RIOTING IN THE AGE OF

EMANCIPATION

An exploration into the instigation and outcomes of the 1866 Memphis race riots in Reconstruction Tennessee.

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Abstract

The end of the Civil War in America (1861-1865) was a time for rebuilding in the shadow of grief. Over six hundred thousand fatalities had resulted from the battle for Emancipation, and social changes were legislatively enforced within the Reconstruction South. However, despite the acknowledgement of the grave losses within the Civil War era, there is less attention given to the fatalities of Reconstruction; the murders and rape of men and women after, and revolving around, the implementation of the Thirteenth Amendment. These atrocities often become neglected, or relegated to mere footnotes of the Civil War narrative. This research aims to affirm these race riots as belonging to their own unique epoch of Emancipation history; one where incidences of civil disobedience in reaction to Emancipation legislation went without accountability. The Memphis race riots represent the first in a series of Reconstruction era race rioting, followed closely by the New Orleans riot, and Charleston.[1] Therefore, this thesis will use the Memphis race riots of 1866 to investigate the occurrence of race riots as symptomatic of threats to social hierarchy within the South.

The Memphis race riots in the Spring of 1866 is a key example of the limitations of the Thirteenth Amendment during Reconstruction. Over three days, white mobs prowled the streets of South Memphis, seeking out black civilians and soldiers and burning black-owned property to ashes. Yet, named perpetrators were not arrested and faced no known reprimand for their actions from either state or federal enforcers. The Emancipation Proclamation of January 1st, 1863, (and later, the Thirteenth Amendment) declared the end of chattel slavery in America, yet failed to establish

the limitations of federal intervention to uphold this Constitutional amendment. Therefore, events such as the Memphis race riots of 1866 reveal the political turbulence, at federal and State levels, that ensued following mass race rioting.

The attempts of Freedmen to build a life in the South during the Reconstruction era was met with severe backlash from white civilians. The pervasive figure of a black Union soldier remained present within the city of Memphis, settling on the edges of the city with their families and communities. Although the war had concluded, the Antebellum social ideals remained at the forefront of Southern society. Despite the ambivalent role of Tennessee in the 'Slavery Question', incidents of race rioting suggest that the white population of Memphis remained hostile and within the established Antebellum social hierarchy. This thesis attempts to give a more comprehensive understanding of the events of the Memphis race riots, and a closer investigation of how the Thirteenth Amendment freed the slaves, yet left over four million former slaves in a violent, unforgiving Reconstruction era America.

Acknowledgements

This thesis would not have been possible without the academic support of Professor Kristofer Allerfeldt, I am so appreciative of your mentorship.

A special thanks to all the staff at the Library of Congress, Washington D.C, and the African-American Civil War Museum, Washington D.C, who were vital in helping me access the primary sources discussed in this thesis.

If there was a collective noun for you all, it would be a *bouquet* of support: Jack Bonney, Catherine Burrin, Chloe Charles, Betti Mayhew, Kelly McRae, Hannah Smethurst, and Izzi Ward.

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Language Censorship and Content Disclaimer

The following thesis analyses racism in Memphis following the Emancipation Proclamation. Reader discretion is advised to those affected by content featuring police brutality, racist violence, and sexual assault.

Owing to the nature of the subject and necessary focus on primary sources, readers may encounter quotations featuring profanity and racial slurs. In some cases, printed publications may have already censored profanity prior to publication.

Therefore, please refer to this key to mitigate potential confusion:

Author censorship will be shown with asterisks (i.e 'c*nsorship').

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Introduction

By the Spring of 1866, America was in the full throes of Reconstruction. The Thirteenth Amendment had ended the institution of chattel slavery, fostering hopes for racial equality within America. Three years after the Emancipation Proclamation, when Lincoln pronounced all slaves in Rebel states free, the Thirteenth Amendment became part of the Constitution in the Reconstructed Union. This affected the over 25 per cent of the Tennessean population who were slaveholders, and legislatively freed over a quarter of a million people within the state.[1] The Confederate South had lost the Rebellion, and with it, the social hierarchy of the Antebellum years between slaveholder and slave.

Academic Brenda Faverty has explored the death of Antebellum society, stating that;

> "Reputation and honor [sic.] were fundamental elements of the Antebellum South's society. [...] The shame and humiliation that resulted from the failure meant communal expectations extended from the guilty individual to his or her family."[2]

Supplanting the shame of defeat, however, was the former-Confederate states' unwillingness to adopt these changes to the core of Southern society. The pervasive discontent held in the hearts of Confederates was summarised by William M. Dickinson in 1865 as: "the Southern whites yield sullenly and reluctantly to the decision of the sword. They are conquered, not converted."[3] In the secessionist state of Tennessee, the values of racial hierarchies remained, and it was by force and not choice, as the *Nashville Daily Union*

notes, that the "slave mart turned into a hospital; the whipping post chopped into firewood; the men hunting dogs shot and poisoned; the "divine institution" preachers silenced; the slave emancipated and Lee surrendered !"[4] Following the Civil War in Tennessee, Andrew Johnson installed a Republican-led state government with principles, as statesman Emerson Etheridge declared, an opposition which permitted "unbleached ladies and gentlemen crowd the streets,"[5] whilst the state is governed and judged by those installed and considered "true as steel,"[6] to Republicans. Tennesseans' violent rejection to the Radical Republicanism forced upon their pro-slavery Rebel state was enacted in the riots that devastated South Memphis from April 30th to May 3rd, 1866.

By this final date, three nights of targeted violence against black people in South Memphis had resulted in approximately 48 deaths (of which only two were white), a further 75 injured,[7] and in excess of $100,000,[8] or approximately $12,000,000 when adjusted for inflation, in property damage.[9] The events of the Memphis race riots have been described by Teresa R. Simpson as "one of the darkest chapters in Memphis' history."[10] Yet, despite the unique social climate that the Reconstruction era fostered, the topic of race relations and revolt have been side-lined by academia in favour of the larger narratives provided by the Civil War.

Notably, the Memphis race riots were the first large scale riots following the conclusion of the Civil War, and therefore are deserving of significantly more academic inquiry and reflection than currently available. Contemporary publications such as *A Massacre in Memphis* by Stephen V. Ash, (the most extensive academic investigation of the riots available) appear to water-down

the abnormality of the riots within politically moderate, border-state Tennessee, and instead view the riot as an expected violent reaction of "Irish Negrophobia."[11]

Similarly, even the term the 'Memphis race riots' has been inconsistent within academia and reportage. The initial newspaper coverage on the subject often featured vague and unevocative language, calling the rape and pillage of South Memphis, 'events'[12] or 'incidents.'[13] For example, the *Nashville Daily Union* claims the riots were a result of: "several little incidents [that] have occurred during the last two or three days which now point plainly to the present happening events."[14] Other news outlets such as the *Wyandot Pioneer* recognised the riot, but declared it a "negro insurrection,"[15] and the *Bedford Inquirer* identified the rioters as "all Irish and all Rebels, mostly drunk."[16] From the different narratives provided in local newspapers, there is a wealth of information regarding the suspected instigators of the riots (albeit not necessarily reliable content) but significantly less data surrounding the underlying causes of these outbreaks of violence.

The preservation of the memory of the Memphis race riots within American history has present-day significance. Events such as the 2017 'Unite the Right' rally in Charlottesville, Virginia resulted in one death and multiple injuries,[17] and initially centred around the subject of preserving statues of Confederate leaders Robert E. Lee and Thomas 'Stonewall' Jackson in public spaces.[18] The independent review of the rally determined that the Charlottesville community was deeply divided on the public display of Confederate statues, as while many "embraced the effort to remove the statues, believing them symbols of white supremacy. […] local resident Jason Kessler strongly opposed the City's efforts

to remove the statues and the broader effort to brand Charlottesville as a haven for liberal opposition to President Trump."[19]

Events such as this appear to consolidate the lasting impact and divisive nature of the history of the Confederate states in America. By further investigating the instigation of the Memphis race riots of 1866, contemporary examples of race-related social deviance and continued support for the Confederacy can be better understood.

The purpose of this thesis is therefore to examine the case study of the Memphis race riots of 1866 in three strands: the prior antagonists and causes of riots and their impact on the victims in Memphis society; the racial stereotypes that were reinforced or aggravated by Reconstruction riots; and finally, the legal and political limitations of obtaining adequate justice from the atrocities.

Consequently, the first chapter will be dedicated to offering some insight into Tennessee culture and the socio-political climate during the Antebellum era, leading to the state's secession. As such, evidence will be drawn from existing local newspaper reportage and Congressional speeches and documents regarding the subject of chattel slavery. In doing so, this thesis aims to accomplish a comprehensive view of both rioters and victims and produce a focused analysis on the manifestation of the struggle for the preservation of white Antebellum society within Reconstruction America.

Racism present in Tennessee's Antebellum and Reconstruction society unmistakably extended into state-specific legislative approaches to diminish or control black agency. In order to achieve a comprehensive overview of this subject, a variety of state legislation and city ordinances targeted towards black

people are utilised alongside local reportage on these state supported legislations, established vigilante groups, and police expansionism. This analysis provides essential context to the understanding of the Memphis race riots, as Emancipation facilitated disruption to existing legislation to diminish black agency, and moreover, as law enforcers became overwhelmingly attributed to the perpetuation of the violence.[20]

Following these analyses of Tennessee's socio-political climate, the third chapter of this thesis will explore the events of the riots. During this analysis, local and national reportage will be compared to official Government documentation on the Memphis race riots. Reference will be extensively made to the 1866 *Select Committee* report by the House of Representatives entitled *Memphis Riots and Massacres*, which features federal, state, and civil testimony. This source comprises many affidavits, testimonies, and suggested actions to avoid reoccurrence. This comparative approach to the events will display the disparate narratives of the riot presented in the private and public spheres, and highlight the use of the riots in achieving political goals.

Alongside a comparative approach to analysing narrative and reportage concerning the riots, the long-term significance of the events will be ascertained where possible. This approach will be predominantly explored via the narrative surrounding the sexual assault of Frances Thompson during the Memphis race riots in chapter four. This case study allows for a unique opportunity to assess the long-term impact of the race riots within the public sphere. Thompson emerged as a figure of contention upon discovery of her intersex or transgender identity a decade after the riots. This discovery was seemingly capitalised on by

Democrats, who used this discovery to retroactively undermine the findings of the Congressional inquiry into the massacre.

The breadth of the thesis will centre around the racial stereotypes associated with the instigators of the Memphis race riots. The association of riot instigation with minority groups will be investigated, specifically the attribution of the riots to Irish immigrants and black soldiers in the area. In chapter five, the participation of Irish figures of authority will be examined in two threads; first, through consideration of Irish political and social standings in pre- and post-Antebellum America; and secondly, via comparative examination of testimony and reportage of the riots. The consideration of class and social hierarchy as a catalyst for the Memphis race riots is key when considering the alleged mass participation of Irish Memphians, as it offers further insight into white labouring classes' reactions to black emancipation.

Chapter six will explore the importance of the image of the 'disorderly' black Union soldier as a pervasive figure within riot reportage, and one that ultimately distanced and absolved Confederate Memphians from the narrative of the events. Academic John Keegan has highlighted the significant number of black soldiers in the Union army, estimating "between 180,000 and 200,000 blacks served […] [albeit] in circumstances that promised control of their behaviour and freedom of movement."[21] Reportage surrounding the Memphis race riots depicts the black Union soldier as responsible for the riots and highlights the limitations of black social status elevation, despite their military service. Therefore, significant reflection on black wartime settlement and black military presence in Memphis contextualises the violence further. Both chapters concerning the racial stereotyping and targeting of Irish and black people will

aim to reassess the inherent prejudice tied to the allegations of their behaviours and reframe the academic understanding of the events.

Notably, chapter seven will focus on how both these two minorities faced religious persecution in the Reconstruction era, and how this affected the conclusions of the *Select Committee* report. This chapter will highlight the struggle Reconstruction America faced when attempting to construct a homogenous religious identity. Furthermore, the inquiry into black and immigrant religious identities will further clarify the evolution of these religious prejudices from the Antebellum era to the Reconstruction era, identifying the politicization of religious 'races' through the establishment of the Know Nothings in pre-Civil War America, until the founding of the Ku Klux Klan in Pulaski, Tennessee in 1866. The persecution of religious minorities in Memphis will be contextualised through the exploration of the Fenian Brotherhood's condemnation in Memphis press and the widespread social impact felt by attacks on non-Presbyterian religious spaces as an 'Othering' experience.

Finally, in chapter eight to reframe the known history of the Memphis race riots into a contemporary understanding of the early Reconstruction era, the conflict between Presidential mandates, and federal and state legislation, will be analysed. The case of the Memphis race riots poses a specifically unique set of circumstances occurring under Andrew Johnson's leadership. Andrew Johnson's legacy within American history often focuses on his Presidential impeachment trials, but prior to his ascension to Commander-In-Chief, Johnson served as Tennessee's state Senator, then Military Governor. John Cimprich has corroborated the importance of Andrew Johnson within Tennessee Civil War history, highlighting how he was appointed by President Lincoln to hold the

dual roles of Military Governor of Tennessee and Brigadier General, placing Johnson at the helm of both federal and Tennessee Unionist operations.[22] However, Johnson pledged to restore law whilst upholding existing civilians' legal rights, which, as Cimprich notes, implicates the inclusion of "the maintenance of slaveholders' property rights."[23] Chapter eight will therefore aim to weigh the limitations of the Thirteenth Amendment as an enforceable piece of legislation during a time of such political instability, and assess how the Memphis race riots affected future interpretations of the legislation as simply *de jure*, rather than *de facto*.

Academic investigation into the events of the Memphis race riots holds significant interest that goes beyond traditional Civil War narratives, which this thesis aims to highlight. The derision of uncovering, questioning, and analysing racial prejudice remain significant. Even in 2021, established academic discipline critical race theory,[24] which seeks to critique the role and social construct of racism and race, has faced marked backlash from civil and governmental sources.[25] As a thesis that draws on the tenets of critical race theory, the backlash demonstrated against this discipline, alongside the central role law enforcement play in the oppression and murder of people of colour, illustrates the threat of white supremacy in the contemporary. The Reconstruction era may be seen as just one epoch in American history which constantly struggled to embrace the duality of state and national identities, of slaveholding and emancipation, and of segregation and assimilation

No event encapsulates these struggles more plainly than the riots that occurred in Memphis between April 30th and May 3rd, 1866. These riots represent the

first instance of civil rioting following the conclusion of the Civil War, and the first under the Presidential leadership of Andrew Johnson. Violence towards black people was either caused or perpetuated by people from multiple social classes and positions of power, and affected black people of varying ages and genders. As such, the Memphis race riots offer insight into expressions of prejudice based on class, gender, and age, alongside racial discrimination; they are therefore crucial to investigate, in order to continue to understand these tensions.

Methodology

Data collection for this thesis consisted of two stages, owing to the geographical barriers to archive access. The first stage consisted of initial primary source collection available via digitized archives, which sought to identify the causation and interpretations of the Memphis race riots. The second stage consisted of in-person data collection from various archives in Washington D.C. As such, the researcher first relied on the use of digital archives to follow lines of inquiry, where text-searchable databases such as 'Chronicling America' provided a wealth of information from local and national reportage during and post-Civil War,[1] alongside online archival databases.[2] This systematic data collection process helped define the scope of inquiry and highlight areas where further information was necessary to the investigation, but inaccessible through digital means. Other data collection during this stage consisted of identifying key actors in the riots and evaluating census and death records of these participants from Tennessee state repositories.

There were, however, significant barriers in conducting the initial phase of data collection remotely, summarized excellently by Rik Hoekstra and Marijn Koolen, who note that "the way the search engine produces results for it is usually impenetrable."[3] Whilst of great use, therefore, online databases implicitly determined the relevance of all source data, at a detriment to the author's scope of knowledge. In order to minimise this potential issue, targeted database searches were used, filtering results by state publication and specific date ranges.

As expected, this initial phase of data collection identified a deficit in detailed understanding of riot victims, as many African-Americans, the main victims of

these activities, were seldom noted in articles, and often their names misspelled or inaccurate, possibly owing to their former roles as slaves. This impacted the effectiveness of text-searchable database findings and highlighted the weaknesses of remote archival databases. Potential detriment to research owing to misspellings was significantly mitigated by ensuring different phonetic spellings were also searched for (i.e. 'Jason Winners' and 'Jason Wynners') and individual search results cross-referenced with these alternate spellings.

The second phase of data collection consisted of in-person source acquisition from the Library of Congress and National Archives repositories in Washington D.C. This led to the acquisition of the full *Select Committee* report, *'Memphis Riots and Massacres'.* The Congressional publication was officially commissioned on May 14th 1866,[4] led by the popular Republican Illinois House Representative, Elihu B. (E.B.) Washburne[5] and published on July 25th 1866.[6] The source consisted of transcripts of witness testimony, Congressional recommendations, and accounts of key actors' involvement in the 1866 riot.[7] Furthermore, the report was key in evaluating political reactions to the events, as it also included the contrasting Democrat findings of the riots by the Democrat Kentucky House Representative George S. (G. S.). Shanklin,[8] titled as the '*Minority report',* and affidavits collected by the Freedmen's Bureau prior to the *Select Committee*'s investigatory trip to Memphis on May 22nd 1866.[9] Other special collections housed at the Library of Congress aided research inquiries significantly, such as the 'African American Pamphlet Collection', and Congressional legislation and journals during the period in question.

Following the collection phase of research, the historical lens of inquiry needed to be established insofar as the scale and viewpoint of the inquiry. These two

lenses are often described as 'macrohistorical' or 'microhistorical'; with 'micro' histories favouring perspectives of actor agency over small scales and 'macro' histories favouring an abstraction from actors to analyse long-lasting events or time periods.[10]

Data collection ultimately supported a microhistorical approach to the inquiry, which was determined by the wealth of witness testimony and reportage surrounding the events. A microhistorical perspective highlighted the importance of understanding the individual, insofar that information regarding certain actors offers insight on the behaviours of collective actors in historical events.[11] Whilst grounded in the Memphis race riots, this thesis does draw on broader macrohistorical themes negotiated throughout the Reconstruction era. Scott W. Stern notes the potential for microhistory "stories to engage with the public and convince people to care about the history of race, sex, and power"[12] and therefore enhance the "microhistory narrative." By re-establishing the Memphis race riots as a powerful example of collective violence fuelled by racism following the Thirteenth Amendment, larger inquiries into Reconstruction era negotiations of race, space, and legislative protection, may be engaged with.

Acts of collective violence, as the Memphis race riots were, may be interpreted through different frameworks. While there is no perfect framework for viewing each unique example of collective violence, this thesis explored the potential use of counter-revolutionary frameworks and broader theoretical interpretations of riot and revolution, and their application to the Memphis race riots. The framework of counter-revolution has been explored in academia largely in relation to the attempts to sustain or suppress monarchist, fascist, or communist

regimes.[13] Whilst none of these regimes reflect the political oppositions at the heart of the American Civil War, there is credence in viewing the Memphis race riots as an act attempting to reinforce pre-war Tennessee norms. It may be argued that the gradual mustering out of Memphis federal forces in 1866 presented an opportunity for pro-Confederate civilians to repress examples of Unionist victory in the South, in alignment with Nick Bisley's view that "counter-revolution derives from ideological hostility and strategic calculation as well as norm protection."[14]

However, whilst the Memphis race riots appeared to demonstrate some characteristics of a counter-revolutionary act, it lacked any systematic effort to overthrow the Unionist 'revolutionary state' imposed following Confederate defeat in 1865. This is exemplified in the fact that, although threats were made to the Freedman's Bureau in Memphis, an undeniable representation of federalism, it remained almost entirely undamaged from the riots.[15] Contrastingly, the targets of the outbreak of violence in Memphis were almost exclusively African-Americans, with no Unionist white Memphians killed during the riots.[16] Without evidence of significant violence towards white federal officers, African-Americans, not Unionists, should be understood as the primary targets of the violence. In order to accurately deem the Memphis race riots 'counterrevolutionary', it would be necessary to establish that all Unionists, regardless of race, faced violence and intimidation. Therefore, this thesis does not pursue a counterrevolutionary framework.

This thesis instead adopts the use of broader frameworks regarding collective violence and revolution, such as within Hannah Arendt's *On Revolution*. Arendt's extensive investigation into the societal phenomena of revolt and

collective violence is more applicable to the Memphis race riots, which align with Arendt's view that "contempt [...] is certainly one of the most potent springs of revolution."[17] Arendt's analysis of those engaged in riots and revolt (and their relationships to systems of authority) connect with the broader aims of this thesis: to understand the tumult in the early Reconstruction south.

Moreover, broader frameworks of revolt and revolution such as this avoid the pitfalls of deterministic counter-revolutionary frameworks which may disperse focus on the individuals perpetrating and victimized by the violence in favour of (re)defining the event. Alongside the lack of evidence to support viewing the event as a counter-revolutionary act, there is an inherent danger in removing the term 'race riot' from an inherently racialized conflict, which this would necessitate. Sheila Smith McKoy supports such scepticism, stating that the "white riot is validated and characterised as "rebellion," "civic duty," "revolution," [...] because the cultural temperature of the United States [has] [...] already pre-figured racial violence as a black act."[18] Therefore, whilst the Memphis race riots could be determined to be 'counter-revolutionary riots', 'white riots', or even 'racist riots', it is acknowledged that this (re)characterization would further entrench perceptions that 'race riots' are solely perpetrated by people of colour.

Thus, this thesis adopts the term 'race riots' to describe the events in Memphis: first, in order to maintain uniformity with primary sources cited; secondly, to discourage frameworks of counter-revolution which implicitly suggest that victims were primarily attacked for their Unionist ties, rather than their race, thereby somewhat legitimising the events; and finally, to account for the psychological factors involved in instigating the violence, which counter-revolutionary frameworks largely do not utilise.

Historiography

As the Memphis race riots intersect several areas of historiographical and interdisciplinary studies, research was conducted with the purpose of providing secondary context and understanding to larger themes presented in data collection. These related areas of study were: Civil War historiographies; Reconstruction era studies; and race riot theoretical studies. Moreover, historiography that outlined the known 'grand narratives' of the period in question presented an important comparative quality to the primary data collected for this thesis.

Tennessee and Civil War

As a border state, Tennessee's journey to secessionism through the Civil War is largely incomparable to its deep south confederate counterparts. Owing to this, many national Civil War historiographies, although informative for a wider understanding, are not applicable when discussing the minutiae of the state's secession and reunification. As such, this thesis has prioritised the use of microhistories of Tennessee to support arguments where available and adequately evidenced.

John Cimprich's *Slavery's End in Tennessee 1861-1865* offers an in-depth analysis of the upheaval of secessionism, and reunification, within the state. Cimprich is a cornerstone for Tennessee historiography during this period, offering detailed analyses of the key Unionist and Confederate actors and providing necessary nuance in relation to caste systems. Cimprich additionally notes exploitation of black people beyond traditional party lines, including within

the Tennessee Union army regiments.[1] This aspect of historical inquiry is vastly underrepresented in Civil War narratives, with black military participation often referenced as a predominantly emancipatory experience nestled within Union militia history.[2]

Despite the many positive qualities of Cimprich's work, he falls short in applying nuanced perspectives to the broader subjects explored. Whilst openly critical of paternalistic proslavery arguments, he conveys black personhood in wartime Tennessee rudimentarily, describing how: "blacks wanted aid from whites yet often remained suspicious of them, it is scarcely surprising that they tried to manipulate reformers, just as they had their masters."[3] Therefore, although Cimprich's work is beneficial in attempting to understand the intricacies of Tennessee's wartime experience, it highlights the need for histories that prioritise agency over abstractions.

Non-localised historiographical interpretations are utilised throughout this thesis in conjunction with primary sources, namely where broader historical understanding could be useful in interpreting larger collective themes evolving from the late Antebellum and Civil War periods. For example, Sally Hadden's *Slave Patrols: Law and Violence in Virginia and the Carolinas* is tentatively applied when discussing the role of slave patrols and slave codes in Memphis, owing to the lack of equivalent localised research specifically concerning Tennessee. Hadden's work contextualises the relationship of racial oppression and law enforcement as rooted in the civilian militias fostered by slave patrols.[4]

Similarly, David Armitage's investigations into the social phenomenons surrounding civil wars provide an adaptable framework to reflect on when considering the American Civil War, offering brief insight into the role societal

questions of morality play in civil wars.[5] Armitage's explorations into the impacts of civil war complement Hannah Arendt's *On Revolutions,* which evaluates the role of mass revolt.[6] Both Armitage and Arendt's insights help develop an understanding of the wider sociological context of the Memphis race riots, which would otherwise be beyond the scope of the thesis.

Reconstruction History

Reconstruction era historiography has largely centred around the national growing pains of reunification, rather than micro-historiographical interpretations. An outlier to this is Thomas B. Alexander's 1950 publication *Political Reconstruction in Tennessee*. Despite its age, Alexander's work remains a reliable source on the negotiations of installing a Republican civil government in Tennessee,[7] whilst shying away from outlining the complex societal upheavals the state faced. However, owing to the areas of research underexplored by Alexander, contextual background was sourced from historians exploring thematic approaches to Reconstruction.

Eric Foner's *Reconstruction: America's Unfinished Revolution, 1863-1877* offers an overview of the Reconstruction period on a national level. He acknowledges the piecemeal process of Reconstruction that began at the point of federal occupation, rather than concession.[8] Foner notes the inescapable oppressions black people faced during Reconstruction leading to pervasive violence and "the "politicization" of everyday life that followed the demise of slavery."[9] Similarly, Alexander regards the role of Reconstruction in Tennessee as further complicated by President Andrew Johnson's influence and Confederate amnesties issued prior to the end of the Civil War.[10] The combined context of

Alexander's macro- and Foner's micro-historical Reconstruction era work aids a more cohesive understanding of the period in question.

Race Riots and Frameworks

Analyses of race relations in the Antebellum and Reconstruction eras provided a contextual backdrop for demonstrations of racism beyond the 'Slavery Question'. Hannah Rosén's *Terror in the Heart of Freeedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* outlines how the emerging black domestic communities in Memphis were largely greeted with hostility and violence.[11] Rosén's inquiry into the relationship between space and racial visibility provides key insights when considering the isolated enclaves surrounding Fort Pickering impacted by the violence during the Memphis race riots.[12]

Wider reading into studies of whiteness greatly aided a better understanding of the role of Irish immigrants during the Memphis race riots. Noel Ignatiev's *How the Irish Became White* details the cyclical process of ostracization and naturalisation of Irish immigrant communities,[13] which provided key context when interpreting primary sources' specific denunciation of Irish immigrants as the sole participants in the Memphis race riots.

Surprisingly, despite a wealth of primary source data available, the events and outcomes of the Memphis race riots have been sparingly investigated in the academic sphere. Stephen V. Ash is perhaps the most notable academic to have dedicated standalone research to the riots in *A Massacre in Memphis*, highlighting the riots' relationship to changing perceptions of whiteness.[14] Ash utilises a microhistorical approach that draws on witness testimonies of the

event, however relays the events in a narrative, rather than thematic, structure. This makes the publication engaging for wider audiences, at the cost of allowing space for expanded analysis. Moreover, Ash's research largely begins and ends with the events of the riots, highlighting an opportunity for further work into their wider national impact.

Ash's chosen engagement with riot narrative, rather than analysis, draws similarities to Jack D. L. Holmes article, 'The Underlying Causes of the Memphis Race Riot of 1866'. This article frames the racism black soldiers faced as merely reactionary: "the actions to which the people of Memphis objected were the actual crimes committed by Negro soldiers and the insults which these colored [sic.] troops gave to white people in Memphis."[15] However, it should be acknowledged that this article's view is characteristic of its time; Holmes published his research just prior to the escalation of incidences of race rioting in the mid-twentieth century.[16] Plainly, the similarities between Ash and Holmes' 'broad stroke' approach to the Memphis race riots highlight how investigation of these events have had limited development between 1958 and 2013, revealing that more nuanced studies are required to further our historical understanding.

1: Tennessee's Complex Secession and Reunification

In order to understand the emergence and motivations behind the Memphis race riots in 1866, the contextual history surrounding Tennessee's existing Antebellum white attitudes towards slavery and participation in the Civil War must be addressed.

1.1 Chattel Slavery in Tennessee

Tennessee's journey to secede from the Union was far from linear. Situated along the Mason-Dixon line, Tennessee was considered porous to both northern and southern political ideology while benefiting from the border state economy,[1] leading to indecision regarding its place within the Union. Prior to the Civil War, Tennessee had a complex relationship with chattel slavery owing to both geographical and ideological factors. As the state frontier expanded its territories continuously throughout the Antebellum period,[2] Tennessee's use of, and economic attachment towards, chattel slavery diversified from East to West. The stark contrast in slave diaspora throughout Tennessee is exemplified in the 1850 census, which calculated merely 22,487 slaves in East Tennessee, in contrast to West Tennessee's 84,126, and Middle Tennessee's 132,846.[3] However, differences in Tennessee's slave diaspora should not be attributed to differences in racial attitudes, but rather the different geographical terrains of the individual counties.

West Tennessee's dependence on slave labour was long entrenched in the decades following Andrew Jackson's 1818 purchase of the Gulf plains.[4] The

purchase provided arable land for cotton and tobacco crops; as such, by 1830, nearly twenty percent of West Tennessee's residents were slaves,[5] and one in three white families were slave owners.[6] This growing need for agricultural labourers drastically changed the ethnic diaspora of the region; by 1840, "the black population of West Tennessee exceeded 30 percent of the region's total and was steadily increasing."[7] West Tennessee's agricultural economy proved profitable; the average revenue from farms was four times greater than comparable revenue in Middle Tennessee by 1859.[8] Memphis, in particular, became "the economic and social axis for Western Tennessee,"[9] developing into the South's sixth largest city by 1860,[10] and claimed itself as the "biggest inland cotton market in the world,"[11] owing to the brown loam tablelands soil.[12]

In contrast to West Tennessee's agricultural needs, Middle Tennessee's slaves laboured in a variety of industries, such as iron furnaces or coal mines. However, as Lester C. Lamon highlights, although slaves in Middle Tennessee might have benefitted from "superior clothing and somewhat less physically strenuous tasks [...] they did not escape mental anguish, poor diet, and harsh physical beatings. These abuses were common to Tennessee's slaves, regardless of economic function."[13]

Unlike Middle and West Tennessee, East Tennessee's mountainous landscape did not suit plantation farming, instead favouring subsistence farms.[14] Moreover, East Tennessee benefitted from substantially greater numbers of white labourers,[15] reducing the potential need to purchase slaves. Therefore, slave ownership in this region instead became symbolic of wealth and prosperity, with Oliver P. Temple noting that slave owners in East Tennessee "did not stop to

inquire into the question of profit or loss."[16] In the East, therefore, slave ownership predominantly demonstrated "a sense of pride and independence, [and] a supposed badge of superiority."[17]

As such, lacking the same drastic economic consequences of emancipation as their western counterparts, antislavery sentiment developed in East Tennessee. In 1815, the 'Manumission Society of Tennessee' was founded with hopes for eventual emancipation of slaves,[18] but failed to gain significant membership, nor monetary donations.[19] There was a somewhat reemergence of pro-abolition murmurings in 1834, when East Tennessean delegates "submitted 25 out of 30 petitions seeking avenues for the gradual emancipation of slaves [in Tennessee]."[20] However, Martha L. Turner importantly notes that these antislavery sentiments developed not owing to philosophical objections to slavery, but rather based in wealth disparities, as: "the upper classes, whose economic ties were strongly linked to the South and the continuance of slavery, had little in common with the unionists, who eked out a living without the help of negroes."[21]

However, state abolitionist causes were not successful, or even impactful, in reducing the use of chattel slavery. Even when abolitionist movements presented themselves, the growing profitability and increased influence of slaveowners in state politics ensured enduring commitment to chattel slavery. Throughout the Antebellum, land and natural resources were developed wherever possible into an economy that chose increasingly to depend on slave labour. It is important to acknowledge that even though East Tennessee occupied land less suitable for agricultural slaves, its aforementioned abolitionism epochs were too underinvested in by the community as a whole to

justify the treatment of East Tennessee as a social outlier from the rest of the state within this thesis. As will be discussed later in this thesis, further legislative restraints on the lives of slaves and free black civilians continued throughout the Antebellum period, even in the East.[22] Moreover, existing barriers to chattel slavery were removed, such as the relegalisation of the interstate slave trade as late as 1855.[23]

However, while Tennessee further entrenched a commitment to systems of slavery throughout the Antebellum, the closing years of the era encompassed growing national conversations in the North in anticipation of national slave emancipation. What had once been considered an exercise of constitutional right, was now, as Republican William H. Seward claimed in 1859: "an irrepressible conflict,"[24] between the North and South.

1.2 The Secession Question

Democratic Senator Andrew Johnson continued to advocate for a compromise to maintain Tennessee's place in the Union throughout the erupting 'Secession Crisis' following President Abraham Lincoln's November 1860 electoral victory.[25] For example, speaking at the Senate on December 18, 1860, Johnson outlined Tennessee's position:

> "We believe that our true position is inside the Union. We deny the
> doctrine of secession; we deny that a State has the power [...] to
> withdraw from the Confederacy. [...] We prefer complying with the
> Constitution, and fighting our battle, and making our demand inside of
> the Union."[26]

However, Johnson's hopes of compromise over the Slavery Question in the South were largely in vain, as, despite the growing interest in the state seceding, President Lincoln did little to ally himself with Senator Johnson. Discord between Johnson and Lincoln was publicised, with the *New York Herald* stating that: "[Lincoln] asked what [Johnson] meant by fighting in the Union. [Lincoln] said that he did not see how men connected by a bond of Union could fight each other."[27] Without successful compromise regarding the legalities of slavery in the South by Unionists, or the support of existing Unionists in the South, Tennessee was faced with an almost impossible choice between the uncertainties of its future within the Union and the perils of existing outside of it.

By the onset of 1861, Tennessee was facing increasing pressure from both the North and South to make known their allegiance to the Union or Confederacy. News of other states' secession excited the public, with the *Holmes County Farmer* reporting that: "An enthusiastic meeting was held at Memphis, Tennessee, to ratify the secession of South Carolina. Fifteen guns were fired and the *Avalanche* office and other buildings were illuminated."[28]

Instances of civilian enthusiasm towards state secession suggest that Tennessee was largely influenced by actions of other Southern states,[29] with the New Orleans torchlight procession occurring just one day prior to Memphis' display in February 1861.[30] Moreover, Tennessee's hesitancy is further exemplified when, following the secession of Texas, the *Memphis Appeal* declared that: "the dissolution of the Union is no longer an uncertainty; it is a fixed fact, and as much as we may regret it, the Confederacy is dissolved forever, [...] Tennessee is now called upon to act in the present crisis, and act

she must, either for or against the South."[31] Just two months later, the Tennessee Legislature Assembly agreed to call a vote of the people on February 9th, 1861, to determine whether a convention on state secession should be held.[32]

In anticipation of the upcoming vote, Secessionist democratic mouthpieces, such as the *Nashville Union and American*,[33] stated that readers should:

> "select men who are opposed to all compromises that do not promptly and forever settle the differences between Black Republicans and the South [...] Select men who are for going with the South. [...] Those who wish you still bare your backs to the Black Republican lash, will be busily at work. [...] We have hitherto shouted "God save the Union;" let the shout now be "God save the Constitution." Be not afraid."[34]

Certainly, Tennessean Secessionists were not afraid to advocate for their cause, with the 'Minute Men of Memphis' publicly pledging to exclude from Memphis: "those who may come here from the North [...] to induce the laboring classes to array themselves against the secession party."[35] The Minute Men's own methods of 'inducing' civilians into secessionism, were described by William H. Carroll in correspondence to Andrew Johnson as: "trying to force men by bullying to join their organization."[36]

Unionist support remained throughout Tennessee via newspapers such as the *Brownlow's Knoxville Whig and Rebel Ventilator,* edited by the East Tennessean William 'Parson' Brownlow,[37] who remained in steadfast support of the Union despite his ties to the Know-Nothing party,[38] and his contentious and changing views on slavery and racial equality. The news outlet advocated for

Tennessee to act as a tempering force, pleading voters to: "Let her remain in the Union, and by her patriotism, finances, and conciliatory course, hold in check the Fanaticism of the North and the Disunionism of the South."[39] *Brownlow's Knoxville Whig and Rebel Ventilator's* views are emblematic of the Unionist cause in Tennessee, promoting the border state as a moral boundary between two extremes, without amplifying the benefits of Unionism.

The February vote resulted in all three divisions voting against holding a State Convention regarding secession.[40] Even Memphis, a city with significant ties to the recent growth in secessionist advocacy, gave a majority of 400 votes negating a convention.[41] This outcome was largely attributed to the geographical position of Tennessee as a border state: in correspondence to Andrew Johnson, Cleveland merchant C.H. Mills stated that "the sympathy and free interchange of sentiment between people on the border has produced this result."[42] However, a more measured interpretation of the outcomes of the February vote suggests mounting fears that Tennessee's geographical position may lead the state to imminently become an unprotected battleground.[43] Indeed, on the eve of the vote, the *Daily Nashville Patriot's* argument in favour of rejecting a state convention was not for love of the Union, but rather that: "the peril of this country is great, and if it is to be saved at all, it is to be done by the people. If it is to be destroyed and war shall ensure, the people are to bear the brunt of the conflict."[44] In February 1861, Tennessee was averse to war, not secession.

Tennessee's political navigation of secessionism demonstrated a consistently overwhelmingly self-serving yet politically indeterminate agenda. The state benefited from slave labour in the West and Middle regions, and treated

slaveholding as a status symbol in the East, leading to widespread rebuke of Republicans' "hellish notions of Negro Equality."[45] Moreover, even reportage sympathetic to the Union noted the state's tentative position, with the *Memphis Daily Appeal* highlighting that Tennessee "adhering to the fragment of the Union cannot possibly be induced to continue in that position, unless their safety in such [slaveholding] connexion [sic.] is placed beyond hazard."[46] These economic fears were summarised by the *Clarksville Chronicle* in late 1860: "Revolution never fails to depreciate property and to make its tenure uncertain. The rich man of to-day may be the poor man of to-morrow. Dissolve the Union - or even let one state secede, and land and negroes will be with half their present value."[47]

Therefore, Tennessee remained on the side-lines of the secessionist debate, simply waiting for any hazards to their lives and livelihoods to force the state into declaring its allegiance. It is therefore of little surprise that these underlying Secessionist sentiments were further aggravated as military actions began and the threat of Tennessee's geographic vulnerabilities became realised. The distinct turning point for Tennessee after the February convention vote was the successful Confederate attack on Fort Sumter on April 12, 1861, and President Lincoln's subsequent call for 75,000 Union volunteers to suppress the Southern rebellion.[48] Lincoln's proclamation was received with particular hostility, with pro-secessionist state Governor Isham Harris quickly replying with an official refusal.[49] Daniel W. Crofts highlights that Tennessee, "effectively seceded from the Union and joined the Confederacy within days after the proclamation became known."[50] Croft's statement is affirmed when assessing reports of a secessionist demonstration on the April 15th, which notes that "a large majority

of the audience, [...] were ten days ago, devoted Union men,"[51] but were now

calling for "the Legislature to meet at the earliest possible day, to arm the State

and provide for a Convention."[52] As such, when the vote was set for June 8th,[53]

it created a significant period where Tennessee was neither comfortably in, nor

out, of the Union.

1.3 Memphis Militarization

However, secessionist cities did not await the results of the secession vote

before preparing for war. Memphis quickly organized munitions, with the Mayor

convening a citywide paramilitary group to protect "against perceived internal

dangers"[54] on April 17th. Newspapers published details of local paramilitary

groups to encourage civilian participation, with the *Memphis Daily Appeal*

stating that the 'Tennessee Rifles' were commencing drills twice daily, as "the

company is equipping and getting ready for immediate service [...] recruits are

earnestly desired, as Maynard rifles have been obtained."[55] The rate at which

Memphis militarised reinforces Derek Frisby's perception that Tennessee was

"desperately searching for the sort of political stability that had existed in the

previous decades"[56] before the 'Slavery Question' and was "ready to embrace

any political movement that offered some sense of vigour."[57] By late April,

Memphis had sourced an additional 3,000 arms from the Confederacy[58] to

defend itself from Unionist attacks, and the extremist 'Minute Men of Memphis'

had been placed on the city records as an official (and paid) Home Guard.[59]

The rampant secessionist rhetoric in Memphis directly tampered with the results

of the June vote, as Unionists faced violence and intimidation. Secessionist

extremism in Memphis was demonstrated publicly and brutally; in May 1861,

Republican Memphis resident Dan Hoge was beaten, had his head shaved, and was expelled from the city.[60] Instances of lynching also circulated in the press, with Alderman Kennedy alleged by the *National Republican* "to have been hung on account of his politics,"[61] with the newspaper stating that violent secessionists were "a nest of pirates,"[62] who needed "the strong arm of constituted law, to wipe out these insults to God and humanity."[63] While instances of violence vocalised by opposition reportage demand scrutiny, coinciding migration from the area appears to substantiate a growing culture of intolerance to Unionism. Only one week after the attacks on Fort Sumter, it is estimated that between two to five thousand residents fled the city.[64] Following Fort Sumter, Memphians deployed violence and intimidation in a comparable way to the Reconstruction era violence this thesis primarily studies; to ensure the maintenance of white wealth and racial inequality.

The use of violence and intimidation was not restricted to Memphis. Derek Frisby states that elsewhere in West Tennessee "mobs descended on Unionist citizens and demanded they take an oath of loyalty to the Confederacy, enlist, or leave."[65] An estimated 2,000 secessionist troops were stationed in Knoxville, "for the express purpose of overawing the Union men."[66] Although the East Tennessee Unionist sentiment was largely met without violence (well-attended rallies were held in every county in the region between April and June of 1861),[67] this should be seen to highlight the perception of the region as no threat to the Middle or West regions of the state, rather than demonstrating any fervent Unionism within the locality. As previously discussed, East Tennessee was an economically modest region, without the industry to pose a significant threat. This is highlighted by the *Burlington Weekly hawk-eye*, which noted in

mid-May that "the people of East Tennessee would fight for the Union if they had arms but they are nearly destitute, while the secessionist conspirators in the West have been supplied buy the Montgomery [Confederate] government."[68] It is clear that East Tennessee, whether in its earlier weak-spirited abolitionism movements or later pro-Unionist advocacy, was never considered a threat, either to slaveholding or secessionism in the state.

Although the official vote on secession was scheduled for June 8th, members of the state General Assembly held a secret session in Nashville on May 6th, in which they "declared Tennessee independent of the United States [...] in an ordinance that was subject to the approval of the people of the state on June 8th."[69] However, Charles Lufkin highlights that the following day, spearheaded by Governor Isham Harris, "legislators placed the military resources under the command of the Confederate States without requesting the approval of the people."[70] Moreover, following the May session, Tennessean state government promptly agreed to provide 55,000 men to join the volunteer Confederate army.[71] Commandeering the violence and intimidation that civilians used to assure secession, the state governors had already determined the allegiance of Tennessee with armoury far before the June 8th vote.

Despite the undemocratic measures surrounding the June vote, Tennessee overwhelmingly passed the house resolution confirming itself independent of the Union, and officially ratifying the 'Military League' with the Confederacy.[72] Middle and West Tennessee voters voted for Secession "by a two to one margin,"[73] with East Tennessee voting for Unionism by the same margin.[74] Notably, while only 19 per cent of those enfranchised in Tennessee were slave owners, 55 per cent voted for state secession.[75] This data demonstrates that

attitudes towards the Union and racial equality went beyond individual economic security. Following the results of the June vote, East Tennessee attempted to agree its own statehood and remain within the Union; following the failure of this, the region instead relied on federal forces to aid the Union cause in East Tennessee.[76]

1.4 Tennessee's Civil War

Tennessee's road to secession was ultimately far longer than its participation in the Civil War. Following the June vote, Governor Isham Harris, who had called for both the January and June sessions to discuss secession, remained in power.[77] Military matters were handled by Confederate Major General Leonidas Polk, at his headquarters in Memphis.[78] Owing to its large population, the state provided the most volunteers over the course of the Civil War, estimated between 115,000 and 135,000 volunteers for the Confederate cause.[79] Further, state legislature under the Confederacy authorised slaves to be drafted into non-combatant roles,[80] with slave labour redistributed by owners to aid the Confederate cause.

However, as a border-state, Tennessee became perceived as "the gateway to the Deep South,"[81] and was therefore geographically vulnerable to Unionist attacks. Tennessee's violation of Kentucky's stated neutrality in September 1861, "unwittingly opened a 400-mile front,"[82] Larry J. Daniels highlights; one which Tennessee was entirely "unprepared to defend."[83] Tennessee's weaknesses were further exacerbated by a lack of sufficient armoury or healthcare for the scale of defence the border required, and sickness engulfed training camps.[84] Indeed, although initially happy to support the cause, sending

slaves to build fortifications along the Mississippi river, owners increasingly became reluctant when slaves returned to plantation-life with sickness, ultimately slowing fortification development.[85]

Moreover, despite widespread anticipation for secession, civilians too quickly tired of wartime, with the *Nashville Union and American* reporting just two months later in August 1861 that: "few of the three months volunteers, whose time has expired, will re-enlist for war."[86] Tennessee's defensive strategies were dependent on the continued exploitation of slaves and an ill equipped military, with Governor Harris in November 1861 appealing to the public for provisions of shotguns and rifles for volunteers.[87]

Between weapons shortages, inconsistent direction from Confederate leaders,[88] and contending with geographical vulnerabilities,[89] Confederate control of the state was short-lived. By early 1862, federal forces had quickly gained territory in Middle Tennessee with the fall of Fort Donelson and Fort Henry,[90] and the Confederate government initially retreated to Memphis,[91] and then to Mississippi.[92] Alongside these defeats, criticism of Confederate leadership gradually appeared in newspapers, with *The Athens Post* stating how President Davis had promised that, "if the North insisted upon war, he would carry fire and sword to their territory. Yet up to this hour no hostile footprint has been made on the enemy's soil."[93] These early federal invasions of 1862 represent a turning point for Tennessee's brief involvement in the Civil War and the long-term cultural diaspora of the state.

By May 1862, less than one year after Tennessee's secession from the Union, federal forces proclaimed Andrew Johnson Military Governor of Tennessee.[94] Johnson's appointment marked the beginning of a wartime Reconstruction

programme that hoped to assure Unionism in the state via conciliatory measures.[95] In an April 1862 Nashville speech, Johnson vowed to reinstate civil governance and offered amnesty to Confederates who had not participated in military actions.[96] Whilst Johnson preached conciliatory measures, the realities of Tennessee's wartime Reconstruction portray a state attempting to cultivate Unionist sentiment through military and political intimidation, mirroring Tennessee's initial journey to secession. Indeed, Johnson himself intervened when "a supporter of the Confederacy won election as a circuit judge"[97] in Nashville, choosing to order the candidate's arrest and appoint his non-Confederate rival.

Local reportage portrayed Unionist hopes for abolition in the South facetiously, with the *Daily Nashville Union* probing how slaves could be freed "among a people the whole body of whom are opposed to it, and who have taken up arms in rebellion against this very idea of negro equality?"[98] The publication further acknowledged the temporary nature of these impositions, stating that, such an measure "can only be done by the presences of an immense army, sufficient to prevent the white race from re-enslaving the black, and by waging a constant war upon the people of our race for the protection of the black race."[99]

Westward publications also echoed the unachievable reconciliation of racial issues, with the *Memphis Daily Appeal* contemptuously stating that, "[Unionists] tell us that we shall get over the prejudices, the notions, the imaginations, the bad taste of preference for white skins, and then all will go smoothly in the milk and molasses united republic."[100] Any hopes of quelling the question of racial equality were made more complicated by the growing number of slaves that "took advantage of the disrupted social conditions to escape slavery and to

seek a new status for themselves."[101] Slaves remained increasingly weaponised by both federal and Confederate forces during wartime Reconstruction, with Union soldiers "occasionally liberat[ing] slaves to punish avowed secessionists."[102] Though slavery remained at the heart of the divisions between Tennessee and the Union, Andrew Johnson and the Lincoln administration tried to minimise the impact of any abolitionist legislation in regards to the state. John Cimprich notes Tennessee's exceptional treatment, stating that, in 1862, "Johnson frequently issued orders permitting masters to search federal camps for runaway slaves."[103]

Inconsistent approaches to slavery in Tennessee were demonstrated on a wider scale during President Lincoln's 1863 Emancipation Proclamation, which specifically omitted the abolition of chattel slavery in Tennessee. These actions cultivated a socio-political environment which enabled the freeing of slaves nationally, whilst simultaneously protecting the interests of slaveholders in Tennessee. Indeed, the Northern *Weekly National Intelligencer* noted that, despite the purported aim of military operations in the South "to disturb the relation of slavery within the area of those operations, it is obvious that the most salient trait of the [Emancipation] proclamation [...] is to indicate a wish on the part of the President to preserve slavery in Tennessee."[104] Other Northern publications attributed Tennessee's exemption to the Emancipation Proclamation to Andrew Johnson's offers of amnesty to rebels, with the *Washington Republican* placing the blame for these exemptions on "what it calls the "unwise" requests of Gov. Johnson."[105] This therefore placed Tennessee in the unique situation of being the only former-Confederate state to abolish chattel slavery via amendment, which was ratified in February 1865.[106]

1.5 Military Occupation in Memphis

Following the Union's 1862 occupation of West Tennessee, thousands of pro-Confederate Memphians left the city.[107] Memphis was developed into a Unionist headquarters and Jeffrey N. Lash highlights that "the conditions of Union rule [...] drew hordes of Northern cotton speculators, escaped slaves, and prostitutes,"[108] to the locality. Moreover, the city quickly issued construction of fortifications such as the contraband camp Fort Pickering,[109] which resulted in an influx of southern runaway slaves seeking freedom and the development of 'shantytown' ethnic enclaves of fugitive, later emancipated, slaves.[110] Under military occupation, Memphis undoubtedly represented a comparatively different political diaspora to its pre-war existence.[111]

As such, there is evidence to suggest a development of Unionist sentiment in the Western region of Tennessee: Stephen V. Ash writes how Memphis Unionists, "organized a great parade in November 1862, featuring a float adorned by the Goddess of Liberty,"[112] which ended with a public address by Unionist General Sherman.[113] Other local reportage noted how Andrew Johnson's Governorship "by his mixture of firmness and leniency"[114] had calmed the rebellion, with "Memphis, late so rampant; Nashville, late so sullen; are at least peaceful and submissive, [...] they are on the highway to loyalty."[115]

However, as noted, many Confederate civilians fled the city following Union occupation,[116] suggesting that any Unionist displays in Memphis were not representative of a change of heart or political allegiance in those who voted for secession in 1861. Indeed, Beverly G. Bond notes that by 1863 "the city's population included only 11,000 of the original white inhabitants, 5,000 slaves,

and 19,000 newcomers."[117] This would drastically change again by 1865, with the Memphis Freedmen's Bureau estimating that, of the 27,703 city residents, 16,509 were Freedmen.[118] In other terms, Memphis' post-war civilization was wholly incomparable to its pre-war, or occupied, existence.

Indeed, whilst demonstrations of Unionism were emphasised in reportage, efforts to aid the Confederacy during federal occupation persisted through both individual and collective guerrilla actions. Throughout federal occupation, guerrilla groups targeted communication lines, attacked railway lines, and ambushed Union troops and vessels.[119] Individuals aided the Confederacy in more covert manners by smuggling contraband items, with an estimated $20-30 million worth[120] of contraband leaving Memphis between 1862 and 1864 alone.[121]

1.6 Return to Civil Governance

Despite known opposition to the federal occupation of Tennessee, by 1864 the state was deemed capable of reinstating state governance. Unsurprisingly, the significant changes to the populace of the region, in combination with Governor Andrew Johnson's requirement that voters take an oath pledging unconditional support "for all federal war policies"[122] prior to casting their ballots, assured a Union electoral outcome.

At a pre-election convention, Johnson had further influenced the outcome of the election by only allowing voters to approve of candidates from a general ticket, whom for the most part, Johnson had selected.[123] William Brownlow became the natural successor to Andrew Johnson, with his steadfast dedication to the Union assured as the editor of *Brownlow's Knoxville Whig and Rebel Ventilator*.

Brownlow had campaigned at Union events, proposing doctrines of emancipation and Confederate retribution.[124] Jonathan M. Atkins charges that the installation of Tennessee's Reconstruction government was effectively a *coup d'etat*:

> "The meeting had seized control of the process of Tennessee's reconstruction, imposed a government on the state, excluded the influence of the governor's opponents, and disfranchised Confederates who had renounced disunion."[125]

In essence, just as the electoral process for secession in June 1861 was surrounded by accusations of Confederate violence and voter intimidation, by January 1865 Unionists saw no issue in employing the same tactics to install state governance in Tennessee.

For black people, the Unionist victory in the Civil War and continued assurance of Unionist rule on a state level under Brownlow presented an opportunity for emancipation and social elevation considered unachievable just years prior. However, the implementation of these rights and legislative protection from a state still rife with racial prejudice, was indeterminate.

2: Emerging Tennessee: Freedmen, Slave Patrols, and Law Enforcement

Owing to the predominant role of law enforcement and vigilante groups in the instigation and perpetuation of the Memphis race riots, this chapter seeks to offer an overview of Tennessee's systems of law enforcement in the Antebellum and early-Reconstruction periods. Furthermore, this chapter aims to outline the existing legislation during the Antebellum and early-Reconstruction eras regarding free blacks in Tennessee, in order to offer insight into the arbitration of civil rights within a racist Antebellum society. Importantly, the intersections between law enforcement and vigilante justice in reaction to black peoples' visibility in society represent an overlooked comparison to the violence exhibited during the Reconstruction era, and therefore, must be assessed.

2.1 Chattel Slavery and Manumission

Legislation and law enforcement regarding slaves in Antebellum Tennessee was complex, with the Supreme Court in an 1858 ruling that slaves were: "regarded in the two-fold character of persons and property [...] they are accountable moral agents, [...] and clothed with certain rights by positive law and judicial determination."[1] In this sense, the enslaved were accountable for any actions considered unlawful or immoral, yet unable to exercise agency through actions such as purchasing property, advocating for themselves in court, or participating in the political sphere.[2] This dual role attributed to slaves understandably led to inconsistencies in application of these laws[3] which had

been crafted by "representatives of a slaveholding society."[4] Therefore, legislation and law enforcement's interactions during the Antebellum should be viewed as serving the slaveholding elite and 'protecting' white culpability for the ill-treatment or actions of slaves.

Despite Antebellum Tennessee's dependence on chattel slavery to labour owing to its growing agricultural economy,[5] the state permitted slave emancipation prior to the Civil War, although it was conditional.[6] However, freedom was not easy to obtain. It largely involved masters petitioning the state manumission county court of the person's "meritous service" and providing a monetary bond to ensure the freedman would not become a financial burden on the state.[7] Other legal avenues of freedom for those enslaved included self-purchase, whereby slaves could agree with their masters to buy their own liberty,[8] or be granted testamentary manumission upon the slave owners' death.[9] However, though Tennessee's laws provided potential avenues for emancipation, the manumission of slaves in Tennessee was neither easy, nor likely:[10] acquiring freedom from chattel slavery through legal means proved an almost impossible goal for most slaves in the state. Although it was achieved by some (between 1800 and 1830, the population of free blacks in Tennessee grew exponentially from 309, to 4,555),[11] the number of free black people in Tennessee remained comparatively low; by 1860 an estimated 7,300 free blacks resided in Tennessee,[12] representing a mere 2.6 percent of the state's black population,[13] in comparison to the over 275,000 black people still bound in slavery (nearly 25% of Tennessee's overall population).[14]

Furthermore, despite (or perhaps, because of) Freedmen increasingly representing a nominal section of the state's population, Antebellum attitudes

towards free blacks grew progressively hostile. Legislation that restricted the Freedmen of Tennessee emerged in 1810, when the state required all free persons to have a white 'guardian'.[15] This increasingly paternalist treatment of black freedom in Tennessee was noted by an anonymous former Tennessee slave who stated that: "the free n*ggers was free, and then they wasn't free."[16] Guardians, akin to masters, exploited Freedmen: "when I came to Nashville, I came up with a lot of them kind- you know, the free ones. The guardians hire them out and got their pay, you know."[17] These hostile attitudes culminated in the 1831 state mandate that any further slaves granted freedom must immediately leave the state.[18] Alongside the legislated enforcement of migration upon emancipation, 1857 Tennessee state law further mandated that masters must pay for the subsequent transportation of the Freedmen and furnish six months' worth of provisions upon release.[19] Moreover, state legislation endorsed colonisation after emancipation, with legislation in 1854 stating that those liberated must be sent to Liberia.[20]

Therefore, even once granted freedom, the legal rights regarding free peoples' participation in Tennessean society were largely unclear and subject to arbitrary change. However, some freedoms remained steadfast through the Antebellum, such as legal recognition of marriages and permission to change name.[21] The latter right was an important move towards acknowledging black identity outside of chattel slavery; Mr. Reed, a former slave in Nashville, stated that, "A Negro has got no name. My father was a Ransom, and he had an uncle named Hankin. If you belong to Mr. Jones and he sell you to Mr. Johnson, consequently you go by the name of your owner. Now, where you got a name? We are wearing the name of our marster [sic.]."[22]

It must be noted, however, that although Freedmen were permitted to marry, marriages between slaves and free black people were outlawed without the express permission of the slave's master.[23] State intervention in social interactions proved even more repressive; any association between a freed person and a slave had to be approved in writing by the slave's master.[24]

Alongside free black people gaining some autonomy over their identity, some were also able to acquire land ownership during the Antebellum period. In the ten years prior to the Civil War, black-owned real estate tripled in value across thirty-three counties within Tennessee, worth $435,000[25] or an estimated $15,000,000 in 2021 currency accounting for inflation. Property ownership by black women was especially prominent and served to challenge understood patriarchal expectations: Bond highlights that by 1850, "thirty-one out of the seventy-four free black households in Memphis and Shelby County were headed by women."[26]

However, black land ownership in Tennessee was not evenly dispersed; despite accounting for less than ten percent of the free black population, Nashville county housed nearly half of black-owned property by 1860.[27] This imbalance of black property ownership in Nashville may be explained by Loren Scherweinger, who postulates that the expansion of black property ownership in the Upper South, "was primarily a result of the [generation-spanning] relentless drive [...] [of] former slaves and their children to gain an economic foothold."[28] This may also be explained insofar as land ownership was not consistent with the freedom of entire families; an ex-slave Tennessean recalls that "my father was born free,"[29] but remained living closely to his family who remained in bondage, in a house with "a little garden and watermelon patch. On big days in

town, my mother would always make some ginger cakes, and he would carry them on the square and sell them."[30]

However, property ownership and business enterprises presented the maximum parameters of free black interaction in the public sphere. Indeed, although Freedmen were permitted to run businesses, specific enterprises were outlawed, with black people forbidden from owning grocery stores, or running 'tippling houses'.[31] These restrictions are particularly demonstrated in the disenfranchisement of free black men in 1834,[32] when the state constitution limited the votes to adult white men, rather than just adult men.[33] Previously enfranchised Freedmen were banned from voting, in order to reject proposed changes to the constitution.[34] However, these restrictions did not dampen black people's interest in participation in the public sphere; 'Colored Conventions' emerged to discuss national politics during the late Antebellum years, and continued to grow in significance during the Reconstruction era.[35]

Although technically free from bondage, black free people still faced the same prejudiced systems of punishment that applied to slaves, including that dealt out by slave patrollers.[36] In some cases, Freedmen were at a disadvantage legally compared to those in bondage, with Ira Berlin noting that, "every state, except Delaware, barred free negroes from testifying against whites in court, while allowing slaves to testify against Freedmen."[37] Free black people on trial would face a jury exclusively of slaveholders to determine their guilt.[38] This was particularly concerning as free black people were vulnerable to being arrested, and therefore losing their free status, at any point, especially with the implementation of Vagrancy laws which targeted 'idle' black residents, both before and after the Civil War.[39] Punishment of crimes between slaves and

post-war Freedmen differed minimally, if at all. Andrew Slap notes that in Memphis, city ordinances were implemented to arrest and jail "any African-American, slave or free, discovered on city streets after 10:00pm,"[40] with slaves punished with ten lashes, and free blacks forced to pay a $10 (estimated currently to be $350) fine.[41] State legislature further outlined that corporal punishment could be administered to free black people merely suspected of "encouraging disorderliness among the slaves."[42]

Travel was restricted for any free black resident Tennesseans. Deportation from the state upon manumission was legalized in 1831,[43] and 1842 state statute further outlined that free black people must not travel beyond the state's boundaries without written permission from the county clerk.[44] Even when travelling in their local county, free black people had to ensure they carried evidence of their free status to avoid suspicion of being a runaway slave and arrested:[45] Antebellum Memphis law enforcement openly persecuted and arrested black residents if merely doubtful of their 'free' status. This is evidenced in the June 1859 arrest report of Carter Brutus, despite him "say[ing] he is a free negro."[46] Unwarranted persecutions were further historically documented: Jason Winner (or Wynners [sic.])[47] was arrested on multiple occasions for suspicion regarding their free status. Officer Carter writes of Winner's April 1859 arrest that he was: "a free negro, or pretends to be, just legalised free, no proof."[48] Winner's repeated arrests demonstrate how Antebellum police forces viewed every unescorted black person as escaped property, unless proven otherwise. Certainly, the increasing number of free black Tennesseans and the privileges they received did not change the perception that: "slaves were defined by race, and this meant black persons."[49]

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2.2 Antebellum Law Enforcers

To impose these parameters of black actions and movements, Antebellum Tennessee predominantly relied on watchmen, slave patrollers, and vigilante groups to enforce the desired racial social hierarchy in the South.[50] The use of slave patrols in Tennessee emerged on a voluntary basis in 1779 as a method to avoid slave insurrections. Volunteer 'reliable persons' were required to conduct monthly searches of slave dwellings and plantations for guns.[51] Initially, patrolmen were compensated by slaveholders.[52] However, owing to the growth in the agricultural industry and thus, further influx of slave labourers, more elaborate systems of patrols were soon developed. By the opening decades of the nineteenth-century, the slave patrol had become an obligatory, tax-levied, police force,[53] which was to be conducted by "any free white person in the State, of the age twenty-one years."[54]

Slave patrollers in Tennessee were empowered to corporally punish black people even prior to their employ by local counties.[55] For example, if slaves were found away from their owners without documented permission, slave owners could administer "fifteen stripes of the bare back, any negro, bond or free."[56] However, punishment by patrollers often went beyond the measures set out in slave codes. Patrollers were often documented as openly firing onto any black people encountered whilst on duty,[57] and did not always seek to 'reclaim' slaves alive. Despite these instances of slave patrollers demonstrating excessive violence, in 1857 Tennessee state legislature further extended the amount of state-funded slave patrols to "at least six patrols in each civil district of said county, in addition to those already appointed,"[58] with patrollers'

responsibilities broadened to "perform[ing] such other duties as the safety of the community may seem to demand."[59]

The brutality of slave patrollers was largely comparable with the implementation of vigilante justice groups touting secessionism during the 1850s, such as the Minute Men of Memphis. The Minute Men were organisationally similar to slave patrollers, as both were paid volunteers by the county, and lacked oversight.[60] John Hope Franklin and Loren Scherweinger's acknowledgement that patrollers comprised of "prominent members of their communities, [but also] propertyless whites who joined merely for the pleasure of the hunt,"[61] enables further comparison with vigilantism, which attracted poor and elite participants alike.[62] Sally Hadden charges that Southern methods of policing directly grew "out of this early fascination, by white patrollers, with what African American slaves were doing."[63] However, the 1857 extension of slave patroller duties into ensuring general protection of community civilians should be considered a fundamental step in narrowing the gap between slave patrols and other policing bodies, which, following the 1858 *Jones v Allen* verdict, became inextricable.

The 1858 Tennessee Supreme Court case of *Jones v Allen* provides specific insight into how the state evaluated the extralegal actions patrollers used. The case centered around the killing of Mr Jone's slave, Isaac. After aiding Mr. Jones corn-shucking with a group of other slaves and white men, Isaac was playfully wrestling in Mr. Jones' backyard when "a white man whose name is Hager, approached Isaac, [...] without any provocation, [...] stabbed him mortally, and he died in a few minutes after [sic.]"[64] Notably, the charges levied by the slaveholder were solely to recover the monetary value of the slave killed and were not levied against the slave patroller, but the landowner the patroller

'found' and killed the slave on.[65] The Tennessee Supreme Court's verdict
affirmed that:

> "For reasons of policy and necessity, it has been found indispensable, in
> every slaveholding community, to provide various police and patrol
> regulations, giving white persons, other than the owner, the right, and
> making it the duty, under certain circumstances, to exercise control over
> slaves. The safety of the community, the protection of the person and
> property of individuals, and the safety of the owners' property in his
> slaves, alike demand the enactment of such laws."[66]

This verdict asserted the grievous actions of slave patrollers as legitimate, and,
moreover, viewed patrols as an 'indispensable' authority apace with police
officers. This evidences Tennessee's judicial system's perception that slave
patrollers and police officers held the same level of authority and concludes that
both legislative and judicial branches of Tennessee governance viewed
grievous violence as a legitimate method of addressing threats to white civilian
society.[67] This affirmation of slave patrollers and vigilante extra-legal methods of
intimidation as both necessary and desirable was likely rooted, to a certain
extent, in the role these bodies had in ensuring compliance to Tennessee's
systems of white supremacy.

2.3 Police Expansionism

Whilst Tennessee was rapidly growing prior to the Civil War, a formalised police
force was not appointed in any state city until March 1850, when the Memphis
city board formalised a cohort of 26 policemen to service the city.[68] As
Memphis' territories expanded to include South Memphis, a small number of

uniformed police officers were employed.[69] However, the slow growth of police personnel, alongside evidence of ingrained use of slave patrols, substantiates Alisha Moreland-Capuia's view that early law enforcement "was considered a local obligation,"[70] rather than a formalised career that considerably contributed to the nation's Judicial branch of powers.

During the nineteenth-century, police personnel were tasked with providing "visible, depersonalized, predictable, social control [...] to ensure a truly stable and adaptable social structure."[71] However, though conceptualised to operate in a depersonalized manner, how different police forces applied laws often aligned with the individual political and ideological allegiances of law enforcement.[72] This viewpoint is borne out when considering how uniformed police officers were introduced during the late Antebellum to protect the white middle-class from the 'dangerous classes': the lower-class whites, slaves, and free black people.[73]

Prior to the Civil War, these 'dangerous classes' were often charged with the anti-vagrancy laws noted above. These vagrancy laws exemplify the collusion between state legislative and law enforcement bodies to target immigrants and free black people. Intentionally vague, the Tennessee Vagrancy Act criminalised 'idle' people without evidence of employment,[74] and was largely charged at law enforcer's will. For example, an 1862 edition of the *Memphis Daily Appeal* circulated a claim by Union General Butler that "gambling was vagrancy in the eye of the law,"[75] with the charged immediately sent "to the parish prison until further orders."[76] The targeted use of vagrancy charges is also demonstrated in Memphis city archival police records. For example, in 1858, John Kerney, described only as an "old Irish vagrant,"[77] was charged for

this vagrancy, being described as found "drunk lying out like a dog."[78] If unable to pay the aforementioned punitive fines, those charged could face imprisonment and re-entry into forced labour.[79] Vagrancy charges established a vague 'catchall' charge for those demonstrating perceived social immorality. For those outside of the slaveholding elites, especially those of racial minorities, Tennessee's piecemeal approach to law enforcement via haphazard policing and merciless slave patrollers represented a threat, rather than a protection, to their wellbeing and civil liberties. The Thirteenth Amendment and Union victory brought hope of potential changes to law enforcement practices, yet police expansionism in the Reconstruction era largely held the same aims of the piecemeal law enforcement employed in the Antebellum period.

Although the Thirteenth Amendment abolished the institution of chattel slavery outside of punitive measures, law enforcement continued to re-negotiate black oppression in the Reconstruction through legalised punitive slavery and systems of convict leasing.[80] The convict leasing system exploited the loophole in the Thirteenth Amendment that legalised slavery if used as judicial punishment and enabled businesses to hire convicts from prisons, or authorised prisoners to be used as forced labourers on state projects.[81]

Convict leasing systems led to the legal re-enslavement of Freedmen via the discriminatory anti-vagrancy laws.[82] Antagonisms towards 'vagrants' following the Civil War are evidenced in the *Memphis Public Ledger,* which claimed: "a city is never clear of thieves and robbers until the vagrants are first dispersed. [...] Put the jail-birds where they belong and we will not hear of so many acts of petty larceny as are now being committed in this city."[83] Clive Emsley highlights expansionist aims of law enforcement as intending to "tighten discipline on the

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public streets and 'hunt down the small game' of vagrants, prostitutes, drunks, and petty misdemeanants."[84] Emsley's view appears accurate when considering incidences of the mass arrests of Freedmen; in just one day in Memphis during 1866, 27 Freedmen were arrested under vagrancy charges and sent to work on cotton fields in Mississippi.[85]

The Memphis race riots represent just one of many instances of police brutality during Tennessee's early Reconstruction period. The very same year, two police officers in Nashville faced charges for beating a black labourer and threatening the life of the victim's wife;[86] although both police officers were dismissed from the force, neither aggressor faced judicial sentences, demonstrating the trivialisation of violence towards African-Americans during the Reconstruction era.[87] Moreover, the disbandment of slave patrols following the Civil War did not delegitimize violence as a means of justice; instead, these tendencies further permeated police and justice departments,[88] or prevailed in newly formed vigilante factions such as the Ku Klux Klan.[89] Sally Hadden notes that "[t]he seemingly unrestricted brutality of patrols would find its mirror image during Reconstruction in the extralegal [sic.] activities of vigilante groups that operated outside virtually all social restrictions."[90] Rather than reform them, the early Reconstruction era in Tennessee appeared largely to be maintaining the predatory systems of justice that had existed prior to the enforced social upheaval of the Civil War.

The existing use of law enforcement and vigilante violence to buttress white supremacy in Memphis corroborates Hannah Arendt's views on revolt participants. Arendt notes that revolt during times of upheaval seeks to consolidate pieces of existing rule as a priority, encouraging: "'conservative'

rather than 'revolutionary' [action], eager to preserve what has been done and assure its stability, rather than open for new things, new developments, new ideas."[91] Using this framework, it can be rationalised that, with the 'revolutionary' Thirteenth amendment ratified, states' opposition to the principles of black social advancement sought to 'assure' continued black oppression through exploitation of the remaining legislation to discriminate against black Freedmen whilst employing predatory vigilante and police practices. Though the process of emancipation and constitutional amendments following the Civil War transformed the *de jure* legal rights of African-Americans throughout America, the lived experience for people of colour in Tennessee would remain inhibited by racist institutions in an unwelcoming community. As such, the role of law enforcement and vigilante justice in the Memphis race riots following the Civil War was not anomalous, but rather an expected emergence within a state that had historically sanctioned and expanded the roles of violent slave patrollers and law enforcers throughout the Antebellum era, and was now faced with an unwelcome change in the status quo. However, the elevation of black people's legislative and judicial rights offered a potential framework of accountability for participants' roles in the atrocities; therefore, the exact events and subsequent failure for black people to achieve justice following the Memphis race riots must be examined.

3: The Memphis Race Riots of 1866

To understand the social and political consequences of the Memphis race riots, the riots themselves must be understood. The Memphis race riots, which took place between the 30th April and the 3rd of May 1866 (inclusive), had a severe and disastrous impact on the black people of Memphis. Spreading from the edges of Fort Pickering across the city of South Memphis,[1] black people's property, places of worship, and lives were desecrated.

3.1 The Select Committee Report

Following the Memphis race riots, a *Select Committee* report, an official Congressional document, was commissioned on the 14th May 1866, insofar as to determine "the origin, progress, and termination of the riotous proceedings, the names of the parties engaged in it, the acts of atrocity perpetrated, the number of killed and wounded, [and] the amount and character of the property destroyed."[2] Elihu Washburne, the Republican House Representative for Illinois, was elected chairman of the committee alongside Pennsylvanian Republican House Representative John M. (J. M.) Broomall to conduct the Committee's investigations, with Democratic House Representative George Shanklin assisting in the completion of a House *Minority report.*[3] The *Select Committee* investigation was concluded and their findings published on July 25th, 1866,[4] just 83 days after the riots.

Though the *Select Committee* report represents a wealth of information regarding the riots, the report does not necessarily represent the entirety of the devastation caused; the exact figures of fatalities, injuries, and property losses

caused by the Memphis race riots are still disputable. The *Select Committee* report stated that General Stoneman and the Freedmen's Bureau confirmed 48 fatalities, 70-80 wounded, 100 robberies, five instances of rape, and 116 buildings destroyed due to arson.[5] However, the report also appears to reference victims of the riots without the surrounding contextual evidence. This is most evident within the claims that ten people were 'maltreated'[6] without the report expanding upon these claims. Furthermore, the report itself questions the true extent of damages from the riots, stating that "there is no doubt in the minds of [the] […] committee that many persons were killed whose killing has not been proven."[7]

In contemporary investigations into the Memphis race riots, there have been only tentative reviews regarding the number of casualties. While in 1958, Jack D. L. Holmes stated that the riots "result[ed] in hundreds of persons wounded, five women raped, hundreds of robberies, and…[o]ver one hundred buildings…burned,"[8] other academics have since revised these figures. For example, Kevin R. Hardwick identifies that the riots culminated in "two whites and at least forty-six blacks […] [killed] between seventy and eighty others […] wounded […] more than one hundred people (mostly black) robbed, […], twelve schools, four churches, and ninety-one houses burned."[9] However, Holmes' and Hardwick's revised estimations are minor and have little new evidence to support them; therefore, for the purpose of this thesis, the original government estimations presented within the *Select Committee* report will be used, while acknowledging that the exact figures of casualties and property damage will likely never be known.

The classification of the rioters' motivations fall into two frameworks of popular disorder, as they could fall within the definitions of both a 'communal riot', and a 'race riot'. Clark McPhail defines a communal riot as one comprising "rioters from one ethnic, religious, or language community; their targets are the persons or property of another communal group; they assault and kill that group's members; they vandalize, loot, burn, or otherwise destroy that group's properties."[10] Using McPhail's definition, the Memphis riots appear communal owing to the targeted attacks on black-owned property (such as churches, schools, and a designated hospital for Freedmen), alongside the violence aimed at black people. Furthermore, classifying the riots as 'communal riots' appears to further be corroborated when considering the Irish and Catholic associations during the incitement of the riots, which will be explored further within this thesis.

However, the Memphis riots of 1866 are predominantly identified as 'race riots' owing to several factors within the conflict. Ellsworth Faris identifies that racial conflict: "is founded not on what people do or think, or believe, but on what they are, and what they are cannot be changed. The basis of the classification is assumed to be biological, and therefore, immutable."[11] Bernard F. Robinson furthers the specificity of the usage of the term 'race riot' as riots of a "minority-majority group phenomena rather than phenomena peculiar to any particular religion or degree of urbanization [sic.]."[12] Therefore, the riots that occurred between April 30th and May 3rd, 1866 can be considered both communal and race riots. However, to re-typify the riots as 'communal' would pose the risk of diverting and vastly minimizing the role of race from the event's narrative. This is supported by Paul Brass' view that the process of controlling "the

representation of riots is also one to cast and divert blame."[13] Therefore, in consistency with other reportage referencing the riots, and alongside the aforementioned respectful reasons discussed in the methodology, the events' will be referred throughout the thesis as the 'Memphis race riots'.

3.2 Origins of the Riot

The riot itself began as a piecemeal set of racially aggravated attacks.[14] The widespread violence and public disorder has been traced to an initial conflict between Irish policemen and black soldiers on Causey Street in South Memphis, where following the exchanging of words; "the negroes turned out to allow the policemen to pass, when one of them fell down and a policeman fell over him. That appeared to exasperate the policemen, who drew pistols and knives."[15] The escalation of a small act of civil disobedience appears to corroborate Teresa R. Simpson's interpretation that Memphian policemen were "keen to take action against the soldiers for any small infraction,"[16] rather than prioritise maintaining the peace. Eyewitnesses interviewed after the events appear to corroborate this, with the *Select Committee* determining that: "the outbreak of the disturbance […] was seized upon as a pretext for an organized and bloody massacre of the colored [sic.] people of Memphis, regardless of age, sex, or condition, inspired by the teachings of the press, and led on by the sworn officers of the law composing the city government, and others."[17]

This conclusion is also supported by several individual affidavits collected after the riots; Mrs S.E. Dilts highlighted that the policemen involved in the initial altercation on Causey Street the eve of April 30th relentlessly pursued the retreating black soldiers:

"The policemen followed the Negroes when one of the colored [sic.] men fell and a policeman fell over him- the policeman then drew out their revolvers, when the colored men started down the street. One of the policemen followed and struck one of the Negroes on the head with his pistol, breaking it [the pistol]. One of the colored men then hit one of the policemen, then a third policeman hit that man [coloured] with a brick. "[18]

Despite Dilts' eyewitness testimony, the *Public Ledger* claimed on the third day of the riot that the events were caused by an organised negro militia:

"There is no doubt but that liquor caused the negroes to act as they did. There are a number of low doggeries in South Memphis, and most of the negroes who joined the mob, we are told, were paid off at the fort yesterday and spent their money for liquor at these places. But few of the negroes who have lived in the city long joined in the fray.."[19]

The immediate broadcasting of inaccurate and damning reports, such as the above, of overwhelming black aggression must be considered a catalyst in the escalation of the riots. Academics such as Marius Carriere corroborate this view, stating that:

"rumours continued as the riot progressed […] includ[ing] how bullets "came from it [Fort Pickering] thick and fast" and later how the former African-American soldiers came out of the fort "in line of battle". Considering the disproportionate deaths of African Americans over that of white Memphians, and the testimony of two white federal officers on how they kept African Americans in the Fort for protection against the

white mob, the reliability of the events of the riot reported in the Conservative press evaporates."[20]

Despite the initial incident on April 30th occurring in South Memphis, by the morning of May 1st, the incident had quickly become a topic of interest and influence within Downtown Memphis.[21] Ash furthers this viewpoint, stating that, alongside news from eyewitnesses and local authority figures spreading, so did discontent, and therefore, the numbers in the riotous mob ascended.[22]

Therefore, on the 1st of May the city of Memphis was faced with an unrelenting group with a common purpose: to disrupt, drive out, or kill the black population of the city. However, despite moving militantly and with purpose, the crowds lacked any sense of discipline, and the deployment of the entire Memphis police force[23] with intent to disperse the disorder only added to the chaotic atmosphere. Kevin R. Hardwick notes that the police force actively attempted to rouse citizens into action, stating that the police: "quickly spread the word throughout the city that the soldiers were rioting. Ellen Dilts, a resident of East Memphis, just north of the shantytown, [where many black soldiers' families resided] recalled: "the police went up and down and spread the alarm, and I should think there were a hundred policemen congregated.""[24] This police encouragement of civilians to join the mob assembly can be seen as a turning point within the riots, offering an authoritarian acceptance of the civil disobedience. Furthermore, scholars have noted that when Police Chief Garrett attempted to exercise any control over the enraged policemen, he became aware that "they are anything but a cohesive, disciplined force: they and the citizens moving along with them now thoroughly intermingled, spread out along the street, and in no mood to take orders."[25]

3.3 Riot Escalation

Following the assembly of the mob on May 1st, 1866, the group escalated their violent outbursts towards black people in South Memphis. This is especially evident when considering the brutal attack on Rachel Hatcher. The adolescent was attempting to aid an elderly victim within their house when:

> "The savages surrounded the burning building, and with loaded revolvers threatened to shoot her. In piteous tones she implored them to let her come out; but one of the crowd […] said "no; if you don't go back I will blow your damned brains out" As the flames gathered about her she emerged from the burning house, when the whole crowd "fired at her as fast as they could" She was deliberately shot and fell dead […] Her clothes soon took fire, and her body was partially consumed, presenting a spectacle horrible to behold."[26]

However, it was the victims of the mob who were reported by the *Public Ledger* the following morning to be at fault for the incidences of violence. It wrote how;

> "On every hand, the people were coming and going to assist in quelling the negro riot. […] On main street […] we met a large crowd in front of Henry Fulsom's gun store, which was closed. They were clamouring for an entrance, demanding the guns. They finally broke in."[27]

The *Public Ledger*'s reports of the second day of rioting clearly display the lack of accountability white rioters faced. White rioters 'had' to shoot the victims in order to 'quell' the 'negro riot' and were depicted as only having committed

illegal or aggressive acts in defence to black violence. For example, the newspaper claimed the injured black citizens;

> "were told to surrender, when they showed evidence of resistance, and the party, in self defense [sic.] had to shoot them. [...] we met women in several places on the way, terribly alarmed, and making preparations to leave that part of the city."[28]

The report argues that it was not just women who were scared, but many black people too were as much frightened at their own race as they were at the people who came to put an end to the disturbance."[29]

In reaction to public fears of black aggression and retaliation following the disturbances on 30th April, black soldiers were ordered by General George Stoneman to return to their barracks and surrender their weapons. Simpson elaborates that although the General "undoubtedly believed this was in the best interest of all concerned, [...] this move left black settlements in the area open and vulnerable to the mobs of angry whites."[30] Without weapons, black soldiers were unable to defend themselves from those exhibiting violence, and therefore became even more vulnerable to the mob attacks. This is described in detail in Silas S. Garrett's testimony within the *Select Committee* report. While it must be acknowledged that this recollection was influenced by Silas' sympathies with his fellow officers, the testimony provides a stark image of the black civilian experience during the Memphis race riots. Garrett states that:

> "I was with my regiment at Fort Pickering at the time the riot commenced. I have reason to believe there were few soldiers away from camp at that time. When it became known that the police were shooting inoffensive

blacks in South Memphis, it was with great difficulty that the officers were able to restrain the men from joining in the riot. The guns having been turned over, there was nothing to be done but by moral suasion. The next morning, I rode over to South Memphis and saw two of the soldiers that had been killed. From the position in which their bodies laid it was evident that they were trying to get away."[31]

Aside from the aforementioned murders of black soldiers and civilians, the aggressors also sought to destroy the visible symbols of Emancipation. Once again, similar to the reportage surrounding the incitement of the riots themselves, the cases of arson were misreported. This is exemplified within *The Nashville Daily Union*, which reported that:

"between 9 and 10 o'clock last night, the sky was lighted [sic.] up by fire in South Memphis. The alarm was given, and all the engines were run out […] but before they reached the place-the little board shanty- it was burned down. They returned to their houses; but before housing the alarm was again given, and the whole southern horizon was lighted [sic.] by fire. […] It was a small double-framed board building […] used sometimes as a school-house, and other times as a ball-room or theatre […] it was burned to the ground. About this time another fire broke out in that filthy nest to the left of the Memphis and Tennessee depot, burning several shanties of the filthiest character."[32]

The classification of dwellings inhabited by black Memphians as 'nests' and 'shanties of the filthiest character' not only belittles the severity of the arson attacks, it also serves to devalue the personhood of residents themselves. Furthermore, while *The Nashville Daily Union* acknowledges the burning of a schoolhouse, the reportage omits the

many losses within the black Memphis community: alongside the school, four coloured churches were eradicated in the targeted arson attacks.[33] Furthermore, those churches were of great importance, with the *Select Committee* determining that "no church within the control of the white people was open for their [black people] worship."[34]

Figure 1: Alfred R. Waud, "Scenes in Memphis, Tennessee, During the Riot - Burning A Freedmen's School-House. Harpers Weekly" (New York, 1866), Tennessee State Library and Archives, 33973.
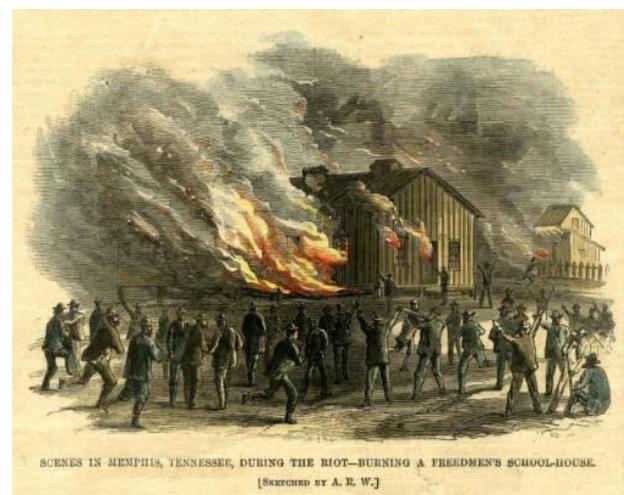
Depictions of the Memphis race riots that hold the white residents of Memphis culpable were few and far between.

Perhaps the most interesting depiction of the riots was provided by Alfred R. Waud, an artist commissioned by *Harper's Weekly*, a New York news publication.[35] Waud had extensive ties to the Union cause, trailing and illustrating the Union expeditions during wartime.[36] Therefore, Waud's depiction of the riots was one more sympathetic to the Union, and the Freedmen's cause, permitting a perspective that focused on the pain and disruption caused to African-American Memphians. This is exemplified within Waud's depiction of the

arson attack on a Freedmen school; the aggressors are raising their arms, guns in hand, in celebration as the building burns.[37]
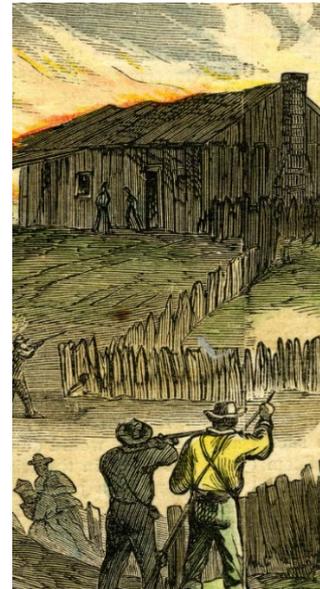
Conversely, Waud's depiction of the perspective of black residents' experience of the riots evokes sympathy from the viewer. Instead of arms raised in celebration, the image depicts black women's arms raised in surrender, using their bodies to shield their children from the gunfire.[38] Furthermore, Waud appears to illustrate the horrific fear experienced by victims of the riot with clothing that matches the hues of the flames, in direct contrast to the black and muted tones of the aggressors. This corroborates the testimony of Andrew Minter, a black man working in the military, who arrived in Memphis during the riots: "the colored [sic.] soldiers were all running and trying to save themselves, everyone I saw, and the white people were chasing them."[39]

While Waud's depiction of events attempts to show the severity of the massacre, it remains a sanitised representation, despite being published on the 24th of May, quite some time after the initial federal investigation and
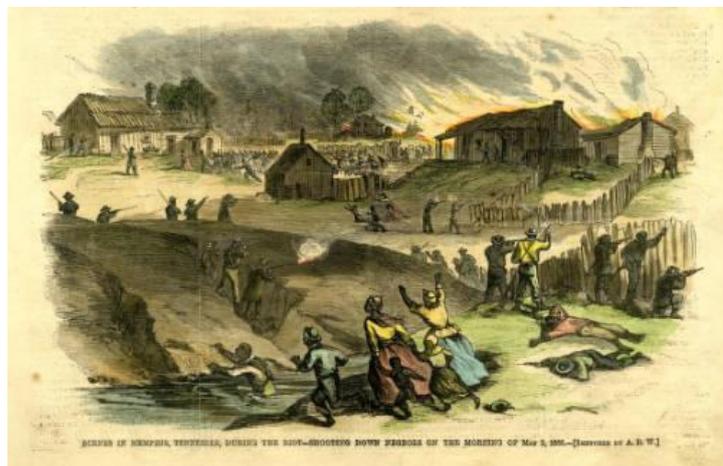
Figure 2: Alfred R. Waud, "Scenes of Memphis, Tennessee, During the Riot- Shooting Down Negroes on The Morning of May 2, 1866 - Harper's Weekly" (New York, 1866), Tennessee State Library and Archives, 33973

report on the events. Notwithstanding public awareness of white people's role in

the Memphis race riots at this time, Waud largely depicts the aggressors as a raceless mob with their backs to the viewer, ultimately evading reference to white culpability in the atrocities of the riots.
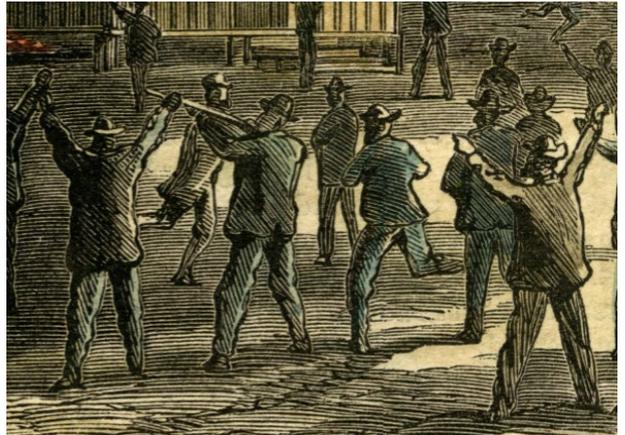
White Memphians who sympathised or aided black residents in Memphis also faced targeted aggression. This is evidenced within the *Select Committee* report on the riots, in which Mrs S. Cooper, a white Memphis resident, states that:

> "On the night of the 3rd of May 1866, a number of white men set fire to my property while I was in it. It was occupied by colored [sic.] people. My husband and Mr. Glascow [sic.] put the fire out and were shot at by the mob. Mr. Glascow [sic.] was a teacher in a colored [sic.] school and resided in the same building […] my husband was force to [sic.] leave the city as the mob informed me that if they caught him they would kill him as they would not have any "damn abolitionist here.""[40]

3.4 Interventions by State and Federal Enforcers

The initial decision for the riots to be controlled by local forces can be seen as a calculated factor in allowing the violence to escalate into the massacre that occurred. Within the federal investigation, the logic of General Stoneman, an enactor of the federal military in Memphis at the time,[41] who dissuaded the

intervention of federal military forces in the violence until May 3rd,[42] is surmised by the *Select Committee*:

> "Previous to this [riot] […] the people of Memphis had been clamouring [sic.] for a withdrawal of all the United States troops, boasting that they were perfectly competent to take care of themselves. General Stoneman had, therefore, turned the city and that section of country over to the civil authorities, as far as it was practicable, holding them responsible for good order, peace, and quiet. [43]

From this text, the *Select Committee* report appears to position the absence of federal law enforcement as wish-fulfilment for former-Confederate states, offering emancipation from federal rule following Tennessee's 'boasts' that it was "perfectly competent to take care of [itself]."[44] However, larger critiques of Tennessee's abilities to maintain peace are referenced,[45] revealing that federal forces were knowingly aware of the scale of the disturbances. Memphis Mayor, John Park, shortly after the initial outbreak of violence, requested "assurance of military cooperation with the civil-police in suppressing any disturbances of the public peace."[46] However, the *Select Committee* report reveals political considerations at play regarding federal assistance, noting that:

> "on the afternoon of Tuesday the 1st day of May, General Stoneman was called upon by the sheriff of the county, and requested to use the United States troops under his command for quelling them. As there had theretofore [sic.] been so urgent a demand upon the part of the people to have the troops withdrawn, General Stoneman desired to know what means the city authorities had taken to quell the disturbances; and he further desired that the question should be tested whether the civil

authorities could take care of themselves, and preserve order as it had

been claimed they could and would do."[47]

General Stoneman's response to the Memphis race riots as a 'test' for Memphian civil authorities suggests that the riots were prolonged in order for Republicans to prove the value of federal forces, and thereby, the value of the Union. This is exemplified by the eventual federal intervention being seen as hesitant emergency action, with General Stoneman stating on May 1st that: "I should prefer that the troops be called upon only in case of extreme necessity, of which you must be the judge."[48]

The case study of the Memphis race riots demonstrates the strained interaction between civil and federal co-operation during the Reconstruction period. Stoneman's initial rejection of Mayor John Park's request for additional aid in suppressing the riot and use of the events to test "whether the civil authorities could take care of themselves and preserve order"[49] shows the influence of federal resentment and mismanagement of civil disorder as a measure to ensure the states' dependency upon federal forces, rather than inaction to respect the individual state's rights'. However, as it was black people, both in bondage and free, who were most impacted by this decision, the late federal intervention during the Memphis race riots demonstrates a distinct *de jure* approach black people's entitlement to the benefits of Constitutional rights, on both a state and federal level. This will be further investigated later within this thesis, especially in reference to the legislative consequences of the riots.

Moreover, Paul A. Gilje highlights the influence of other civil authorities in prolonging the violence throughout the events; stating directly that "the civil

authorities encouraged the rioting."[50] Teresa R. Simpson has further questioned the role of civil authority figures in condoning the riots. She states that,

> "Although police officers made up a portion of the mob, one has to wonder why there was no intervention by any other person of authority. […] Shelby County Sheriff P.M. Winters [sic.] claimed that he tried to calm the mob but that his attempts were unsuccessful, particularly as the mob's anger grew. Brigadier General Benjamin Runkle of the U.S. Army even made an appearance at one of the riots […] but […] he was unable to stop the mob […] were they simply too cowardly to intervene?"[51]

Despite delays, the success of the eventual federal intervention in pacifying the riots should not be understated. Federal intervention on the final day of rioting, May 3rd 1866, proved vital, with Stoneman reporting to the Commanding General of the United States Army, Ulysses S. Grant:

> "[on] Thursday I issued an order prohibiting any persons under what-so-ever pretext from assembling anywhere armed or unarmed. Great fears were entertained that other buildings, such as the Freedmen's Bureau buildings of the *Memphis Post*, would be burned down, but if any such intentions were had the disposition made of the small force at my disposal prevented the realization."[52]

If General Stoneman's telegram to Ulysses S. Grant is to be believed, it was the fear of federal retribution that prevented further riotous actions. This would suggest that the timing of the Memphis race riots was, at least partially, owing to the mustering out of federal forces and a belief that civil authorities would not be

able to stop or condemn the rioting. Such a belief was, at least in the short term, correct.

Such evidence would further suggest that the Memphis race riots are an example of the attempted restoration of the Antebellum 'moral economy'. John Bohstedt has defined the concept of *moral economy* as a ""double entendre" [as] [...] the economy should follow moral norms. But the word 'economy' also connotes […] how it is supposed to operate […] as in the domestic 'economy'. In that sense, the moral economy of the crowd connotes the patterns of moral choices implicit in crowds' behaviour […] their status of popular mores."[53] Certainly, the Memphis race riots should be classified as reactionary to the Emancipation of black people in Tennessee, seizing upon the opportunity of a perceived inability to quell such action. They are therefore a product of aggression manifested by changes to the 'agreed' *moral economy* via Emancipation legislation. Furthermore, rioters' actions appear to show that the change in moral economy was perceived as a domestic threat to the Memphian household. This is evidenced through the forced intimacy of the perpetrators' violence; not simply attacking black people within public spaces but entering their domestic spaces and forcing them to complete household tasks such as food preparation.[54]

4: The Memphis Race Riots in 1876: The Case of Frances Thompson

The atrocities of the Memphis race riots were not confined to the public arena, as rioters forcefully entered the domestic realm, with victims of the riots also facing home invasion and further assault in their homes. This is specifically exemplified through the case study of Frances Thompson (also referred to by the press as 'Frances Thomas' or 'Francis Thomas'). Thompson, who was an intersexed or ambiguously sexed woman,[1] was considered a key testimony in the *Select Committee* report, wherein it is stated that:

> "On Tuesday night seven men came to her house. She knew the two to be policemen by their stars. They were all Irishmen. They first demanded she get supper for them, which she did. After supper the wretches threw all provisions that were in the house which had not been consumed into the bayou. They then laid hold of Frances, hitting her on the side of the face and kicking her. A girl by the name of Lucy Smith about sixteen years old, living with her [Frances], attempted to go out the window. One of the brutes knocked her down and choked her. They then drew their pistols and said they would shoot them and fire the house if they did not let them have their way. The woman, Frances Thompson, was then violated by four of the men, and so beaten and bruised that she lay in bed for three days."[2]

The systematic violation of Frances Thompson and Lucy Smith may be read as three narratives. First, as one of intimate domesticity by being forced to provide food and give the intruders access to their (Thompson and Smith's) personal

dwelling, placing the intruders as 'masters' within the house. Secondly, one of

bodily autonomy, through the physical violence, and rape of both Thompson

and Smith. Third and finally, as an emotional violation, through the use of

degrading and abusive language towards both victims. As such, this case study

provides a unique insight into how the violence perpetuated also was leveraged

by offenders to recreate domestic situations that mirrored Antebellum racial

hierarchies. Moreover, the case study of Frances Thompson's assault

demonstrates how the actions of the riots had a deliberate agenda to target

black Memphians and were not simply crimes committed in blind rage. Such

sentiments are corroborated by Hannah Rosén, who states that:

> "White men forcing black women to engage in sex and creating
>
> circumstances under which black fathers and husbands could not
>
> prevent the violence against their family members enacted white
>
> fantasies of racial difference and inferiority. Black men and women were
>
> forced to perform gendered roles revealing a putative unsuitability for
>
> citizenship."[3]

Furthermore, Frances Thompson's position as an LGBT+ disabled woman

makes this case study crucial for any contemporary analysis. Fran Odette notes

that the sexual assault of disabled women exists within "a particular context,

wherein we [disabled women] are devalued, desexualized, and discounted. The

experience of disabled women who are also racialized, Aboriginal, poor, or

otherwise further marginalized, in terms of male sexual violence is further

layered by discrimination."[4] Therefore, the attack should be viewed as a

targeted attempt to repress and disable any agency black people had 'gained'

through Emancipation and the Civil War.

This was recognized by the *Select Committee*, who identified the assault of Frances Thompson as an act "of atrocity and diabolism."[5] The *Committee* goes onto note how "while this mob was breathing vengeance against the negroes and shooting them down like dogs, [sic.] yet when they found unprotected colored [sic.] women they at once "conquered their prejudices" and proceeded to violate them under circumstances of the most licentious brutality."[6] However, whilst the *Select Committee* acknowledges the brutality of sexual assault, the report fails to acknowledge the use of sexual assault to reinstate power and uphold racial heriarchies.[7]

Despite the testimony of Lucy Smith corroborating the validity of Frances Thompson's assault, the authenticity of her claims was consistently rebuked by government and local sources. Initially, the multiple testimonies of black people sexually assaulted during the riots were merely referenced in passing by the 1866 *Minority Report* of General Shanklin as "colored females [being] [...] violated by some of these fiends in human shape."[8] However, despite comprising as one of the many testimonies of assault, a decade later Frances Thompson's assault had emerged as a defining moment in the public interpretation and overall understanding of the Memphis race riots.

4.1 Frances Thompson's Testimony in 1876

While Thompson was known to the authorities as a sex worker and was publicly reported in the *Nashville Daily Union* as having been fined $5 for "street walking and vagrancy" on June 20th 1865,[9] her testimony became a source of further scrutiny a decade later. On July 12th, 1876 the *Memphis Daily Appeal* published an exposé entitled 'Francis Thomas'. Within the article, it is claimed that:

"Great excitement was caused yesterday in police circles by the arrest,
examination and trial of a negro who has lived in this city twenty-seven
years, but was supposed to be a woman. […] Night before last "Francis
Thomas" was arrested on the charge of wearing female clothing for it had
already been told to police that the creature was a man. Few believed
this, for many had always considered Thomas a hermaphrodite. […] in
fact Thomas is not even a hermaphrodite as he claimed to be. The
physicians made a thorough examination of Francis Thomas […] they
found that he had none of the developments of a woman whatsoever, nor
anything that could possibly be mistaken as any part of the identities of
the female sex."[10]

The *Memphis Daily Appeal*'s reportage of Frances Thompson's arrest and the
following investigation provides an insight into the wider community's lasting
need to absolve the white Democratic base that perpetuated the Memphis race
riots. Moreover, the reportage surrounding Frances Thompson further
evidences that newspapers continued to prioritise absolution, rather than
appeasement, with the violent events of the Memphis race riots even a decade
later.

This is demonstrated as the *Memphis Daily Appeal* claims Francis Thompson
alleged she had been "ravished eighteen times,"[11] which directly opposes
Thompson's own testimony of the assaults, in which she notes that "four of
them had to do with me."[12] Interestingly, although the *Memphis Daily Appeal*
attempts to discredit Thompson's assault, the publication uses verifiably false
information to achieve this, further illustrating the lack of importance of the truth
in comparison to the absolution of white men. Furthermore, the *Memphis Daily*

Appeal suggested that Frances Thompson's *Select Committee* testimony was deliberately falsified insofar as to incite demand for federal troops[13] to remain stationed in Memphis as peace-keepers. This appears to show widespread lasting resentment towards federal forces and a belief that the state of Tennessee was unduly militarised following the conclusion of the Civil War. This sentiment is continued in the publication's accusations regarding the committee investigating the 1875 Clinton, Mississippi, riots, in which an estimated 50 black people were murdered.[14] The *Memphis Daily Appeal* questioned the validity of the ongoing federal inquiry into those riots, scathing that: "Perhaps the Republican members of the committee in the Mississippi investigation may find similar subjects [like Frances Thompson] for the accomplishments of its purposes."[15]

The widespread contempt towards Frances Thompson and the *Select Committee* report on the Memphis race riots was demonstrably employed by the Democratic party for political purposes. The publication of *Southern Outrages: atrocities as they passed through the hopper* in 1876 appeared to use Frances Thompson's arrest as a 'female impersonator' as a vehicle to undermine the findings of the *Select Committee* report and provide an alternative history of the Memphis race riots. The text claims that "having presented a synopsis of the Radical Committee of 1866, we now come to 1876, just ten years afterwards, when the real facts in the case are brought to light, and show in what manner the radical leaders have imposed their frauds upon

the people of the country, at the cost of tens of thousands of dollars of the people's money."[16]

Moreover, the publication appears to use Frances Thompson as a direct comparator for the deception of a Radical government. For example, despite Democratic representation on it, the *Select Committee* is referred to as the 'Radical Committee' and the release of the *Select Committee* report is described as an imposition of the continuing perceived deceptions of Radical Republicans.[17] The publication exemplifies this in the closing sentences of the article, stating that: "This story of [Frances Thompson's] rape went the rounds of the Radical press, calling forth the most vindicitive [sic.] articles and a demand for troops."[18]

The use of Frances Thompson as a figurehead for Republican deception rests almost wholly on the Southern taboos of gender non-conforming or

Figure 3: "Southern Outrages! Atrocities As They Passed Through The Hopper. 1866 Vs.1876." (Durham, 1876), Pamphlet Collection, Duke University Library, S727, p.14.

transgender individuals, and sex workers. Appearing to portray Frances Thompson as a caricature, *Southern Outrages* illustrates her 'impersonating' a female using symbols of female delicacy and fragility: depicting Thomas wearing ornate clothing including a scarf draped around her neck and holding an umbrella while testifying.[19] The likelihood of the illustration of Frances Thompson bearing an accurate resemblance to her while in the courtroom is minimal. The artist has additionally appeared to suggest that Frances was attempting to obscure her race and elevate her social status by keeping her skin

'light' by using an umbrella, which was, as Mary Cathryn Cain observes, a common practice among white women in the Antebellum era, with "almost all middle-class white women avoid[ing] the sun ."[20] The depiction of Frances Thompson giving her testimony to the *Select Committee* in the *Southern Outrages* starkly contrasts the provided image of Thompson in the courtroom following her arrest in 1876. Dressed plainly, she is portrayed as male presenting following her arrest, which the publication elaborates on as: "think of a colored [sic.] virgin, Francis Thomas (a big buck negro), being ravished by eighteen Irishmen. The villainous deception and fraud daily practiced by Radical leaders is almost beyond conjecture."[21]
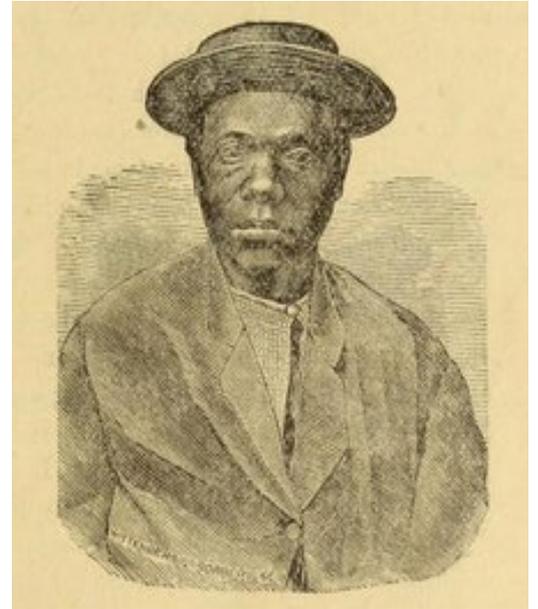

Figure 4: "Southern Outrages! Atrocities As They Passed Through The Hopper. 1866 Vs.1876." (Durham, 1876), Pamphlet Collection, Duke University Library, S727, p.19.

Academic Aliyyah I. Abdur-Rahmen has noted that black sexual autonomy was highly policed even after abolition. Abduh-Rahmen notes, "not only did the institution deny slaves basic claims to familial, spousal, and hereditary bonds, insidiously it also attacked their bodily autonomy and sexual choice."[22] She highlights the wider impact these beliefs had, arguing that "Discourses of racial and sexual pathology contributed significantly to juridical measures (like legal segregation) and acts of racial terrorism (like lynching) that prevented black Americans from accessing the full entitlements of citizenship after slavery's formal end."[23]

The ridicule of Frances Thompson within newspapers and her subsequent use as a figurehead for Democratic politic appears to corroborate Abduh-Rahmen's

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perspectives. This observation that LGBT black people were further discriminated against within juridical proceedings is evidenced in Thomas' case. Frances Thompson is claimed to have said that "[s]he had not had a fair trial; that [station keeper] Tim Hope was a bad man, and that [s]he would dispatch direct to Washington for justice."[24] The *Memphis Daily Appeal* retorted that: "Francis Thomas was doubtless recalling the fact that in 1867 [sic.] [s]he testified before the Congressional committee which came here to investigate the Memphis riots; that [s]he was a respectable lady of color [sic.] […] how sad to think of Francis Thomas's [sic.] ruin!"[25] The rhetoric provided by the *Memphis Daily Appeal* appears to infer that now she had been 'exposed' to be a man, her claims of sexual assault, and her rights to a fair trial and juridical process, were void.

The misgendering of Frances Thompson in the public realm lasted the remainder of her life, with Thompson (still identified on her death record as 'male') dying of pneumonia at the Memphis city hospital on the 1st November 1876.[26] Insisting on fitting Thompson into a construct of gender that allowed for only one of two choices, into a gender-dimorphic world rooted firmly in imagined absolute distinctions in anatomy, they represented her claims to female identity as pure deception."[27] In doing so, even though Thompson may have been a transgender female (or was intersex) her account of rape was dismissed; now exposed publically as 'male', she was not only tarnished as a liar and a fruad, she was 'unable' to experience sexual assault as it was defined as the "unlawful and carnal Knowledge of a Woman, by Force and against her will."[28]

The use of Frances Thompson's sexual assault to further Democratic political goals is blatant. Following the *Southern Outrages* depiction of the arrest of

Thompson, the publication provided reasoning for the demise of Republican rule. The author infers the extension of federal control over the South in 1876, stating that: "cavalry horses are being purchased and shipped South for the use of the troops and others, to spread terror and force that people to [sic.] support the Radical nominees,"[29] and that "arms and ammunition are being shipped to negroes all over the South, for the purpose of murdering white men, women and children,"[30] The use of the *Southern Outrages* publication as a tool to discredit the Republican party is further substantiated when considering that 1876 was an election year, in which the Democratic party in Tennessee were seeking to navigate the post-Johnson era of the party.[31] This is of considerable importance within the history of Reconstruction race riots, as it appears to demonstrate the long-term political significance of the Memphis race riots. First, the use of the riots to promote the idea that federal forces were needed to maintain peace within Tennessee; secondly, the use of Frances Thompson by the Democrats in order to discredit the 'Radical' Republicans; thirdly, using this event to indirectly seek the immigrant vote, stating: "A powerful secret political organization has existed in this country for several years, which has for its object the disfranchisement of all foreign-born citizens"[32]

In the narrative of Frances Thompson, the deeply entrenched remaining political divides are unearthed, with black people on the fringes of society continuously exploited after Emancipation. Moreover, the abuse Thompson faced epitomises that the Thirteenth Amendment (and subsequent Fourteenth and Fifteenth Amendments) did not permit black people to exercise their newly granted rights, as they were still entangled in oppressive state governance. Furthermore, Frances Thompson's placement at the centre of a political scandal leveraged by

Democratic political operatives in 1876, rather than as a victim of racial

violence, demonstrates the distressing public entanglement in the events of the

Memphis race riots appears to substantiate the minimal long-term impact of the

Constitutional amendments and further legislation intended to foster protection

to Freedpeople victims such as Thompson, and all the victims of the Memphis

race riots.

5: The Irish, Police, and Memphis Race Riots

Blame for the incitement of the Memphis race riots was disproportionately attributed to Irish immigrants. Although the *Select Committee* report also admonished African-American Union soldiers, newspapers, and the enduring influence of the Rebellion throughout the community,[1] It was largely no different to other reporting. While it acknowledged the complicity of the city government in the riots ("[the riots] resulted from the character of the city government, and the bad conduct of the city officials"[2]) the committee punctuated that, "the city government was utterly and completely Irish in nearly all its branches."[3] Certainly, Irish Memphians did overwhelmingly comprise the Memphis city governance; David T Gleeson estimates that 56% of the city council, 86% of the fire department, and 90% of the police force were Irish at the time of the riot.[4]

However, the report went further, stating that "the persons composing the police force were of the most unworthy and disreputable character; monsters in crime, iniquity, and cruelty, and who during the riots committed acts that place vandalic [sic.] barbarity far in the shade."[5] These charges levied against the Irish as the principal perpetrators were emphasised in national and local reportage. This is demonstrated in the summary by the *National Republican* which claimed: "the riots, so-called, were simply an onslaught upon the negroes by the Irish police and fire companies of Memphis, incited and instigated to violence by the incendiary harangues of a drunken mayor of their own choice, and equally worthless city officials."[6]

As demonstrated within the extracts above, Irish immigrants' participation in the Memphis race riots appears to amplify an understood division in morality between immigrants and those considered 'American'. Indeed, the *National*

Republican explicitly states that "the returned rebel soldier had nothing whatsoever to do with the outbreak."[7] As such, this chapter aims to clarify the factual impact of Irish immigrants during the riots and evaluate how white immigrant participation permitted the wholesale absolution of other white rioters on both local and political stages. Therefore, following a brief overview of the key issues surrounding Irish immigration prior to the Civil War, this chapter will outline the pre-existing roles of Irish immigrants in law enforcement and civil disobedience. Following this, it will identify the exact roles Irish immigrants played in instigation and perpetuation of the Memphis race riots, and evaluate the accountability faced. Finally, this chapter will conclude by analysing the role of political opportunism in attributing the riots wholly to Irish Memphians.

5.1 A History of Irish Immigration in Tennessee

For Irish immigrants in the South, the Antebellum era of America represented the promise of a prosperous future. Migration to America from Ireland during the Antebellum era was often arranged through cash remittances from families already settled in America,[8] with this form of familial migration encouraging the development of ethnic communities, and offering a sense of comfort and assumed prosperity to potential migrants. Other Irish communities developed owing to migration spurred by desperation. The Irish Famine (1845-1850) caused the most "intensive period of Irish immigration to the United States"[9] with an estimated 1,500,000 arriving between 1846-1855.[10] Indeed, between 1850 and 1860, Tennessee saw "the largest increase in its Irish population in all of the Southern states."[11] In Memphis, the Irish diaspora grew from 876 in 1850,[12] to 5,242 just a decade later,[13] when the Irish resultantly constituted

twenty-three percent of the Memphis population.[14] However, the status and rights of Irish immigrants in America emerged in piecemeal fashion and remained under scrutiny throughout the Antebellum and Reconstruction eras: until the Constitutional Convention in the late-eighteenth century, white immigrants' citizenship in America was politically indeterminate.[15]

Irish migrants who sought settlement in the South were predominantly "city dwellers [who] [...] tended to cluster in Southern seaport cities;"[16] as David Gleeson furthers, "most Irish immigrants in America were escaping from the land,"[17] that had anchored them to famine and poverty prior to migration. Antebellum Irish immigrants therefore remained in undesirable employment sectors, undertaking unskilled labour and domestic work,[18] often in harsh conditions.[19] Moreover, to secure travel to the Americas, migrants often entered into a term of indentured labour upon arrival.[20]

Bryan Giemza has contextualised these employment patterns, stating that "in the South, [the Irish] were occasionally employed where it didn't make sense to risk the life of a slave."[21] In Memphis, this included grueling labouring on the city navy yard and railway construction.[22] Kevin Kenny explains the reasoning behind this, stating that "without marketable skills, the majority of the Irish had to take whatever positions were available; they could not afford to be too choosy, given that most of them were virtually penniless and many were hungry, diseased or dying."[23] The growth in immigration during the Antebellum cemented the 'Pinch' district of Memphis as an Irish ethnic enclave, which housed the majority of the community until after the Civil War;[24] the district name emerged from its original moniker as "Pinch-Gut" - the assertion that Irish immigrants settled looking so frail from hunger they had "pinched-guts."[25]

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However, fear of destitution did not stop labour union action; in 1844 "Irish labourers in Memphis struck in favour of a ten-hour workday."[26] David Roediger suggests that the white working classes "identified their freedom and dignity in [their] work as being suited to those who were 'not slaves' or 'not negurs' [sic.]."[27] The aforementioned Irish labour action in Memphis validates this view, displaying that the Irish rejected labour conditions comparative to slaves. However, Paul A Gilje identifies the relationship between marginalised groups competing in the labour market as operating "as an undercurrent, creating mutual animosities that exploded into outbreaks of rioting unconnected to a strike."[28] As such, labour competition manifested between Irish and African-Americans during the Antebellum era may have partially contributed to the sustainment of the riot.

Alongside increased immigration and therefore presence within the workforce, anti-Irish rhetoric in the private and public spheres intensified. Both in America and British-ruled Ireland, stereotypes of inequality surrounded the Irish. Noel Ignatiev states how the "Irish were frequently referred to as "n*ggers turned inside out"; the Negroes, for their part, were sometimes called "smoked Irish.""[29] The attributed similarities by Americans between Irish immigrants and enslaved Africans provide insight into the wider social negotiations Irish immigrants had to make. Moreover, there was an increased belief that "New immigrants were fundamentally unlike most Americans and therefore threatened the character of the nation."[30] Social life was therefore predominantly ethnically curtailed, with the Irish living in their separate ethnic enclaves, and socializing through ethnic fraternal societies.[31]

This flow of Irish immigrants during the Antebellum period, largely living together and away from the dominant Antebellum 'native' white class, created a palpable, yet barely discernible, 'other' in Southern society, inadvertently fostering the development of a new working-class hierarchy. Michael Schwalbe et al. define this as 'oppressive othering', stating that this

> "creation of identity codes [...] make[s] it impossible for members of a subjugated group to signify sully creditable selves. [...] Identify codes [may also] define the adaptive or dissident behaviours of subordinates as signs of inferior selves- thus turning acts of resistance into evidence that subordination is deserved and inequality is legitimate."[32]

Whilst African-Americans faced immediate discrimination along the colour line,[33] the Irish experienced societal othering owing to their perceived moral and capital inferiorities.[34] Nativist sentiment brandished the Irish as immigrants of "drunkenness, ignorance, laziness, moral laxity, idolatry, [and] political indoctrination."[35] This oppressive othering was detailed in mocking fashion in cartoons and local reportage through references to the Irish immigrants as 'Paddys'. The Irish 'Paddy' was often drawn as an ape-like figure[36] and mockingly typecast as a lazy misfit.[37] This was demonstrated by the *Memphis Daily Appeal*, which quipped:

> "I say, Paddy," said a philosopher, "can you be doing two things at the same time?"
>
> "Can't I?" answered Paddy; "I'll be doing that any day!"
>
> "How?" asked the philosopher.
>
> "Why," replied Paddy. "I'll be sleeping and draming, [sic.] too, at the same time; "[38]

In this sense, the stigma of the Irish as intellectually and morally inferior[39] could be individually disproven, however the fixed perception of their ethnic and immigrant status as a 'Paddy' was immutable and prevented full acceptance from the dominant class. These ethnostereotypes inhibited prospects in America; overwhelmingly, Irish immigrants failed to 'advance' and become slaveholders. Barrington Walker notes that in the Antebellum South, "where a city's wealth was measured by the number of taxable slaves its citizenry owned, most of the Irish [in Memphis] resided in [an electoral] ward that had the fewest number of slaves."[40] Living and socializing in separate ethnic enclaves, Irish immigrants represented the border at which immigrant whiteness afforded privilege insofar that, as Ebun Joseph states, "[the] Irish were able to invoke whiteness and avoid the automatic positioning of 'inferior groups,'"[41] but remained excluded from the privileges and social elevation afforded to white American natives.

During the mid-nineteenth century, this nativism emerged on the political stage across the country via third-party factions.[42] This represented a key turning-point in which nativism was elevated as a perceived threat to American society, and culminated in the establishment of the nativist political fraternity the Know-Nothings.[43] The Know-Nothings political doctrine asserted that American society was reliant on Protestantism, which was threatened by the surges of European Catholic immigrants.[44] Nativist assertions such as this had nationwide political ramifications, especially in the Northern states where mass immigration was most evident.[45]

However, while Memphis established a Know Nothing organisation in 1854, it, similar to the 1842 nativist Whigs 'Native American Society' which

(unsuccessfully) advocated for the exclusion of voting rights for non-native Americans,[46] failed to gain the requisite attention.[47] Even while faced with nativist rhetoric, Irish Memphians were particularly politically engaged, owing to their own collective histories of political exclusion under British rule in Ireland.[48] Irish immigrants largely affiliated with Democratic positions, as oppositional parties such as the Whigs aligned themselves with the aforementioned nativist doctrine.[49]

As such, Irish Memphians represented a class of voters Southern Democrats actively courted.[50] In 1855, as Democrat candidate for Senate Governor, Andrew Johnson denounced anti-Catholic rhetoric, stating that, "Contempt for the religious opinion of others [...] amounts to a contempt for Humanity."[51] Johnson's advocacy for America to accept religious pluralism is of significance, as Memphis' Irish diaspora was predominantly Catholic,[52] and therefore, exposed to nativist persecution through this lens too. This view is further evidenced as Johnson declares: "Power over the human conscience was never delegated by God, to any man [...] to single out the Romanist, therefore, as unworthy of office or of the elective franchise because of the form of church government with which, he is connected."[53]

The rapid growth of Irish residents and their subsequent use of tactical 'bloc-voting' for favoured political candidates granted the Irish leverage in 'affording' their votes.[54] Electoral opportunism facilitated Irish Memphians' entrance into new employment sectors, as the appointment and dismissal of many civil jobs were controlled by the Mayor and the Board of Aldermen, all of whom were electable officials.[55]

Following the consolidation of the slave patrol and police into a professional body in the mid-nineteenth century,[56] the Irish became overtly associated with the law enforcement sector. Law enforcement was an accessible career for Irish immigrants, as it was "an occupation that required no formal education, no legal training, no investment capital, and no elaborate skills."[57] Law enforcement also represented a role that immigrants had often fulfilled before as slave patrollers in the South.[58] Therefore, in tandem with the expansion of Memphis' law enforcement just prior to the Civil War,[59] Irish immigrants affirmed their place as authoritarian figures. Irish Memphians' employment in the police and fire services was little more than stable income to many,[60] but enabled massive social powers; as Roger Lane notes, the police have the ability to enforce regulations "strictly, selectively, or not at all."[61] Moreover, W. M. Dulaney highlights how "the Irish tied police jobs to political patronage, and made the police a significant part of urban politics."[62]

Moreover, Irish immigrants were targeted as vulnerable to the effects of abolition. In an 1862 statement, the well-respected Irish railroad fiduciary George Francis Train[63] exclaimed that the abolition of slavery would ultimately "Bring servile war."[64] Fears that Irish labouring jobs would be taken by an emancipated African-American workforce were roused by the mass migration of freedmen to Memphis,[65] with concerns circulating that this would, as Tyler Anbinder states, therefore jeopardise Irish "comfort in the fact that African Americans occupied an even lower rung on the American socioeconomic ladder than [the Irish] did."[66] Beyond some alignment with the racial hierarchies purported by slaveholders, David T. Gleeson probes that pride became a motivation for Confederate support, noting that the Irish:"had put down roots in

the South and were proud of their ethnic neighbourhoods, fraternal societies, and church. They were not going to let the "Yankees" or their fellow Irish in the North destroy all they had achieved for themselves, their families, and their neighbours."[67]

5.2 The Irish Tennessee Confederacy

Therefore, with considerable elements of self interest in maintaining the institution of slavery, Irish Memphians overwhelmingly advocated for secessionism. In April 1861, the 'Irish Adopted Citizens of Memphis' gathered with the purpose of "defining their position as true adopted citizens of the South,"[68] resolving the Northern aggression on Southern rights intolerable insofar "that we pledge ourselves to buckle on our armour and do battle [...] the Irish adopted citizens of Memphis never have, nor never will, sympathize in any way with Abolitionists or Black Republicans."[69] The Irish pledge of Confederate support in Tennessee remained steadfast following Tennessee's official secession in the summer of 1861. Memphis Irishmen commandeered the Second Tennessee regiment,[70] and comprised over 700 volunteers out of 1,100 in the 5th Confederate Infantry.[71] In fact, it is thought that the first Confederate casualty from Memphis was an Irish immigrant named Thomas Gallagher.[72] Despite volunteering for the Confederates, however, Irish ethnostereotypes remained at the forefront: the Second Tennessee Regiment were believed to swear "allegiance to the Scarlet Woman,"[73] and be "ingeniously combatting the order that stopped the whiskey ration."[74] Therefore, despite the clear hope of Irish volunteers to further align themselves with the 'native' white planters, these

Antebellum immigrant identity codes endured, ensuring that they remained on the outskirts of the privileged Southern whites.

The wartime occupation and Reconstruction era in Memphis was socially and politically volatile for the Irish. Following federal occupation, Radical Republicans actively campaigned against Democrats obtaining positions on city councils, with the *Memphis Union Appeal* publishing a plea to its readers in July 1861 that:

> "Military rule [...] must be temporary, and before it is withdrawn, we hope the ballot box will be open to our fellow citizens to rule over city affairs, which have sadly been mis-managed for many years. This reformation cannot take place if the property-holders, bankers and merchants will not take part in forming good tickets and supporting the candidates thus selected."[75]

A political 'reformation' however, did not take place at the Memphis ballots. Though Andrew Johnson had installed Radical Republican William Brownslow as state Governor,[76] the results of other local and city elected posts largely remained under Democrats upon the return of official civil governance on 5th April, 1865.[77] Importantly, these candidates were unlike the majority of Antebellum politicians; owing to Reconstruction alterations to Tennessee state voter qualifications, classes of slaveholding Rebels were disenfranchised for five years.[78] Subsequently, during the 1865 elections, eligible voters elected Irish Democrat representatives in vast areas of governing branches, including city aldermen, councillors, magistrates, and judiciaries.[79] By 1865, over half of the Memphis city council, over eighty-five per cent of the fire department, and a staggering ninety per cent of the police force, were of Irish descent.[80]

The Reconstruction era had expanded Irish involvement in Memphis' law enforcement unimaginably and quickly drew attention from critics, with the Unionist newspaper[81] the *Evansville Daily* mockingly calling Irish policemen "Noble Conservators,"[82] stating that "About a half dozen members of the Memphis police are in custody, or under bonds for assault and battery, man-slaughter, and indulgences in other like innocent passtimes.[sic.]",[83] and arguing that "It is not singular that Memphis is flooded with crime when the police is composed of such characters."[84] However, the brutal interpretation of law enforcement in Tennessee is unsurprising when considering Howard Rabinowitz's hypotheses that, "to the whites in the postbellum South, the policeman stood as the first line of defense against the Freedman."[85]

Following the end of the Civil War, struggles for power between state and federal law enforcement became more commonplace. John Cimprich notes that "prejudiced whites deeply resented the transformation of powerless slaves into agents of federal military might."[86] In particular, local Memphian newspapers circulated instances of the subjugation of Irish law enforcers' authority by black federal soldiers. For example, the *Memphis Argus* outlined in 1865 that, "The police of our city have been very much embarrassed in the discharge of their duties by the interferrrance [sic.] of negro soldiers patrolling the city."[87]

The perceived interference of black Union military soldiers by white (predominantly Irish) Memphian law enforcement was considered unbearable, with the writer stating that "the police were not only not allowed to arrest a soldier if disorderly, but they were interferred with if they sought to arrest any other negro."[88] David Gleeson affirms this view, noting that "Irish people in the South resented the power flexed by freedpeople seeking their full rights as

American citizens."[89] Union soldiers usurping local Irish law enforcement presented an affront to the powers Irish Memphians had negotiated for decades in order to attain those positions. This social upheaval of the Reconstruction era provided stressors on the already pressured and upheaved social hierarchies, and the racial diaspora of law enforcement, which all boiled over into the Memphis race riots.

5.3 Irish Participation in the Riots

Irish participation in the instigation and perpetuation of the Memphis race riots is well evidenced and largely indisputable.[90] As previously addressed, pre-existing socioeconomic disadvantages supported Irish alignment with Rebel slaveholders, with Reconstruction cementing the demographic's overwhelming role in law enforcement. As detailed above, there was clear Irish resentment towards Freedpeople, and black people in general, following the perpetuation of concerns surrounding not only Irish job security, but their place within society. Moreover, as will be addressed, witness testimony from the *Select Committee* report identifies key Irish actors as perpetrators of the atrocities.

However, the conclusions of the *Select Committee* report provide significant insight into accepted perceptions of the Irish in the political sphere through selected witness recollections. The summary of the *Select Committee* report utilises a certain Mr. Moller's witness testimony that "rebels who are seeking to place obstacles in the way of government, [...] use these *low-lived Irish rascals as their tools*; that these were the men who came from the country and offered their services for the purpose of keeping order, but did it for nothing else other than to get a chance to arm themselves."[91] This inflammatory quote, the *Select*

Committee hastened to note, "was corroborated by the testimony of many other witnesses."[92]

Indeed, during the *Select Committee* inquiry itself, specific lines of questioning focussed on investigators associating the atrocities with the Irish residents of Memphis. This is exemplified in the report's interview transcript of former slave Ann George. George is initially unable to identify the alleged perpetrators' race, and describes him as "a stranger who had just come here. I forget where he came from."[93] However, upon the pressing of the chairman further asking whether the subject was an Irish man,[94] George readily added ethnostereotypes to endorse that: "I reckon he was. He was a very spare gentleman. His hair was black and curly."[95] Other witness testimonies display the same interview techniques, such as Ellen Dilts, who alleged that both Irish and 'gentile' white Southerners were participants in the riots, stating that the majority "looked like they were Irish, with kind of red faces."[96]

Therefore, as far as possible, the assessment of Irish participation throughout the riots in this thesis will focus on named perpetrators, in order to centre analyses on suspects in testimonies, rather than conjecture. Furthermore, investigating these key individuals will allow for more detailed scrutiny, highlighting how Irish Memphians were neither wholly innocent, nor as wholly accountable, as testimony might suggest.

There is significant evidence to implicate Irish civilians in inciting the Memphis race riots, with the initial mob estimated by Sheriff Winters and Attorney General Wallace to be primarily citizens.[97] Moreover, Irish participation can be seen as objectively likely when considering the population growth and narrowing of space, between settled Irish civilians in the Pinch district and

Freedpeople in South Memphis.[98] As such, violence was more easily attributed to notable civilians in the locality, such as Irish Memphians who ran grocery stores, as they were settled, rather than transitory residents. This is clear when considering Lucy Tibbs' accusation of John Pendergrast shooting a black soldier; Tibbs noted "[Pendergrast] keeps a grocery right by my house [...] This Pendergrast is such a notable man I could not help but know him."[99]

Irish civilian brutality is further evidenced in testimony related to the arson and murder of freedperson Rachel Hatcher. After witnessing a neighbour's house aflame, Hatcher attempted to help, however:

> "the savages surrounded the burning building [and threatened to shoot her] [...] As the flames gathered about her she emerged from the burning house, when the whole crowd "fired at her as fast as they could." She was deliberately shot, and fell dead between the two houses. Her clothes soon took fire, and her body partially consumed, presenting a spectacle horrible to behold."[100]

The *Select Committee* report subsequently identifies the participants as Irish civilians John Pendergrast, 'Callahan', and George McGinn with mocking disgust, stating that "Callahan was seen to go off with a feather-bed in one arm and a pistol in the other hand, and the young man was seen to have on the hoop skite and the balmoral skirt of the girl Rachel who was killed the night before."[101] This depiction is of significant interest, as it aids the perspective that the violence was ungentlemanly and unrepresentative of the "better class" of men, namely the 'native' white Americans, with the perpetrators stealing frivolities such as 'feather beds', and arming themselves with pistols whilst wearing highly feminized clothing. Moreover, the placement of this testimony in

the *Select Committee* summary places a distraction from the victims and represents the avoidance of acknowledging the widespread racial divide that remained in Memphis following the Civil War.

5.4 Law Enforcement

The Memphis race riots should be considered the result of widespread collusion between government, law enforcement, and white civilians, as highlighted in Chapter three. As detailed above, although already established, the role of Irish immigrants in law enforcement grew exponentially during the Reconstruction era. Following the resumption of state elections,[102] the Memphis board of aldermen, (the legislative body for all local laws) held an Irish majority,[103] and all aldermen designated to the Memphis 'Police Committee' prior to the riots were Irish.[104] The roles held by Irish immigrants were therefore ones of authority and moreover, were roles which defined the boundaries of law and brokered peace. However, the police were considered key instigators in further inciting the riot; accusations levied at the police ranged in severity, from assault and theft, to arson and murder. As such, it was inevitable that some of these authorities would be of Irish descent.

The role of law enforcers in escalating riot violence is well documented. The first identified policeman accused of assault following the initial confrontation between soldiers and police is Curley McCuen. Jerry Williams testifies that policeman Curley McCuen grabbed a black resident by the beard and began beating him.[105] Williams states that McCuen "blackened [the victim's] eye and knocked the skin off his face."[106] Another key actor accused of further inciting the riots was Memphis police officer David Roach. Roach had been arrested

prior to the Civil War, charged with being "drunk and disorderly,"[107] three times between 1859 and 1860.[108] Despite these arrests, Roach was considered fit to execute the role of law enforcement. He was identified by Coleman Default, a black Union soldier, as perpetuating the riots whilst representing himself as a law enforcement officer,[109] and committing mass violence and multiple murders of the black Memphis population.[110] Default stated that during the first evening of the riot, a group of policemen including Roach "came to where I was on South street, and fired the house, [sic.] shot me twice, beat me on the head with pistols, and robbed me of what money I had and my discharge from the army."[111] Default further alleged that Roach "shot me the first time, in the thigh [...] After Roach shot me, I begged of him not to kill me; he said, "Yes, God damn you, I will! You and all the balance of you." I think they left me for dead."[112]

Moreover, a recently manumitted slave, Hannah Robinson, testified that police conspired alongside civilians, and identified that policeman Roach was part of the group that broke into her house, describing how he"pulled out the trunk from under the bed [in search of guns] and commenced throwing out the [items]."[113] Following this encounter, Robinson stated that Roach declared, "Close up, close up; right shoulder shift. It is the white man's day now."[114] The proclamation that the violence was the enactment of 'the white man's day' provides unwavering evidence that the riot was racially motivated via the lens of white supremacy, rather than via the lens of an intra-ethnic minority conflict solely between Irish and black civilians. This view is borne out when considering Steven Martinot's posit that Irish immigrants were able to leverage their whiteness and "cross the ethnic border by offering to become a guard on the

racialized border [against African Americans]."[115] Certainly, the Irish police department were overwhelmingly the imagined 'guards' on the racialized borders in Memphis, enacting the violent demands of ensuring white supremacy in the post-Emancipation south.

5.5 Civic Government

Beyond the role of ordinary policemen, civil governors also had the task of maintaining public safety, raising civil militias, and influencing law enforcement through legislation and civil ordinances. Akin to police officers, however, these governors were also implicated in the riots. Throughout the *Select Committee* report, Memphis Mayor John Park was identified as a primary actor in encouraging and participating in the riotous events.[116] An Irish Democrat,[117] Park came from a law enforcement background, working as a deputy sheriff[118] and police Constable[119] in Antebellum Memphis. Following these roles, Park was elected as the Mayor of Memphis in June 1861, just as Tennessee officially ratified its secession from the Union.[120] He proclaimed in his inaugural message that the South was left with no alternative but to secede from the North's "republicanism, abolitionism, free-loveism, atheism, [and] every other abominable ism that strikes the organization of society."[121] Likely owing to his background, Park quickly repealed the city ordinance requiring policemen to wear uniforms provided that they "continue to wear [their] scroll and number on the front of [their] hat,"[122] making them less individually identifiable to the ordinary citizen.

Interestingly, following federal occupation in 1862, Park was permitted to continue his legislative mayoral duties alongside the board of Aldermen, as Union General Sherman was hesitant to burden Union forces with additional demands.[123]

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However, Park maintained his disloyalties towards the Union and used his empowered status to appoint Democrat Irish civilians into the city police.[124] However, by 1864, Union General Cadwallder Washburn viewed the city government as Rebel sympathisers and uncooperative,[125] and replaced the city council and police.[126] Following dismissal, Union forces vocalised their opposition to Park's mayoral candidacy, resulting in Washburn stating his intent to use military force to take charge of Memphis' municipal departments if he were to win the election,[127] strongly denouncing "the disloyal character of the present city government, as well as its utter inefficiency in the management of city affairs."[128] Despite, or perhaps because of, Washburn's claims that while the city governors "[have taken the oath of allegiance, it is believed that notwithstanding, you have never repented of any of your sins against the Government of the United States,"[129] Park was re-elected in 1865,[130] and, at odds with federal forces, brazenly resumed mayoralty.

Upon receiving knowledge of the disturbances which would escalate into the Memphis race riots, federal General Stoneman "placed the small [Tennessee Union] military force at the service of the mayor of the city, with the condition that it was not to be called for [...] unless it was manifest that the constabulary force under his control was not sufficient for the suppression of the riot."[131] It must be noted the strength with which Park was discouraged by General Stoneman from using federal military forces in suppressing the riot. In correspondence dated May 1st 1866, General Stoneman requested that he "should prefer that the troops be called upon only in the case of extreme necessity."[132]

However, although General Stoneman offered military assistance, Mayor Park failed to engage any further with General Stoneman to obtain help to suppress

the riots. Alternatively, Mayor Park held a citizens meeting, which proposed "to summon a force of citizens of sufficient numbers, to act in connection with the military, which shall constitute a patrol for the protection of the city,"[133] prior to any federal military intervention. John Park's planned enactment of civil militia, and the federal forces' hesitancy to usurp Tennessee's governing forces illustrates the ruptured relationship of law enforcement during the early Reconstruction era, in which former-Confederate states "[e]mboldened by home rule [...] refused to yield any political, social, or economic concessions."[134] Following General Stoneman's receipt of the proposed formation of a civil militia, he "endeavoured to communicate through the mayor of the city [his objection], but was informed that he was not in a condition to be communicated with,"[135] resulting in the enactment of federal martial law.[136]

Mayor Park's incompetence in suppressing the riots was further noted by the Nashville *Republican Banner,* which stated that Alderman Burdett expressed at the citizens' meeting, "Sir, I am sorry and astonished to see you drunk in an hour of peril like this to the safety of our city."[137] Moreover, in the *Select Committee* report, Park is accused of being "so much intoxicated that he was wholly incapacitated for business or duty,"[138] throughout the riots, with John Oldridge, testifying: "I met John Park, the Mayor, [at the riot] making an ass of himself, and drunk. He was going to straighten out the whole thing, but he did not make any effort to do it."[139] When considering the combined testimonies of government officials and civilians, Park's inebriation should be viewed as indisputable evidence that he was unfit to appropriately govern Memphis during the riots, nor equipped to hold the mayoralty.

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Perhaps the most notorious Irish actor in perpetuating the Memphis race riots was Justice of the Peace,[140] and Memphis City Recorder,[141] John C. Creighton. An Irish national,[142] Creighton was appointed as City Recorder following the June 1865 elections.[143] The role of City Recorder came with significant influence on all city judicial matters, with the postholder empowered with "concurrent jurisdiction with the Justices of the Peace, within the corporate limits, in civil as well as criminal cases."[144] The postholder presided over the Recorder's Court circuit,[145] which dealt with law violations and misdemeanours in the city, with the Recorder holding a limited scope sentencing in comparison to federal and State Supreme Courts.[146]

As such, Recorder Creighton held an influential position in Reconstruction Memphis as an exemplar of the justice system. Despite the importance of the position, Recorder Creighton had previously been known for violent outbursts, as elaborated on in the testimony of W. G. McElvane. McElvane states that though he had been perceived as "a clever, upright man,"[147] Creighton was "in the habit of drinking a good deal,"[148] and had killed a man whilst City Recorder, though "it was found justifiable homicide."[149] Furthermore, Keri Leigh Merritt has noted that during the nineteenth-century, "Local magistrates wielded incredible authority [and were] [...] especially prone to abuse their positions of authority [because] their pay depended on fines."[150] As such, Creighton held a seat of judicial importance, but also one known for its corruptible nature. Moreover, Recorder Creighton extended his influence in Memphis' political sphere, holding the elected position of Vice-President of the Johnson Club,[151] which consisted of supporters of President Johnson, which the *Brownlow's Knoxville Whig* described as an "organization of rebels, copperheads, [and] men of doubtful

political character and disturbers of the harmony of the country."[152] Therefore, owing to his public roles in the political and judicial spheres, Creighton should be viewed as an active character in the validation of civilian behaviours in Memphis.

Recorder Creighton's incitement and participation throughout the Memphis race riots was well documented, with eye-witness testimony stating that Recorder Creighton "arrived upon the ground [on horseback] […] and in a speech which received three hearty cheers from the crowd there assembled, councilled and urged the whites to arm and kill every negro and drive the last one from the city."[153] Creighton furthered his inflammatory oratory by stating that "God damn them, they are free, free indeed, but God damn them, we will kill and drive the last one of them out of the city."[154] Moreover, Creighton demonstrably abused his role as a judicial figure to further the riots, as Sheriff Winters' testified that Creighton swore that "he would not fine any one for carrying concealed weapons."[155] Creighton's judicial corruption when responsible for sentencing and processing suspects is borne out in the testimony of Captain Allyn, who states upon arresting a group of rioters "among whom were several policemen [...] breaking open negro cabins and robbing them, searching their clothes for money, and turned them over to Recorder Creighton, who vouched for their character and office, and turned the rioters loose."[156] Therefore, Creighton must be viewed as not only acting as a single actor in perpetuating the riots, but actively obstructing justice to allow other rioters to remain free to continue their riotous behaviour.

5.6 Consequence and Accountability

Despite the cause of the riots being attributed to the Irish population in Memphis, there were few consequences for the key Irish actors involved. David Roach represents one of the only documented attempts to enact judicial accountability for law enforcement participation in the riots. The *Nashville Daily Union* noted that shortly following the riots, David Roach "was arrested by the Freedmen's Bureau, and confined in jail under the charge of being a participant in the late riots in our city."[157] However, rather than perceiving any justice in this, the paper reports this arrest as an "outrage,"[158] and highlights Roach "applied for release upon bond, which was promptly furnished and was released from custody."[159] Beyond this brief arrest mentioned in the *Nashville Daily Union*, David Roach received no further accountability, and ultimately avoided criminal charges in relation to the arson and murder he was connected with. In fact, when the *Select Committee* asked a witness the whereabouts of Roach following his participation, he responded that "He is lounging about the streets yet."[160] Roach remained a free civilian, and retained his position in Memphis law enforcement, acting as a Judge of Election and Deputy Sheriff for the Memphis sixth ward during the October 1866 municipal elections.[161]

Moreover, though holding a position of significant power, Mayor John Park, despite the clear disapproval of his actions from the *Select Committee*, faced few ramifications. Indeed, David T. Gleeson states that Park eventually left the political arena by his own volition, "because of age and fatigue exacerbated by alcohol abuse"[162] rather than his mishandling of the Memphis race riots. This knowledge ultimately proves that it was his alcoholism, rather than

accountability for his mishandling of the Memphis race riots, that culminated in his exit from civic governance.

Similarly, John Creighton remained an influential orator in Memphis, speaking just months after the riots to endorse Andrew Johnson alongside former-Confederate Major General Forrest and General George Stoneman, who had testified against Creighton to the *Select Committee*.[163] Moreover, Creighton remained in a key civic position as a Justice of the Honourable County Court of the Memphis Fifth District,[164] until his death in 1868.[165] Furthermore, there is evidence to suggest that his remaining time spent within these civic positions was well received, with the *Memphis Daily Appeal* celebrating his return to the city after a bout of bad health: "Back Again. John C. Creighton Esq., one of our most popular Magistrates, […] He is somewhat improved and will be found, as usual, glad to see his friends at the old place."[166]

The lack of accountability for the Irish participation in the riots demonstrates the fundamental failures of the Thirteenth and Fourteenth amendments. Even when identified, white participants evaded accountability and juridical process, most likely owing to the failures of applying the federal Constitutional amendments in a state complicit with the violence exhibited in both judicial and legislative branches of government. Moreover, the *Select Committee* report demonstrates an awareness of the issue in ensuring participant accountability, as it claims that: "the state of public sentiment is such in Memphis that [...] no punishment whatever can be metered out to the perpetrators of these outrages by the civil authorities […] your committee believe [sic.] it to be the duty of the government to arrest, try, and punish the offenders by military authority." This view is supported by the frameworks of Hannah Arendt, who notes that "the only

remedies against the misuse of public power by private individuals lie in the public realm itself, in the very visibility to which it exposes all who enter it."[167] Despite the *Select Committee* imploring the perpetrators be held to accountability, the federal government decidedly failed to use federal executive authority to remedy, what it considered, a judicial decision of the state.[168] Though the details of the *Select Committee* report provided invaluable documentation of witnesses and victims experiences of the riots, without meaningful accountability against public officials, violent, discriminatory behaviours remained permissible.

5.7 Political Opportunism and the Irish Scapegoat

The predominant focus on Irish participation in the Memphis race riots throughout the *Select Committee* report and local reportage aligns with the aforementioned historical nativist attitudes towards Irish immigrants. The report places much of the responsibility on Irish shoulders, but Kevin R. Hardwick determined that, of the identifiable rioters, only "50 to 60 percent"[169] were Irish, with American born civilians comprising "at least 40 percent of the rioting mob."[170] As such, the potential political and sociological motivations of placing Irish ethnicity at the centre of riot condemnation, must be further evaluated, in order to strive for a more accurate and holistic understanding of the riot's direct and indirect role in Reconstruction history.

First, the focus of the *Select Committee* report on Irish participation in the Memphis race riots presented the opportunity for both Democrats and Republicans to lobby for their political interests. This is most evidenced in the Democrat's *Minority House* report on the events, in which Mr. Shanklin blames

the disenfranchisement of former-Confederates regarded as "the men of property, men of business, and that class regarded as the more intelligent and better portion of society,"[171] whilst the franchise remained extended to "the more inferior classes of society [...] the inefficient, disorderly, and drunken officers of the city,"[172] as the catalyst for the riots. Shanklin further attributes the riots to "the vicious and reckless police force and firemen [...] [who hold office] against the consent and wishes of a large majority of the masses of the better class of citizens of the city."[173]

The opportunism of the *Minority House* report's advocacy to extend the franchise in reaction to the riots is further borne out when considering witness testimony collected during the *Select Committee* report, which states that Rebels continued to vote, even if legally ineligible.[174] In particular, John E. Moller states that no Rebels were stopped from voting as "there is no authority to keep them away,"[175] and notes that he has eyewitnessed ineligible votes being cast: "they will say they have left their papers at home, and the Irish at the polls will say they know the man, and let them vote without seeing the certificate."[176] Moller's testimony insinuates an understood political alliance between Irish and Rebels in Memphis, which diminishes the evaluation that if former Rebels held the franchise, the riots would not have occurred. Moreover, Moller's testimony provides credence to the view that allaying sole responsibility on the Irish participants is rigid and diminishes the role of white supremacy by framing the riot as an instance of minorities in conflict.

Secondly, the emphasis from government officials of Irish immigrants' participation in the Memphis race riots provided a means to exonerate other white Memphians as riot participants. Indeed, Paul A. Brass acknowledges that

an interpretation "which emphasize[s] the involvement of only marginal elements, [does not] [...] threaten the overall peace and stability of the state [...] and [can] displace blame from the authorities."[177] In this manner, Irish culpability diminished the implication or sanction of the government, law enforcement, and other white participants in the execution of the riots. This view is further validated when considering the sheer omission of non-Irish participants in the *Select Committee* reports and local reportage outlets, despite evidence of widespread participation of non-Irish white civilians throughout the Memphis race riots.[178]

In the aftermath of the Civil War, former-Confederate soldiers were forced, in spite of their efforts, to reckon as "the political and economic foundations that defined the upper echelons of [white] antebellum southern society had been shaken by war,"[179] and Unionist victory. In light of this, the focus on Irish participants can be seen to have positively leveraged the damaged reputation of former-Rebel soldiers. This is evidenced by the *Vermont Phoenix,* which states "the rebel spirit to be rampant in Memphis, and the city government to be in the hands of Irishmen, who did not enter the rebel army, but who are now more disloyal than the rebel soldiers."[180] Throughout the nineteenth-century, James J. Broomall notes that "Violence and self-restraint marked two distinct faces of southern men [and] power and authority were derived through the balance and display of these two masks."[181] In the context of the Memphis race riots, the Southern white elites and white immigrant civilians were markedly indistinct in their determinations to portray themselves as both facets of self-restraint whilst committing acts of community violence, and as beacons of authority, whilst disregarding the Constitution.

Moreover, the rioters' indistinguishable whiteness provided an alibi for Rebels, whilst simultaneously enabling them to invoke terror and maintain white supremacy in Memphis. As such, the distinction between Irish and 'native' white Memphians more often serves to blame ethnicity, rather than acknowledge the a more uncomfortable truth; white supremacy remained a pervasive and protected system by planters and immigrants alike, a system that did not foreclose with the Civil War.

6: Black Soldiers in Memphis: A Visible Rising.

Although much blame fell on the Irish, black people in Memphis did not escape blame. Following the Memphis race riots, black Union soldiers were quickly charged with inciting the violence and destroying the black ethnic enclave of South Memphis. Even the *Select Committee* report acknowledged newspapers' attribution of the riots to black Memphians, stating that "great efforts had been made to justify the massacre of the colored people on account of the conduct of the colored soldiers who have been so long stationed at Fort Pickering."[1] In spite of seemingly disapproving of this stance, the *Select Committee* fails to exonerate the soldiers' from perpetuating their own massacre, stating that "there was bad conduct on the part of some of the soldiers there can be no doubt, and the riotous and lawless conduct of a portion of them on the evening of the 1st of May is without excuse."[2] As such, this chapter aims to further contextualise the role of black soldiers in Memphis, analyse Confederate perceptions of the Unionist soldier, and evidence and exonerate the charges levied towards the black community in the wake of the Memphis race riots.

6.1 Controversy and Catalysts: the Black Unionist Soldiers

By 1866, the image of the black Union soldier was one of significant controversy within both Republican and Democratic spheres. The opportunity to participate in the Union army dangled the prospect of equality in front of black men. Following the Emancipation Proclamation of 1863, black soldiers became more commonplace within Union forces,[3] and their participation and dedication to the Unionist causes of the Civil War was encouraged by respected figures such as Frederick Douglass. Douglass spoke of the prospects that could arise for the

black population by proving their worth on the Union frontlines, stating that, following the Emancipation Proclamation:

> "We may blot out the hand-writing of the ages against us. Once let the black man get upon his person the brass letters U.S.; let him get an eagle on his button, and a musket on his shoulder, and bullets in his pocket, and there is no power on the earth […] which can deny that he has earned the right of citizenship in the United States."[4]

Rapidly, black Union troops became a significant portion of the Union army, with academics estimating that up to one in eight soldiers were black.[5] In the state of Tennessee, it was estimated by Kevin R. Hardwick that "39 percent of all Tennessee black men between the ages of 18 and 45 served in the Union army."[6] However, Black peoples' wartime experiences in Memphis were not monolithic, especially when considering their duties and roles.

Prior to federal occupation, black people aided the Confederate cause, almost exclusively without a choice. The aid provided by black people in this context became key within anti-abolitionist rhetoric, with the Confederate *Memphis Avalanche*[7] stating that a procession of black men were commandeered by the Confederacy in 1861:

> "The arms of these colored [sic.] warriors were rather mysterious. Could it be those gleaming axes were intended to drive into the thick skulls of the Abolitionists the truth, to which they were wilfully blind, that their interference in behalf [sic.] of Southern slaves is neither appreciated nor desired; or that those shovels were intended to dig trenches for the interment of their carcasses?"[8]

Confederate Memphis utilised black people not just as expendable soldiers, but also depicted them within local newspapers as sympathetic to the Confederacy, and holding the Rebel desire to have the "privilege of shooting an Abolitionist."[9] The framing of black people as supporting the Confederate cause, and violently opposing Emancipation and the end of slavery, harkens starkly back to Southern rhetoric of paternalistic bondage. Christopher J. Olsen states that, for those defending slavery, "the institution was part of the Old South's social and cultural structure in which everyone knew his or her place. This was a paternalistic society defined by reciprocal, caring, and intentional relationships between men and women, slaves and masters, rich and poor."[10] As such, if any black people held such a desire to have the "privilege of shooting an Abolitionist,"[11] such a wish is likely the result of long-term, and painful, indoctrination into this system of expected behaviours, rather than a true desire to maintain the system of slavery.

The use of black people in Confederate warfare was further expanded on June 28th, 1861, when the Tennessee State Assembly passed legislation that legally mandated all black Freedmen between 15 and 50 to be drafted into state military services upon selection.[12] In this sense, free black people in Tennessee, like those enslaved, became forcibly involved in Confederate warfare, and their 'free' status contingent on the draft. This conscription of black people into the Tennessee Confederate army contrasts the participation of black people within the Union forces, in which military participation represented an opportunity to fight for Emancipation. Paul Finkelman reinforces the symbolic importance of enlistment as a catalyst for freedom, stating that: "the army worked in tandem with Lincoln, carrying his Emancipation Proclamation into the

South. Similarly, the army worked in tandem with the slaves, who ran to the army to gain their freedom."[13]

However, despite the enlistment of black people within the Union army symbolising a movement towards Emancipation, the experience of black soldiers remained in stark contrast to that of white soldiers. Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland all highlight how black soldiers were:

> "Organized into separate black regiments, paid at a lower rate than white soldiers, denied the opportunity to become commissioned officers, often ill-used by commanders whose mode of discipline resembled that of slave masters, and frequently assigned to menial duties rather than combat."[14]

As Berlin et al. comment, despite fighting for Emancipation and freedom, "black soldiers learned forcefully of the continued inequities of American life."[15]

The disparate conditions black and white Union soldiers faced is particularly evident in a report by the US Military Army Surgeon John Rush in May 1864. Within correspondence entitled '*Medical Inspector of Black Troops to the Headquarters of the Superintendent of the Organization of Tennessee Black Troops'* Rush states that the winter of 1863 was "of unusual severity", and that:

> "the [4th Heavy Artillery] *being negros* [sic.] were made to perform all the labor required at the landing [...] This excessive labor and exposure combined reduced the standard vitality in the men so as soon to swell the Sick List of the regiment and many of those now in hospital are there because their physical powers were so broken down."[16]

This correspondence outlines how cruelty and discriminatory treatment was borne out by both Confederate and Unionist whites, proving that black recruits were exploited for federal causes due to, as Rush implies, "anxiety to fill up the number necessary for a [black] regimental organization,"[17] which meant that; "sufficient care was not taken in the examination of recruits, and many were admitted who should have been rejected as being physically disqualified for performing the duties of a soldier."[18] This would have certainly been applicable in Memphis, whereby any refusal to register for the Union army by any male between 18 and 50, whether black or white, was an imprisonable offence.[19]

The report by John Rush demonstrates the inequalities in treatment between black and white Union soldiers, but also appears to corroborate views of psychologists such as James Baldwin. Baldwin's theory that white privilege was enacted to avoid any "sense of deprivation and risk that […] is inherent in human living […] creating conditions in which one group is subject to surplus deprivation, sickness, and death, [meaning that] the privileged group produces for itself an illusionary sense of invulnerability"[20] can be readily applied to the comparative study of the welfare provisions of black and white Union soldiers. Black Union troops were undoubtedly subjected to this 'surplus deprivation' in comparison to white soldiers.

Seemingly, the service of black men within the Union war effort was not as emancipatory as Douglass had envisioned. Despite fighting and dying for the cause, Black peoples' contribution to the war effort was severely critiqued in state newspapers, with even Union newspapers such as the *Brownlow's Knoxville Whig and Rebel Ventilator* writing in September 1865, that:

"the morals of the colored [sic.] population are not so good since their freedom as when they were in bondage […] one-half of all the colored soldiers in uniforms in East Tennessee have no respect for that uniform, and do not appreciate its dignity and importance. […] Soldiers and officers, wearing the federal uniform out [sic.] all to be gentlemen, no matter what their color.[21]

However, it must be noted that the founder of *Brownlow's Knoxville Whig and Rebel Ventilator*, 'Parson' William Brownlow, was the first post-Civil War Republican Governor of Tennessee,[22] meaning the publication likely presents opinions considered radical within the state at the time.

6.2 Black Wartime Settlement in Memphis

Despite the clear inequities that remained, black people supported the Union cause in droves following the Emancipation Proclamation, with over 20,000 black men enlisting in the state of Tennessee alone.[23] Furthermore, as Tennessee was under federal occupation from 1862, the state also acted as a beacon for the enslaved in slaveholding or Confederate states. Marion B. Lucas highlights that once the federal government permitted the recruitment of black people into military services in 1863, Kentucky slaves "hurried by the thousands to Union camps in Tennessee or crossed the Ohio River to join the army on free soil."[24] As such, the Memphis black communities developed during and following the Civil War will be analysed, giving special consideration to the changing relationships between black and white residents through the lens of place. This is informed by the work of interdisciplinary landscape social historian

Wanda Rushing, who notes that "place, and feelings about place, can form the basis for community cooperation as well as conflict."[25]

Prior to the Civil War, the majority of Freedmen property-ownership was in Nashville, Tennessee,[26] rather than Memphis. In spite of their small numbers, Freedmen prior to the war were still considered by municipal government and city councillors to be a 'dangerous element' and undesirable settlers in the city,[27] and were vulnerable to vagrancy laws and Memphis' strict city ordinances.[28] However, the ability for hostile white residents to oppress the black Memphis residents was disrupted, but not entirely stopped, by federal occupation in 1862 and the establishment of contraband camps.[29] Teresa R. Simpson notes the early classification of Union territory was an essential factor in the black population in Memphis quadrupling between 1860 and 1870, as it provided a Union "haven" for black people in the South.[30]

New black Memphian settlers did not just comprise Union soldiers, but also their families.[31] Brian D. Page notes that instead of living "under the supervision of federal authorities,"[32] many instead "inhabited crowded tenements and makeshift huts in South Memphis, near Fort Pickering. The close quarters provided friends, relatives, and newcomers the opportunity to reconstitute communities."[33] The development of these black ethnic enclaves, such as Lickskittle[34] in Memphis, became a structural representation of Emancipation in the South, which housed some of the estimated 17,000 black residents in Memphis by the end of the Civil War.[35]

Black settlement in Memphis during the Civil War assuredly heightened the existing hostilities between white and black residents. Jack D. L. Holmes notes the tensions that arise from the expansion of cities, utilising an excerpt from the

Memphis Daily Avalanche that describes the area around Fort Pickering as "a settlement of negroes, […] living in a state of primitiveness but a few degrees removed from the most shocking barbarity; the wretched, miserable huts and hovels, […] many of them crowded almost to suffocation, with the most drunken, blasphemous and licentious wretches that can be found among the negro race, in any city on this continent."[36] The living conditions in South Memphis surrounding Fort Pickering, even with support from the Freedmen's Bureau, were dire due to the lack of necessities, make-shift accommodation, and unpaved urban land of South Memphis.[37] However, these communities became an urban landscape of black post-Emancipation community; the areas surrounding Fort Pickering was developed to have twelve community schools,[38] two black churches,[39] and social groups for black political advocacy and community engagement.[40]

The newly settled black communities were largely negatively received bywhite Memphians, as evidenced in publications such as *Brownlow's Knoxville Whig and Rebel Ventilator*, which on August 23rd, 1865, noted anxiety surrounding the growing population of black Memphians:

> "A census is being taken of the colored [sic.] people of Memphis, and enough has been developed to show that the aggregate number of blacks will over-reach twenty thousand, it is said will reach twenty-five thousand. [sic.] This congregating in cities and towns of such crowds of colored folks [sic.] to live in idleness, and on rations furnished by the Government is all wrong. [...] It is doing the blacks an injury that will show itself after a while. All sorts of depredations are committed by the blacks and difficulties arise between them and the whites."[41]

Indeed, the publication goes as far as to claim that this was a problem in which the government would have to intervene: "The National and State authorities are ultimately to become much exercised upon the important subject of what is to be done with the negroes of the seceded States. It is certainly a question for the Legislature of Tennessee to consider."[42] Already treated as inferiors during wartime, the war's end allowed for open public contemplation of the future Freedmen could create for themselves in a post-Emancipation South.

Popular discomfort with black people in Memphis can be further summarised from the *Brownlow's Knoxville Whig and Rebel Ventilator* article. The publication proffers that:

> "Instead of being allowed to congregate at a few prominent points in such large numbers, to live in idleness, and to become shamefully demoralised, they [black people] should be distributed upon abandoned farms, and put to work to support themselves."[43]

This appears to show hopes of maintaining the black population as agrarian laborers and isolating them from their own racial community for fears they could 'demoralise' the white population of Memphis; in essence, maintaining the status quo from before the war. Despite the *Knoxville Whig and Rebel Ventilator* potentially portraying a more radical angle, public rejection of black people's visibility in urban environments is clearly evidenced by General John E. Smith and General Davis Tillson's attempts to establish a racial relocation programme within Memphis. The programme, devised in early 1866, aimed to forcibly relocate six thousand black Memphians from the city,[44] although this "attempt to disrupt their communities"[45] was ultimately opposed and stopped by the black soldiers of Memphis.

Therefore, the dedicated arson attacks during the Memphis race riots should be interpreted as a vigorous attempt to destroy the black communities that had settled during wartime Emancipation. Moving beyond the "attempt to disrupt"[46] black communities displayed in early 1866, the Memphis race riots actively targeted black communities by destroying their livelihoods entirely. This is furthered when considering George Hagan's *Select Committee* testimony, in which he notes that he heard a well known proprietor of the city's theatre "say "the riots were a good thing," and he "wished every damn n*gger was massacred, as they had no business to live among white men," and other words to the same effect."[47]

Hagan's testimony appears to support the view that increased proximity to black people as a result of migration, even when living predominantly separate areas of the city, had broken existing racial boundaries forged in the Antebellum. George Lipstiz's work affirms this view, highlighting that the racialization of space remains presistent into the contemporary as a "continuing consequence of slavery,"[48] in which those disadvantaged struggle for freedom against expectations to ""know their place," or remain confined in it."[49]

The Memphis race riots function as an example of racial boundary policing in the early-Reconstruction era. During the riots, all twelve black school houses and four black churches[50] were burned down in targeted arson attacks. Civic response to the arson attacks carried out during the riots further demonstrates the complicity of white civilians in the destruction of black community. The *Select Committee* report identified that city firemen "made no effort whatever [sic.] to extinguish the fires of the burning churches and school-houses; and when on the ground at all [...] [it was] to prevent the adjoining buildings from

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taking fire."[51] This is supported by reportage from the *Wheeling Daily Register*, which noted on May 2nd that "fire [is] raging in South Memphis among the negro quarters. [...] No effort is being made to quench the fires,"[52] which caused "about thirty houses occupied by colored people, and all the schools in South Memphis [to be] pulled down or burned."[53] As such, it can be determined that, due to the location of the arson and violence, alongside the contextual knowledge that post-Civil War Memphis was forced to renegotiate racial boundaries following Emancipation.

The violent reaction to the development of black community in South Memphis can also be attributed to the realized permanence of Emancipation. Whereas prior to the Confederate defeat there remained some hope that Emancipation would not become a certainty in the South, the Reconstruction era, and the passing of the Thirteenth Amendment, solidified the changes to black racial status. Furthermore, even when living in destitute conditions, black Memphians actively collaborated to provide provisions that had been absent in bondage; educating, politically mobilizing, and socialization within their ethnic enclaves. In a state which embraced the perception of slave 'paternalism',[54] the Memphian black communities displayed their overwhelming desire for freedom from plantation life and were unafraid to challenge the racist pedagogy of black subservience.[55]

6.3 Black Visibility in an Intolerant Society

While the Civil War changed the social and geographical positions of black people within American society, the visibility of black soldiers as an authoritarian Union force became significantly exaggerated as federal troops were minimised

following Confederate surrender. Berlin et. al assess that at the conclusion of the war: "black soldiers, whose terms of enlistment had begun later than most […] white soldiers, represented a larger portion of the post-war army of occupation. In the spring of 1865 [...] black men accounted for approximately 11 percent of the Union soldiers; by the following fall, they made up 36 percent of the total."[56] Many of these black soldiers remained as residents near their military site of Fort Pickering. In this way, they were not only affecting the landscape of the city,[57] but had become the embodiment of Confederate loss.

As the black soldier was a unique symbol of the Union army (the cause they actively and voluntarily fought for), their mere existence likely felt hostile towards white civilians during Reconstruction. The lingering presence of uniformed black soldiers within Memphis was interpreted as antagonistic on two levels: first, the continued visibility of black uniformed soldiers disrupted even liberal perceptions of the place of black people in racial social hierarchy; secondly, it represented the continual presence of federal forces post-Civil War, in states that considered themselves to be capable of self-governance.[58] This was articulated by Democrat statesman Emerson Etheridge, who questioned "why are bands of armed negros permitted to roam over the country plundering and insulting the timid and defenseless?"[59] Etheridge likened the presence of black Union troops in Memphis to a reversal of the racial hierarchies in Tennessee, stating that these black soldiers had "been permitted to usurp the high and responsible places of power, and declare themselves your oppressors and masters."[60] As such, it can be inferred that Democrats predominantly feared the loss of authority along the colour-line, with Sally Hadden noting that "Southern whites wanted the Freedmen disarmed and helpless; only then could

they be made to stand in awe of the whites, who sought to continue the psychological and physical domination of their former bondsmen."[61]

The general disdain for the figure of the black Union soldier was applied to the local narrative of the Memphis race riots with ease. Multiple eyewitness testimonies confirmed violence between black soldiers and policemen on the evening of April 30th, 1866; however, there was overwhelmingly more evidence of targeted violence incited by white people, largely directed towards black Memphians, during the riots.[62] This is corroborated by the disproportionate mortality rate, with only two white fatalities from the riots, in contrast to the 46 black fatalities.[63] Moreover, these two white fatalities were at the hands of other white Memphians; Henry Dunn (a white fireman) was fatally wounded by a white police officer, as detailed above,[64] and John Stephens (a white policeman) was likely killed by the misfiring of his own gun.[65]

Despite overwhelming evidence to the contrary, newspapers attributed the cause of the riot solely to the black population in Memphis. For example, the May 18th, 1866 edition of *The Aegis & Intelligencer* initially describes the massacre as "lamentable,"[66] similar to other publications, before quickly condemning black people, brandishing the riots the 'negro riots.'[67] The publication places the blame on:

> "the disorderly conduct of some of the negro troops who are about to be discharged – they have been inoculated with the virus of Radical hate for the white race and took an early opportunity of manifesting that feeling by premeditated acts of violence. The disorder was promptly checked by the authorities."[68]

Aside from charging black Memphians with their own murders, *The Aegis &*
Intelligencer misrepresents the riot as promptly quelled by the authorities,
despite the fact that the riot lasted four days before successful, albeit reluctant,
intervention from federal forces.[69] Moreover, the publication utilises racial
stereotyping surrounding black people, common during the Reconstruction era,
expressing that the black population are unintelligent "untutored negroes,"[70] and
therefore it was "no wonder,"[71] black Memphians were capable of violent
outbursts when confronted with 'authority' such as the police. The portrayal of
black soldiers as at the helm of the Memphis race riots was also perpetuated by
the *Daily Union and American.* The publication stated on May 5th, 1866 that:

> "We learn from Captain Ben. Garrett, that, on yesterday, a negro woman
> made affidavit to the effect that the negroes of South Memphis have
> been plotting this defiance to the laws and its officers for the past four
> days; that the plan was to kill the police, sack and burn the city, and that
> it was approved by the race for many miles around Memphis. We do not
> know that the truth has been told by this woman, but the stubbornness of
> the negroes engaged in the outbreak here, gives a color [sic.] of
> reasonableness to the conclusion."[72]

Despite the *Daily Union and American* acknowledging that the 'facts' portrayed
were hearsay, the author's position in society as a military Captain is clearly
used to add credence and believability to the testimony. Furthermore, the
narrative provided by Captain Ben Garrett appears to insinuate that black
soldiers were conspiring to commit crimes within Memphis and that they would
ultimately turn on their former oppressors. This likely demonstrates the wider
perception of black people being 'entrusted' with weapons by the state, but only

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within the limited period of the Civil War: following its conclusion, that trust was removed. Even politicians considered liberal on the subject of black Emancipation and enlistment in the Union army viewed the subject as merely one of practicality. This is most evident in the August 10th, 1864 edition of the *Soldier's Journal,* in which William Brownlow, declared that:

> "while an artillery regiment of colored [sic.] gentlemen came in that town, a prominent rebel, a gentleman personally friendly to me [...] said "Brownlow, I know you are a Southern man. How does that thing look in your eyes? […] in all sober earnestness, Brownlow, are you in favour [sic.] of arming negroes to fight white men?" "Yes, sir-ee [..] and if I had the power, sir I would arm and uniform in the federal habiliments, every wolf and panther, and catamount, and tiger, and bear, in the mountains of America […] every negro in the Southern Confederacy, and every devil in hell and pandemonium.""[73]

Brownlow's juxtaposition of supporting the arming of black people with the arming of animals and devils can be seen to show how black soldiers were only supported as a temporary measure in order to achieve victory in the Civil War. This viewpoint is further supported by academics such as Ira Berlin et al. who suggest that the primary motivation for permitting black soldier enlistment was to further the war effort, rather than any true intention to emancipate those in bondage.[74] Berlin, Reidy, and Rowland state that the Union War Department simply "saw the enlistment of black men as a stopgap measure to ease manpower shortages in a few military theatres."[75]

Moreover, the *Select Committee* report notes that some of the rioters were actively seeking out black people, on the suspicion that they had concealed

weapons.[76] News outlets such as the *Public Ledger* appeared to support fears of armed black men following the Civil War with their accusatory reportage following the riots that they hoped:

> "[The riots] may also be the means of the authorities taking arms from their [black soldiers'] hands, which they have conclusively proven they are not only unworthy of carrying, but endanger the lives of the community and use them to resist the sworn officers of the law when doing their duty."[77]

The *Public Ledger*'s anticipation that black soldiers would be stripped of their arms was realised, with General Stoneman sending an order following the first night of disturbance to "please direct Colonel Knapper, 3d [sic.] United States colored [sic] heavy artillery, to have all muskets taken from the hands of the enlisted men of his regiment, and not to permit any to retain theirs after they are discharged."[78]

Eventually, the black soldier's role within the riots shifted to excusatory, rather than accusatory. Following the publication of General Stoneman's initial investigation, which led to the conclusion on May 30th, 1866, that the riots were "an onslaught upon the negroes by the police and fire companies of Memphis,"[79] leading news outlets attempted to divert from the potential narrative of black Memphians as the primary victims during the riots, and instead to a different form of culpability. This is exemplified by the *Clarksville Weekly Chronicle* noting on the 29th, June 1866: "if a military force be necessary to preserve order, the necessity has been, mainly, created by the former presence of negro troops, and by the influence of the negro."[80] This article attempts to establish that the heightened visibility of black people in roles of

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authority acted as the primary catalyst for the riots. This would suggest that the riots were the performance of the widespread aggression felt towards the perceived elevation of black people within Reconstruction society; rather than a conflict solely between the Irish white population and the black community, or the reaction to the loss of the war. In this sense, the riots were owing to the opportunistic circumstances of the federal forces mustering out alongside civic collusion, rather than an incidence of prejudice unique to the city itself.

It should be noted that changes to social hierarchy were exaggerated as former Confederate states began to formally re-enter the Union. These 'elevations' of social status through Constitutional Amendments became perceived by local reportage as likely to have permanent effects on the previously immutable social hierarchy of Antebellum America. This is evidenced in local reportage in reaction to the Fourteenth Amendment's ratification in Tennessee, in which the *Public Ledger* outlines its fears in regards to the black populations' presence in Memphis. The *Public Ledger* hypothesizes Memphis' future, foreseeing that legislation would be "passed giving suffrage in local affairs to negroes and withholding it from the white population? General confiscation? Military occupation?"[81] Notably, the *Public Ledger* fears that the power of the franchise would be given to black voters and the white population would be unable to influence local politics. This is paradoxical following a riot in which the city's governing, judicial, and civilian sects colluded to violently oppress black Memphians.

However, perhaps the most revealing extract of the *Public Ledger*'s response to the Fourteenth Amendment is its conclusion that: "To ratify the amendment would be an act of humiliation which no magnanimous people in modern times

have invited others, quite as good as themselves, to commit. Consenting to it would render the Southern people unworthy to constitute a part of the great and virtuous State."[82] The description of the Fourteenth Amendment as a 'humiliation' to the white population of Memphis encapsulates the impassioned racist attitudes present in early-Reconstruction Tennessee, whereby military occupation and Confederate loss were more accepted and palatable than co-existing equally with freedmen in a post-Emancipation south.

This *Public Ledger* extract reveals the widespread anxieties towards emancipatory changes to the Constitution during the Reconstruction era: that black people would hold larger voting rights than their white equivalents, and that land would be stripped from white Southerners to be endowed to black residents of Memphis, all the while considering themselves presided over by federal forces. Certainly, these anxieties were, at the very least, considerable exaggerations of their lived experiences; for example, federal forces stationed in Memphis during the riots left local law enforcement in control of the situation for *days* before intervening.[83] Moreover, Andrew Johnson even overturned legislation to repatriate Confederate land to Freedmen following his ascendancy to Presidency.[84]

If anything, the early-Reconstruction era demonstrates a knowing pandering to Confederate ideals, mandating legislation to equalize, but little to ensure it is adhered to. However, despite these truths, black soldiers in Memphis remained a target as all three threads of Democrat discontent were displayed in the existence of black Union soldiers: they were given an authoritarian role, extended authoritarian rights while brandishing federal arms, and built ethnic communities in their respective cities. This further contextualises why race

rioting within the Reconstruction period occurred, as, during wartime, the hope of a return to an Antebellum social hierarchy remained. As such, William A. Dobak notes that: "white Southerners bent every effort to impose a new social and economic order that resembled the old as closely as possible."[85] Alongside the constitutional amendments and structural changes as a result of wartime migration, black agency became viewed as an increasingly concrete, yet entirely vulnerable, consequence of the Reconstruction era.

7: Religious Conflict in Rioting Memphis.

Reconstruction America was a country fumbling for a collective identity, with a new moral compass following a war waged between opposing belief systems. In waging the Civil War, the federal government had turned away from Washington's doctrine of religious voluntarism and the Jacksonian belief in laissez-faire economics.[1] As the Civil War demonstrated that political factions were emboldened to determine society's moral questions, the role and power of religious doctrine was activated to draw "boundaries between social groups [...] [insofar] to elevate and protect the cultural status of one group."[2] As such, the role of religion prior to and throughout the Memphis race riot attacks must be considered.

7.1 Religion and the Civil War

Both Unionist and Confederate states had used religious rhetoric to embolden their troops during the Civil War, though the Southern clergy had fluctuating views on the institution of slavery. Academic Fred T. Wooten Jr. notes that the institution was "bold and outspoken in its opposition to slavery, then cautious and conservative, and finally enthusiastic in its favour [sic.] of the institution."[3] Richard J. Carwardine highlights the importance of evangelical Protestantism to the abolitionist cause, stating that: "the Republicans acquired their essential moral energy from evangelical Protestantism, and their unique fusion of religion and politics drew […] on the public discourse of Evangelicals."[4] As Abraham Lincoln had noted in his second inaugural address in 1865, both the North and South "read the same Bible, and pray to the same God: and each invokes His

aid against the other."[5] However, the Reconstruction era of America needed a coherent religious identity. Daniel B. Lee notes the importance of the years following the Civil War to religious history, expressing how "White Americans rallied around their common Christianity in a desperate attempt to organize themselves against the growing population of non-Christian, non-White Americans."[6]

Prior to the Civil War, Tennessee was a state predominantly of four religious denominations, with: "91 percent of the congregation […] [identifying as] Baptist, Methodist, Presbyterian, or Cumberland Presbyterian"[7] in 1860. However, the Reconstruction era brought significant changes to the state, with the establishment of black-owned Churches, and the significant rise in influence of Catholic sects of society, such as Irish and German immigrants. Edwin Gaustad and Leigh Schmidt elaborate on such changes, noting that: "while religion often reinforced ethnic cohesiveness, ethnicity sometimes challenged the unifying dimensions of religion."[8] While common Christianity would eventually become a unifying force, "Nowhere were the challenges more dramatic than among America's rapidly expanding Roman Catholics. The Irish immigration before the Civil War was so great that it gave the American Church a Hibernian stamp and flavour [sic.] that would last for at least one hundred years."[9] This view is somewhat queried by Tyler Anbinder, who states that the widespread membership of the Know Nothings in nineteenth-century America was "primarily as a means to combat the Slave Power or to enact temperance legislation […] Yet few of these 'less dedicated' nativists questioned the veterans' contention that Catholicism was a misguided and dangerous religion or doubted that the

political power of its adherents ought to be curtailed."[10]

7.2 Anti-Catholicism

It is therefore unsurprising that the Reconstruction-era South, following large wartime migration, increasingly became an area intolerant to Catholicism. The restoration of churches previously in the possession of federal forces posed significant issues for interreligious relations. Thomas B. Alexander notes that Churches were often returned based on "who had been loyal or had taken the Amnesty Oath [to the Union],"[11] further politicising religious spaces.

After white aggression during the Memphis race riots was blanketly attributed to the Irish population within the city, local circulars directly associated their behaviour with their Catholicism. This is especially evident in the reportage surrounding the Fenian Brotherhood following the riots. Fenianism was an Irish-Catholic fraternal organisation established in 1858 owing to the antagonistic relationship between Irish nationalists and British authority.[12] Oliver Rafferty notes that the transatlantic fraternity "gave expression to the militant and violent aspect of nineteenth-century Irish nationalism,"[13] yet its presence in America was initially overlooked by both Confederates and Unionists during wartime as "politicians tried to exploit the Irish elements within American society for their own respective ends."[14] In line with the exploitation of Irish immigrants for political gain, Fenianism was used to further justify the narrative that Irish immigrants were the sole perpetrators of the Memphis race riots.

The Fenian Uprisings of 1866 gave further visibility to Catholic civilians within Memphis, and consolidated wider stereotypes of Catholicism in America. Fenians who actively engaged with the earlier uprisings were linked to the riots,

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with the *Daily Union and American* stating on June 2nd, 1866 that Fenians "came from the South and Southwest, and though generally dressed in citizens' clothes, were under complete military subjugation to their officers, who wore swords. Among their number were several Memphis policemen, who had been discharged for participation in the late riots in that city."[15] The deliberate identification of Memphian rioters who were members of the Fenian Brotherhood appears to further entrench the anti-Immigrant and anti-Catholic narrative present in national reportage.

Moreover, Anti-Catholic sentiment was directed beyond Irish immigrants in Tennessee. The *Select Committee* report highlights the influence of German and Italian immigrants in the instigation of the rioting and specifically ensures all members of the on-duty firemen and policemen at the time of the riots were recapitulated by race.[16] Open scrutiny towards immigrants of other Catholic countries is evidenced in the testimony of General Stoneman, who describes that, following dispersal, the mob of rioters "got together afterwards and had German fairs and Irish fairs."[17]

7.3 Black Religious Practice

Aside from the Memphis race riots reigniting anti-Catholicism in the locality, the riots also attempted to disrupt black religious practice, with arsonists successfully burning down every single black Church in South Memphis.[18] Following the riots, it was determined by the *Select Committee* that "no church within the control of the white people was open,"[19] for black worshippers. Moreover, it appeared that there was no aid from Memphians to rebuild these places of worship, even as a temporary measure.[20]

The arson attacks on black places of worship reflect an Antebellum attitude towards black people's religious practice as something which should be controlled by white citizens. As academic K. N. Okoro states, "the Southern society was not disposed to with-holding divine worship from its slaves but the conditions upon which the slaves are to worship would have been laid down by the slaveholder themselves."[21] Arson attacks on black places of worship should therefore be considered attacks aiming to control black religious expression and freedom of worship, corroborating Daniel W. Stowell's assertion that in Southern states "[there] was the widely shared belief that Freedpeople were entitled to no more religious privileges than they had as slaves."[22]

Academic Carolyn S. Carter has studied the effects of Church burning in black communities in the twentieth century, but her research is also applicable to the earlier Reconstruction era. Carter highlights the importance of the church in black communities, noting that the newly manumitted "regarded the church as a refuge and believed it was the only institution that belonged entirely to the community. […] because of the important functions associated with churches in African American communities, residents were often devastated by church burnings."[23]

Indeed, the importance of black churches specifically within Memphis was highlighted by a visiting reporter from the *Chicago Tribune* in April 1866, who describes that Memphis instilled "an impression of the greatness and the hopefulness of the work of training all this mind and emotion, so active and so plastic, to intelligent civilization and Christianity."[24] The reporter depicts black churches as facilitators of social assimilation in the Reconstruction process,

highlighting their central role in their communities, yet postulates on their role in 'training' the newly emancipated to adopt Protestantism and American values.

Arson attacks on black churches were undoubtedly an attempt to disrupt the formation of black communities, especially considering their emerging status during the Reconstruction era. Often churches were the only social setting that were exclusive to black communities; as Barbara Dianne Savage states, black people's churches were often perceived "chiefly as social institutions and paid little attention to their religious missions."[25]

As such, despite there being other churches "in the city equally or more valuable,"[26] the *Chicago Tribune* noted that "The sermon had hardly commenced, however, when we were reminded by two or three stones which shattered the window to my right, that we were not in New England or Wisconsin. We also went into two colored [sic.] churches, which we found full of people and full of terror."[27] These attacks on black churches are corroborated in the *Select Committee* report, in which John Oldridge states that: "I heard them [the mob] say they were going to burn "every n*gger building, every n*gger church, and every God damn [sic.] son of a bitch that taught a n*gger.""[28]

This perspective is further evidenced in the *Select Committee* report, in which Pitser Miller testified that the general feeling of educating black people in Memphis was largely "unpopular"[29] despite there being "a good many people who think the colored [sic.] people would be better for being educated."[30] Miller's testimony appears to frame the arson attacks on community spaces in South Memphis as an expression of anxiety towards potential changes to racial hierarchy. This is corroborated by Lavelle Porter, who states that: "Postbellum black education reveals a constant anxiety among white Americans [...] Higher

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education might lead blacks to think of themselves as virtually indistinguishable from white people and therefore feeling entitled to the same rights and privileges of citizenship."[31]

Overall, the importance of religion within the Memphis race riots can be viewed in two contrasting manners. First, as a determining factor in corroborating prejudices surrounding Irish-Catholic communities due to their participation in the riots. Catholic sects of society (such as Irish immigrants), became easily identified as the sole parties responsible for riot incitement, owing to previous anti-Catholic fraternities such as the Know-Nothing Party and the activities of the Fenian Brotherhood immediately following the riots.[32] Secondly, black-owned religious structures quickly became targets for rioters owing to their symbolic representation of black existence and social advancement. This can be summarised by Lincoln's observation that: "to understand the power of the black church it must first be understood that there is no disjunction between and the black community."[33]

Therefore, the Memphis race riots can be seen to exemplify Postbellum attitudes towards those on the religious fringes of society, such as those belonging to black congregations,[34] or Catholics, considered to have a faith incompatible with the believed religious morals of America.[35] The events of the riots either directly attacked aspects of the establishment of black religious spaces, or reignited and perpetuated previously established prejudices against Catholics in the Reconstruction era.[36]

 However, both of these religious prejudices implicitly served to maintain the dominance of Protestant dominance in American society. Agnes Orsatti Armao affirms this view, stating that American Protestantism in the nineteenth-century

developed a doctrine that relied on highlighting moral "crimes" rather than "sins".[37] Armao furthers her perceptions on the legalisation of religious moral doctrines through the case study of the Civil War, noting that: "in a sense, the sins of America's theological fathers- their obsessive reliance on civil authority, on contractual agreements which kept man in perpetual spiritual and psychological bondage- had placed religion in an unfortunate position, a weak political position which Protestant reformers would attempt for decades to overcome."[38] As such, when assessing the role of religion in the Memphis race riots, it would be amiss to omit the role of Protestant white supremacy in perpetuating these religious prejudices to maintain the image of Protestant Christianity as a 'civilizing' faith whilst in the midst and shadows of a history built to prosperity by chattel slavery.[39]

Rather than reckoning with this history of exploitation, Protestantism in the early-Reconstruction era appeared to largely appease and affirm the prejudiced views against oppositional white religious sects and the black communities in Memphis. This is identified in the somewhat deceptively named[40] *National Republican* editorial on the Memphis race riots, which states that "What is the truth in regard to the Memphis riots? We confidently affirm that these outrages upon the negroes in Memphis were the legitimate fruits of the radical reign in that city [...] if we are truthful in this assertion, we have too much Christianity to call down upon the heads of the responsible parties."

Jennifer Harvey notes that "In the white Protestant mind, it seems, racial realities could be held separate and distinct from the existential status and moral nature of white people, and the existence of racism did not have theological implications for who white people were as people."[41] This was

certainly true in the case of white Protestant participants in the Memphis race riots, who faced even less accountability than their white Catholic counterparts, and were neither named in the *Select Committee* report as instigators, nor processed by state law enforcement officers.[42]

Notably, both the Catholic and black sects of society were further persecuted following the formation of the Ku Klux Klan in Tennessee the very year of the Memphis race riots.[43] Their anti-Catholic and anti-black nationwide doctrine[44] pose similarities to the white supremacist anxieties of black advancement reflected in the *Select Committee* report. Rory McVeigh and Kevin Estep inform this view, noting that "the first Klan was inspired by anxiety [...] about the incorporation of former slaves into the social order."[45] As such, the role of religion during the early-Reconstruction period, especially when considering the Memphis race riots, can be seen to further aide a national dialogue that prioritises the preservation of the Antebellum social ideals and moral agents, by whatever means, in a post-Emancipation world.

8: Reconstruction Policy as a Limitation for Equal Protection.

The case study of the Memphis race riots provides a significant opportunity to evaluate how the execution of federal Reconstruction policy in the South endangered Freedmen. Moreover, the riots identify the lethal risks in using Constitutional Amendments to facilitate change to the foundation of national values without congruence across the executive branches. In order to explore these themes, this chapter will contextualise the adoption of the Constitutional Amendments to achieve abolitionism, review the role of Andrew Johnson in the failures of Reconstruction policies, and evaluate the federal and state legislative reactions to the Memphis race riots.

8.1 Amendment Abolitionism

Though the Emancipation Proclamation of 1863 had abolished chattel slavery,[1] President Lincoln remained uncertain that "a policy enacted under war powers would not legally outlast the war on which it was premised."[2] As such, the wartime Republican government sought to solidify black emancipation in the reconstructed Union.

Prior to the war in 1856, Lincoln believed that emancipation in all states should be determined by the Supreme Court.[3] However, foreseeing the potential overrule of court judgements or repeal of federal law, Republicans sought alternative means by 1863.[4] The pursuit of a Constitutional Amendment was agreed upon, as the Constitution was viewed as "the defining emblem of the nation,"[5] and the Thirteenth Amendment was successfully passed in a bipartisan Congressional vote on January 31, 1865.[6] For formerly-Confederate

states, adopting the Thirteenth Amendment (thereby abolishing chattel slavery) was a prerequisite for rejoining the Union,[7] and Tennessee ratified the Amendment in April, 1865.[8]

Though Tennessee represented the first state to rejoin the Union,[9] the assassination of President Abraham Lincoln in April 1865 and the introduction of the Fourteenth Amendment (in which 'people of colour' became entitled to citizenship, equal protection, and due process)[10] placed immense pressures on the fragile state of race relations. Interestingly, the Memphis race riots occurred just under a month prior to Congressional ratification of the Fourteenth Amendment, demonstrating that the adoption of the Constitutional Amendments did not necessarily coincide with the adoption of racial equality.

Although legislative or judicial measures to extend the rights of black people presented risks of repeal, the Constitutional Amendments were equally at risk of failing to ensure the protection and advancement of manumitted black people. Robert A. Dahl furthers this, stating that:

> "a democratic country cannot depend on its constitutional systems for the preservation of its liberties. It can depend only on the beliefs and cultures shared by its political, legal, and cultural elites and the citizens to whom the elites are responsive."[11]

For example, Andrew Johnson's Reconstruction policy is shown to prioritise the readmission of former-Rebel states, rather than further addressing racial inequalities. This was further complicated as interpreting and upholding Constitutional Amendments: "vested Southern whites in the defeated states with the initial responsibility for protecting the privileges and immunities of citizens of

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the United States and providing all persons within their jurisdiction due process and equal protection of the law."[12] Therefore, the Constitution had emancipated slaves in the unwilling Rebel states, yet entrusted the state to uphold the Amendments.

In his inaugural 1865 State of the Union speech, Andrew Johnson discussed the Thirteenth Amendment without reference to those manumitted, stating simply that, "it removes slavery, the element which has so long perplexed and divided the country."[13] It is through this lens that the Thirteenth Amendment and the Memphis race riots manifested; the balance of Reconstructing the Union ultimately led to disregarding Freedmen, ultimately to appease pre-existing racial hierarchies.

8.2 Andrew Johnson's Reconstruction

Andrew Johnson was not the expected figurehead for Reconstruction America.[14] Following Lincoln's assassination in 1865, Johnson ascended to the Presidency as a "lifelong and extremely partisan Democrat,"[15] presiding over an overwhelmingly Republican government.[16] David Warren Bowen notes that, though a staunch Unionist, Johnson "found himself as the symbolic head of the party he had attacked so bitterly."[17] However, as Vice-President, Johnson had also worked alongside Lincoln to forge a path for Reconstruction that prioritised reunification of the Rebel states. Lincoln's 1863 'Amnesty and Reconstruction Proclamation' extended the possibility for former-Rebel states' readmission "once 10 percent of the eligible voters had taken an oath of allegiance to the United States,"[18] and was embraced first in Tennessee.[19] Though Lincoln and Johnson held differing political ideologies and certainly disagreed on the role of

black people in the United States, Lincoln did consider Johnson a valuable ally
to aid repair in the South.[20]

Yet, in a public address following the assassination of Lincoln, Johnson made
his inequities for the commanding role clear, stating that, "I feel incompetant to
perform duties so important and responsible [...] unexpectedly thrown upon
me,"[21] though he hoped that the government could "settle down upon principles
consonant [sic.] with popular rights more permanent and enduring than
heretofore."[22] However, Johnson's Reconstruction plan remained tenuous at
best, largely owing to the dangerous simplicity of his Reconstruction policies
which lay in the belief that as Slavery was abolished and emancipation

therefore assured,
there should be no
more political
intervention on the
matter.[23] This is
evidenced in
Johnson's affirmation
that now
Emancipation was
assured, Freedmen's
"future prosperity and
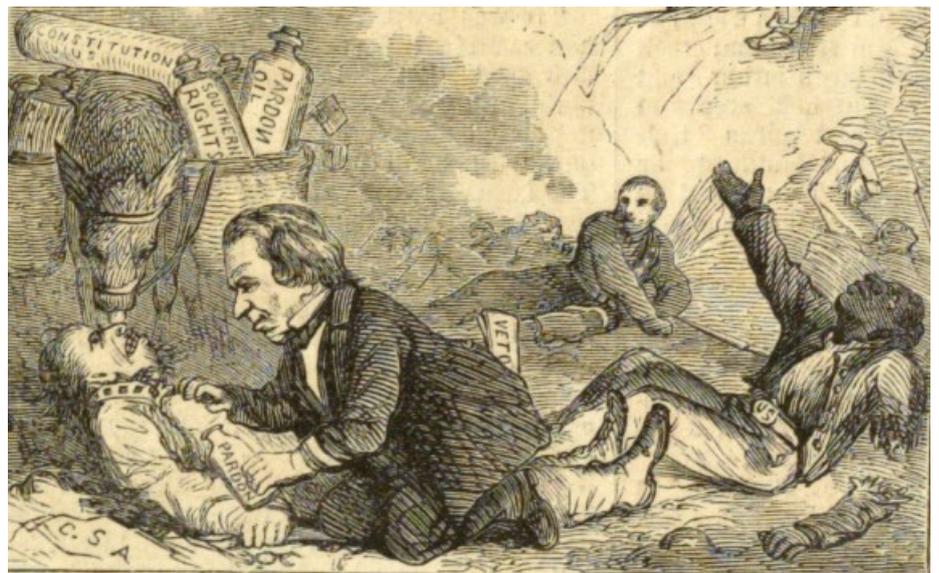
Figure 6 : Thomas Nast, "Andy's Trip: "Who Has Suffered More for You and for this Union Than Andrew Johnson?"" (New York, 1866), Library of Congress, Prints and Photographs Division, Illus. in AP2.H32 1866 (Case Y).

condition must, after all, rest mainly on themselves. If they fail, and so perish
away, let us be careful that the failure shall not be attributable to any denial of
justice. "[24] Months later at the 1865 State of the Union address, Johnson merely

encouraged civilians' to adopt "a dispassionate treatment,"[25] towards Freedmen.

By the close of the Civil War in 1865, Johnson was fixated on quick reunification; he extended a Proclamation of Amnesty to most former-Confederates, and further permitted those exempt from amnesty to apply for a Presidential pardon.[26] Johnson's extension of amnesty and Confederate pardons was condemned by Unionists, as illustrated in Thomas Nast's sardonic 'Andy's Trip'.[27] Nast's illustration depicts Johnson as using the healing ointments labelled as 'the Constitution,' 'Southern Rights,' and 'Pardon Oil' to treat a wounded Confederate soldier, whilst a black Union soldier cries out behind his back.[28]

Even locally in Tennessee, Johnson's Rebel sympathies were bitterly acknowledged by Union newspapers such as the *Brownlow's Knoxville Whig*, which stated that:

> "If Andrew Johnson's preference for the admission of loyal men were not false professions, his name would not now excite terror among the Freedmen of the South, and contempt among the sterling white Unionists who,[...] find themselves at last deserted by the Chief Magistrate, and left a prey to the most revengeful traitors that ever have existed."[29]

This sentiment is further corroborated by Johnson's knowing veto of important emancipation bills, such as the Freedmen's Bureau Bill and Civil Rights Bill, which demonstrates his aversion to the federal enforcement of Civil Rights. Michael Les Benedict states that Johnson opposed the former Bill on the basis that "it extended a pervasive federal machinery into the Southern states rather

than allowing labor [sic.] relations between freed people and employers to evolve naturally."[30] Regarding the latter Civil Rights Act, Benedict comments that while "Johnson opposed recognizing African Americans as citizens, [...] he was even more adamant that the definition of their status and rights were matters for the states alone to decide."[31] Johnson's hope that race relations would naturally become amiable had one fundamental oversight; without accountability, perpetrators of racist violence would have no incentive to evolve their behaviours. Johnson's own proclivities inform this view; like most other white Memphians, Andrew Johnson viewed black soldiers in Tennessee as detestable[32] and believed that Radical Republicans were "seeking to deal with the South as conquered territory and impose racial equality."[33]

Therefore, whilst Johnson may have disavowed disunionists, he felt similarly encumbered, rather than emboldened, by the prospect of racial equality. This is clearly evidenced in Johnson's public remarks that while he "would not advise their forced removal and colonization,"[34] Freedmen's expatriation or voluntary migration "is not to be questioned."[35] Johnson's hope to belay the government's responsibility to Freedmen was further broached at the first Afro-American Convention in February 1866. Johnson told the invited Freedmen (including respected abolitionist Frederick Douglass) that they "would be better served if their leaders would encourage them to leave the South."[36]

Publically, Johnson became the belligerent face of federal Reconstruction, and not an entirely welcome one to either Radical Republicans, or former Confederates. On his return to Tennessee following Military Occupation, he was received, "with much coldness by many who had been his warmest supporters, and at every point the flag of the Confederate States met his gaze."[37] In

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Republican periodicals, Johnson was depicted as a traitor to Freedpeople in the press. In the September 1st 1866 edition of *Harper's Weekly*, Thomas Nast depicts Andrew Johnson as Shakespearian villain, Iago, betraying a black Union military soldier (portrayed as an Othello-esque character).[38] Appealing to his audience through a recognizable character, Nast alludes to Johnson's use of black Americans as a form of power abuse, in order to achieve political goals. Indeed, Philip C. Koln notes that Iago represents a character of both knowledge and duplicity, who contends with Othello "for supremacy over [their] wills and wit,"[39] alluding

Figure 5: Thomas Nast, "Andrew Johnson's Reconstruction and How It Works, Harper's Weekly" (New York, 1866), Library of Congress Prints and Photography Division, Ben and Beatrice Goldstein Foundation Collection, 95512439.

to the struggle of racial hierarchy during Reconstruction. Furthermore, Nast surrounds Johnson with evidence of his betrayals to Freedmen, depicting the vicious New Orleans and Memphis race riots as an illustrative frame, alongside Johnson's aforementioned Presidential veto's of the Freedmen's Bureau Bill and Civil Rights Bill (both 1866). Nast's inference that Johnson uses Freedmen as political pawns is substantiated by literary interpretations of Othello: Harold Bloom comments how: "It is Othello's tragedy, but it is Iago's play."[40]

8.3 Federal Reaction to the Memphis Race Riots

As the first case of Reconstruction race rioting, the Memphis race riots represented the first test of the federal government's commitment to the protection of Freedmen. Despite being categorised as a reluctant Secessionist and a state eager to reunionise, Tennessee's racial hostilities were consistently underestimated throughout the Reconstruction process. Lucy Dunaway Zeier and Charles D. Zeier note that Tennessee's early readmission to the Union meant the state "did not have standing federal armies to enforce pro-Unionist policies,"[41] yet the state was still occupied by "an unrepentant public that was hostile and increasingly committed to the myth of the "Lost Cause.""[42] With the outbreak of the Memphis race riots arrived the first test of state competency in maintaining peace whilst upholding the new Constitutional Amendments.

As such, the handling of the riots illustrated both the incompetence of the civic government in quelling racialized violence, and the simultaneous aversion of federal forces to intervene to protect Freedmen. This was substantiated by Union General Stoneman, who testified before the *Select Committee* that he wished to not initially interfere in the riotous proceedings: "to test the question whether they were competent to keep order [themselves]."[43] However, Stoneman's testimony fails to appropriately acknowledge the fatalities that occurred at the expense of his 'test'. Stoneman, aware of the targeted racial attacks on the black population of South Memphis, viewed it more dangerous to challenge racial discrimination, than to belay it with federal authority. While the lack of federal intervention respected Tennessee's own capability to govern and maintain peace, the riots ultimately demonstrated the need for an overriding federal authority if Freedmen's rights were to be upheld.

The relationship between Congress and Tennessee following the Memphis race riots further alludes to the apathetic treatment of the Constitutional Amendments during Reconstruction. Tennessee maintained its municipal governance and its representation in Congress.[44] While Congress formed the *Select Committee* to investigate the riots, the outcome of this Committee and federal uncertainty towards intervention at any level exemplifies how the Johnson Administration prioritized the Union over Freedmen, and politic over people. Between Radical Republicans wishing to push forth an Emancipation agenda and Johnson's fears of fracturing the Union yet again, Freedmen ultimately suffered from federal inconsistency.

Moreover, though executing a conciliatory Reconstruction plan, the *Select Committee* concluded that the state of Tennessee would not actively seek to prosecute those involved unless "the strong arm of the federal government was made use of for that purpose."[45] The report further acknowledges the distrust civilians' held in their newly established rights, noting that "All the witnesses testify as to the improbability, if not impossibility, of convicting any of the parties guilty of the outrages."[46] However, though the Select Committee noted that state judiciaries would not prosecute known rioters, the report simultaneously acknowledged the inability of the federal government to ensure a fair judicial system for Freedpeople even if perpetrators were prosecuted. Therefore, even if Tennessee did arrest the perpetrators of the violence, the Select Committee argues, "the course of criminal justice in [Memphis] says that the chances of convicting white men for outrages upon negroes would be very remote."[47] This attitude was criticised in the *Chicago Tribune,* which scathed that the higher classes failed to abate the violence ("this scene of murder and arson continued

night and day for three days without cessation,") and infers an apathy towards the Freedmen, stating that "the higher classes are as deeply implicated in the guilt of this disgraceful,cowardly, and murderous assault on the colored people as the lower classes of Copperheads."[48]

Moreover, Following the publication of the *Select Committee* report, Attorney General James Speed noted how the riots "resulted in the most disgusting scenes of murder, arson, rape and robbery, in which most of the victims were helpless and unresisting colored [sic] citizens."[49] However, although the Attorney General recognised that "this conduct is [...] derogatory to the dignity of the laws of the State of Tennessee, it constitutes no offence against the laws and dignity of the United States of America."[50] In other words, it was considered appropriate for the federal government to abstain from intervention, as the offenses caused were considered to disgrace solely Tennessee's reputation, rather than the whole nation's reputation. Such a viewpoint reflects the continuing conflict of the Reconstruction; whilst the moral imperative to aid Freedmen in a time of persecution should oblige aid, Unionists avoided reigniting confrontation with former-Rebels through the guise of prioritising state self-governance. As Hoang Gia Phan argues, "in the Age of Emancipation the spirit of the law became the object of ongoing struggle over the signification of the letter."[51]

Potentially to justify the lack of federal intervention, the Attorney General, while he acknowledged the horrific events of the riots themselves, devalued their impact on the victims, referring to the events as 'private grievances' or 'public wrongs' rather than a widespread display of racially targeted violence. Speed continues, writing that:

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> "The military stationed at Memphis performed their duty in aiding to suppress the mob violence. Having done that, they have and can have nothing to do with the redress of private grievances, or prosecutions for public wrongs. The Courts, State and national, are open in Tennessee, and there is no war."[52]

From Speed's correspondence, the uncertain protections of Freedmen in peacetime are realized. During military occupation, federal powers were more extensive and permitted more direct intervention to uphold legislation.[53] However, upon the return of civic governing powers in the former-Confederate states, these powers were no longer deemed necessary.[54] Speed's statement that "there is no war"[55] highlights how the federal laissez-faire approach to peacetime intervention set a precedent for the emancipatory amendments regarding Freedmen to be considered *de jure* Constitutional law. Legislation considered *de jure* is defined as power that is allocated via legal institutions but may not reflect the *de facto* power "possessed by a social group as a result of wealth, violence, or other means."[56] This view is borne out by Hannah Arendt, who notes that: "freedom and liberation are not the same; that liberation may be the condition of freedom but by no means leads automatically to it."[57] Arendt's statement is easily applicable when considering the Memphis race riots, as though the victims had been freed from chattel slavery, they had still failed to be liberated from racial persecution in the South.

A *de jure* interpretation of the emancipatory amendments can be furthered when analysing the determinations of the *Select Committee* report. The inquiry concluded:

"there is no public sentiment in the South sufficiently strong to demand

and enforce protection to Union men and colored [sic.] people. The Civil-

Rights Bill, so far as your committee could ascertain, is treated as a dead

letter. Attorney General Wallace, in flagrant violation of his oath and duty,

[…] has, according to newspapers, proclaim [sic.] that he will utterly

disregard the law."[58]

In this sense, although the Thirteenth and Fourteenth Amendments allocated

Freedmen more rights, they did not affect the reality: the *de facto* interpretation

of Freedmen's entitlement to those civil rights, especially in cases of state

judiciary, remained the same. Academic Josef L. Kunz highlights how "It is not

the enactment, but the justice of the contents which makes law law: justice, not

mere will."[59] The failure to hold perpetrators to account was further

acknowledged by the *Select Committee*, who hasted that:

"The hopes based upon this law that colored people might find

protection under it are likely to prove delusive; for, where there is no

public opinion to sustain law, but on the other hand, that public opinion is

so overwhelmingly against it, there is no probability of its being

executed."[60]

The *Select Committee's* conclusion that Freedmen could not be guaranteed

protection from attacks substantiates David A. Strauss' stance on the limited

applicability of Constitutional Amendments. Strauss damningly assesses that:

"Constitutional amendments have not been an important means of changing the

Constitutional order."[61] The outcomes of the Memphis race riots substantiate

this perspective, as federal intervention and subsequent prosecution (or lack

thereof) consolidate the belief that Freedmen were still an incredibly persecuted

minority in a Postbellum America. The attention to the formation, rather than the application, of the Constitutional Amendments was noted by the Delaware *Free Press* on November 24th, 1865, who stated that "since the war has destroyed slavery, [Johnson], as do all democrats, accepts its destruction as a fixed fact, but goes no further."[62]

Therefore, while the Thirteenth and Fourteenth amendments may have ended chattel slavery, the power of these Constitutional Amendments was largely symbolic, rather than impacting the *de facto* reality. J.M. Balkin similarly comments that "large-scale changes in social structure require social transformation over long periods of time, and law forms only a part of that phenomenon."[63] This *de jure* interpretation of the Thirteenth and Fourteenth Amendments is witnessed in later cases of race rioting in the Reconstruction era, most notably following the 1866 New Orleans riot.

8.4 1866 New Orleans Riot

The New Orleans riot occurred exactly two months after the Memphis race riots, when violence erupted following a parade of black people marching in favour of their enfranchisement.[64] Similar to the Memphis race riots, the New Orleans riot targeted Unionists and Freedmen. Moreover, aside from the common target of the violence, both episodes of violence have elements of police collusion. Paul A. Gilje highlights that whilst rioting, New Orleans police surrounded and fired into an occupied building, resulting in "between 40 and 50 blacks and 3 white Unionists [...] murdered and over 150 others injured."[65]

Federal hesitancy played a significant role in the escalation of the violence in New Orleans, as it did in Memphis, with Christina S. Hayes noting that, although the riot commenced at one o'clock, "Due to either miscommunication or

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ambivalence on the part of the U.S. government, troops did not arrive until 4:00pm [to quell the riot]."[66] Akin to the judicial outcomes of the Memphis race riots, the perpetrators of the New Orleans riot faced a favourably prejudiced state judicial process, and limited federal involvement. Donald E. Reynolds notes that the New Orleans riot resulted in police arresting "261 Negroes and four whites for rioting and jailed them. No white Democrats or police were arrested or punished."[67]

The events of the New Orleans riot appear to corroborate that the Memphis race riots set a precedent for Emancipation legislation simply being *de jure;* the *de facto* situation remained the same. Art Carden and Christopher J. Coyne affirm this view, noting that Reconstruction race riots "manifested violently only because rules preventing such behaviours were either absent or not enforced."[68] The events in New Orleans so closely following those in Memphis further validate the impact of the lack of federal intervention or prosecution of perpetrators, in influencing, if not outright permitting, the persecution and murder of Freedmen.

8.5 Reactionary Tennessee State Legislation

As it has now been established that support and intervention to protect Freedmen from racialised hatred was inhibited from a Presidential and federal level, Tennessee's state reaction must be evaluated. As previously mentioned, identified instigators and perpetrators of the riot were named, but went unpunished for their actions. Although the perpetrators of the Memphis race riots faced no consequences, Tennessee state governance passed some legislation in reaction to the riots. Unfortunately, this was not to help the victims.

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These included the reactionary 'Act to Establish a Metropolitan Police District'. This Act provided a new hierarchical framework for law enforcers, establishing the roles of a Superintendent Commissioner, and a Board of Police Commissioners entrusted to appoint law enforcers[69] and " enforce the disciplinary rules and orders prescribed by the Board of Commissioners."[70] Though the race riots were partially perpetrated (and certainly not suppressed) by the Memphis police department, the Act is blatant in its attempts to extend the influence of law enforcement within Reconstruction Tennessee.[71] This proved to further endanger Freedmen becoming re-enslaved through convict leasing at the hands of vagrancy legislation.[72] This soon became a reality, with the Memphis police force in 1866 using vagrancy charges to arrest 27 black people in *one day* under vagrancy charges.[73] Unable to pay the fines, the Freedmen were sent to Mississippi to labour on the cotton fields.[74] While this piece of state legislation did enforce the need for concrete police disciplinary procedures,[75] it was instantly undermined by the failure to hold policemen who participated in the Memphis riots to accountability.

The implementation of this Act no more than two weeks after the Memphis race riots,[76] shows the government of Tennessee's somewhat earnest attempts to control police brutality and maintain the public peace in the aftermath of the massacre. Whilst this may have been seen as a positive step in belaying police brutality, it fails to address the root-cause of the Memphis race riots, the enactment of racial prejudice and violence. Therefore, when considering Howard Rabinowitz's statement that "to the whites in the postbellum South, the police stood as the first line of defense against the Freedmen,"[77] the Act can be seen to serve the white population, rather than black Memphians.

Whilst successful in providing a timely state response to the Memphis race riots, the 'Act to Establish a Metropolitan Police District' failed to be accepted in the state. Though the Act passed through the Tennessee General Assembly with relative ease, "the citizens of all the cities [Memphis, Nashville, Chattanooga] obstructed the act by all kinds of litigation, and the courts made no appropriation for the support of the commissioners."[78] This led to significant delays in the appointment of the Commissioners, and further delays in the act being implemented.

Importantly, though Tennessee's legislative reaction to the Memphis race riots was predominantly focussed on professionalizing and expanding the powers of the police, civil militias were still utilised with state authority. In fact, Governor Brownslow introduced the 'Act to Organize and Equip a State Guard' at the second session of the 1866 Tennessee General Assembly.[79] The Act outlined that the service be a "volunteer force,"[80] consisting of loyal men who had taken an oath of allegiance. Brownlow's state guard was considered to be "necessary for the purpose of protecting loyal citizens, especially negroes, from violence at the hands of rebels, and of guarding against frauds in elections."[81] Similarly to the 'Metropolitan Police Bill,' Tennessee state legislature forged an attempt to repress racial tensions through the systems of governance that had been attributed to the occurence of the riots.

Tennessee General Assembly's establishment of the 'Metropolitan Police Bill' and 'Brownlow's Militia Bill' ultimately unveils how legislative outcomes from the Memphis race riots were focussed on appeasing aggressors and scrutinizing Freedmen. Under the guise of preventing further outbreaks of civil unrest, Tennessee's legislature fundamentally failed to grasp how the further

integration of white law enforcement into black lives in the South, was simply the Master and Slave dynamic reimagined in the Postbellum.

8.6 Summary

At the time of the Memphis race riots, the Thirteenth and Fourteenth Amendments were openly undermined by Presidential, state, and civilian defiance. In attempting to restore the Union with a tentative approach to the former-Confederate states, Johnson resumed a governance that centered around the safety and interests of white civilians. The federal government failed to protect the Freedmen the war fought to free. The lack of accountability for the perpetration of the Memphis race riots, and the fumbling over federal military jurisdiction outside of wartime, demonstrated publicly a reluctance to enforce laws which went any further than simple emancipation for the Freedmen.

Shortly following the riots on May 30th 1866, Henry Bromwell spoke at the House of Representatives, declaring that:

> "It is because liberty exists in its securities and not in its promulgation, […] there is but one security, and that is justice. He who would enlarge the area of freedom must first enlarge the area of justice, for justice and liberty are twin sisters; they cannot be separated. Where justice reigns liberty takes up her abode and is without an enemy in the whole domain."[82]

Using Bromwell's analogy of 'justice' and 'liberty' as inseparable, the Thirteenth Amendment can be viewed as only one element in the struggle for

Emancipation, which could only truly be attained with the co-operation and enforcement from all three branches of executive powers.

Moreover, on a state legislative level, Tennessee did little in reaction to the Memphis race riots and importantly, was not compelled to do more by the federal government. The failures of the federal and state legislative branches ultimately highlighted the deeper roots of the riots; that white supremacy had to remain in order to maintain the delicate Union in Johnson's early-Reconstruction era. Certainly, within the case study of the Memphis race riots, it is clear that the ratification of the Thirteenth Amendment and subsequent ratification of the Fourteenth Amendment in Tennessee did not change the inequalities and inequities of white peoples' abusive and immoral treatment of Freedmen.

Conclusions

In setting out to consider the Memphis race riots during the early Reconstruction era, this thesis has accessed the frequently shocking testimonies of experiences the black community faced, and identified the conflicts over federal intervention under the Johnson Administration. As the first instance of post-Civil War race rioting, the Memphis race riots have been significantly underutilised in Reconstruction historiography. Despite this, the culmination of three days rioting provides an ideal case study into state re-assimilation following the mustering out of federal forces in Tennessee. Moreover, as a border state formerly Governed by President Johnson, the 1866 riots exemplify the remaining deep-seated fractures of society in a state considered the 'easiest' to re-assimilate.

The end of the Civil War represented a new beginning for America. However, politically and socially, this new beginning was undefined and uncertain. As a Democratic President at the helm of a Republican administration, Andrew Johnson's policies favoured the maintenance of the Union over the development and protection of Emancipation ideals. Largely, this was predicated on the appeasement of former-Confederates and the preservation of Antebellum ideals, however this ultimately postponed reckoning with a new post-Emancipation South. Indeed, this approach likely contributed to the great losses of the Memphis race riots.

During the early-Reconstruction period, the delicate state of race relations diminished the ability for Freedpeople to realize their liberties in the eyes of the law. Therefore, the collusion between civilians, civil governors, and law enforcement enabled the enactment of racial violence without fears of legal retribution. This view was corroborated by the *Select Committee* inquiry at the

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time, which determined that any, "hopes based upon this [Thirteenth Amendment] that the colored [sic.] people might find protection under it are likely to prove delusive."[1] In this conclusion, the *Select Committee* was correct: the American Civil War had freed slaves from overt bondage, but not from racial hierarchies, which remained indisposed.

Moreover, the misrepresentation of the events of the riots appeared to set a precedent for Emancipation laws lacking anything other than *de jure* authority: outside of wartime, the federal government would not enforce, or defend, the Emancipation legislation the Civil War fought to establish. As such, this thesis asserts that the Memphis race riots set the precedent for nonintervention, portraying a government that viewed the Thirteenth and Fourteenth Amendments as politically beneficial, but inactionable. This perception of federal apathy can be supported by Hannah Arendt, who notes that ""passion and compassion are not speechless, but their language consists in gestures and expressions of countenance rather than in words."[2] Further investigation into the *de jure* application of Civil Rights legislation in different ethnic communities (such as the Hispanic or Asian-American communities) in the nineteenth and twentieth centuries may prove beneficial in tracking the development of acceptance concerning minority communities in America.

While this inquiry has corroborated a significant Irish contribution to the events, it also argues that the *Select Committee*'s focus on Irish participants was a method of distancing other white Memphians from their participation in the riots. Further investigation of the Memphis race riots using critical race theories could provide insight into immigrant identification in riot behaviours, and aid academic studies of trans-Atlantic immigrant assimilation in the Victorian era.

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Despite serving during the Civil War for less pay and even less recognition, black Union soldiers were not exempt from persecution by white civilians. Even local Republican reportage such as the *Brownlow's Knoxville Whig and Rebel Ventilator* viewed black soldiers as overtly inferior to their white counterparts.[3] In the context of the Memphis race riots, black soldiers were seen to symbolise the elevation of black people in Postbellum society. Through the creation of black ethnic enclaves and prevailing perceptions of the indolence of their race, the brutalising of black soldiers can be seen as a vivid and violent rejection of the perceived elevation of black peoples' agency and social status. This view is furthered when considering the targeted use of arson in the riots, which affected only black-owned or inhabited buildings, displacing thousands of those who had fled to Memphis as a result of the recent war.

The Memphis race riots' lasting political relevance is encapsulated in the disputed testimony of Frances Thompson. The testimony Thompson provided recounting her brutal sexual assault in 1866 rearose in political spheres after her gender was publicly disputed. The 1876 publication of *Southern Outrages* appears to show the sustained interest and political relevance of the riots over a decade after their occurrence, with Democrats attempting to redress and reclaim narratives surrounding the riots. Moreover, the publication of *Southern Outrages* in an election year*,* seemingly as a piece of Democratic propaganda, suggests that the riots were still considered a key issue for prospective voters in the Postbellum era.

Ultimately, this thesis has laid the groundwork for a new understanding of the riots. The Memphis race riots may have been considered a small event in a relatively unimportant state in the shadows of the Civil War. However, their

impact stretches beyond Tennessee through informally setting precedent for the interpretation of the Thirteenth Amendment, and demonstrates how, in reality, the federal government quickly undermined the moral principles of the war to end slavery. Moreover, state legislation sought to further the influence of law enforcement, though police had been identified as significant aggressors during the riots.

Through the abuse and misuse of civil authority, the state of Tennessee demonstrated their commitment to a *de facto* continuation of Antebellum social practices with regard to the black population, regardless of the new *de jure* position. Through the systematic destruction of black communities, Memphians reaffirmed their commitment to a white supremacist South. In three days of rioting, the fundamental issues surrounding an attempted social reinvention, let alone a Reconstruction of the Union, were revealed.

Endnotes

Abstract

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Introduction

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Images:

Figure 1:

Waud, Alfred R., "Scenes in Memphis, Tennessee, During the Riot - Burning A Freedmen's School-House. Harpers Weekly" (New York, 1866), Tennessee State Library and Archives, 33973

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Figure 2:

Waud, Alfred R., "Scenes of Memphis, Tennessee, During the Riot- Shooting Down Negroes on The Morning of May 2, 1866 - Harper's Weekly" (New York, 1866), Tennessee State Library and Archives, 33973

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Figure 6:

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