans who sought seats in the convention and thereby made themselves complicit in the legal transgression and undermined his and other Radicals' efforts to make the case for federal intervention. "They should have stood aloof and took no part," he fumed. He closed his letter by advising Tennessee's Radical voters to boycott the election. Stokes's instructions were quickly circulated among his followers and a copy of the letter was printed in several newspapers in the state. For the most part, Middle and West Tennessee Radicals heeded Stokes. "The Radicals and colored voters," according to an anonymous correspondent of the *Nashville Republican Banner*, "ignored the election with religious obedience to the dictation of their political advisers from Washington." The Klan's resurgence may also have factored into the decision of most Middle and West Tennessee Radicals to stay home on election day. Only in East Tennessee and other sections of the state free of terrorist violence did the Radicals—black and white—cast ballots.[5]

The constitutional convention that met in Nashville on January 10, 1870 was, in the words of one historian, "probably the most intellectual body of men that ever assembled in Tennessee for any purpose." At least one of the delegates, James Fentress of Hardeman County, who had served under General Nathan Bedford Forrest and would become perhaps the most hostile opponent of black suffrage during the convention, agreed. Writing to his wife as he sat in the upper hall of the Davidson County courthouse, where the convention was held, Fentress

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[5] *Nashville Union and American*, December 18, 19, 21, 22, 23, 1869; *Nashville Republican Banner*, December 17, 18, 19, 21, 22, 1869; *Memphis Daily Appeal*, December 17, 1869; John Houston Bills Diary, December 17, 18, 1869; Alexander, *Political Reconstruction in Tennessee*, 230.

confessed to being in awe of some of the veterans of Tennessee politics who were among the delegates.[6]

On average slightly older but far more politically experienced than the legislators, the delegates to the constitutional convention represented a bridge between Tennessee's past and present. A majority had either legislative or judicial experience prior to the war, among them a former governor of the state, a U.S. senator, and three congressmen, not to mention a number of prominent jurists. As in the legislature, old-line Whigs turned Conservatives were plentiful; but they only slightly outnumbered their antebellum political rivals, who, since the August 1869 election, were beginning to openly refer to themselves as Democrats.

The number of delegates who had served the Confederacy was the most obvious sign that Reconstruction in Tennessee was on its deathbed. Four had held seats in the Confederate Congress. At least nine had been high-ranking Confederate military officers while many others had held lesser rank. One Wilson County Radical's survey of the convention's personnel indicated that forty-one of the seventy-five delegates had served in some capacity in the Rebel army. In contrast, only four had served in the Union army.[7]

While the Radicals and the ex-Rebel Democrats clearly constituted the two extremities of Tennessee's political spectrum, party lines had not yet been fully defined and the convention was divided into various factions. The Radical Republicans were led by Henry R. Gibson and Joseph H. Blackburn, the latter a Union and State Guard officer who, at the eleventh hour, had surprised the two Conservative candidates for delegate by announcing his candidacy and marshaling local

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[6] Joshua W. Caldwell, *Studies in the Constitutional History of Tennessee*, 2nd ed. (Cincinnati: The Robert Clarke Company, 1907), 298; James Fentress to Mary Fentress, February 7, 1870, Talbot-Fentress Family Papers, Tennessee State Library and Archives, Nashville.

[7] *Nashville Republican Banner*, February 18, 1870; Stanberry, "Tennessee Constitutional Convention of 1870," 14-58; Alexander, *Political Reconstruction in Tennessee*, 230-33, 251-52.

Radicals and some of his former soldiers to secure his victory. With only seven delegates, the Radicals were virtually powerless against their opponents in the convention. Their only hope was that Stokes and his supporters in Washington would manage to convince congressional Republicans to put the state under military rule. The Conservatives comprised two factions distinguished by their wartime allegiances. The Conservative Unionists had held the balance of power during the gubernatorial canvass and subsequently seized control of the legislature following two critical state Supreme Court decisions. But power was shifting toward the extreme Conservatives, many of whom had been old-line Whigs and reluctant Rebels but had joined the Confederacy once Tennessee seceded. Influential prior to the war, this group now positioned itself as Tennessee's political center. Among its leaders in the convention were former governor Neill S. Brown, his brother John, Joseph B. Heiskell, and James D. Porter. A few Conservative Unionists had become moderate Republicans; however, the bulk of the Conservatives gradually fused with another group represented at the convention, the moderate secessionist Democrats such as A. O. P. Nicholson. Unrepentant Rebel Democrats, including James Fentress and William Henry Williamson, comprised yet another faction; they shared the views of the fire-eating Confederate leaders still in exile such as former governor Isham G. Harris and former Rebel officers William B. Bate and Peter Turney. Finally, there was a very small faction of men loyal to former president Andrew Johnson—a mixed bag of Unionist Democrats, Whigs such as Absalom A. Kyle, and Confederate Democrats like George W. Jones, an old Jacksonian who rigidly adhered to the party's antebellum core principles.[8]

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[8] Stanberry, "Tennessee Constitutional Convention of 1870," 19-23, 30, 33-36, 47-51, 55-56; *Nashville Republican Banner*, January 2, 9, 1870; Alexander, *Political Reconstruction in Tennessee*, 231-33; Hart, *Redeemers, Bourbons, and Populists*, 2; Severance, *Tennessee's Radical Army*, 31-34, 228; Jonathan Atkins, "'The Purest Democrat': The Career of Congressman George W. Jones," *Tennessee Historical*

Which faction or factions would gain control of the convention was the question of the hour. Speculation had begun even before the election of delegates. The unreconstructed Rebel editor of the *Memphis Avalanche* wanted the convention's leadership to be firmly committed to the notion that theirs was a white man's government. Such demands drew the ire of Conservatives, who feared federal intervention if Tennessee appeared intransigent. The fear that "hot heads and theorists" would take over the convention also prompted moderate Democrats such as A. O. P. Nicholson to speak out. "Let us be careful," advised Nicholson; "let us do no more than is absolutely necessary."[9]

Another Democratic delegate who chose the path of moderation was former Confederate captain John Allen of Smith County. An ardent secessionist who bore the scars of several battlefield wounds, Allen had watched helplessly, like so many other disfranchised ex-Rebels, as Brownlow's Radical regime sought to create a biracial democracy. Though inclined to adopt the extreme course favored by many other Confederate veterans, Allen had second thoughts after taking his seat at the convention and receiving a letter, dated January 10, from John W. Bowen, one of Radical Reconstruction's fiercest Conservative critics. Bowen urged Allen to refrain from giving into his passions and prejudices; failure to do so might jeopardize all that had been accomplished through the wisest statesmanship. "A fierce, malignant, and despotic party, in possession of all the power of the Federal Government, is watching with evil eye," Bowen warned, "anxious to find in some act of the convention excuse to place upon our people the

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Quarterly 65 (2006): 2-21. The other Radical delegates were James W. Branson, William H. Finley, James C. Parker, William Sample, and W. B. Staley.

[9] *Memphis Avalanche*, as quoted in *Nashville Republican Banner*, December 5, 1869; *Nashville Republican Banner*, December 15, 1869; Caldwell, *Studies in the Constitutional History of Tennessee* (2nd ed.), 300.

crushing heel of military power." Heeding Bowen's advice, Allen took a stand with the moderate Democrats.[10]

The first task of the delegates was to elect a president, and the choice was obvious. Since responding to the call of voters to represent Giles, Lincoln, and Marshall counties in the convention, former Confederate officer John C. Brown had risen to prominence. Although he had never held governmental office, he had been active in state politics. As his older brother Neill S. Brown assumed the governorship in 1847, the younger Brown established a successful law practice in Giles County. An ardent Whig, he seemed poised to follow in his brother's footsteps; however, his health took a turn for the worse and he left his law practice for a year to travel abroad. Returning in 1860, he found Tennessee, like the nation, torn asunder. Despite the demise of the national Whig party, the remnants of Tennessee's Whigs clung to the Union in opposition to Governor Harris and the Democrats. This "Opposition" aligned with other border state Unionists to form the Constitutional Union party, which nominated John Bell of Tennessee as its presidential candidate in 1860. Brown took his place on the political stage when he was named an elector on the Bell ticket. As the nation teetered on the brink of civil war, he took to the stump from town to town across Middle and West Tennessee, denouncing the fire-eating Democrats as disunionists bent on civil war. While Bell carried his native state thanks in large part to the efforts of Brown and countless other old-line Whigs, Abraham Lincoln won the election. When Governor Harris and the legislature submitted the question of secession to a popular referendum in February 1861, Brown took to the stump again in defense of the Union. Tennesseans rejected secession—but only temporarily. Lincoln's April 1861 call for troops to

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[10] John W. Bowen to John Allen, January 10, 1870, quoted in Stanberry, "Tennessee Constitutional Convention of 1870," 8.

suppress the rebellion in the wake of the firing on Fort Sumter galvanized Middle and West Tennesseans and the state soon left the Union. Like many other old-line Whigs in those regions, Brown now cast his lot with Tennessee. He enlisted in the Confederate army as a private and was thereafter repeatedly promoted for battlefield gallantry. He surrendered in May 1865 with the rank of major general.[11]

After the war, Brown returned to his home in Pulaski, resumed his law practice, and kept a relatively low profile. As a high-ranking Confederate military officer, he fell under the third of fourteen exclusions specified in President Andrew Johnson's 1865 Amnesty Proclamation. Hence, he was required not only to swear an oath of allegiance to the United States but also to appeal for a pardon, which, if granted, removed all civil and political disabilities incurred by participation in the rebellion. But Brownlow's Radical regime had deprived Tennessee's former Rebels of their political rights by passing a series of franchise laws. Thus Brownlow had little to fear from recommending pardon for Brown—which he did, just as he did with nearly half of the other applications he reviewed before forwarding them to the president. Johnson delayed fourteen months, however, before granting Brown's pardon. Meanwhile, Brown and other disfranchised ex-Rebels in Giles County organized the Ku Klux Klan. He became an active leader of the secret fraternal society and sanctioned many of its activities, including political obstruction and intimidation to thwart Radical rule in Giles and surrounding counties. In 1868 the state's former Confederate leaders selected Brown to address the Democratic national convention and present a memorial setting forth the grievances of the disfranchised men of Tennessee. Subsequently, while Tennessee's Republicans feuded among themselves following

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[11] *Nashville Daily Patriot*, September 27, October 20, 1860; *Bolivar Bulletin*, January 22, 1870; Butler, "Life of John C. Brown," 1-25; Atkins, *Parties, Politics, and the Sectional Conflict in Tennessee*, 212-44.

Brownlow's departure, Brown and other disfranchised Rebels waited patiently for the Radical regime to fall.[12]

As an old-line Whig and staunch opponent of secession turned Rebel general and Klan leader, Brown was well-suited to appeal to both Conservatives and Democrats. He represented a young, vigorous, rising class of Tennessee political leaders and yet won the approval of many elder statesmen. "[H]e is emphatically a man of the times," said the editor of the *Nashville Republican Banner*, "and the times naturally enough demand him." Brown, not Senter, seemed to be the man who would bridge the political divide in Tennessee and his unanimous election as president of the constitutional convention marked yet another critical step in Tennessee's redemption.[13]

Following his election, Brown addressed the convention. He expressed the sentiment of the majority of delegates, cautioning against extreme measures that might provoke the federal government to intervene: "Let us raise ourselves above the passions and prejudices of the hour, and dare to be just and generous regardless of the temptations prompting a contrary course. We cannot, we must not, be unmindful of the great changes that have impressed themselves upon our history. Let us accept the situation, and not seek to alter circumstances which have passed beyond our control." In the subsequent debates, Brown participated very little. He considered

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[12] John C. Brown to Andrew Johnson, June 13, 1865, Mrs. James K. Polk to Andrew Johnson, June 30, July 28, 1865, William G. Brownlow to Andrew Johnson, November 23, 1865, Amnesty Papers, M1003, Roll 48, Tenn., John C. Brown, RG 94, National Archives; J. Noah to William G. Brownlow, August 20, 1866, E. E. Patton Papers; J. Noah to William Brownlow, August 24, 1866, Governor Brownlow Papers; Butler, "Life of John C. Brown," 26-38; Bergeron, *Andrew Johnson's Civil War and Reconstruction*, 74-76; Kathleen Zebley Liulevicius, "Pardon and Executive Privilege during Reconstruction: The Interplay of President Johnson and Southern Governors," in *Nineteenth-Century America: Essays in Honor of Paul H. Bergeron*, eds., W. Todd Groce and Stephen V. Ash (Knoxville: University of Tennessee Press, 2005), 117-44; Kathleen Rosa Zebley, "Rebel Salvation: The Story of Confederate Pardons" (Ph.D. diss., University of Tennessee, 1998), 203-23; Brooks D. Simpson, *The Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998), 133-39.

[13] *Nashville Republican Banner*, November 28, 1869; *Convention Journal*, 1870, 7.

his role to be nonpartisan, to maintain order or restore it when debate grew unruly. The primary aim of Brown and his supporters was to curb the extremism at both ends of the political spectrum.[14]

The question of its legitimacy hung over the convention from the outset. As the delegates commenced their work, Tennessee's congressional delegation, with the exception of Isaac Hawkins, presented a memorial charging that the August 1869 election had been carried by fraud. Ineligible men and even youths under twenty-one had voted, they claimed, and loyal and legally registered voters had been deterred from casting their ballots by threats of violence. Moreover, some of Senter's registrars were ineligible to hold office under the laws of the state as well as the U.S. Constitution. A plurality of illegal voters, the memorialists argued, had determined the results of the election and the character of a majority of the General Assembly. Subsequently, that illegal body had unlawfully elected a U.S. senator, passed legislation in violation of the laws of the state, and wrongfully set in motion a convention to alter the state constitution. In closing, the Tennessee delegation called on Congress to protect the loyal and law-abiding citizens of the state by guaranteeing them a republican form of government.[15]

Senator Brownlow, with some reluctance, also signed the memorial. This followed a speech delivered a month earlier in the Senate in which he expressed his displeasure with the recent turn of events in Tennessee. The ever-shifting political situation continued to make for strange bedfellows as Brownlow distanced himself from Senter's policies and found himself working side by side with Stokes to secure congressional support for military intervention in

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[14] *Convention Journal*, 1870, 7-8; *Nashville Union and American*, January 26, 1870.
[15] *Congressional Globe*, 41st Congress, 2nd session, 137-40.

Tennessee.[16]

On the heels of the memorial, Congressman Roderick R. Butler launched the first serious movement for federal intervention in Tennessee. He submitted a number of petitions from his Radical constituents asking Congress to investigate the 1869 state election. Then, on January 17, he introduced a bill in the House that would nullify the actions of any state officer who served in violation of the political disabilities clause of the Fourteenth Amendment. As Butler's bill was taken up by the House Judiciary Committee, Tennessee's Conservatives and moderate Democrats moved to combat the charge of disloyalty by requiring each convention delegate to take an oath to support the U.S. Constitution. Though a few of the more extreme Democratic delegates protested, the convention's leadership endorsed the oath for the sake of political expediency and the motion was approved.[17]

On the second day, the delegates addressed the primary question before the convention—the revision of the franchise provisions of the constitution. While there was a consensus in favor of enfranchising all those disfranchised under the Radical regime, there was serious disagreement on black suffrage. Fearing that an intransigent stand against it by Democratic extremists would ruffle feathers in Washington, the Conservatives and moderate Democrats sought a compromise. Neill Brown and John C. Thompson of Davidson County and John Baxter of Knox County each introduced a resolution providing for universal male suffrage but also mandating payment of a poll tax as a prerequisite for voting.[18]

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[16] *Nashville Union and American*, January 11, 1870; *Nashville Republican Banner*, January 13, 1870.
[17] *Congressional Globe*, 41st Congress, 2nd session, 376, 519; *Convention Journal*, 1870, 8, 14; *Nashville Union and American*, January 11, 1870; *Nashville Republican Banner*, January 11, 1870.
[18] *Convention Journal*, 1870, 20, 22, 35.

The poll tax had a long history in Tennessee. The constitutions of 1796 and 1834 had instituted a poll tax but in neither case was payment of it, or of any other tax, made a requirement for voting. Those now arguing for it in the convention claimed its purpose was to provide revenue for public schools, but it was generally understood to be a means of reducing the black vote.[19]

Democratic hard-liners, however, were in no mood to compromise. On the third day of the convention, they introduced a series of resolutions that would explicitly restrict the franchise to white males. Their arguments were openly racist. Alexander Campbell of Madison County launched the opening salvo, declaring that "this government was made for the white man and his posterity forever." James Fentress's resolution asserted that "The white man is and ought to be the controller of the political affairs of the State. Any attempt to incorporate in the body politic laws compelling or authorizing social or political equality of the negro with the white man, being contrary to truth, is dangerous to the peace and prosperity of the Government and the general good, and has a tendency to create estrangement and ill-will between the races." The hard-liners also moved to submit the question of black suffrage to the people as a separate referendum, in which those favoring universal suffrage would be required to mark their ballots "negro suffrage" while those favoring disfranchising blacks would mark "white suffrage."[20]

Meanwhile, President Brown fulfilled his most critical assignment, appointing standing committee members. He did so methodically and shrewdly, parceling out the extremists—Radicals and fire-eating Rebel Democrats—among the various committees while assigning the

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[19] Frank B. Williams, Jr., "The Poll Tax as a Suffrage Requirement in the South, 1870-1901," *Journal of Southern History* 18 (1952): 477; Wallace McClure, *State Constitution-Making with Especial Reference to Tennessee* (Nashville: Marshall & Bruce Company, Publishers, 1916), 61, 406-408.
[20] *Convention Journal*, 1870, 29-30, 32, 35-36, 97-99; *Nashville Republican Banner*, December 5, 1869; McBride, "Blacks and the Race Issue in Tennessee Politics," 324.

majority of positions to Conservatives and moderate Democrats. Moreover, he selected pragmatic men from among this last faction to serve as committee chairs. His appointment of men such as A. O. P. Nicholson, who would head the all-important committee on elections and the franchise, served to check the Rebel Democrats bent on defying the federal government.[21]

After studying various proposals for nearly a week, Nicholson's committee found itself unable to reach a consensus. Instead, Nicholson presented a majority report recommending that the elective franchise not be denied to blacks, that the proposition to submit the question of black suffrage to the people as a separate clause be rejected, and that the payment of a poll tax be required of voters. The convention's Rebel Democrats were enraged. The following day a minority report was submitted, signed by three members of the committee, that reiterated Rebel arguments on race and the franchise and urged the convention not to kowtow to the congressional Republicans: "We hold that the inferiority of the negro to the white man, in race, color and capacity for permanent, well-ordered government, has been fixed by [God]." Furthermore, the minority noted, the voters in several Northern states had recently cast ballots on black suffrage; it was only fair that Tennesseans should "have the *right* to consider this tremendous question for themselves."[22]

On January 24, the convention began considering the majority and minority reports and vigorous debate went on for a week. The opponents of black suffrage spoke forcefully and often. John C. Thompson of Davidson County proclaimed emancipation "the greatest crime that had

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[21] *Convention Journal*, 1870, 41-43.
[22] Ibid., 92, 97-99. When presented to Northern voters as a separate issue, black suffrage suffered numerous defeats following emancipation. Prior to the ratification of the Fifteenth Amendment, five states—Connecticut, Minnesota, Wisconsin, Kansas, Ohio, and New York—and the Nebraska Territory held referendums on black suffrage and defeated the proposition. In 1868, however, Minnesota voters enfranchised their black residents. See Foner, *Reconstruction*, 223-24.

been precipitated in the name of humanity." William Blount Carter of Carter County suggested that if the convention enfranchised blacks it might as well give the vote to five-year-olds. The threat of federal intervention, "a sword suspended over [the convention]," did not intimidate such men. "If the sword falls," said Thompson, "let it fall; we shall have lost all but our honor." Wearied by these lengthy tirades, Conservatives and moderate Democrats attempted to limit speeches to as little as fifteen minutes per delegate, but President Brown ruled against them. Confident that he had the votes to carry the majority report, Brown permitted the extremists to blow off some steam.[23]

Supporters of the majority report generally accepted the notion that blacks were inferior to whites; yet they also accepted the results of the war—emancipation, citizenship, and voting rights for blacks—"though whipped into the acknowledgment." Several moderate Democrats bemoaned the death of the Old South and the loss of its peculiar institution. William Thompson of Maury County considered slavery "one of the greatest blessings to the country. But Uncle Sam came along and took [my] negroes." Thompson favored universal suffrage not because he wanted blacks to vote but because he desired a peaceful and permanent settlement of the conflict. He and many others were simply sick and tired of "the black question." William F. Doherty of Benton County recounted a meeting with a constituent who spoke for many other Tennesseans when he pleaded, "For God's sake, settle this question."[24]

While black suffrage remained the primary topic of debate, the poll tax also generated much discussion. Its opponents held that voting was an inherent right, not a privilege extended to the affluent. They argued also that the potential for corruption of the political process grew

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[23] *Convention Journal*, 1870, 143, 146, 154, 159-61, 168-77; *Nashville Union and American*, January 25, 26, 27, 28, 29, 1870; *Bolivar Bulletin*, March 26, 1870.
[24] *Nashville Union and American*, January 26, 27, 28, 1870.

exponentially with such a tax. Furthermore, a poll tax, which would deprive thousands of white Tennesseans of the vote, did not guarantee black disfranchisement. The poll tax had supporters, however, among various factions and across the state's three geographical divisions. Many delegates favored it because it could help fund the public schools. Some maintained that the tax would not actually disfranchise many potential voters. Others, such as William H. Stephens of Shelby County, lauded it as a means to disfranchise the unworthy "scum and riff-raff" who had no permanent residence. Although most Conservatives adhered to a code of silence regarding the racial implications of a poll tax, a few were forthright. Bolling Gordon of Hickman County reaffirmed his belief in black inferiority and called for a poll tax that would "cut off a great many irresponsible voters."[25]

On the evening of January 27, Nicholson addressed the issue. He warned the advocates of black disfranchisement that they were courting danger. "This [is] not the time to talk about States' rights or the inferiority of the negro," he said. "This [is] the wrong time to apply these great truths and principles." Congressional Republicans were watching these proceedings, seeking justification to meddle in Tennessee's affairs. Let us give more thought to political expediency, Nicholson advised, and less to racial doctrine.[26]

Following his speech, Nicholson moved to consider the minority report. By a 54 to 20 vote, the Conservatives and moderate Democrats soundly defeated black disfranchisement. James Fentress then proposed that black enfranchisement be submitted to the people as a separate referendum; however, the motion was tabled by a 52 to 20 vote. East and Middle Tennessee delegates generally opposed both of these efforts to disfranchise blacks. West

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[25] *Nashville Union and American*, January 27, 28, 29, 1870; Williams, "Poll Tax as a Suffrage Requirement in the South," 473-75.
[26] *Nashville Union and American*, January 28, 1870.

Tennesseans, on the other hand, overwhelmingly supported them. Tables 2 and 3 show that the greater the proportion of blacks in a delegate's home county, the more likely he was to favor black disfranchisement.[27]

Table 2. Vote on Minority Report (Prohibiting Black Franchise/No Poll Tax), 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
Delegates for minority report (white franchise/no poll tax) East TN (1); Middle TN (7); West TN (12)	**30.9**
Delegates against minority report (white franchise/no poll tax) East TN (22); Middle TN (27); West TN (5)	**16.0**

Table 3. Vote on Black Franchise as a Separate Referendum, 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
Delegates for black franchise as a separate referendum East TN (1); Middle TN (8); West TN (11)	**30.5**
Delegates against black franchise as a separate referendum East TN (21); Middle TN (24); West TN (6)	**19.2**

* Sources: *A Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 88-91; *Journal of the Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis, & Co., 1870), 159-61.

[27] *Convention Journal*, 1870, 159-61.

The following morning, the delegates vigorously debated the poll tax before voting on the majority report. George Jones of Lincoln County offered an amendment that removed the poll tax provision from the majority report. But former Confederate congressman Joseph Heiskell, one of the few West Tennesseans not allied with the hardline Rebel Democrats, moved to table Jones's amendment; Heiskell's motion carried by a 45 to 28 vote. Having defeated the efforts to disfranchise blacks and to remove the poll tax provision, the Conservatives and moderate Democrats brought the majority report to the floor for a vote. Before the roll could be called, the Radical Republicans made a last-ditch effort to strike out the poll tax, but President Brown held that that question had been settled. Further debate went on through the late afternoon and into the evening before the convention approved the majority report by a 56 to 18 vote. In contrast to the two previous votes on the franchise, in these two votes West Tennessee's delegates aligned with Middle Tennessee's to support the motion to table the amendment to eliminate the poll tax and to support the majority report. East Tennessee's delegates, however, mostly rejected tabling the amendment to delete the poll tax and mostly favored the majority report. The opposition to the poll tax and the majority report, as shown in Tables 4 and 5, stemmed from the whitest counties, those in which the tax could potentially disfranchise more whites than blacks.[28]

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[28] Ibid., 169-77; *Nashville Republican Banner*, January 29, 1870; Atkins, "The Purest Democrat," 18. Though Jones was a loyal friend of Andrew Johnson, he was one of six unrepentant Rebel Democrats that voted against the majority of Conservatives and moderate Democrats on the convention's four key suffrage votes: vote on minority report; vote on black franchise as a separate referendum; vote on tabling amendment to remove the poll tax provision; and vote on the majority report. The other five delegates include: Jesse Arledge (Franklin County); William Blount Carter (Carter and Johnson Counties); James Fentress (Hardeman County); John May Taylor (Henderson County); and William Henry Williamson (Wilson County).

Table 4. Vote on Tabling Amendment to Remove the Poll Tax Provision from the Majority Report, 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
Delegates for removing the poll tax from the majority report East TN (14); Middle TN (11); West TN (3)	**15.2**
Delegates against removing the poll tax from the majority report East TN (9); Middle TN (22); West TN (14)	**26.1**

Table 5. Vote on Majority Report (Universal Franchise and Poll Tax), 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
Delegates for majority report (universal franchise/poll tax) East TN (15); Middle TN (29); West TN (12)	**23.5**
Delegates against majority report (universal franchise/poll tax) East TN (8); Middle TN (5); West TN (5)	**17.5**

* Sources: *A Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 88-91; *Journal of the Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis, & Co., 1870), 169-70, 177.

The debate among Tennesseans and delegates prior to and during the convention, along with the votes on the franchise and poll tax provisions as shown in Table 6, indicate a racial motivation in favoring a more restrictive franchise. Defeated in their efforts to eliminate black suffrage, the unrepentant Rebel Democratic delegates representing counties with the largest

black population (greater than 30 percent on average) overwhelmingly supported the poll tax, voting 18 to 2 to table the motion to delete the tax and 18 to 3 for the majority report.

Table 6. Votes on White-Only Franchise and Poll Tax Clauses, 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
For white-only franchise; for poll tax	**32.6**
For white-only franchise; against poll tax	**27.8**
Against white-only franchise; for poll tax	**23.5**
Against white-only franchise; against poll tax	**10.6**

* Sources: *A Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 88-91; *Journal of the Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis, & Co., 1870) 161, 169-70.

The Radical Republicans responded to the adoption of the poll tax by submitting the first of several written protests issued during the convention. Drafted by Henry Gibson of Campbell County and signed by four others, the Radical protest reaffirmed suffrage as a right and not a privilege, and warned that assuming "the right to restrict the elective franchise implies the right to destroy it." The Radicals were not alone in protesting the tax. A small clique of pro-Andrew Johnson men also objected to it for the same reasons. They further insisted that the tax discriminated in favor of the wealthy against the poor and that it revived, to some extent, the

odious system of oaths and certificates that the Brownlow regime had required for voting. The payment of a poll tax as a prerequisite for voting was too much for George Jones, who stormed out of the convention hall, went home to Fayetteville, and brought his four decades of public service to an end.[29]

Once the franchise question had been disposed of, the delegates addressed other clauses of the constitution. Race continued to play a significant role in issues important to blacks. Delegates who had supported a white-only franchise and who represented counties with the largest black populations generally favored restricting black Tennesseans' access to juries and public offices. The same was true regarding public education. The legislature had recently abolished the Radicals' free-school system, which had provided equal schooling for black and white children. Most convention delegates favored restoring local autonomy by placing education solely in the hands of county authorities but Conservatives and moderate Democrats feared that doing so would effectively wipe out black public education and thus provoke federal intervention. In two close votes, efforts to turn all responsibility for public education over to the counties, and to give the legislature an option (but not a mandate) to establish a common school system, failed. After further debate, the delegates struck a compromise, requiring the legislature to establish a perpetual common school fund derived from poll tax revenues. This fund would be

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[29] *Convention Journal*, 1870, 178-81, 333, 397-98; John C. Burch to Andrew Johnson, March 9, 1870, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 174-75; *Nashville Union and American*, February 17, 1870; Atkins, "The Purest Democrat," 18. Interestingly, from 1870 to 1873 Democratic lawmakers did not enforce the poll tax provision as a qualification for voting. The tax was repealed in 1873; however, proponents of public education heralded the tax as a source of revenue for schools. After years of fierce debate over the poll tax, the Democrats reinstated the tax in 1890 as part of a larger effort to strengthen the state's election laws coupled with the need to generate revenue for education particularly in rural areas. See Williams, Jr., "The Poll Tax as a Suffrage Requirement in the South," 474-83; Caldwell, *Studies in the Constitutional History of Tennessee* (2nd ed.), 316-17.

used to assist counties that created a local school system to benefit both races, provided that they maintained segregated schools.[30]

Table 7. Votes on Various Issues of Concern to Blacks and Support for White-Only Franchise, 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870		Percentage of Delegates for White-Only Franchise	
	Yes	No	Yes	No
Exclude blacks from juries and public office	**30.5**	**15.4**	**75.0**	**10.0**
Legislative option on establishing a common school system	**30.4**	**16.1**	**70.0**	**25.0**
County control of public schools	**31.0**	**13.6**	**80.0**	**15.0**

* Sources: *A Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 88-91; *Journal of the Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis, & Co., 1870) 159-60, 312, 314, 341.

Race also played a role in debates over the Tennessee Supreme Court. Joseph B. Heiskell of Shelby County moved that the Supreme Court judges be popularly elected. Alexander Campbell of Madison County offered an amendment to Heiskell's motion that would permit only whites to vote in such elections. Campbell's amendment was rejected by a vote of 58 to 8. The convention then adopted Heiskell's motion by a vote of 46 to 25. All but one Radical Republican joined the Conservative majority, while the Democrats and those in favor of

[30] *Convention Journal*, 1870, 159-60, 312, 314, 341.

the white-only franchise divided almost equally. Although they detested Brownlow's policy of appointing judges, the Democratic delegates from the state's blackest counties perhaps remained apprehensive regarding the potential strength of black voters in their counties (see Table 8).[31]

Table 8. Vote on Popular Election of Supreme Court Judges, 1870 Constitutional Convention, Showing 1870 Black Population of Delegates' Home Counties*

	Average Percentage of Blacks in Delegates' Home Counties, 1870
Delegates for popular election of Supreme Court judges East TN (14); Middle TN (22); West TN (10)	**17.33**
Delegates against popular election of Supreme Court judges East TN (8); Middle TN (9); West TN (7)	**29.19**

* Sources: *A Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 88-91; *Journal of the Proceedings of the Convention of Delegates Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State* (Nashville: Jones, Purvis, & Co., 1870), 219.

On February 7, James D. Porter, Jr., of Henry County introduced a measure providing that all public offices, with the exception of the governorship and legislative seats, should be vacated upon ratification of the constitution. This provoked a fierce response from the Radical Republicans. In spite of warnings that a wholesale turning out of office might trigger federal intervention, Democrats and many Conservatives aligned to adopt Porter's amendment. The following day, the Radicals submitted a protest, arguing that the measure constituted an act of

[31] Ibid., 218-19.

"petty persecution" intended to oust recently elected Republican officeholders. The protest left the Democrats and Conservatives unmoved.[32]

The work of redemption continued during the last few weeks of the convention. The delegates imposed certain checks and balances on the state's governmental departments to prevent the arbitrary exercise of power that had characterized Tennessee Radicalism. The legislature was forbidden to give state aid to private enterprises. No General Assembly or convention could act on proposed federal amendments unless elected subsequent to the submission of the amendment by Congress to the state. These measures were responses to the Radicals' extravagant state aid to railroads and the irregular ratification of the Fourteenth Amendment. The delegates also limited the pay of legislators to seventy-five days for a regular session and twenty days for an extra session, to discourage protracted and costly legislative sessions. Regarding the executive department, the convention conferred the veto power on the governor (albeit a weak power—a bare majority of the legislature could override) and restricted the governor's use of the militia and martial law.[33]

Constitutional provisions regarding the judiciary were significantly revised. Besides mandating the election of Supreme Court judges, the delegates enlarged the court to five members, allowing no more than two from any single grand division. To forestall any quarrel

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[32] Ibid., 245, 253-54; *Nashville Union and American*, February 8, 1870.

[33] *Convention Journal*, 1870, 420, 423-26. The provision empowering the legislature, rather than the executive, to call out the militia initially hamstrung Governor John P. Buchanan's response to a March 1891 armed uprising of coal miners in Anderson County in protest of the decision of mining companies to replace them with convicts. With the legislature not in session, Buchanan was forced to overstep his legal authority and call out the state militia to quell what became known as the Coal Creek War, the opening salvo in a greater struggle across Tennessee against its controversial convict-lease system. The instrument created to meet the exigencies of Radical Reconstruction adopted a number of restrictive rules which did not suit Tennesseans well in the New South. See, Caldwell, *Studies in the Constitutional History of Tennessee* (2nd ed.), 306-307; 325-54; White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 7: 398-99.

about the initial makeup of the court, as well as to help clear the huge backlog of cases consisting primarily of unresolved legal disputes stemming from the Civil War, the new constitution provided for a court of six judges initially, two from each grand division; the first judge to vacate his seat after January 1873 would not be replaced. The judges were empowered to choose a chief justice from among themselves and to appoint the state attorney general, whose term was extended from six to eight years. The delegates amended the impeachment article to provide that the chief justice preside over impeachment trials. Furthermore, additional state officers were made liable to impeachment. In a move that angered the Radical Eaton-Lewis camp Memphis, the delegates required all judicial officers to have resided in the state at least five years. This provision was designed to exclude many of the Republican carpetbaggers who held office in West Tennessee.[34]

In the course of six weeks, the delegates had accomplished their primary task of wresting control of the state government from a minority party and restoring the former Confederates to power. The work of redemption seemed complete. But then William Thompson of Maury County rose from his seat on February 23 to point out that the convention had failed to address one of Brownlow's infamous election tactics—the appointment of commissioners of registration, who, by law, were supposed to be elected. After some discussion, Nicholson proposed a measure to prevent the governor from arbitrarily naming someone to fill any county office created by the legislature. The rules were suspended, the amendment was quickly adopted, and the convention adjourned *sine die*.[35]

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[34] Ibid., 426-30; (name illegible) to John Eaton, Jr., February 26, 1870, Barbour Lewis to John Eaton, Jr., March 29, May 4, 1870, Eaton Papers; Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 120.

[35] *Convention Journal*, 1870, 405, 438; Caldwell, *Studies in the Constitutional History of Tennessee* (2nd ed.), 346-47.

All but eight of the delegates signed the new constitution. Except for George Jones, who had left Nashville a week earlier, the non-signers were Radical Republicans. Though the Rebel Democrats all signed, none was fully satisfied. James Fentress filed a protest on their behalf, declaring that allowing black suffrage "is a direct encouragement of a party whose object is, by usurpation, to destroy our republican system and to establish in its stead a consolidated despotism."[36]

Many had expected the delegates to finish their work in a week or two at most. However, it became evident during the debate over the franchise that even if the convention adjourned by early February there would be insufficient time to submit the proposed constitution to the people at the regular county elections scheduled for the first Saturday in March. Therefore, the delegates adopted a resolution urging the legislature to postpone the county elections until the last Saturday in March. The legislature promptly obliged. With a little more than a month to review the document, Conservative and moderate Democratic leaders took to the stump to rally popular support for the new constitution. One was former governor Neill Brown, who traveled through Middle and West Tennessee urging the voters to support ratification: "Reject it and they would have back again test oaths and certificates of registration and taxation without representation," he warned. "Adopt it and all men would be set free." What Brown and others learned as they addressed the crowds was that, although many white Tennesseans detested the inclusion of black suffrage, most resistance and anger stemmed from the poll-tax clause.[37]

Radical and moderate Republicans responded to the proposed constitution by attempting to reconcile with each other. Even the Radicals in Memphis decided to bury the hatchet. Alarmed by the belligerent attitude of Conservative and Democratic lawmakers and delegates,

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[36] *Convention Journal*, 1870, 398-99, 440; *Nashville Republican Banner*, February 24, March 13, 1870.
[37] *Nashville Republican Banner*, February 3, 12, March 6, 11, 12, 13, 20, 23, 1870.

Secretary of State Andrew J. Fletcher spearheaded the reconciliation movement. One of the earliest proponents of universal suffrage, Fletcher now admitted his error. In a series of letters to Congressmen Stokes and Lewis Tillman, he recounted how the Klan had warned him and other Republican leaders "to keep silence . . . or abide the consequences." Rather than be silenced, Fletcher vowed "to take the field [in] the service of the sorely tried and meanly betrayed union people of my native state." Throughout January and early February, he reached out to numerous Republicans in the hope of organizing a state-wide Republican meeting. At no point did he attempt to include Governor Senter in his plans.[38]

The efforts of Fletcher and others bore fruit on February 16, when Republican notables from across the state met in Nashville to reorganize their party. Among the speakers were Fletcher and Judge James O. Shackelford, who urged Republicans to put aside factional rivalries and work together to resist "a corrupt, proscriptive and oppressive [Rebel] Democratic party."[39]

Tennessee's black leaders viewed the current legislative session, the new constitution, and the resurgent Ku Klux Klan with great alarm. They responded by reviving the State Colored Men's Convention, the first to meet since September 1867. This assembly convened in Nashville on February 21. One of the first speakers was Nashville city councilman Randal Brown, a moderate Republican, who declared that Tennessee blacks wanted legal protection but not the imposition of military government. He called on his fellow blacks to go to the polls and reject the proposed constitution, which was oppressive to the poor of both races. The next day,

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[38] Andrew J. Fletcher to William B. Stokes, February 4, 1870, Stokes Papers; *Congressional Globe*, 41st Congress, 2nd sess., 115-17; *Nashville Union and American*, February 25, 1870; Lucien B. Eaton to John Eaton, Jr., January 7, 1870, William Bosson to John Eaton, Jr., February 4, 1870, Eaton Papers; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 214.

[39] *The Republican Party in Tennessee Reorganized* (Nashville: n.p., 1870), 3; *Nashville Union and American*, February 10, 1870; *Nashville Republican Banner*, March 13, 24, 1870.

the tone of the convention changed, as several Radical hardliners demanded federal military intervention. At the close of the third and last day of the convention, the assembly commissioned a delegation to meet with President Grant and congressional Republicans and offer a detailed report on the egregious situation of blacks in Tennessee.[40]

The ultimate fate of Reconstruction in Tennessee was now in the hands of men in the nation's capital. Tennessee's Republican congressmen welcomed the black delegation with open arms, accompanied it to meet with the president, and scheduled it to appear before Chairman Benjamin F. Butler's Committee on Reconstruction. The delegation's testimony drew the ire of the anti-Radical press, which feared that the accounts of exploitation, oppression, and violence might push Congress to remand the state to military rule. "[E]very murder or hanging is a godsend to them," remarked the editor of the *Nashville Republican Banner*. Reports of increased Ku Kluxism moved Northern anti-Radical newspapers such as the *New York Metropolitan Record* to advise Tennessee's ex-Rebels to "keep still. . . . [E]very unlawful act . . . is an obstacle to the restoration of Democratic power in Washington, and consequently a postponement of the release of the South from military and carpet-bag domination."[41]

Along with the black delegation, Tennessee congressmen Horace Maynard and Samuel Arnell testified before the Committee on Reconstruction. They confirmed the reports of electoral fraud and violent attacks on loyal Unionists, white and black. Maynard argued that the ex-Rebels had revolutionized the state constitution. Both he and Arnell compared Tennessee with Georgia, which Congress had recently remanded to military rule. Like those in Georgia,

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[40] *Nashville Republican Banner*, February 22, 23, 24, 1870; *Nashville Union and American*, February 22, 23, 1870; McBride, "Blacks and the Race Issue in Tennessee Politics," 331-32; Taylor, *Negro in Tennessee*, 78-79.

[41] *New York Metropolitan Record*, quoted in *Nashville Republican Banner*, March 19, 1870; *Nashville Republican Banner*, March 1, 13, 19, 1870; *Memphis Avalanche*, March 23, 1870; McBride, "Blacks and the Race Issue in Tennessee Politics," 332-33.

Maynard claimed, Tennessee's Rebels had broken faith with the federal government. "There [is] no remedy," he concluded, "except the prompt interference of Congress."[42]

By now Senator Brownlow had joined the chorus of Republicans calling for federal intervention. In a statement published in the *Knoxville Whig*, he informed those who supposed that his advocacy of universal suffrage during the 1869 canvass meant that he was willing to see the loyal people of Tennessee persecuted that they were mistaken. He advocated deposing the present state government, annulling the actions of the current legislature and recent constitutional convention, and appointing a military governor backed by federal troops. Governor Senter, he added, should likewise "call upon the President for troops to suppress these masked assassins who are acting far worse than they ever did at any time when I called out the state militia to suppress them."[43]

Although Senter was disappointed by many of the actions taken by the legislature, he had maintained cordial relations with its leaders. The Conservative and Democratic press had applauded him for not interfering with the legislature or the constitutional convention. However, the surge in Ku Kluxism and the legislature's refusal to grant his request for power to call out the militia tested his patience. His coalition in shambles, he had come to understand that he was a man without a party. Secretly he dispatched his private secretary, Frank Hyberger, to Washington to request federal troops to maintain law and order in Tennessee.[44]

When Tennessee's anti-Radical press caught wind of Hyberger's March 18 visit to the White House, an alarm was raised. "Dark and gloomy forebodings of our future have come over us today," Eliza Fain recorded in her diary. "News comes to us that he, who should have stood

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[42] *Nashville Republican Banner*, March 13, 1870.
[43] *Knoxville Whig*, quoted in *Knoxville Daily Press and Herald*, March 1, 1870; *Nashville Republican Banner*, March 1, 1870.
[44] *Nashville Republican Banner*, March 19, 20, 1870.

up for our rights as a state, has been in league with the dark spirits of Radicalism." The editor of the *Nashville Republican Banner* charged that "Senter has 'gone back' upon the people who elected him." Conservatives subsequently sent their own spokesmen to Washington to combat the Radicals' charges of lawlessness and Senter's application for military aid. Among them were House and Senate speakers William Perkins and Dorsey Thomas and Senator-elect Henry Cooper. "Henry has gone to Washington to see what he can to do to save us from reconstruction," William Cooper informed their father. "Our home radicals are, with the aid of [Benjamin] Butler, making a desperate effort to return us to the hands of the Philistines, and the worst of it is no one can feel certain that they will not succeed."[45]

In their testimony before the Reconstruction Committee, Thomas and Perkins denied that Tennessee was lawless. However, Butler, known for his rigorous cross-examination of witnesses, managed to get Thomas to admit that some parts of the state were disorderly. The anti-Radical press in Tennessee criticized Butler, accusing him of insulting and badgering Conservative witnesses while handling the black delegation and white Radicals with kid gloves. Meanwhile, Senator Joseph Fowler and Representative Isaac Hawkins contradicted the claims read on the floor of the U.S. House by Stokes that former Union soldiers in the Nashville area had been told by the Klan leave the state and that one had been dragged off into the night and lynched.[46]

Furthermore, news reached Washington that Senter had denied any intention to get Tennessee placed under the Reconstruction acts. "I am not in favor of reconstruction and never

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[45] Diary of Eliza Rhea Anderson Fain, March 21, 1870, Fain Collection; *Nashville Republican Banner*, March 19, 1869; William F. Cooper to My Dear Father, March 17, 1870, Cooper Family Papers, Tennessee State Library and Archives, Nashville; John Williams, Jr., to Andrew Johnson, March 20, 1870, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 178-80.
[46] *Nashville Republican Banner*, March 19, 20, 23, 1870.

have been," he said. "All I desired in calling for troops was the protection of our people, and not with any view of furthering any reconstruction scheme." In the face of such conflicting evidence, many moderate Republicans in Congress threw up their hands and lost interest in remanding Tennessee to military rule.[47]

As the impulse for federal intervention waned, many Tennessee Radicals continued to hope that President Grant would send troops as he had done in the case of Georgia when its governor asked for aid. Privately, Grant held Senter and his moderate Republican friends responsible for handing the state over to the Rebel Democracy; however, he did not want to risk starting a second civil war. He sought to bring Reconstruction to an end without the conflict that had marked his predecessor's administration. Moreover, the case of Tennessee presented a legal dilemma. Unlike Georgia, Tennessee had never been subjected to congressional Reconstruction and the extent to which the federal government could properly intervene there was unclear. Thus, Grant forwarded Senter's request for troops to U.S. Attorney General Ebenezer R. Hoar for his opinion. The nation's chief legal officer, however, was not deeply committed to Reconstruction and opposed federal intervention to combat Southern terrorism, convinced that "responsible" white Southerners could protect the freed people. Hoar believed, moreover, that so long as the Tennessee legislature could be convened, there was no legal ground for federal intervention, and he so advised Grant. Grant therefore decided not to intervene in Tennessee. He did, however, quietly reinforce the federal troops at Ash Barracks in Nashville. This token

[47] Ibid., March 23, 1870.

gesture did nothing to reassure Tennessee's Radicals. The movement for federal intervention thus continued to lose momentum.[48]

Republicans across the country closely monitored events in Tennessee as the new constitution was submitted to the people on March 26. "If the present government stands, the State is lost to Radicalism," proclaimed the editor of the *New York Herald*. Despite heavy rains that swept across the state, more than 130,000 Tennesseans (compared to 175,000 in the 1869 election) cast votes. In East Tennessee, Radicals turned out in large numbers to oppose the constitution and defeat Conservative and Democratic candidates for various county offices. In Middle and West Tennessee, however, the scene at the polls was very different. The experience of Maury County farmer Nimrod Porter was perhaps typical. He observed a strong Klan presence as he entered Columbia to vote. Undisguised Klansmen stood guard over the ballot box, deterring many Radicals, particularly blacks, from voting. "If they voted at all," wrote Porter, "[they] voted to please [the Klan] through fear." Consequently, Middle and West Tennessee voted overwhelmingly in favor of the constitution. With a few exceptions where the Conservative-Democratic coalition split, the Radicals were swept from office. Statewide, the new constitution was approved by a vote of 98,128 to 33,872. The editor of the *Columbia Herald* proclaimed the state redeemed: "The issues out of which grew animosities between the different peoples of our commonwealth are settled, and disposed of forever, never to be

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[48] Ulysses S. Grant to George S. Boutwell, September 22, 1870, Ulysses S. Grant to Charles W. Ford, [September], October 20, 1870, in Simon and Marszalek, eds., *Papers of Ulysses S. Grant*, 20: 269, 284, 313-14; *Nashville Republican Banner*, March 23, 27, 1870; An Act to promote the Reconstruction of the State of Georgia, *Statutes at Large* 16, sec. 7-8, 60 (1869); U.S. Constitution, art. 4, sec. 4; William H. Stilwell to John Eaton, Jr., February 17, 1870, Eaton Papers; William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981), 365-66; Simpson, *Reconstruction Presidents*, 140, 147; Sefton, *United States Army and Reconstruction*, 262; Severance, *Tennessee's Radical Army*, 30, 227-28.

resuscitated. The disfranchised citizens are enfranchised, and the 'State is [at] peace.'"[49]

Subjugated and powerless, Radical Republicanism retreated for the most part into the mountains and valleys of East Tennessee. For those Radicals in the highlands and central basin of Middle Tennessee and the plateau slope of West Tennessee, there was no refuge to be found. In a letter to John Eaton, Jr., Gibson County Radical William H. Stilwell begged for protection: "Don't forget us here in poor rebel ridden Tennessee. Tell President Grant our woeful story. He will, he must believe." But there would be no aid from Washington. Tennessee was for all intents and purposes now redeemed, and most Radicals grudgingly accepted that truth. "Well," said one, "we have got to submit & come under Rebel rule once more."[50]

For Tennessee blacks, especially Civil War veterans, this was a dark and perilous time. William Arnold was on his way to visit his mother-in-law in Christiana, a small town southeast of Murfreesboro, when he encountered a group of three white brothers who recognized him as a former Union soldier. He attempted to run, but the men caught him and brutally beat him. He managed to escape and to avoid being shot by one of the men who fired his pistol repeatedly, shouting that he "would kill ever d—d Yankee nigger." Many others were not as fortunate as Arnold. The Klan roamed unchecked through the Middle and West Tennessee countryside, day and night, terrorizing and maiming blacks. White mobs seized black prisoners from county jails and carried them off to be tortured or lynched. Alexander Newton, who came to Pulaski in 1870

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[49] *New York Herald*, quoted in *Nashville Republican Banner*, March 19, 1870; Porter Journal, March 26, 27, 28, 1870; *Columbia Herald*, April 1, 1870; F. R. Slater to DeWitt C. Senter, April 4, 1870, Senter Papers; William H. Stilwell to John Eaton, Jr., March 28, 1870, Eaton Papers; William H. Stilwell to William G. Brownlow, April 10, 18, 1870, Brownlow Papers; *Nashville Union and American*, March 27, 29, 30, 31, April 1, 2, 3, 1870; *Nashville Republican Banner*, March 27, 29, 30, 31, 1870; *Convention Journal*, 1870, 443-44.

[50] William H. Stilwell to John Eaton, Jr., March 28, April 6, 1870, Eaton Papers; A. J. Spencer to Leonidas C. Houk, April 19, 1870, Houk Papers; H. P. Cleveland to William B. Stokes, April 14, 1870, Stokes Papers.

to serve as the minister of an African Methodist Episcopal church, later wrote that "The unrest and the mental suffering of these times were as severe a strain almost as the period of the war itself."[51]

Benjamin Butler made one last push to get Tennessee put under military rule. He subpoenaed Governor Senter to testify before the Committee on Reconstruction. Despite suffering the lingering effects of a bout with pneumonia, Senter appeared before the committee on April 9 and answered questions for two days. His request for military aid, he said, had been prompted by the legislature's repeal of laws empowering the governor to call out the militia to preserve the peace. He admitted that there had been outrages in Tennessee since the war, but he maintained that they had become less and less frequent. Cross-examined closely by Butler, Senter admitted that random acts of violence against loyal Unionists persisted, but he fervently rejected congressional legislation as a remedy. A few members of the committee asked about allegations of electoral fraud and the governor's appointment of men of questionable loyalty as registrars for the 1869 state election. This drew the ire of Senter, who defended his appointments and maintained that he followed the *Staten* decision of the state Supreme Court in issuing instructions to his registrars.[52]

The Butler committee investigation generated little congressional support for federal intervention in Tennessee. Butler announced that he would introduce a bill to reconstruct Tennessee; however, when it came, his own committee voted eight to five to reject it, and Butler gave up. Senator Brownlow, however, refused to acknowledge defeat. He chastised "tender-

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[51] Statement of William Arnold, June 17, 1870, J. L. Parkes to Frank Hyberger, July 20, 1870, Francis M. Lavender to Frank Hyberger, August 5, 1870, Senter Papers; Alexander H. Newton, *Out of the Briars: An Autobiography and Sketch of the Twenty-Ninth Regiment Connecticut Volunteers* (Philadelphia: A.M.E. Book Concern, 1910), 99; William H. Stilwell to William G. Brownlow, April 10, 1870, Brownlow Papers; William H. Stilwell to John Eaton, Jr., April 6, 1870, Eaton Papers.
[52] *Nashville Republican Banner*, March 27, April 10, 12, 13, 14, 1870.

footed Republicans" in the House for demanding further proof of atrocities while ex-Rebels ran roughshod over Tennessee's loyal Unionists. He introduced a bill in the Senate to divide the state into two judicial districts, splitting Middle Tennessee at the point where the central basin and the eastern highland rim meet, thus expanding the Radicals' political base beyond its East Tennessee stronghold. But nothing came of the Parson's efforts.[53]

Following his testimony, Senter returned to Tennessee a pariah to most Tennesseans, including many of his former moderate Republican supporters. Conservatives and Democrats, outraged by his application for federal military aid, had no further use for him. Most Republicans refused to forgive him for selling out the party in the 1869 election. Privately, Senter cursed the Conservative-dominated legislature. He accused the legislators of going back on their pledge to ratify the Fifteenth Amendment, criticized their repeal of the more admirable acts of Radical Reconstruction such as the common school law, and damned them for failing to cooperate with his efforts to forge a centrist party. The legislature "has succeeded in one thing & that is making all preceeding [sic] ones respectable," he quipped. To those who held him responsible for the collapse of Reconstruction and the restoration of Rebel Democratic rule, he insisted that "under no circumstances will I ever join hands with that rotten defunct party known as the Democratic party." With no hope of obtaining the Republican gubernatorial nomination, Senter quietly served out the remainder of his term and then retired to private life on a farm near Morristown.[54]

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[53] Ibid., April 22, June 8, 1870; *Congressional Globe*, 41st Congress, 2nd sess., 4976; *Knoxville Daily Chronicle*, October 20, 1871; Albert Summerville to William G. Brownlow, February 12, 1872, Brownlow Papers; Coulter, *William G. Brownlow*, 395-96.
[54] M. M. Hiland to John Eaton, Jr., June 6, 1870, Eaton Papers; DeWitt C. Senter to Leonidas C. Houk, June 20, 1870, Houk Papers; Temple, *Notable Men of Tennessee*, 184.

On August 4, the first judicial election held under the new constitution took place. Conservatives and Democrats won most of the offices in Middle and West Tennessee, while Republicans won most of those in East Tennessee. More importantly, the state Supreme Court fell under the control of Democrats and Democratic-leaning Conservatives. Five of the six members of the new court had served in the Confederate army or at least had been ardent Rebel sympathizers (T. A. R. Nelson was the exception). They set out to reverse many of the rulings of their Radical predecessors and thus contributed their part to Tennessee's redemption.[55]

The next state election scheduled according to the new constitution was the general election of 1870, to be held on the second Tuesday in November. Few expected the Republicans to pose a serious challenge to the Democratic-Conservative coalition; but as the election approached, cracks appeared in the coalition. John C. Brown, the odds-on favorite for the governorship, was challenged by William Bate, a staunch, old-line, fire-eating Democrat, and William Quarles, a Johnsonian Democrat. Bate dropped out of the race in mid-August after discovering that Congress had not yet relieved him of the political disabilities imposed by the Fourteenth Amendment. As the nominating convention neared, many Democrats began to suspect that Brown, an old-line Whig, sought to avoid the Democratic convention in a bid to build a third party led by Conservatives. Brown stumped across the state, trying to reforge the fragile Democratic-Conservative coalition and conciliate anxious Democrats. Furthermore, he issued a public statement declaring himself a firm Democrat and a candidate for that party's nomination at the convention. It was at this juncture that all but a few Conservatives began openly referring to themselves as Democrats. The day after Brown's announcement, Quarles

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[55] Brown, "Tennessee Supreme Court during Reconstruction and Redemption," 121-51; Alexander, *Political Reconstruction in Tennessee*, 234.

withdrew from the race in return for a leadership role in the convention. This cleared the path for Brown's nomination as the Democratic standard-bearer. Meanwhile, Andrew Johnson dispatched his lieutenants Arthur Colyar and John Williams, Jr., to press the Democratic party to renounce secession and to restructure the debt to reduce the tax burden on small farmers, artisans, and laborers. When the Democrats rebuffed Johnson, Colyar declared himself an independent candidate for governor. Brown soon yielded and accepted Johnson's demands, whereupon Colyar withdrew from the race.[56]

The Republicans never seriously challenged Brown's bid for the governorship. They had hoped to exploit the divisions in the Democratic-Conservative coalition, but Brown managed to restore harmony. Hoping to attract Conservatives to their ranks, the Republicans held an overwhelmingly white convention and once again took for granted the black vote. Their platform called for payment on the state debt, endorsed a statewide public school system, and urged the enforcement of the Fourteenth Amendment and the ratification of the Fifteenth Amendment. Their gubernatorial nominee was William H. Wisener, an old-line Whig and former speaker of the Tennessee House. Canvassing the state, Wisener denounced the poll tax and the Ku Klux Klan, while Brown upheld his party's platform. The results were never in doubt; Brown won by a vote of 78,979 to 41,500. In addition to securing the governorship, the Democrats increased their majorities in both houses of the legislature and won all but two of the

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[56] *Nashville Union and American*, August 16, 1870; John C. Brown, To the people of Tennessee, August 26, 1870, in White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 119-20; Arthur S. Colyar to Andrew Johnson, May 19, August 30, October 5, 1870, John Williams, Jr., to Andrew Johnson, July 2, 1870, William A. Quarles to Andrew Johnson, July 21, 1870, in Graf, Haskins, and Bergeron, eds., *Papers of Andrew Johnson*, 16: 189-90, 196, 201-203, 209, 216-17; Hart, *Redeemers, Bourbons, and Populists*, 9-12; Butler, "Life of John C. Brown," 44-46; McBride, "Blacks and the Race Issue in Tennessee Politics," 336-37.

congressional races. Defeated in his bid for reelection, Stokes returned home to Alexandria, Tennessee, where he abandoned politics in favor of a new career as a lawyer.[57]

The Democratic party was now in firm control of Tennessee's government. Party leaders had managed to stitch together a broad coalition based on antipathy to Radical Republican rule. Old-line Whigs and Democrats turned Conservative Unionists and Confederates had set aside their differences and distrust of one another to overthrow Radicalism. Contributing to their victory were shrewd party leadership and shadowy acts of intimidation by the Ku Klux Klan and other groups of white Southerners bent on reestablishing a white man's democracy. Also contributing to the collapse of Reconstruction in Tennessee was Republican intraparty conflict and loss of support from the Northern public and federal government. Efforts to reunite the Republican party came too late to prevent the Democratic takeover of the state government. With the election of Governor Brown and the restoration of Democratic rule, Tennessee's Reconstruction era came to an end and the New South era began.

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[57] George Andrews to John Eaton, Jr., July 27, 1870, D. W. Peabody to John Eaton, Jr., August 17, 1870, Eaton Papers; Tennessee General Assembly, *Senate Journal*, 37th General Assembly, 1st sess., 18; Hart, *Redeemers, Bourbons, and Populists*, 12; Butler, "Life of John C. Brown," 46-47; McBride, "Blacks and the Race Issue in Tennessee Politics," 337-40; Darrah, "Political Career of Col. William B. Stokes of Tennessee," 222-27.

CONCLUSION

In a period of less than two years, the Democrats, in cooperation with the Conservatives, had recaptured the state government and redeemed Tennessee from Radical Republican rule. It was expected that the legislature (now overwhelmingly dominated by the anti-Radicals, all calling themselves Democrats by this time) and Governor Brown would work together harmoniously to pass much-needed legislation. But with the overthrow of Radicalism a split developed in the coalition's ranks. The legislators enacted a number of laws but most dealt simply with redrawing county lines or creating new counties. They failed to reach a consensus on a number of pressing issues highlighted by Brown.[1]

Among these was the staggering state debt—in excess of thirty-two million dollars. Democrats divided rancorously over the issue, which came to dominate Tennessee politics for more than a dozen years following redemption. Two factions emerged: "low tax" Democrats, who opposed full funding of the debt; and "state credit" Democrats, who supported full funding of the debt.[2]

In addition to the state debt controversy, the inability of some ex-Confederate lawmakers to let bygones be bygones further complicated Governor Brown's first administration. Rather than tackle needed reforms, these unrepentant Rebels targeted Republican congressional districts in a flagrant gerrymandering of the state aimed at effectively disfranchising their enemies.

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[1] White, Ash, and Moore, eds., *Messages of the Governors of Tennessee*, 6: 140-57; Butler, "Life of John C. Brown," 47-50.
[2] Jones, *Tennessee at the Crossroads*, 18-148; Elliott, *Isham G. Harris*, 215-16, 246-60.

Spearheading the scheme, Senator Jesse J. DuBose of Shelby County unapologetically proclaimed that "I believe in the law of revenge. The Radicals disfranchised us, and now we intend to disfranchise them." The reapportionment law, passed in March 1872, represented no sharp break with the state's bitterly partisan recent past. A thirst for retaliation persisted in Tennessee politics.[3]

On the evening of September 10, 1872, several hundred East Tennessee Republicans packed into the Knoxville courthouse to hear state senator Henry R. Gibson launch the party's campaign to reclaim the state government from the divided Democrats. Gibson, a rising star among Republicans and one of the few Radicals to have been elected to the constitutional convention, chose as his theme the hypocrisy of the Democrats. "I will now proceed to show you how these Democrats have kept their promises," he declared. "They said we were 'too proscriptive,' that we kept up the 'war issues,' and prevented 'peace and reconciliation.' But when they got into power, did they lay aside the 'war issues?' Ah, no! They called a Constitutional Convention, composed almost exclusively of Rebel officers. They turned every Union man out of office, and put rebel soldiers in their places. And to-day all of the principal officers of our State Government are graduates of Jeff. Davis' army." Gibson's fiery speech helped rally the Republicans, who subsequently made a strong, though largely unsuccessful, bid to unseat Democratic officeholders by using essentially the same argument put forth by disfranchised Confederates during Brownlow's regime.[4]

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[3] *Knoxville Daily Chronicle*, September 12, 1872; White, Ash, and Moore, eds., Messages *of the Governors of Tennessee*, 6: 200-202; Butler, "Life of John C. Brown," 49-55; Alexander, *Political Reconstruction in Tennessee*, 237; McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 2: 246-47.
[4] *Knoxville Daily Chronicle*, September 12, 13, 1872.

Despite this rhetoric of blame, some Republican leaders privately acknowledged that the severity of Radical Reconstruction perpetuated strife in Tennessee, thereby hindering reconciliation and reunion. Writing to Leonidas Houk shortly after John C. Brown's inauguration, Alfred A. Freeman admitted that "There are thousands of honest men in Tennessee who were never Democrats at heart, men who are conservative in their feeling and have been driven to act with that party by what was regarded as the proscriptive policy of our party." Winning Conservative voters was the key to preserving Republican political power in Tennessee, but neither Brownlow nor his Radical followers at the January 1865 convention to reorganize the state government were interested in currying favor with those who were ready to forgive the defeated Rebels, enfranchise them, and welcome them back into the Union. To Brownlow, Conservative Unionism had become synonymous with treason and the Rebel Democracy. Thus he waged war on both Conservatives and former Confederates to ensure they were subjugated and rendered politically impotent.[5]

From the outset of Reconstruction, Brownlow was determined to establish thorough Radical control of the state. To that end, Radical lawmakers enacted a sweeping franchise law that barred an estimated 80,000 ex-Rebels from voting. There was simply no other viable option available at that point to the Radicals, who numbered only 40,000 potential voters. But Brownlow went further, publicly championing the politics of retaliation in a series of editorials and speeches marked by the vitriolic prose and scathing wit that had become his trademark. He encouraged Radical Unionists to seek retribution through courts of law, social ostracism, and even physical violence. Although he had no legal means to deprive his Conservative enemies of the vote, Brownlow managed to effectively disfranchise many of them with the aid of a

[5] Alfred A. Freeman to Leonidas C. Houk, December 27, 1871, Houk Papers.

compliant legislature that granted him the power to manipulate voter registration and the ballot box. Even then, Brownlow was not satisfied that Radical rule was secure. For political rather than idealistic motives, he pushed black enfranchisement through the General Assembly. Moreover, he adopted a paramilitary strategy. The Radical militia he created not only battled the Klan but on occasion intimidated peaceful opponents of his regime.[6]

Brownlow's ruthlessness provoked more resistance. Bent on reestablishing a white man's democracy, the Klan and other terrorist groups targeted the freed people and white Unionists who actively supported the Radicals' efforts to establish a biracial democracy in Tennessee. The State Guard, though largely successful in suppressing Klan activities during its 1867 and 1869 deployments, nevertheless failed to destroy the clandestine society, which went underground to evade capture and to wait out Republican lawmakers bent on disbanding the costly militia. Once the smoke had cleared following the election of 1869, the Klan reemerged from its hiding places and resumed its campaign of violent counter-Reconstruction. Some of the state's freed people responded by packing up their belongings and leaving the state; others chose to make the best of a bad situation and, to avoid antagonizing whites, refrained from exercising their right to vote. This not only thwarted black political aspirations but also weakened the Radicals' base of power. Unopposed and unprosecuted, Tennessee's Klan kept up a reign of terror well beyond the collapse of the Radical regime.

Klan violence exacerbated the Republican party's factional discord. Dissension over how to suppress the Klan first surfaced during the 1868 extraordinary legislative session. Other issues also divided the party. Brownlow's autocratic leadership riled a number of Radicals who

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[6] *Knoxville Whig*, January 31, 1866; Alexander, *Political Reconstruction in Tennessee*, 105; Coulter, *William G. Brownlow*, 262-93.

were excluded from or defeated in political races by the governor and his chosen friends. Jealousy and ambition plagued the party. Embittered Republicans rallied around William Stokes, who had been blindsided by Brownlow's last-minute decision to enter the 1867 race for a U.S. Senate seat—a seat Stokes felt he had earned by campaigning tirelessly for the governor's reelection. After Brownlow won the seat, the Stokes Radicals organized in opposition to the Brownlow Radicals. A third faction soon developed, comprising those who adopted moderate positions on several key issues in an effort to attract anti-Radical support. Echoing Ulysses S. Grant's election promise of peace after years of war and political conflict, these moderates Republicans called for universal suffrage as a means to achieve reunion and reconciliation. The desire among Northerners for a cease-fire after a decade of strife in the South hastened the downfall of Radical Reconstruction in Tennessee. As he dwelt on the past and the ruins of the party his father had built, John Bell Brownlow remarked that "Our Northern brethren desired Tenn. to be Republican but were too timid to sustain us in the only measures by which it could be kept Republican."[7]

On tendering his resignation as governor, Brownlow ceded control of his Radical regime to his handpicked protégé, DeWitt C. Senter. It was at this precarious juncture, with the Republican party plagued by factionalism and reactionary violence, not to mention a staggering state debt and numerous scandals, that Senter faced the decision whether to continue, modify, or abolish Brownlow's Radical policies. He chose to walk a tightrope by aligning with the moderate Republicans and extending an olive branch to Conservatives in the hope of winning them to his side. Privately, Brownlow questioned Senter's course of action but publicly he

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[7] John B. Brownlow's marginal notation on *Knoxville Whig* issue of February 3, 1869 (Library of Congress).

continued to support him. The Stokes Radicals refused to go along with Senter, leaving the party torn asunder on the eve of the 1869 gubernatorial canvass.

With the Republicans' house divided between Senter Republicans and Stokes Radicals, Andrew Johnson interjected himself into Tennessee's political affairs. Embarking on an ambitious speaking tour across the state's three grand divisions, he proclaimed himself the Moses who would lead the disfranchised out of bondage. Johnson was not a declared candidate for state office; however, he privately coveted the soon-to-be vacant U.S. Senate seat of Joseph Fowler as a means to satisfy his personal quest for vindication. In the end, Johnson's enemies conspired to deny him a seat in Congress, but in the meantime he managed to energize the Conservatives and Democrats.

As Johnson departed from the stump, the Conservatives and Democrats adopted an electoral strategy that set the stage for victory. Conservative leaders advised against fielding a gubernatorial candidate or candidates for local or legislative offices in races where a bolting Republican candidate emerged, a policy of "masterly inactivity" in which eligible Conservative and Democratic voters would back the more "conservative" Republican candidate. By embracing disaffected Republicans, the Conservatives and Democrats hoped to achieve their great end—the restoration of voting rights to disfranchised Conservatives and former Confederates.

The tumultuous May 1869 Republican state convention failed to restore party harmony. Rather, the proceedings drove a deeper wedge between the Senter Republicans and the Stokes Radicals. Each faction nominated its namesake as standard bearer for the August election. As Senter and Stokes undertook a joint canvass of the state, the Conservatives and Democrats pressed both to clarify their stand on the franchise question, the central issue on which the

election pivoted. Neither seemed willing to be the first to openly declare in favor of universal suffrage, but at that point two franchise cases before the state Supreme Court abruptly altered the course of Tennessee's Reconstruction.

As the Radicals celebrated an overwhelming victory in which they swept the judicial offices across the state and secured control of the Tennessee Supreme Court, the lame-duck court, appointed by Governor Brownlow, ruled (in *State v. Staten*) that his setting aside of voter registrations was unconstitutional. This decision, which reenfranchised twenty to thirty thousand Conservatives, represented the entering wedge in the demolition of the edifice of Radical Reconstruction. It also tipped the balance of political power to the Conservatives, who became a formidable force in the 1869 election.

When Stokes rejected the offer of Conservative votes in return for his support for universal male suffrage, Senter seized it. His declaration in favor of universal suffrage during the opening speeches of the 1869 gubernatorial campaign generated a political earthquake that shook the Republican party to its core. Moving cautiously, Senter employed the Radical electoral machinery against the Radicals to help ensure his victory. He resorted to a wholesale removal of Brownlow's Radical registrars and appointed, in a number of cases, Conservatives to take their place, hoping to curry favor with the Conservatives and Democrats as he worked toward the recruitment of "respectable" white Southerners into the Republican party. Seemingly assured of winning the election in his own right, Senter did not fully grasp the consequences of his actions until it was too late. In a matter of weeks, his registrars handed out voter certificates to nearly eighty thousand legally disfranchised ex-Rebels, a move that Senter did nothing to stop. The Radicals attempted to block Senter's appointments by seeking injunctions, but in the pivotal case of *Williams v. Boughner*, the state Supreme Court sustained the governor's power of

removal. This case was the key turning point in Tennessee's journey toward redemption. An opinion subsequently issued by the state attorney general held that anyone holding a voter certificate granted by his county registrar could not be indicted for illegal voting.

The Conservatives and Democrats now set out to remake a white man's democracy according to their own vision, not Senter's. They deemed the governor's usurping party untrustworthy, un-Southern, and illegitimate. They were interested in Senter only as a vehicle to secure universal suffrage and their own political ascendency. With the ballot box virtually open to all, the Conservatives shifted their strategy and, at the eleventh hour, nominated candidates for the legislature. Barred in many cases from holding elective office under the Fourteenth Amendment, the former Confederates aligned with the Conservatives to repudiate the Senter Republicans and Stokes Radicals at the polls. The defeated Stokes Radicals appealed to President Grant and Congress to investigate the legality of the election; however, their request fell on deaf ears. As the legislature passed into the hands of the Conservatives, Senter's coalition began to unravel. Conservative lawmakers rejected the Fifteenth Amendment, passed a constitutional convention bill, and expunged every vestige of Radical Reconstruction from the statute books. Thus, a Conservative-dominated legislature, composed almost wholly of Union men, took all but the last step in completing the work of redemption.

That last step fell to the delegates elected to the constitutional convention. Although the convention comprised several factions among Radicals, Conservatives, and Democrats, Democratic-leaning Conservatives dominated the proceedings. Under the leadership of John C. Brown, the convention charted a conservative, albeit at times unsteady, course. There was a consensus in regard to the enfranchisement of all those who had been disfranchised under Brownlow's regime. But the unrepentant Rebels, known as the "irreconcilable minority,"

vehemently opposed black suffrage and sought to reestablish a white man's democracy. Eventually, cooler heads prevailed; Conservatives and moderate Democrats derailed the movement for black disfranchisement, repeatedly warning of the threat of federal intervention. The delegates did approve a poll tax; however, no immediate action was taken by subsequent legislatures to implement such a tax. The delegates also mandated that all state offices be vacated upon ratification of the new constitution, a measure designed to purge Radicals.

The fate of Reconstruction in the Volunteer State was now in the hands of the federal government. Tennessee Republicans appealed to Washington to intervene in their state militarily and halt redemption. But neither Congress nor the White House was interested in pursuing the matter.

In the judicial and general state elections of August and November 1870, Democrats and the Democratic-leaning Conservatives (now openly referring to themselves as Democrats) were swept into office. Radicals retreated to the mountains and valleys of East Tennessee. Many of the freed people continued bravely to seek justice and exercise their political rights, but many others gave up in fear and frustration, some even emigrating from the state.

Tennessee's road to redemption was marked by bloodshed and political strife. Senter's attempt to build a centrist coalition of moderate Republicans and Conservatives was doomed from the start because no real middle ground existed in Tennessee politics. The notion that a more skilled, conciliatory, or ethical governor could have governed the state more successfully or fairly is certainly wrong. The former Confederates would accept nothing less than their own reenfranchisement and the total disfranchisement of blacks. Radicals insisted on punishing the Rebels. The freed people demanded equality. Conservatives put aside their Civil War-era rancor

and joined hands with the ex-Rebels. The struggle culminated, as it would eventually culminate in all the other Southern states, in a winner-take-all victory for the forces of reaction.

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