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The Politics of Terror : Enforcing Reconstruction in Louisiana's Red River Valley

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5. Implementing Equality

The Limits of Republican Power in the Warmoth Era (1869-1872)

Sam Watson, a freedman who ran an apple stand in Shreveport, cast the only Republican vote in the entire parish of Caddo at the November 1868 presidential elections. On the evening of election day, two young whites named Hinley and Pittman stopped at Watson's apple stand, called him out, and shot him dead. Aaron B. Levissee, the recently elected district judge, was just then holding his first term of court in the parish. Major Ashton, a young, ambitious district attorney, suggested that Levissee have the grand jury indict the murderers and then let the sheriff arrest them on a bench warrant while court was still in session. Levissee did so, and a biracial grand jury of ten whites and six blacks, recently empaneled under the new state law, passed down its first indictment for a politically motivated murder. The ensuing court case quickly became a test of wills between the novice judge and the conservative white establishment of the parish, as L. M. Nutt, a prominent lawyer and reputed Ku-Klux Klan captain, took up Hinley and Pittman's defense.

Unlike his predecessor, James J. Weems, Levissee enforced a law precluding bail in murder trials, and in response Nutt pressed for a speedy trial. The trial commenced on a Monday and the judge found his courtroom "crowded with young men from the country, usually if not universally armed – their pistols buckled around outside the clothes. In this I could see Nutt's design to have the house full of Ku-Klux from whom to select jurors, when the regular venire was exhausted." Levissee forestalled Nutt's strategy by explicitly instructing the sheriff to select only "the best and most substantial men in Shreveport" as potential substitutes, ignoring the "Ku-Klux gentry" in the public. When a prospective juror came to the stand for examination "with a six-shooter buckled around him" Levissee's patience was exhausted and he ordered all those armed to clear the courthouse.

Levissee's efforts paid off and the jury found a verdict of guilty without capital punishment. Nutt immediately entered a motion for a new trial. The night before Levissee was to rule on the motion, a known Klansman, Dock Jones, came to the judge's home and threatened his life if he did not grant it. Levissee refused to be cowed and sentenced the defendants to hard labor for life. As soon as they left the court room, however, both men escaped with the connivance of the deputy sheriff who held them in his charge. Pittman subsequently vanished, but Hinley was arrested a year later in Texas and served about five

years of his sentence before Governor William Pitt Kellogg pardoned him in the winter of 1874-75.¹

It is impossible to verify Levissee's claim that Hinley was "the only one ever punished in Louisiana for a political murder," but such convictions were certainly rare. The events of the case, moreover, exemplify the difficulties involved in locally implementing the greater racial equality envisioned by Republican lawmakers in Washington and New Orleans. Conservative whites, who enjoyed widespread support within their communities, had numerous opportunities to shield one of their own from being effectively prosecuted at the various stages within the judicial process. Only the perseverance of Levissee, even in the face of personal threats and subsequent social ostracism, allowed a conviction to be obtained at all. Even then, a sympathetic deputy sheriff could subvert the judgment, allowing one convict to escape punishment entirely and delaying the punishment of the other. Had the court not been in session at the time of the murder, moreover, it is unlikely that a conviction would have been obtained at all. Hinley and Pittman might have let themselves be tried by a sympathetic justice of the peace, or else would have fled the area before any action could be taken.

Republican political power in Louisiana reached its apex between 1868 and 1872. The party swept all statewide and most local offices at the elections in both April 1868 and November 1870. Governor Henry Clay Warmoth, although initially disliked by many conservative whites, gradually succeeded in winning a grudging measure of respect from them. He certainly never faced the kind of challenges to his legitimacy that would plague his successor. As a result, these years also saw a lull in political violence, allowing blacks to participate relatively unimpeded in the political and judicial process, thereby giving substance to their newly won citizenship. Even so, white conservatives continued to obstruct changes in the entrenched racial hierarchy whenever possible, and Republican success on paper did not always translate into substantial improvements for blacks' civil and political rights, particularly in rural areas far from New Orleans. Many of the local officials elected were moderate white Republicans, with limited interest in challenging received notions of white supremacy. Conservative whites, moreover, used their economic leverage, social pressure, and, when necessary, continued violence and intimidation, to minimize the practical effects of Reconstruction.

¹ 'Aaron B. Levissee Diary [transcript],' [Hereinafter: 'Levissee Diary'] Aaron Burton Levissee [sic.] Papers, Manuscript Division, Library of Congress, Washington, D.C., box 1 [Hereinafter: Levissee Papers], 23-29; CSS, 43-2, HOR. Rep. 261, 367-368.

Federal Retreat

Inspired by their success in ‘winning’ the November 1868 presidential election through the widespread use of violence and intimidation, militant whites in northwestern Louisiana increasingly challenged the authority of local military commanders stationed in the Red River area. Many of these commanders did all in their power to support local Republican leaders and officials, who often lacked the resources to deal with both political terrorism and the numerous outlaws who specifically targeted blacks and white Republicans in order to retain a measure of support and protection from the local community. Eventually, however, the lack of men and material resources, as well as the very limited mandate granted them by their superiors in New Orleans, severely hampered the ability of these officers to operate effectively. Under these circumstances, local military commanders often became frustrated and bitter, eventually withdrawing from any interference in civil affairs. The experiences of Napoleon McLaughlin, a brevet general who commanded the post at Grand Ecore near Natchitoches, and of Captain Joseph Kerin, in charge of the troops at Greenwood near Shreveport, illustrate the difficulties that plagued military officers who attempted to enforce Reconstruction.

About a week before Christmas 1868, McLaughlin personally set out from his camp at Grand Ecore, accompanied only by his orderly, to investigate the murders of the freedmen Hall Frazier and Jesse Robinson in Winn Parish. En route, the news reached him that William and Lawson Kimball could be found at their father’s house near the hamlet of St. Maurice, in Winn near the Natchitoches line. The Kimball brothers were notorious outlaws with outstanding warrants in both Natchitoches and Winn, the oldest of which dated back thirty months to the murder of a freedman in April 1866. Suspicion also rested on William Kimball for the 1866 murder, in Winn, of army officer and Freedman’s Bureau agent Lieutenant J. C. Butts, with whose watch and chain he was seen shortly after the murder. Neither the local civil authorities, nor federal officers had ever succeeded in apprehending the Kimballs, who divided their time between Texas and Winn parish, where the civil authorities refused to take action, and local whites forewarned them of any attempts to arrest them by federal officials or military personnel. While there is no evidence to suggest that politics served as the primary motivation for the Kimball’s and similar gangs, they exploited the widespread animosity

against blacks, northerners, and federal officers, whom they could victimize indiscriminately, without losing the support and protection of the white community.²

On hearing of the Kilball brothers' presence, McLaughlin decided to attempt the arrest himself, hoping to profit from the element of surprise. The brothers nevertheless got wind of his presence, and by time he reached their house he was met by their mother, who informed him they had left for Texas that morning. McLaughlin continued on his way towards Winnfield, followed by the outlaws' younger brother, Thomas Kimball. Less than a mile down the road, McLaughlin came across William Kimball, talking to a neighbor. Before McLaughlin could surprise him, Thomas shouted out a warning to his brother, who jumped onto his horse and, taking a stick from a bystander, whipped his mount as he took off towards the woods.

McLaughlin gave chase through the forest and just as he was about to overtake Kimball, the outlaw's horse lost his footing in a mud hole, forcing him to dismount. Kimball took cover behind his mount, and as McLaughlin approached fired off a shot, hitting the soldier's horse in the neck. McLaughlin, still mounted, returned fire with his shotgun, wounding Kimball in the face with a burst of light birdshot. They exchanged fire with both shotgun and pistols, before Kimball threw down his weapon and surrendered with two bullets left in his six-shooter. The orderly had not been able to keep up with the chase, forcing McLaughlin to lower his weapon and dismount in order to effect the arrest. Kimball saw an opportunity to get away and quickly seized it. Snatching his revolver off the ground he jumped on his horse and took off once again. McLaughlin quickly remounted, and, despite his horse's wounded neck, once again overtook Kimball, who fired at him at full speed, missing with his fifth shot and misfiring the final round. McLaughlin returned fire, fatally wounding Kimball with a shot to the chest.

McLaughlin returned to the road, where he found his orderly, as well as Thomas Kimball and several other residents of the neighborhood. He tried to get someone to notify the nearest coroner, but the locals refused, insisting instead that he take them to see the body. When they reached the spot, Kimball's father was already there with several men, armed with shotguns, who "had turned the body on to its back, taken the blood off its face and tied up its jaw." Considering "the desperate character of the family, and not liking the appearance of

² 'December 22, 1868, Grande Ecore, McLaughlin to Neil,' NARA, RG 393, part 1, entry 4501, box 2; CSS, 43-2, HOR. Rep. 261, 584; 'April 30, 1866, Natchitoches, Cromie, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 581; 'July 10, 1868, Montgomery, White to Warren,' NARA, RG 105, M1905, reel 89, frame 415; Vandal, *Rethinking Southern Violence*, 76-77.

affairs, [McLaughlin] felt to remain would be death.” Instead, he rode nine miles to inform the coroner of events “telling him I did not propose being arrested in Winn parish, but would return to my camp, where I could be found at any time.” He similarly informed his superiors in New Orleans, that “I am ready and anxious to be tried by any tribunal, civil or military, anywhere in the world, except for Winn, which is filled by just such desperadoes as this Wm. Kimball, and where my life would not be safe one moment.” To ensure his own safety, McLaughlin went to Natchitoches on December 24 to surrender to Winn sheriff W. T. Barnett, who was in town with a warrant for his arrest, “immediately however suing out a writ of habeas corpus [...] under which I was taken before judge Osborne of this judicial district, now holding court in this parish.” The Republican district judge, John W. Osborne, released him on bail for his appearance on December 29, when he dismissed him unconditionally, “as he appears not guilty, it being a case of justifiable homicide.”³

In the long run, McLaughlin’s vigorous attempt to enforce the law against two notorious outlaws may have done more to hinder than to help the viability and legitimacy of Republican rule backed by military force. The conservative state military commander Robert C. Buchanan’s first reaction was to reprimand his subordinate for attempting “the arrest when not accompanied by civil authorities or in possession of warrant.” McLaughlin himself, moreover, concluded it would now be impossible “to again go to Winn, unless with a large detail, which I cannot spare. [...] So my investigation of the murder of Frazier and the other man will rest for the present.” His failure to further prosecute the killing of Frazier and Robinson had dire consequences for Albert Farkenton, a freedman from Natchitoches. A man “calling himself Davenport, but bearing the aliases Carpenter, Baker, etc. made a murderous attempt” on Farkenton, “shooting him three times and leaving him apparently dead.”⁴

This time, McLaughlin left the investigation to the civil authorities. The ward constable J. J. Kimball (no relation, apparently, of the Winn outlaws) summoned a posse and succeeded in apprehending Davenport in Claiborne parish, just before he crossed the state line into Arkansas. On their return to Natchitoches, however, a party of nine heavily armed whites, including Lawson Kimball, met the constable and his posse and forcibly rescued the prisoner from custody. As he rode off, Davenport boasted to his would-be captors that “he was the

³ ‘December 22, 1868, Grande Ecore, McLaughlin to Neil,’ ‘24 December 1868, Grand Ecore, McLaughlin to Neil,’ and ‘January 9, 1868, Grand Ecore, McLaughlin to Neil,’ NARA, RG 393, part 1, entry 4501, box 2; CSS, 43-2, HOR. Rep. 261, 584.

⁴ ‘December 22, 1868, Grande Ecore, McLaughlin to Neil [including Buchanan’s Endorsement]’ and ‘January 21, 1869, Grand Ecore, McLaughlin to Neil,’ NARA, RG 393, part 1, entry 4501, boxes 2, 4.

man who killed Hall Frasier and son [...], had killed, or if not, intended to kill, Farkenton; and had taken three mules away from the freedmen in Winn a few days ago.” A frustrated McLaughlin complained that the increase of troops in northeastern Texas had driven these outlaws back into Louisiana, where they “can perpetrate all kinds of outrage with the most perfect impunity [...], whilst the civil authorities are paralyzed with fear, and I powerless to interfere.”⁵

Less than a hundred miles north of Grand Ecore, near Shreveport, civil and military authorities faced similar problems with a gang of robbers and horse thieves operating around Greenwood Caddo, just across the border with Texas. Like the Kimball gang, these outlaws specifically targeted freedmen and white Republicans, ensuring that the majority of whites turned a blind eye, if not supporting them outright. Caddo’s conservative sheriff John J. Hope, who was rumored to have sold blacks freed by the army back into slavery during the war, undertook nothing to impede these desperadoes.⁶ By May 1869 Hope had resigned as sheriff, and in his stead Warmoth appointed John J. O’Connor, a 23 year old Irish immigrant and a Union army veteran, unknown to the people of the parish. Presumably a Republican, O’Connor soon initiated a vigorous attempt to restore order to the area, supported by cavalry Captain Joseph Kerin, detached from forces stationed in Jefferson Texas, who reestablished a cavalry post at Shreveport on June 9, 1869 , just five weeks after it had been ordered broken up.⁷

The immediate reason for Kerin’s stationing in Caddo, was a complaint from Ross Wilkinson, a former Union officer, Caddo registrar, and Republican candidate for the state legislature, who owned a plantation near Greenwood that hugged the Texas line. As soon as the outlaws from Texas had appeared in the area, Wilkinson had “protested and tried to get the citizens to put a stop to it, but without avail.” On March 29, he himself had a horse stolen and immediately arranged for a warrant to be issued for two of the perpetrators, who were subsequently arrested in Jefferson, Texas. They succeeded in escaping and returned to Caddo, where they joined with the rest of their gang and laid siege to Wilkinson’s home for two weeks, swearing to kill him and destroy his property in revenge for his legal actions.

⁵ Ibid.

⁶ ‘June 16, 1867, Shreveport, McVean et al. to Sheridan,’ enclosed in ‘August 13, 1867, New Orleans, Flanders to Sheridan,’ NARA, RG 393, part 1, entry 4575, box 3.

⁷ No explicit mention is made in the available sources regarding O’Connor’s politics, but his actions and background indicate his Republican politics.

<http://www.ancestry.com/rd/viewrecord.aspx?dbname=&dbid=7163&rpid=30601509>;

SW, 69-05-07; ‘October 15, 1869, New Orleans, Mower to Fry,’ NARA, RG 393, part 1, entry 4482, vol. 266C.

Wilkinson urgently requested protection from Brevet Brigadier General Buell, commanding the cavalry forces at Jefferson, who sent a small squad of cavalry to the Texas side of the border near Wilkinson's property, informing the beleaguered planter that he had no authority to send troops into Louisiana, which, unlike Texas, had reverted to civilian rule. Wilkinson then sent a letter to General Mower in New Orleans requesting assistance. Warmoth confirmed Wilkinson's claims that "the civil authorities are powerless to protect life and property in Caddo parish." Mower, however, had no troops left to spare and first needed to telegraph his superiors in Washington to get troops from Texas transferred to his command. As a result of the army's bureaucracy and deference to civil authority, it took over six weeks for a single company of cavalry from Jefferson to be stationed where it was needed in Shreveport, just 50 miles away.⁸

In the meantime, Wilkinson depended for protection on young sheriff O'Connor, who, upon hearing of Wilkinson's predicament, "immediately proceeded to capture [the outlaws], but all efforts were fruitless, as they are scattered in the woods." He arrested one local accomplice, whom he soon released on bail, but "the principals have decamped for Texas, swearing vengeance, for the purpose of collecting more of the gang, and return to murder major Wilkinson and all others who have aided me in their rout." By the end of May, having spent a week in the Greenwood area, he could no longer remain to protect Wilkinson, as court business in Shreveport required his presence. He wrote to Warmoth in support of Wilkinson's request for troops, urging the governor to have at least fifty soldiers sent to Shreveport "the better to afford protection to the citizens whose lives are in danger on the Texas border."⁹

The arrival of Kerin with a full company of cavalry satisfied O'Connor's request numerically. For the time being, however, the operational effectiveness of the unit was severely hampered, due to its being "dismounted and in need of 90 horses, ordnance and ordnance stores, clothing and garrison equipage," none of which Kerin received until early September. Until then he could only send a small guard detachment to Greenwood, with orders to protect Wilkinson and assist the civil authorities if so called upon. The bulk of his force, meanwhile set up camp at an old arsenal building, just outside Shreveport.¹⁰

⁸ Ibid.; 'May 28, 1869, Caddo, Wilkinson to Mower,' and 'May 22, 1869, New Orleans, Warmoth to Mower,' NARA, RG 393, part 1, entry 4501, box 4.

⁹ 'May 27, 1869, Greenwood, O'Connor to Warmoth' enclosed in 'June 5, 1869, New Orleans, Warmoth to Mower,' NARA, RG 393, part 1, entry 4501, box 4.

¹⁰ 'June 10, 1869, Shreveport, Kerin to Baldey,' NARA, RG 393, part 1, entry 4501, box 5; 'June 5, 1869, New Orleans, Mower to Commanding Officer Co. F, 6th Cavalry,' NARA, RG 393, part 1, entry 4482, vol. 266.

Without horses, the soldiers' radius of action was reduced to the town of Shreveport and its immediate surroundings, meaning they could do little to assist the civil authorities in combatting the gang of horse thieves that roamed the border region. Instead, Kerin assisted the new sheriff in guarding prisoners lodged in the parish jail. A month after Kerin's arrival, O'Connor called on him to provide a non-commissioned officer and four privates to help guard the poorly secured jail, because the conservative police jury refused to pay for a guard as they had heretofore done under conservative sheriff Hope. General Mower, however, soon informed the sheriff that he had "no authority to use troops as guards for convicts to state penitentiary" and suggested the sheriff swear in deputies to perform the duty. O'Connor followed the general's advice, deputizing Thomas R. Simpson, a former sheriff himself, appointed by Wells shortly after the surrender. Although presumably no Radical, Simpson sincerely thanked Kerin and his men for their service, while censuring the police jury for politicizing parochial law enforcement.¹¹

In mid-July, Kerin requested and received permission to temporarily move his forces "to a more healthy place in Caddo, near the Texas border," in response to the prevalence of "malarial fever" among his men. A lack of transportation, however, delayed the movement for another month. Not until August 23 - and only after the post surgeon urgently warned that his quinine was exhausted, threatening a severe epidemic among the men - did Kerin receive authorization to locally hire the necessary transportation.¹² Shortly after his departure, O'Connor again requested soldiers to help guard the jail, which now housed 17 prisoners, including 7 murderers, many of whom could call on "outside friends, who would not hesitate to assist them in escaping from the vengeance of the law if the opportunity is offered." Kerin did not reply until a month after the request was originally sent. Despite Mower's earlier disapproval of such a use of federal troops, the cavalry commander was willing to comply with the request in principle. However, as a result of the disease and the rapid discharge of men whose three years of enlistment had come to a close, Kerin's command was reduced to less than fifty men, only a dozen of whom were fit for active guard duty. Between

¹¹ 'July 10, 1869, Shreveport, Simpson to Kerin,' enclosed in 'July 1, 1868, Shreveport, Kerin to Baldey,' NARA, RG 393, part 1, entry 4501, box5; July 6, 1869, New Orleans, Mower to O'Connor,' NARA, RG 393, part 1, entry 4482, Volume 266C.

¹² 'July 22, 1869, New Orleans, AAG to Kerin,' and 'August 23, 1869, New Orleans, AAAG to Kerin,' NARA, RG 393, part1, entry 4482, Volume 266C; August 12, 1869, Shreveport, Harvey to Kerin,' NARA, RG 393, part 1, entry 4501, box 5.

maintaining his own camp and caring for the horses, which had finally arrived, Kerin could not spare the men until new recruits arrived.¹³

Kerin expected to receive additional forces at any moment from 105 new recruits enlisted at Jefferson. On October 8 he personally went to see General Buell to request reinforcements, but he returned disappointed to have learned that the disposition had already been made with no recruits assigned to his company. With neither extra troops, nor mule teams for transportation, Kerin wrote his superiors that it would be useless to permanently station his forces on Wilkinson's plantation. Wilkinson had suggested such a move, even offering to provide the necessary lumber for quarters. Simply rationing the men and horses at such a distance from the river would be a full-time occupation and strain the available mule teams beyond their capacity. Kerin went on to complain of the sickly condition of both men and horses, accustomed to neither the heat nor the heavy rain of the Southern climate. As a result, he concluded that his force's

usefulness as a cavalry company for active service is entirely inefficient, it is simply the moral effect of having the troops stationed here that has quieted this parish up to the present time. I have not been called on to assist the civil authorities to enforce the laws, except by the sheriff to guard the parish jail - duty that at all times takes the trooper from the care of his horse.

He recommended to his superiors that they send up infantry to relieve him from his present duty, allowing him to return to New Orleans to recruit his company to full strength. The state command in New Orleans agreed that permanently stationing the cavalry at Wilkinson plantation would be inefficient and costly, but ignored Kerin's request for relief, instead ordering him to return to his camp at Greenwood, near Shreveport. He was to leave a detachment behind to guard Wilkinson's plantation, as had been the case before the company's move.¹⁴

On November 15, Kerin finally received eight new recruits. Although not nearly enough to bring his company up to full strength, these reinforcements did allow him to comply when O'Connor next requested him to supply a detail of three or four enlisted men

¹³ 'September 30, 1869, Shreveport, O'Connor to Kerin' and 'October 1, 1869, Post Shreveport, Kerin to O'Connor,' both enclosed in 'October 1, 1869, Post Shreveport, Kerin to Baldey,' NARA, RG 393, part 1, entry 4501, box 4.

¹⁴ 'October 7, 1869, Post Shreveport, Kerin to Baldey,' 'October 8, 1869, Post Shreveport, Kerin to Baldey,' and 'October 10, 1869, Post Shreveport, Kerin to Baldey,' NARA, RG 393, part 1, entry 4501, box 4; 'October 9, 1869, New Orleans, AAAG to Kerin,' and 'October 13, 1869, New Orleans, AAAG to Kerin,' NARA 3293, part 1, entry 4482, vol. 266C.

and a non-commissioned officer. Such “good men and true are necessary,” the sheriff wrote, “for the purpose of guarding the parish jail tonight and in preventing an attempt at rescue of a prisoner charged with murder tomorrow, when his trial for the crime will take place.” The sheriff had positive information that such an attempt was to take place, most likely when he transferred his prisoner from the jail to the courthouse. He sorely needed the soldiers “as a prisoner was taken from my predecessor in the manner mentioned and which I anticipate they will attempt with me.” Kerin not only provided the detachment asked for, but also sent “two non-commissioned officers and a private in plain clothes to remain in Shreveport until midnight,” to report on any possible attempt at rescue. Just in case he kept his entire company under arms that night and subsequently supplied the jailer with a detachment of two privates every night.¹⁵

Despite continually lacking men, funds, transportation, and equipment, Joseph Kerin had done everything within his limited means to assist the civil authorities in Caddo to restore a measure of order and the rule of law since being stationed early in the summer of 1869. Such military interference in civil affairs of a rural community used to a high measure of self-government inevitably led to tensions between the soldiers and the white population. In early December, almost exactly half a year after his arrival, these tensions eventually boiled over, creating a crisis of authority that pitted Kerin against the local officials he had heretofore assisted. The ensuing conflict permanently soured Kerin’s relationship with the local civil authorities, hampering his future willingness and ability to effectively participate in enforcing law and order.

The trouble began on December 3 1869, when Kerin went into town in an attempt to arrest deserters from his unit. He called on the local office of the railroad company to gather information, when an unknown man, seeing his army uniform, insultingly told him that his men had not been there. When Kerin politely told the man that he wasn’t addressing him, “he told me again the same and said ‘call on me and see me’ in a very supercilious tone and manner, so much so as to cause me to be the ‘laughing stock’ of a crowd of persons, Texans and others.” Aware of the South’s culture of honor, which potentially made “a personal quarrel with a citizen in this country [...] death,” Kerin responded by making the insult an official matter. He had his guard arrest the man for disorderly conduct and interfering with an officer. This incident was far from the first insult Kerin and his men had received - he found it,

¹⁵ ‘November 25, 1869, Shreveport, O’Connor to Kerin [and endorsement by Kerin],’ and ‘November 30, 1869, Shreveport, Kerin to HQ Department of Louisiana,’ NARA, RG 393, part 1, entry 4501, box 4.

in fact, impossible to “appear in the streets of Shreveport in uniform without being insulted” - but this incident was “the first time that I have been able to resent it without a personal quarrel.”¹⁶

Kerin’s action in arresting the man, who turned out to be a Texan named Revison, hardly succeeded in reestablishing respect for the military in Shreveport. The Republican city recorder and future mayor, Moses H. Crowell, fined Revison ten dollars “for his misbehavior.” However, that same afternoon sheriff O’Connor came to the military camp “as though simply on a visit,” but soon sheepishly admitted to Kerin that he had come to serve a warrant on him for his immediate appearance before parish judge Creswell.” Kerin did not protest the arrest and voluntarily accompanied O’Connor, despite doubts as to the warrants legality and propriety. Creswell, however, could not be found at the courthouse and Kerin had to wait until after nightfall to be taken before District Judge Levissee at his home. He spent the intervening hours in the sheriff’s office, “I presume a prisoner - to be gazed at by the so called loyal people, who were waiting around the court house.” Levissee quickly released the officer on his own recognizance to appear the following morning, but the long wait in the evening chill, and subsequent nightly ride back to camp had left Kerin with a severe case of laryngitis, forcing him to request a continuance. No further mention of the final outcome can be found in the records, but it is highly unlikely that Levissee, a northern born independent, sympathetic to Reconstruction, would have convicted Kerin.¹⁷

His humiliating arrest, combined with the various frustrations he had encountered over the preceding months, left the cavalry commander bitter and disillusioned. In his report on his arrest, he pointedly addressed the hypocrisy of the civil authorities arresting him, while they depended on his support to enforce their own authority. How, he demanded, is

an officer on duty here to protect himself from insult such as I rec’d on the 3rd inst.? The civil authorities are powerless to protect anyone in this city [...] Judge Creswell, who issued the warrant for my arrest at night has told me on his honor that the parish cannot guard its prisoners. That it is absolutely necessary that soldiers should do it, and joined in request with the sheriff for a guard to prevent the rescue of a murderer, and to prevent a repetition of a sheriff of Caddo Parish being locked up in his office and his prisoners taken from his custody, and out of a court of justice. These

¹⁶ ‘December 3, 1869, Shreveport, Kerin to Baldey,’ and ‘December 5, 1869, Shreveport, Kerin to Baldey,’ NARA, RG 393, part 5, Post Shreveport, Letters Sent 1869-1871, vol. 1.

¹⁷ Ibid.

gentlemen have had me arrested for the violation of state laws - laws which neither of them can enforce without my assistance.¹⁸

Kerin, whose unit continued to be plagued by desertion, once again requested to be transferred out of the Red River Valley. This time, however, instead of suggesting replacement by an infantry unit, he cynically recommended that superiors “let these people here take care of themselves.” Kerin would, in fact, remain in Shreveport for nearly eighteen more months, but his correspondence through May of 1871 reveals no further involvement with the civil authorities and is limited merely to routine administrative matters, such as housing, supplies, and sanitary reports.¹⁹

The relatively brief period of direct military supervision, from the spring of 1867 through the summer of 1868, had allowed Republicans in Louisiana to pass a new constitution and elect state and local officials. However, as soon as Congress readmitted Louisiana under Republican civil rule in the early summer of 1868, the military authorities began a process of disengagement from civil affairs, which not only contributed to the statewide explosion of political violence leading up to the November elections, but also undermined the legitimacy and authority of both the local Republican officials and the national army. Local army commanders, such as McLaughlin and Kerin, expended considerable energy to assist the fledgling Republican regime, but found their hands tied at every turn by the limited mandate they received from New Orleans and a chronic shortage of manpower and materials. By early 1870, the military forces in northwestern Louisiana represented little more than a token presence, with little or no involvement in the day-to-day administration of civil affair by the officials elected two years earlier under their protection.

Governing in the Shadow of Terror

Although Republicans achieved a statewide victory in the April 1868 election for state and local officials, they did not succeed in winning in a number of parishes along the Red River. Democrats had won the local elections not only in the majority-white parishes of Bienville and Winn, but through violence and intimidation also in majority-black Caddo and DeSoto. Even in parishes which Republicans had carried, the violence that erupted in the summer and fall following the April elections disrupted attempts by Republican officials-elect to take

¹⁸ Ibid.

¹⁹ ‘February 8, 1870, Shreveport, Kerin to Baldey,’ NARA, RG 393, part 1, entry 4501, box 5; NARA, RG 393, part 5, Post Shreveport, Letters Sent 1869-1871, vol. 2, passim.

possession of their offices. Warmoth was inaugurated as governor on June 27, but along the Red River, the conservative officials elected and appointed during the preceding years used a variety of stratagems, from legal finagling to outright murder, to hold on to political power as long as possible.

The Democrats' subsequent successful campaign of terror over the summer and fall of 1868 only reinforced their conviction that they ought not cede local power to the Republicans if at all possible. Following the statewide Democratic victory in November, J. C. Wise, a leading Democrat in Rapides, urged his neighbors to vigorous action, warning them that

it will not do to loose [sic] the fruits of our victory by inaction at this particular time. I look upon the negro question as settled in Louisiana forever if the white men will only follow up their late success. The whites have now everything in their own hands and can control the negro element to suit themselves.²⁰

Even though the military assured Republican control of the state government, conservative whites vigorously, and often violently, contested the reigns of local power that often had a more immediate impact on their lives than the political intrigues in New Orleans. The office of parish sheriff was a particularly coveted prize in these struggles. Sheriffs played a critical role in the administration of law and order in the rural nineteenth century South. The most senior executive official in the parish, the sheriff held responsibility for maintaining order in the parish, executed judicial writs and warrants, and organized the jury selection under the direction of the district judge. He held implicit authority over any and all able bodied men, whom he could summon as a *posse comitatus* at any time to assist him in the execution of his duties. Sheriffs, together with justices of the peace, functioned as gatekeepers to the decentralized, community-based legal culture that characterized rural Louisiana - and most of the United States - in the nineteenth century.²¹

In Bossier Parish, W. H. Hill, the sheriff instrumental in 'suppressing' the Bossier Point 'riot,' had stood for reelection on the Democratic ticket in April 1868, but he lost to Republican opponent William McDonald. Conservatives in Bossier, however, were not about to give up such an influential position. For unknown reasons, but quite likely to remain in the good graces of his white neighbors, McDonald declined the position he was elected to. Warmoth subsequently appointed another local white Republican, William Luper, who had

²⁰ 'November 11, 1868, Alexandria, Wise to Gentlemen,' Wise Papers, box 2, folder 13.

²¹ Waldrep, *Roots of Disorder*, 16-19; Ayers, *Vengeance and Justice*, 109-110.

been elected to the state senate from the district in April. Although elected on the Republican ticket, the Southern born Luper was no Radical. In 1867, he had joined numerous prominent conservatives from Bossier and Caddo in signing a petition to the military authorities, complaining of the disturbances caused by black political meetings in the area.²²

Nevertheless, the *Bossier Banner*, reflecting conservative opinion in the parish, objected vehemently to the appointment. The editor argued that Luper, as senator-elect, was ineligible as sheriff, and insisted that if McDonald refused the position either the incumbent Hill or the Democratic coroner elect, J. L. Biggs, should receive a commission as sheriff. To buttress the *Banner's* legal arguments, a "gentleman of this place" gave Luper a "genteel cow-hiding," on which Luper, "finding out that our citizens would not be imposed upon by such a contemptible cut-purse, did not accept the appointment." Warmoth subsequently appointed "a nondescript – Frank P. Clark" who did not arrive in the parish in time to enter upon his duties. As a result, the conservative Democrat Hill continued to act a sheriff, until another Warmoth appointee, E. K. Russ, finally took office in May of 1869, more than a year after the election in which Hill had been defeated.²³

In DeSoto, just across the river from Bossier, militant whites had prevented a single Republican vote from being cast in the parish at the Presidential elections, but this was not enough to satisfy William Longmire, a local stable keeper, who had lost a bid to become justice of the peace at the April election to the freedman and local Republican leader George Washington. In December, after Washington had finally qualified for the office, Longmire confronted him in a Mansfield store, armed with a gun and a cowhide, and "put the pistol right to his breast and asked him which he would do, die or take the whipping? He said he would take the whipping, and I gave him the whipping." Washington fled to New Orleans, where he joined Stephen Humphries, the state legislator driven off in April. A year later, both men remained in New Orleans, afraid to return to their homes.²⁴ In a similar incident a few months earlier in Caddo, another black majority parish that the Democrats won in April 1868, a white man identified by a witness as local constable Charles Worsel, murdered the mulatto Robert Gray, a black justice of the peace for the first ward, in broad daylight in a grocery store on Texas street. The local chief of police and deputy sheriff arrived at the scene, but refused to take any action. Despite numerous witnesses being present to identify the killer, the

²² 'August 19, 1867, Shreveport, Cummings et al. to Cutts,' NARA, RG 393, part 1, entry 4498, box 3.

²³ BB, 68-09-12, 16-09-19, 68-11-07, 69-05-15.

²⁴ CSS, 41-2, HOR. Misc. 154, part 1, 151-152, 188, 531; Supplemental Report, 160-161.

conservative *Shreveport Southwestern* insisted that the murderer's identity remained unknown.²⁵

Even in Rapides, one of the few parishes along the Red River to give Republicans a solid victory in April 1868, conservatives still maintained a stronger hold on local government than the election results for parish and statewide officials would suggest. Democrats, significantly, continued to dominate the police jury, the legislative body with fiscal and budgetary authority over the parish. It is not entirely clear why Republicans failed to win a majority of the seats on the police jury, despite handily winning the parish as a whole, but the returns for the individual election precincts do suggest an explanation. Republicans received two thirds of their total vote in Alexandria, presumably by black voters coming in from the countryside. Police jurors, as well as constables and justices of the peace, however, were elected per ward. Blacks coming in to the parish capital to vote may have been ineligible to cast a vote for their local police juror, or simply unable to do so because the available ballots did not include those candidates. Because of this concentration of black votes, Republicans won only four of the eight election precincts, while just one Republican vote was cast at the other four precincts combined. In Alexandria itself, where over 1200 votes were cast in favor of the constitution, the Republican candidate for the police jury received just 219 votes and the Republican municipal candidates just 56 votes, while the Democratic ward and municipal candidates received over 300 votes each. Democrats thus not only maintained a majority of seats on the police jury, but also provided most of the parish's justices of the peace and constables, allowing them to retain control of much of the day-to-day administration of law and order.²⁶

In any event, the police jury that met in June of 1868 comprised mostly the same men who had served on the body since before military Reconstruction began. Others replaced them by the February 1869 meeting, but Democrats still dominated, as evidenced by the fact that all officers appointed by the police jury were active members of the parish Democratic Party, who had served in various positions during the postwar conservative restoration. They included W. W. Whittington, as clerk; John Clements, who would defect to the Republican Party in 1872, as officer of the jury; Charles W. Boyce, as jury president; and the ubiquitous E. R. Biossat, who combined his editorship of the *Louisiana Democrat* and the mayoralty of

²⁵ *Supplemental Report*, 75; 'October 16, 1868, Shreveport, Monroe to Lee,' NARA, RG 105, M1905, reel 100, frame 432; SW, 68-10-14, 68-10-21.

²⁶ LD, 68-04-22.

Alexandria with a third job as parish treasurer. When a new police jury met in May of 1870, Biossat and Clements retained their offices, while three other Democrats - former sheriff James R. Andrews, W. J. Calvit, and Robert P. Hunter - served as president, clerk and parish attorney respectively.²⁷

Conservatives also retained control of the municipal government of Rapides's capital, Alexandria, where *Democrat* editor Biossat served as mayor of an all-Democratic municipal board. In early 1869, Republicans made an attempt to wrest control of these offices from the Democrats elected in April of the previous year. The Republican state legislature issued a new charter for the town on September 29, that included a provision removing all municipal officeholders and allowing the legislature and governor to appoint interim officers prior to the first election under the new charter in January 1869. Warmoth commissioned William F. McLean, the publisher of the Republican *Rapides Tribune* as mayor to replace Biossat. According to Republican coroner and future sheriff John DeLacy, McLean was intensely disliked by Biossat and the other conservatives of the parish, despite the fact that his paper did little in practice to promote the Republican Party. The first of two vandalizations of McLean's printing press took place just two weeks after his appointment as mayor, and may have been due to the struggle over control of the municipal government as much as or more than a campaign tactic for the upcoming presidential election. In any case, McLean felt it unsafe to accept his appointment, leaving Biossat in control of the mayoralty and thus free to organize the elections in January 1869, in which he was elected as a regular councilman and his fellow Democrat James W. Osborn obtained the mayoralty.²⁸

Even in places where Republicans did succeed in taking possession of their offices, they did not always vigorously pursue the enforcement of Reconstruction. In Natchitoches, Republicans had swept the parish offices, and, on July 13, W. H. Heistand entered upon his duties as parish judge, along with fellow Republicans Samuel Parson as sheriff, N.A. Robinson as district attorney, and V. A. Barron as justice of the peace for the town of Natchitoches. Following the murder of Alfred Hason and the beating of Richard Faulkner, Freedmen's Bureau agent E. H. Hosner, together with General McLaughlin, reported the facts of these cases to Heistand and Robinson. "These two gentlemen," Hosner reported two weeks later, "took time to consider and take counsel, and I believe they are still considering and

²⁷ LD, 69-02-10, 70-06-22, 70-09-07

²⁸ LD, 68-04-22, 68-10-21, 68-12-09, 68-12-16, 69-01-27; *Supplemental Report*, 102; CSS, 41-1, HOR. Misc. 32, 6.

counseling, while the murderers are at large making inquiries and leaving the state.” Meanwhile, a Democratic justice of the peace for the fifth ward, where the attacks had taken place, cleared one of the suspects, Jim Lewis, of all charges - despite an affidavit, by a freedwoman who had been in the house at the time of the murder, identifying him as one of the murderers. According to Hosner,

the whole proceeding before this [justice’s] court (if it can be dignified by that name) were illegal, censurable, and irregular. The alleged criminal was released upon his own declaration and that of another man who is not free from suspicion. What murderer will not declare himself innocent if by doing so he can get clean?²⁹

Heistand’s and Robinson’s background may have contributed to their inaction in this case. Both were Southern white Republicans, though neither of them was a native of Natchitoches parish. Robinson was a shoemaker from Winn parish, who, according to various Democratic critics, had no legal experience prior to his nomination. Conservatives repeatedly accused him of corruption and incompetence, claiming he would let any suspect off for a payment of fifteen dollars. Robinson himself disingenuously claimed he could not prosecute in the Hason and Faulkner cases because no one came forward with the names of the suspected perpetrators. In fact, Hosner’s report listed the names of “several ‘high-toned’ gentlemen living in this portion of the country and at pleasant Hill,” Suspected of involvement in the assaults.³⁰ Heistand was probably the son of Ezra Heistand, a prominent New Orleans wartime Unionist and co-founder of the Free State party.³¹ Despite their political convictions, such men likely shared the pervasive racial prejudices of their class and often did little to promote the interests of the freedpeople on whose votes they depended come election time.

Other evidence similarly suggests that the white Republican leadership in Natchitoches did not inordinately exert itself to protect the rights of its blacks supporters. In June, General Buchanan officially declared the results of the municipal elections held in April,

²⁹ NS, 68-04-09; ‘November 18, 1868, Natchitoches, Hosner to Lee,’ NARA, RG 105, M1905, reel 90, frame 415.

³⁰ Ibid.; ‘November 19, 1868, Natchitoches, Hosner to Lee,’ NARA, RG 105, M1905, reel 90, frame 424; CSS, 41-2, HOR. Misc. 154, part 1, 469-470, 739, part 2, 47.

³¹ Philip D. Uzee, “The Beginnings of the Louisiana Republican Party,” *Louisiana History: The Journal of the Louisiana Historical Association* 12, no. 3 (Summer 1971): 199. According to the 1850 US Census, Ezra had a then seven-year old son with initials W. H, who later served in the Union army’s 2nd Louisiana Cavalry during the Civil War, attaining the rank of captain:

<http://www.ancestry.com/rd/viewrecord.aspx?dbname=&dbid=8054&rpid=2741787>

<http://www.ancestry.com/rd/viewrecord.aspx?dbname=&dbid=1555&rpid=1116760>

which included two blacks, Henry Burns and Washington Brady, elected as councilmen for Natchitoches town. Both these men, however, resigned their position before the council was installed on July 6. The council quickly ordered a special election ten days later at which J. M. B. Tucker and M. H. Carver were elected “without opposition” The editor of the conservative *Natchitoches Spectator*, applauded this “wise and judicious selection” of “two old citizens and in every way identified with the interests and prosperity of the community.”³² No reason is given for the resignation of Brady and Burns, but in combination with the apparent inaction of Robinson and Heistand, these events indicate that Republican control of local government did not by any means imply an immediate or substantial improvements for the black population in Natchitoches.

Conservative whites objected to black jury membership at least as vehemently as they did to black voting and office-holding, and they made every effort to obstruct and delay the implementation of racial equality in the judicial process.³³ The first struggle over this issue arose late in 1867, when General Phillip H. Sheridan issued special order 125, which excluded from the jury lists anyone disenfranchised under the Reconstruction Acts. An abstract of the law circulated by the military authorities caused confusion among local officials, including the sheriffs responsible for drawing up jury venires prior to the district court’s term in their parish. On the one hand it stated “the only real requisite” for jurors was to “be [a] duly qualified voter of the state of Louisiana.” On the other hand, it prescribed a procedure in which “eligible jurors shall be selected from the tableaux of assessment.” Natchitoches’s conservative sheriff Hughes asked Sheridan’s successor Mower for elucidation, whether he should draw the jury “from the assessment role, rejecting those that are not registered” or rather “from the registrar’s list of voters.” The latter procedure would result in a jury venire that included numerous, if not a majority of, blacks, while the former would reduce the jury pool to those whites - and a very few blacks wealthy enough to pay taxes - who remained eligible to vote.³⁴

Two judicial districts covered most of the parishes along the Red River. In both, conservative judges appointed by Wells used their discretionary power to adopt the more

³² NS, 68-06-16, 68-07-07, 68-07-21.

³³ At the same time, conservative whites also effectively leveraged that same judicial process to obstruct Reconstruction whenever possible, see: Michael A. Ross, “Obstructing Reconstruction: John Archibald Campbell and the Legal Campaign Against Louisiana’s Republican Government, 1868-1873,” *Civil War History* 49, no. 3 (2003): 235–53.

³⁴ BB, 67-12-14; ‘September 27, 1867, Natchitoches, Hughes to Mower,’ and ‘August 29, 1867, Abstract of laws in reference to juries,’ NARA, RG 393, part 1, entry 4575, boxes 2, 3.

conservative interpretation of Sheridan's order, so as to ensure that whites continued to dominate the criminal justice system. The ninth district, under Judge William B. Lewis, included Natchitoches and Rapides (as well as Sabine and Vernon) and the tenth, under Judge James J. Weems, comprised Caddo, Bossier and Desoto parishes.³⁵ Lewis, especially, was a staunch conservative, earning him the enmity of the Natchitoches Republicans, who had urgently advocated his removal. The soon-to-be-murdered Cyrus Stauffer warned Republican officials in New Orleans that "a loyal man never could get impartial justice by any arrogant rebel, which judge Lewis is known to be." Even a number of more moderate conservatives - including former judge R. B. Jones, a suspected accomplice in Stauffer's murder - expressed doubts as to Lewis's competency, after he called an extra court term that many considered costly and unnecessary. Former district attorney James J. Cunningham, who considered Lewis a personal friend, objected to the racial prejudice pervading his court, possibly in an effort to forestall more forceful federal intervention. He wrote Sheridan that "in justice to the freedmen, [the district court] cannot be held as ordered to consist entirely of white jurors," as he saw no reason why blacks "should not at least be able to try their own color, as jurors."³⁶ Lewis, however, retained his office until his unexpected death in June of 1868 and did all in his power to prevent blacks from serving on juries in his court.

The sheriffs in Bossier and Rapides, the first to hold court under Sheridan's order, initially adhered to the more liberal interpretation, selecting jurors from the new lists of registered voters. The *Banner* reported that "a new venire was drawn in accordance with the royal mandate of king Phillip, ex-Barnburner of the Shenandoah valley, and late Autocrat of Louisiana and Texas, notwithstanding the jury had already been drawn and summoned according to law, order and decency!" To conservatives' dismay, blacks comprised a majority of this new venire. "However," the *Banner* editorialized, "the fires are now under the new judicial cauldron, and we will soon witness the scum that will arise to the top, when the big black pot boils."³⁷ The editor of the *Democrat* similarly complained that the jury for Rapides had been drawn "not according to law, but in obedience to the late Phillip, Duke of Orleans!" resulting in a venire of six whites, one antebellum free black and 40 freedmen, all of whom

³⁵ Bienville, and probably Winn, belonged to the 11th judicial district under judge J. D. Watkins. Hardly any records pertaining to this judicial district have been preserved.

³⁶ LD, 66-03-14; 'May 28, 1867, Natchitoches, Stauffer to Lynch,' 'June 8, 1867, New Orleans, Jenkins to Fish,' both enclosed in 'June 8, 1867, New Orleans, Jenkins to Lynch,' and 'May 27, 1867, Natchitoches, Cunningham to Sheridan,' and 'May 29, 1867, Natchitoches, Cunningham to Sheridan,' NARA, RG 393, part 1, entry 4575, boxes 3, 6.

³⁷ BB, 67-09-14.

the editor presumed to be illiterate, providing “a fair test for the newly enfranchised to show their learning and intelligence.”³⁸

Weems promptly dismissed the majority black jury impaneled under its provisions in Bossier. Ostensibly he did so because it had not been convened at least 30 days prior to the court session as he had ordered, but the real reason was the panel’s racial make-up. This became evident when Weems again canceled the special term he had ordered for October 25, because the new venire still contained too many freedmen for his liking. He now explicitly directed the sheriff to select potential jurors only from “the list of registered voters *found on the tableaux of assessment*,” a measure that ensured just two blacks being summoned. The *Banner’s* editor gently upbraided Weems for postponing the court, thus causing four juries to be summoned within a few months’ time, creating extra expenses for the parish. When Weems finally did hold his court in December, however, the conservative newspaper complimented him on his performance, which included sentencing eight freedmen - and not a single white - to the state penitentiary and three more to shorter sentences in the parish jail. Weems’s conservative interpretation of Sheridan’s order, moreover, inspired conservative judges throughout the state. Judge Cazabat, a former Alexandria lawyer who presided over the second district, similarly threw out a jury drawn only from the list of registered voters in St. Bernard, as did an unnamed judge of the twelfth district.³⁹

A yellow fever epidemic in Alexandria prevented Lewis from holding his October term in that parish, but when he sat on the bench in Natchitoches in early December, he went even further than Weems and Cazabat had in resisting Sheridan’s orders. Following the precedent set by Weems, the jury had already been drawn according to the more conservative interpretation of Sheridan’s order, encompassing only those whose name appeared both on the assessment rolls and the new registry books. Lewis, however, flat-out rejected Congress’s “power or authority to regulate the mode of drawing or empaneling juries [or] to fix their qualifications within any of the States.” He argued that since the Reconstruction Act - on which Sheridan’s order was based - referred to “states lately in Rebellion,” Louisiana was still a state with all the rights inherent thereto, including the right to determine voter and jury qualifications. As such, he concluded, “The said Act of Congress is [...] unconstitutional and void.” He dismissed the jury and proceeded to try only the civil docket.⁴⁰

³⁸ LD, 67-09-11.

³⁹ BB, 67-09-21, 67-10-19, 67-12-14, 67-12-21; LD, 67-10-16, 67-10-23.

⁴⁰ LD, 67-10-09, 67-10-16; NS, 67-12-05, 67-12-12.

Lewis's own conservatism undoubtedly influenced his actions, but he also correctly read the changing political situation in Louisiana. A few days before his decision to dismiss the jury, Winfield Scott Hancock had taken over as military commander in Louisiana and issued an order affirming the superiority of the civil authorities. Local military commanders might only interfere after receiving explicit permission from the commanding general in New Orleans. A week later, while Lewis's court was still in session, Hancock formally revoked Sheridan's order on jury selection and issued instructions for juries to be drawn according to state laws, thereby effectively justifying Lewis's decision after the fact. Just as Hancock's appointment undermined the nascent success of black voting rights, it also reversed Sheridan's attempt to allow the recently freed slaves to effectively participate in the judicial process, one of the key marks of citizenship in nineteenth century America. Following the general's order it would be nearly a year before blacks would have the opportunity to serve on juries following new legislation passed on September 29, 1868 by the Republican legislature elected the previous April, which explicitly qualified for jury duty all eligible voters "without regard to race, color, or previous condition."⁴¹

As the military rapidly retreated from involvement in civil affairs, the implementation and enforcement of Reconstruction fell on local Republican officials elected in April 1868. However, the reign of terror unleashed by militant whites in the summer and fall of 1868 not only resulted in a Democratic victory in the November elections, but also severely undermined the legitimacy of local Republican leaders. In practice many officials elected in April never took possession of their offices, or quickly resigned under pressure from local white elites. Even in parishes where Republicans nominally controlled the local government, they faced numerous difficulties in enforcing national and state Reconstruction policies aimed at securing civil and political rights for the black population. The white Republican leadership often proved either unwilling or unable to enforce racial equality in the face of staunch community opposition from a white population that controlled nearly all the economic resources in the region.

⁴¹ 'November 29, 1867, New Orleans, Mitchell, General Orders No. 40,' in CSS, 40-3, HOR. Ex. 1, 210; LD, 67-12-04; NS, 67-12-12; 'Act 110,' in *Acts Passed by the General Assembly of the State of Louisiana at the First Session of the First Legislature, Begun and Held in the City of New Orleans, June [?], 1868* (New Orleans: State Printer, [1868]) [Hereinafter: *Acts Passed, 1868*].

All Politics is Local

Despite stubborn white resistance, constricted resources, and limited support from the national government, Republicans achieved some political success in the early 1870s at both the state and local level. At the state level, Warmoth combined what Ted Tunnell has called a “policy of force” with a “policy of peace” to optimally leverage the limited resources available to his regime. The policy of force included the establishment of a so-called metropolitan police force, under the governor’s direct command, with jurisdiction in New Orleans and the surrounding parishes. The Metropolitans would effectively serve as a praetorian guard to both Warmoth and Kellogg, protecting the interests of the governor and the Republican Party. The other major element in Warmoth’s policy of force was the creation of a set of election laws that allowed a so-called returning board, effectively under the governor’s control, to review all election returns and throw out any returns it deemed tainted by violence, fraud or voter intimidation.⁴²

The policy of force proved most effective in and around New Orleans. Prior to their defeat at the Battle of Liberty Place, in September 1874, the Metropolitans exerted effective control over the city and its immediate environs. Their jurisdiction, however, remained limited to the capital and the surrounding parishes, while beyond those limits the governor depended on the state militia. Established in April 1870, under the command of a former Confederate general turned Republican, James A. Longstreet, this militia never became a credible instrument of state power. Longstreet initially recruited and stationed the vast majority of the militia force, four of five regiments, in New Orleans, with one regiment divided among Plaquemines, Lafourche, and East Baton Rouge parishes. The only militia forces in northern Louisiana were four unattached companies, two infantry and two cavalry, from Monroe, a hundred miles east of the Red River.⁴³

Not only the geographical distribution, but also the racial makeup of the militia posed a problem for Warmoth. Not nearly enough sincerely loyal whites could be recruited in the state to staff the 5000-man force, creating a dilemma for the Republican state government. One option was to fill the ranks, at least in part, with former Confederate soldiers. Longstreet initially pursued this strategy, claiming that the voluntary service by “the class of citizens supposed to be in opposition to the National and State authorities [...] gave greater moral tone

⁴² CSS, 42-2, HOR. Rep. 92, 2-3.

⁴³ [James Longstreet], *Annual Report of the Adjutant General of the State of Louisiana for the Year Ending December 31, 1870* (New Orleans: A. L. Lee, State Printer, 1871), 4.

and effect to our organization.”⁴⁴ Nevertheless, an all-white militia could hardly be expected to vigorously enforce the racial equality envisioned by Reconstruction’s architects. The alternative was to establish a mostly black militia, but such a force would lack any legitimacy whatsoever in the eyes of conservative whites. A black militia force, often more poorly armed and trained than local Confederate veterans, also risked exacerbating any racial conflicts it was sent to quell, while embarrassing the state government in the process. Warmoth encountered exactly these issues when in 1871 he expanded the militia into rural Louisiana, including a company recruited and stationed in Colfax captained by black Civil War veteran William Ward. In pursuing the suspected murderers of local white Republican leader Delos W. White, Ward collided head on with conservative white militants who resented his authority. By 1872, Longstreet, presumably on orders from the increasingly conservative Warmoth, first suspended and subsequently dismissed Ward for supposedly exceeding his authority.⁴⁵ Kellogg, fearing a similar fiasco, refused to send militia to Colfax in 1873 to prevent an impending massacre there.

The policy of force acted as a stick to prevent conservative whites from repeating the explosion of violence that engulfed the state in the summer and fall of 1868. The policy of peace, on the other hand, was a carrot extended to more moderate whites in the hope of luring them into the Republican fold and thus broadening the party’s base. Most importantly, Warmoth liberally used his patronage power to give plum positions to ostensibly penitent former Confederates at both the state and local level. If prominent members of the white elite had a stake in his regime, he hoped, the Republican Party would “gain the respectability and acceptance that would make a repetition of the 1868 terror unthinkable.”⁴⁶

Eventually, both the policy of force and the policy of peace would embroil Warmoth and his Republican allies in insuperable dilemmas and contradictions. The election laws and the establishment of a highly partisan police force “subverted democratic government as surely as the tactics of their opponents,” thus undermining the legitimacy of the Republican regime in the eyes national politicians on whose support it critically depended. Warmoth’s use of patronage to gain conservative white support, meanwhile, alienated his core constituency of both black and white Republicans who had suffered tremendously and run great risks in the

⁴⁴ [James Longstreet], *Annual Report for 1870*, 3-4.

⁴⁵ Joel M. Sipress, “From the Barrel of a Gun: The Politics of Murder in Grant Parish,” *Louisiana History* 42, no. 3 (2001): 314; Lane, *Day Freedom Died*, 61–62.

⁴⁶ Tunnell, *Crucible of Reconstruction*, 157–162; Taylor, *Louisiana Reconstructed*, 173–182.

1868 campaigns. Eventually these contradiction would lead to a fierce intraparty struggle that would drive Warmoth into the arms of the Democracy.⁴⁷

In the meantime, however, for about three years, Warmoth succeeded in establishing a reasonably stable and effective state government that commanded a modicum of respect and obedience even from much of the white population. This period coincided with the brief but relatively vigorous federal prosecution of Southern white terrorists following the passage of the Enforcement Acts. The direct impact of this policy remained limited in Louisiana, as James R. Beckwith, the federal district attorney for the state, instigated only a handful of proceedings based on the Enforcement Acts prior to the landmark *Cruikshank* case resulting from the Colfax massacre.⁴⁸ However, the forceful prosecutions elsewhere in the South dismantled what organizational infrastructure the Ku-Klux Klan had - not much in Louisiana to begin with - and convinced conservative whites that now was not the time to forcibly resist the Republican ascendancy.

Warmoth's dual policies achieved their most tangible success at the 1870 elections for the state legislature as well as for most local offices. Statewide, Republicans achieved a victory similar to that of the April 1868 elections, beating the Democrats by nearly 25,000 votes, reinforcing their domination of the state legislature, and sweeping all five congressional districts. Historians agree, moreover, that compared to Louisiana's other electoral contests during Reconstruction, the 1870 election "was a quiet, orderly, and reasonably honest one," if not, in Warmoth's words, "the quietest and fairest election ever held in the State of Louisiana up to that time." Tunnell, however, correctly emphasizes that the Republican success owed more to the political apathy of whites than to Republican success in extending their electoral appeal. The Republican vote tally only barely exceeded the total votes Warmoth received in April 1868, presumably from the same, overwhelmingly black, constituency. Conservative whites, "instead of converting to Radicalism, simply failed to vote."⁴⁹

The apathy among conservative whites resulted in part from dissension within their own ranks. A convention in January had urged the founding of a new party that could more

⁴⁷ Tunnell, *Crucible of Reconstruction*, 160–1616.. Warmoth and other Northern Republicans had begun to alienate crucial factions within the Republican alliance even earlier: Binning, "Carpetbaggers' Triumph," 38–39.

⁴⁸ Beckwith's reports mention only two cases ever reaching trial, both ending in acquittals, while as of late 1874 eleven cases remained "pending.": 'January 2, 1871, New Orleans, Beckwith to AG,' 'January 6, 1872, New Orleans, Beckwith to AG,' 'January 11, 1873, New Orleans, Beckwith to AG,' 'September 30, 1873, New Orleans, Beckwith to AG,' and 'August 20, 1874, New Orleans, Gurley to AG,' NARA, RG 60, M940, reel 1, frames 105–107, 320, 514, 768, reel 2, frame 31.

⁴⁹ Taylor, *Louisiana Reconstructed*, 186; Dawson, *Army Generals and Reconstruction*, 106–107; Warmoth, *War, Politics, and Reconstruction*, 101; Tunnell, *Crucible of Reconstruction*, 164.

easily attract former Whigs to join in the opposition to Radicalism. Although the Democracy generally remained at the nucleus of the party organization, the nominating convention in September included a number of black delegates and adopted a relatively moderate platform that included a resolution to “accept and acquiesce in the fifteenth amendment [...] in good faith.” The Republican Party, meanwhile began to show the first signs of the internal tensions that would nearly tear it apart over the following years. Conservatives, such as the editor of the *Democrat* facilely believed that between Republicans’ divisions and Democrats’ moderation and embrace of “all the rights to which [the colored population] are entitled under the constitution and laws” they would secure sufficient black votes to ensure a victory.⁵⁰ Instead, blacks again voted almost as a bloc for the Republican ticket, while the moderate course of the Democratic Party failed to draw out many white voters. The *Democrat*’s editor saw no fault in the Democratic leadership - with which he was closely aligned - instead blaming the “remissness and indifference of some of the Democratic voters, of whom we had a right to expect better things.”⁵¹

In nearly all the parishes along the Red River, Republican candidates for local offices benefited from their party’s statewide momentum. Republicans obtained majorities in every single parish, except the majority white Bienville and Winn. Even in DeSoto, where violence and intimidation had marred the April 1868 elections, Republicans secured their only undisputed victory during all of Reconstruction. In Caddo and Bossier, which had each given just a single vote to Grant two years earlier, Republicans eked out narrow victories of about a hundred ballots. Natchitoches and Rapides showed results similar to those of 1868, while the first elections held in the newly created parish of Grant went to the Republicans by nearly two votes to one.⁵²

The effect of Republican victory in 1870 was most pronounced in DeSoto and Caddo , the two majority blacks parishes that had returned Democratic majorities in April 1868, but now reverted to the Republican column. In Desoto, however, the victory also laid bare the emerging divisions, often along racial lines, within the Republican Party. The parish convention had nominated George Washington, a black school teacher, as one of the parish’s candidates for the state legislature, along with former Freedmen’s Bureau agent E. W.

⁵⁰ LD, 70-09-21, 70-10-12, 70-10-26; Taylor, *Louisiana Reconstructed*, 184.

⁵¹ LD, 70-11-11.

⁵² ‘Statistics of Population, Registration, and Election in Louisiana, 1867 to 1876, Inclusive,’ in CSS, 45-3, HOR. Misc. 31, insert between 712 and 713 [Hereinafter: ‘Registration and Election Statistics’].

Deweese.⁵³ The parish Republican committee, however, headed by the white northerners Dewees and Marshall Harvey Twitchell, replaced Washington's name on the ticket with a white Republican operative from New Orleans named Mortimer Carr, who never spent more than a few weeks in the parish during the campaign. Carr claimed that Washington had declined the nomination, because he could not be spared from his teaching. Irregularities in the printing of the tickets and the fact that Washington subsequently came to New Orleans at his own expense to contest Carr for the seat, suggests that he was instead outmaneuvered by white Republicans who did not wish to share the spoils of offices with the freedmen on whose votes they depended. Washington was bought off and returned to DeSoto, but such shenanigans ultimately weakened the party's credibility and legitimacy, not only with the black electorate, but also with Northern Republicans.⁵⁴

The minutes of the Caddo police jury, which conservative whites had theretofore controlled, most clearly reflect the change in Republican fortunes following the 1870 elections. A number of members, including A. J. Pickens, Isaac McKee, and William Thatcher had held a seat on the police jury continuously from the close of the war through the 1870 elections, when Republicans succeeded in winning a majority of the seats. On June 5, 1871, a Republican police jury met in Shreveport for the first time ever. The conservatives, however, did not relinquish their power easily, and the new police jurors had to instigate legal proceedings against their predecessors to "obtain possession of the archives, records and property of the parish."⁵⁵

Not satisfied with controlling the parish, Republicans in Shreveport set out to gain control of the municipal government, which had remained in conservative hands even after the 1870 elections. In 1867, Republicans from Caddo had made a similar attempt, petitioning General Sheridan to remove then-mayor Aleck Boarman, Chief City Constable George W. Sherod, and the only two remaining trustees. Republicans labeled all them "men of the most ultra rebel principles," who abused their office for personal profit, failed to provide "adequate protection to the lives and property of the citizens of Union principles," and whose terms of office, moreover, had expired. Boarman and the trustees protested their removal by Sheridan, but to no avail. Sheridan replaced the mayor, constable and the entire board of trustees with

⁵³ Probably the same George Washington who had fled the parish in 1868, after being beaten by William Longmire (see chapter 3).

⁵⁴ CSS, 42-2, HOR. Misc. 211, 224-225, 439.

⁵⁵ The minutes make no mention of the members' racial identity. Those members that can be identified in the census data at Ancestry.com were all white. 'Caddo Police Jury Minutes [June 5, 1871, June 20, 1871]' WPA PJ Minutes, reel 62.

men recommend by J. H. McVean, the chairman of the parish's Central Executive Radical Republican Committee. These included McVean himself, as trustee for the fourth ward, Lewis. S. Markham, a truly loyal "old citizen and large real estate holder" as mayor, and R. C. Register as police constable.⁵⁶

Conservative whites, however, mounted a concerted campaign against the new Republican city officials. Over seventy Shreveport citizens, including prominent lawyer Albert H. Leonard, Caddo sheriff John Hope, police jury president William Thatcher, and city attorney J. W. Jones petitioned Sheridan asking him for "a competent and unobjectionable board of trustees." The city assessor, W. S. Lewis, meanwhile, refused to hand over the assessment rolls to the new board, objecting to the "utter imbecility an incompetence of the old man Markham." He warned the military authorities that taxpayers would prove unwilling to pay taxes into the "irresponsible hands [of] persons who own no real estate and are not know to our citizens or not known as citizens." Martin Tally, a conservative Unionist and large landholder, wrote governor Flanders that the mayor and numerous trustees did not meet the legal property qualifications for holding office in Shreveport.⁵⁷

It is impossible to gauge the truthfulness of these accusations, but the sources of the complaints indicate partisan motivations. Although a Unionist, Tally had been elected city trustee under the restoration regime in 1865, serving under mayor John L. Gooch, who had held the same office prior to the Confederate surrender. Tally - who had also been instrumental in the 1867 campaign against Boarman - was not disinterested, moreover, in the outcome of his lobbying, as he recommended himself as a replacement for Markham. Lewis, meanwhile, was a holdover from the old conservative city leadership, who had serves as assessor under both Gooch and Boarman. Nevertheless, Flanders endorsed Tally's recommendation to Hancock, the conservative general who by then had replaced Sheridan. On December 14, 1867, Hancock issued a special order relieving Markham of his duties and appointing Tally in his stead, along with the trustees he had recommended to Flanders as "responsible citizens, who can take the required oath." Following Tally's appointment, numerous members of the old conservative clique once again filled the same offices they had prior to Markham's brief tenure. These included Lewis as assessor and F. P. Leavenworth as

⁵⁶ 'n.d., Shreveport, McVean to Sheridan' and 'August 19, 1867, Headquarters Fifth Military District, Special Order 120,' NARA, RG 393, part 1, entry 4575, boxes 3, 4.

⁵⁷ 'n.d., Shreveport, Lewis to mayor,' 'n.d. [December 1, 1867], New Orleans, Lewis to Mitchell,' 'December 12, 1867, New Orleans, Flanders to Hancock,' all enclosed in 'November 3, 1867, Shreveport, Citizens to commanding general,' RG 393, part 1, entry 4575, box 4.

the city surveyor, while the board created a new office - over Tally's personal objections - of street commissioner, which was filled first by former (and future) police chief Sherrod, and later by former mayor Gooch. However, in a nod to the changing political winds, a resolution passed on July 7, 1868, requiring the chief marshal, a position now held by Jason P. Brice, to appoint colored men to at least two of the six positions as assistant marshal.⁵⁸

Tally's moderate regime lasted until May of 1869, when elections were held in Shreveport and the majority white city elected a conservative Democrat, J. R. Gilmore as mayor, to the great approbation of the *Southwestern*.⁵⁹ Gilmore's board of trustees included prominent conservative lawyer J. C. Moncure, who would go on to head the Democratic state ticket at the 1874 elections. Gilmore was reelected in May 1870, and the city officers he appointed included the most prominent 'ultra Rebels' removed by Sheridan three years earlier. Alec Boarman, the former mayor, now served as parish attorney, G. W. Sherrod once again headed the city police, and W. S. Lewis remained assessor.⁶⁰ In Shreveport, Republicans simply did not have the votes to gain control of local government, and at the next elections, on May 1, 1871, the Democrat William R. Shivers defeated the Republican candidate Moses Crowell by 371 votes to 347.⁶¹

Warmoth and the Republican dominated legislature in New Orleans, realizing they could not gain control of the Shreveport government through elections, instead issues a new charter for the city that replaced the elective board of trustees with a board of administration, to be appointed, along with the mayor, by the governor. So long as Republicans occupied the governor's mansion, they would be able to determine the local government of Shreveport. Not surprisingly, the Democrats stringently objected to such a process, and the old board of trustees under mayor Gilmore refused to relinquish their power and vowed to "remain in office until all legal remedies are exhausted to maintain our legal rights and those of the City of Shreveport whom we represent." A large number of prominent Shreveport Democrats, most of them also the leading lawyers of the town -including former mayor Boarman, city attorney W. B. Egan, Moncure, and Leonard - supported Gilmore and his board, advising

⁵⁸ Shreveport City Council (1839-) Proceedings and Minutes, 1839-1984, Noel Memorial Library, Louisiana State University at Shreveport, Louisiana [Hereinafter: SPCC], Book B, January 3, 1865, July 12, 1865, Book C: May 12, 1866, December 14, 1867, January 6, 1868, February 6, 1868, 29 June, 1868, 7 July, 1868; 'December 12, 1867, Flanders to Hancock,' enclosed in 'November 3, 1867, Shreveport, Citizens to commanding general,' RG 393, part 1, entry 4575, box 4.

⁵⁹ SW, 69-05-06.

⁶⁰ SPCC, Book C: May 3, 1869, May 9, 1869, May 4, 1870.

⁶¹ Perry Anderson Snyder, "Shreveport, Louisiana, During the Civil War and Reconstruction" (PhD, Florida State University, 1979), 186.

them to “retain their present offices and administer the affairs of the city until they are legally dismissed or superseded.”⁶²

On May 27, both W. R. Shivers, the Democrat elected earlier that month and Crowell, appointed by Warmoth, applied to Gilmore for possession of the mayoral office. Gilmore refused them both and a three month legal contest ensued between Crowell on the one hand and Gilmore and Shivers on the other. During this period, both Gilmore and Crowell and their respective boards pretended to act as the legal authority of Shreveport, perhaps the earliest example of contested government in Louisiana. Crowell not only fought his Democratic opponents in court, but also appealed to public opinion, giving a long mayoral address at the first meeting of his new board on May 27. He studiously avoided the issues of racial equality central to Reconstruction, presenting himself, instead, as a reformer in the Liberal Republican mold, intent on improving public services and streamlining government, rather than a Radical bent on upending the existing racial hierarchy.⁶³ “The old and cumbrous forms of city government,” announced Crowell,

by which the masses are either blinded by the intricacies of the system or left in entire ignorance of important actions has given place to a simpler and necessarily more satisfactory and economical regime and it behooves us, as representatives of the new form of government, to strain every nerve to improve by the best means at our disposal the financial, sanitary, and moral condition of our beautiful city.

He promised to build schools, repair the streets, and restore the financial health of the city, while ensuring the “maintenance of harmony and order.” The central plank of his law-and-order platform was not a guarantee of equal justice for the freedpeople, but rather a plea for the separation of male and female prisoners and for the provision of modern uniforms to the police.⁶⁴

Crowell’s government soon gained a measure of legitimacy, when Shreveport’s perennial police chief Sherrod, perhaps anticipating the outcome of the legal struggle, defected from the Gilmore regime on May 30 to accept appointment under the Republicans. Sherrod’s political instincts proved accurate, and in late September both parties accepted a compromise overseen by District Judge Levissee that ceded to Crowell and his board the

⁶² SPCC, Book C: May 2, 1871, May 10, 1871.

⁶³ On Liberal Republicanism and its role in Reconstruction see: Andrew L. Slap, *The Doom of Reconstruction: The Liberal Republicans in the Civil War Era* (New York: Fordham University Press, 2006); Gillette, *Retreat from Reconstruction*, ???; Foner, *Reconstruction*, 488–499.

⁶⁴ SPCC, Book D: May 27, 1871.

“possession of all offices, franchises, and privileges [...] together with all property, real and personal, books, archives, papers, monies, rights, and credits belonging to said city.” In his first address as undisputed mayor, Crowell again emphasized the issues of economic reform and progress associated with Liberal Republicanism, particularly stressing the need for railroad construction for the future prosperity of the town. Crowell implicitly acknowledged his shaky standing among much of the city’s white elites and asked for “the confidence and cooperation of the good citizens,” which he promised to merit “by honesty, industry, and energy” and “by prudent and wise legislation.”⁶⁵

Over the next few years, Republicans achieved a measure of success in Shreveport, formally controlling the city government until the summer of 1874, when White League activists wrested control of the town from them. A few months later, in November 1874, the mayoralty again became an elective office and promptly reverted to Democratic control.⁶⁶ The Shreveport records contain no evidence to support Democratic claims of Republican corruption and profligacy during these years. Although under Republican rule the municipal tax increased from 1.25% over 1871 - the last tax set by Democrats - to 1.75% over 1872, this merely reflected a trend of gradually increasing taxation over the foregoing years and was not much higher than the 1.5% tax levied by the Confederate city government in 1865. A seemingly larger increase in 1873, which raised the taxation to 3.1%, was mostly the result of a special 1.3% tax levied to service the existing city debt, most of which had been incurred long before Republicans assumed control over the city. Indeed, after the Democrats returned to power, they lowered taxes only marginally to 2.5% - mostly by eliminating the school tax (and presumably the public schools it funded) established by Republicans - a level the city would maintain throughout the remainder of Reconstruction.⁶⁷

It should come as no surprise that the Republican officials appointed by Warmoth pursued moderate policies associated with Liberal Republicanism, rather than advocating radical reforms and racial equality. Tensions within the Republican Party had gradually mounted since Warmoth’s election, pitting his state regime against the Custom House Republicans, who controlled federal patronage. Custom House Republicans objected to Warmoth’s patronage of moderate whites and “lackluster support of racial equality,” instead

⁶⁵ SPCC, Book C: August 30, 1871, Book D: September 16, 1871, September 22, 1871.

⁶⁶ SPCC, Book D: November 16, 1874.

⁶⁷ SPCC, Book B: May 6, 1865, September 9, 1865, Book C: July 3, 1865, August 10, 1867, January 7, 1868, November 15, 1868, September 8, 1869, September 6, 1870, Book D: December 19, 1871, December 5, 1872, April 21, 1874, December 5, 1874, December 4, 1875, December 4, 1877.

advocating a more radical course aimed at cementing the support of the black majority in the state. More than from policy differences, however, the “division of the party [originated] In personal ambition” and over the following years “continued to increase until nearly all its prominent members have been forced to be classed with one side or the other.” In May of 1871, the Gatling Gun convention - which would seal the break between Warmoth and the Custom House Republicans and drive him, via Liberal Republicanism into the arms of the Democratic Party - was still some months away. Nonetheless, Warmoth’s appointment of moderate Republicans like Crowell to important local offices can best be understood in the context of these intraparty struggles.⁶⁸

Warmoth’s appointments, around the same time, to the Rapides police jury make it even more abundantly clear that his patronage policy served motives other than promoting the racial equality envisioned by Reconstruction’s architects. Democrats had continued to dominate the Rapides police jury and when Warmoth appointed new police jurors in June of 1871 - following a law reorganizing the police jury system throughout the state which allowed Warmoth to appoint five new police jurors in every single parish - he might have used his power to swing the parish government into the Republican camp.⁶⁹ Instead, although some of the personnel were new, the Rapides police jury remained firmly Democratic. Biossat remained entrenched as treasurer, John Clements moved from officer to member of the police juror, while former Democratic parish recorder J. N. Rhorer assumed its presidency. The new clerk, J. Mulcahy, had no prior political experience, but would support Robert P. Hunter a year later in refusing to join the Fusionist movement and running for recorder as an out-and-out Democrat instead. Only the new officer of the jury, John DeLacy, can undisputedly be identified as a Republican.⁷⁰

As a result of these appointments Warmoth succeeded in remaining in the good graces of *Democrat* editor Biossat, who offered only a mild rebuke to Warmoth’s wholesale reorganization of the police jury system. Nor did he complain when the state supreme court

⁶⁸ CSS, 42-2, HOR. Rep. 92, 3; John C. Rodrigue, “Introduction,” in *War, Politics, and Reconstruction: Stormy Days in Louisiana*, by Henry Clay Warmoth (Columbia: University of South Carolina Press, 2006); Taylor, *Louisiana Reconstructed*, 216–218; Tunnell, *Crucible of Reconstruction*, 164–170. Federal appointees were not more committed to Radical Reconstruction per se. Indeed, in March of 1869 a Louisianan Unionist, J. W. Graham, warned General Sheridan that Grant’s policy was “unwittingly injuring his friends and weakening the influence of his administration in our state from injudicious appointments.” ‘March 12, 1869, Washington, DC, Graham to Sheridan,’ NARA, RG 94, e159, box 27a.

⁶⁹ ‘Act 98’, in *Acts Passed by the General Assembly of the State of Louisiana at the First Session of the Second Legislature, Begun and Held in the City of New Orleans, January 2, 1871* (New Orleans: State Printer, 1871) [Hereinafter: *Acts Passed, 1871*].

⁷⁰ LD, 65-06-21, 71-06-28, 72-04-24, 72-10-16.

supported the Warmoth appointees in a suit brought against them by the former, elected police jury, simply expressing the “hope that they will now go to their work in a good and proper spirit, and for the sole good of Rapides.” Earlier that same year, Biossat had already complimented Warmoth “for his sound discretion and good sense” in appointing the conservative Henry L. Daigre as parish judge, despite being “under the pressure of his party friends.”⁷¹ Such political spade work paid off for the governor in the 1872 campaign, as the *Democrat* - albeit reservedly - endorsed the Liberal Republican Party spearheaded by Warmoth.⁷²

The Limits of Equal Justice

The apex of Republican power around 1870 also affected the judicial branch of local government. Following the April 1868 election, Republican judges took control of the judicial districts in northwestern Louisiana. John Osborne, who had owned over a hundred slaves before the war, but had joined the Republican Party by 1868, replaced Lewis as judge of the ninth judicial district. The Northern born lawyer Levissee took over the tenth district from Weems. A resident of Louisiana since 1847, Levissee had opposed secession and avoided participation in the Southern war effort until the threat of conscription forced him to volunteer. When military Reconstruction began, he opposed the ratification of the Republican constitution, but “if it is ratified,” he urged, “let us organize under it.” At the April 1868 elections, Levissee, who had “always opposed partisan politics being involved in judicial elections,” ran as an independent candidate for judge of the tenth judicial district, which comprised DeSoto, Bossier and Caddo parishes. He defeated Weems, who, according to Levissee, “had never practiced law and was totally ignorant of the law and practice.” This earned him the enmity of a clique of prominent Shreveport Democrats, who supported Weems and did not approve that “a mere private citizen should ‘constitute himself a candidate’ in contempt and opposition to their ‘united wisdom and counsel’”. They included many future White League leaders, such as Albert Leonard, L. M. Nutt, and Weems’s wartime predecessor Roland Jones.⁷³

Other conservatives, however, endorsed Levissee’s independent candidature, including W. H. Scanland, editor of the *Banner*. His paper had characterized the April 1868

⁷¹ LD, 71-02-01, 71-08-09.

⁷² LD, 72-06-26.

⁷³ ‘Levissee Diary,’ 13–14, 23; ‘20 April, 1868, Shreveport, Levissee to Lacy,’ Levissee Papers, box 2, folder 1.

elections as a “fraudulent farce,” a “Radical fraud,” and even “the social and political death-knell” for Louisiana, but Scanland nevertheless applauded the election of Levissee, a gentleman “eminently qualified to wear the ermine with honor to [himself] and justice to [his] constituency” and later complimented the proceedings in his first court session in Bossier parish. The *Caddo Gazette* also endorsed Levissee, calling the candidature of Weems - who promised to refuse an oath on the new constitution, which included a commitment to equal rights regardless of color - merely “a political statement.” Levissee’s willingness to take such an oath, the editor argued, did not necessarily signal his approval of its provisions: “A man may, as an officer, consistently and conscientiously swear to support [...] a constitution which he sincerely believes to be unwise, impolitic and unjust.” When a constitution, in fact, is forced upon a state, all citizens are nevertheless “bound, not by an oath, it is true, but by the great law of social order, to accept and support it until it is superseded in the legal way.” Such conservative support for Levissee, however, quickly evaporated, following his participation in the vigorous prosecution of Hinley and Pittman. From then on, conservative whites unanimously condemned and socially ostracized Levissee, whom they labeled a Republican, and a radical one at that, even though he resisted formally joining the party until September of 1874.⁷⁴

Although both Osborne and Levissee used their considerable influence with some success to promote greater racial integration of the courts, both also suffered serious opposition from entrenched white elites who in some parishes still controlled the local government and in all cases dominated the legal profession. Records of criminal proceedings from the Louisiana district courts from this period have generally not been preserved, making it difficult to recreate an accurate picture of the functioning of these courts under the Republican judges, except when exceptional circumstances prompted reports in the newspapers or congressional testimony.

DeSoto Parish is a fortuitous exception to this rule, as for a period of fifteen years, including much of the Reconstruction era, the clerk recorded the minutes of criminal cases tried before the district court in the same volume as civil cases. Since Louisiana law requires records of civil cases to be kept indefinitely, this volume had been preserved, providing a

⁷⁴ BB, 68-05-02, 68-10-03; ‘handwritten copy from the *Caddo Gazette* of April 11, 1868,’ Levissee Papers, box 2, folder 1; CSS, 43-2, HOR. Rep. 261, 364, 367.

record of criminal cases before the district court between 1870 and 1883.⁷⁵ These records provide a unique, if at times frustratingly limited, picture of the functioning of the legal system in the rural South during Reconstruction. For over 200 cases these minutes document the names – and in some cases the race – of defendants, the offense they were indicted for, and the outcome of the proceedings. They also list the names of grand and petty jurors that served the court during this period. Unrecorded, unfortunately, remain the names of the victims and the actual proceedings in the case, such as testimony heard, evidence presented, and arguments made.⁷⁶

The majority of cases in which the victim's race can be determined involved intraracial violence. Out of seven murder cases involving white defendants, four involved the slaying of other whites, none of which saw a trial.⁷⁷ Of the two cases involving exclusively black victims, one ended in acquittal and the other, against Thomas Wilson (see below), in a conviction. W. N. Dobbs, indicted for a triple murder of two blacks and one white, fled to Texas where he died a few years later. Of the murder cases against black defendants in which the victim's race is known, all seven deal with intraracial violence. These account for five of the six cases where blacks were convicted for murder, with the addition of an acquittal and a case which never came to trial. We can identify just one case of the interracial, politically motivated violence so typical of Reconstruction in the DeSoto court records. Frank and Herbert Bell severely stabbed and beat Toney Shouge and then ran him off their mother's plantation without his share of the crop. The Bell brothers were indicted and tried at the October 1875 term of court, and promptly acquitted by an all-white jury.⁷⁸

The vast majority of cases involving murder, assault, intimidation, and fraud perpetrated by whites against blacks for political and economic purposes simply never made it onto the docket of the district court. The mid-nineteenth century rural South lacked any active constabulary force or other investigative institution. The legal culture, instead, depended on

⁷⁵ These minutes are located in the DeSoto Parish court house in the manuscript volume entitled 'DeSoto Clerk of Court, Minutes to district court 1869–1883' [hereinafter: 'DeSoto Minutes']. Many thanks are due to DeSoto Chief Deputy Clerk of Court Karen Calvert and her staff at the criminal division for their generous assistance and hospitality during my research. For a comprehensive analysis of these records see: de Vries, "Between Equal Justice and Racial Terror."

⁷⁶ In a number of cases, however, details regarding the victim and the crime committed can be found in other sources, particularly the army's catalog of violence presented to Congress in 1875, known as *The Use of the Army in Certain Southern States* (CSS, 44-2, HOR. Ex. 30).

⁷⁷ These and other statistics throughout this article are collated from nearly 200 pages of manuscript material in the 'DeSoto Minutes' as well as from digital census records available at ancestry.com. Citing all relevant material would be impractical as well as redundant and references to these sources will be included only when discussing individual cases.

⁷⁸ CSS, 44-2, HOR. Ex. 30, 272, 273–274, 542; 'DeSoto Minutes,' 150.

citizen participation to identify suspects and furnish evidence, as well as to pass down indictments and verdicts.⁷⁹ The officers of the court, moreover, held elective office and were thus beholden to public opinion.

Even though the district court remained functional through most of the Reconstruction era, the white population limited its involvement to those cases which involved more ‘conventional’ criminality. They did not consider it a criminal offense to oppose, even to the point of deadly violence, assertive freedpeople and Republican leaders of both races. By and large, the white community succeeded in shielding perpetrators of such violence from the criminal justice system. Like the freedpeople themselves, those who transgressed the community’s racial taboos had little to expect from a legal culture rooted in community participation. In a letter to his brother, Jephtha McKinney, a planter from Rapides, recounted how “a shocking occurrence transpired in the parish of Natchitoches last November. Adam Camahan was shot dead in his bed and it has never been ascertained by whom, but no great inquiry was ever made as he had for several years past quit his wife and was living with a negro woman.”⁸⁰

In the first to terms recorded in the minutes, after Levissee had taken over the bench from the conservative Weems, the first, and quite possibly both, grand juries were exclusively white. This explains why black defendants outnumbered whites by 2.2 to 1 during these terms compared to 1.7 to 1 during all of Reconstruction. Only three whites were convicted over the entire year: Thomas Wilson, for murder; Ben Lafitte, on two separate charges of assault; and Frank Langmire, who pleaded guilty to carrying a concealed weapon. The Lafitte cases, however, offered a harbinger of changes to come. A different petty jury sat on each case, the first of which included at least six and the second at least five black members - the first juries in DeSoto with a large – perhaps even predominantly – black membership to convict a white defendant.⁸¹

In Rapides, meanwhile, Judge Osborne’s attempts to integrate the jury box faced stiff resistance by conservative whites. Osborne dismissed the jury selected by the Republican parish officers at the fall term of 1868 for not complying with a law, recently passed by the state legislature, mandating that juries be selected from the voter rolls only. He again rejected

⁷⁹ Waldrep, *Roots of Disorder*, 16–21.

⁸⁰ ‘January 18, 1869, Homestead Plantation, McKinney to Dear Brother,’ Jephtha McKinney Papers, Mss. 273, 718, LLMVC, folder 2.11.

⁸¹ ‘DeSoto Minutes,’ 46. The racial identity of grand and petty jurors is derived in part from the court minutes themselves and in part from cross-reference with census data from Ancestry.com.

the jury venire at the spring term of 1869, this time for being illegally drawn from outdated voter rolls following the separation of Grant Parish from Rapides. The *Democrat* implicitly approved the judge's action, as the jury pool had been "composed mostly of ignorant negroes," but at the same time feared that "with the ignorant and inefficient Parish officers, now ruling in poor Rapides, the day of a Jury Term of our Court is further off than the millennium."⁸²

Then, at the fall term of 1869, Osborne approved the jury, despite renewed objections from both the *Democrat* and conservative members of the bar, led by Michael Ryan, who claimed that the same outdated voter rolls had been used. The resulting grand jury was composed almost entirely of blacks. Ryan interrogated the jurors, ostensibly to prove their incompetency, and then staged a walk-out of all the lawyers and every single white spectator in the court house, refusing, as he claimed, to "be a willing partner to the iniquity which the Court and its chosen jury were about to inflict upon the Parish of Rapides." A few weeks later, the parish judge James H. C. Barlow had Osborne arrested on a charge of perjury. Although elected on the same Republican ticket as Osborne, Barlow was one of those Southern born white Republican officials whose primary loyalty lay with his racial and class background, rather than the interests and policies of his adopted party, earning him high praise from the editors of the *Democrat* and a Masonic burial when he died some months later.⁸³

Osborne, intimidated by these events, broke off the court and left the parish in fear of personal violence. The *Democrat* accused him of making political hay out of a purely judicial dispute, claiming that the objection to the venire had been on purely legal, rather than racial or political grounds - a claim belied by the emphasis the same paper's earlier publications had placed on the racial composition of the grand jury that prompted Ryan's action. In any event, the result was that no district court was held in the parish for at least another year, meaning that no criminal trials took place there whatsoever between at least the spring of 1868 and the fall of 1870. Osborne eventually returned to the bench and continued as district judge for another six years, even though the conservative press incessantly criticized his court, in particular accusing him of being overly lax in punishing black defendants.⁸⁴

In DeSoto, meanwhile, Levissee had ensured that, by the spring term of 1871, blacks were reasonably well represented in the court, comprising, on average, a third of the grand

⁸² 'Act 110,' in *Acts Passed 1868*; LD, 68-11-11, 69-05-05. Levissee had similarly rejected a jury not drawn according to the new law at the fall 1868 term, but rather than cancel court he ordered a new jury to be selected, causing only a fortnight's postponement: SW, 68-10-20.

⁸³ LD, 69-11-03, 70-02-16. The *Democrat* similarly approved of Henry L. Daigre, whom Warmoth appointed to replace Barlow: LD, 72-02-01.

⁸⁴ LD, 70-03-16, 70-04-06, 70-05-18, 71-02-01, 71-02-08, 73-05-21, 75-11-03, 76-05-17, 76-08-16.

and petty jurors who served his court - although few juries had a black majority. These biracial grand juries indicted 23 whites, though only six cases resulted in a conviction, three of which involved guilty pleas for carrying a concealed weapon. Levissee did pass relatively harsh sentences on the few whites convicted of more serious crimes, sending all three to the state penitentiary, two of them with a life sentence.⁸⁵ The small number of whites convicted resulted primarily from the fact that many of those indicted by the grand jury never saw their cases brought to trial. Either the district attorney dismissed the charges, or he simply never brought up the case until Levissee's more conservative successors eventually put these cases on the so-called dead docket list. Conservative whites remained mostly shielded from legal consequences of violence, intimidation and economic blackmail against the freedpeople, even under such a - at least reputedly - Radical judge as Levissee. Nor could conservatives accuse Levissee of condoning, let alone encouraging, black crime. Nearly half the cases brought against blacks during Reconstruction were initiated under Levissee, eighteen of which resulted in conviction. Thirteen cases against blacks, moreover, resulted in a trial by a mixed jury, in nine of which the jurors found the defendant guilty. Black jury membership certainly did not safeguard blacks from conviction.

Levissee's success at integrating his court coincided with a relatively peaceful phase of Reconstruction in DeSoto. In 1871 and 1872, a 'mere' 17 killings in the parish were recorded in *Use of the Army*, an average of 8.5 per year - a marked decrease from the nearly 14 murders per year between 1865 and 1870. After Levissee left the bench, as the White League rose to prominence, DeSoto saw a staggering 48 murders between 1873 and 1874, or nearly a murder every fortnight in a parish of roughly 15,000 souls. Indeed, at the end of Levissee's final term in DeSoto, in the fall of 1872, the grand jury reported a marked decrease in crime, "which we attribute in no small degree to the able efficient and prompt manner in which criminals have been dealt with by your honor, and the other zealous and earnest officers of the law in and for our parish"⁸⁶ This does not mean that Levissee single-handedly put a stop to political violence in the parish. His court, in fact, convicted very few whites - and those it did generally for non-political crimes. Instead, Levissee's judgeship in DeSoto reflected the more settled condition of the Red River Valley in the early 1870s. Under such favorable circumstances, Republicans established, at least briefly, a reasonably functional

⁸⁵ 'DeSoto Minutes,' 90, 107, 108.

⁸⁶ CSS, 44-2, HOR. Ex. 30, 501-509 (In 1873 and 1874, DeSoto Parish saw an annualized murder rate of about 160 per 100,000 inhabitants, about triple that of modern day New Orleans, the most violent major city in the United States); 'DeSoto Minutes,' 115.

biracial judicial system, even in one of the remotest, most conservative, and most violent parishes of northwestern Louisiana.

The willingness of biracial juries to convict defendants of both races undermines the propaganda put forward by conservative whites at the time – and by Dunningite historians since – that Republican rule implied a collapse of law enforcement and rampant black crime.⁸⁷ Quite the opposite picture, in fact, emerges. Only during the few years of Reconstruction in which Republicans were in relative firm control of the state, did DeSoto Parish experience a brief interlude from incessant political violence. On the one hand, the DeSoto court minutes clearly demonstrate that despite persistent violence and racial animosity, blacks did in fact participate, however briefly and tenuously, in the criminal justice system, even in remote rural areas of the Deep South. On the other hand, even at the apex of Republican power, conservative whites succeeded in shielding most of the perpetrators of political violence from prosecution before these biracial courts.

Conclusion

The widespread political violence of 1868 severely undermined the authority and legitimacy of the nascent Republican regime, which lacked the resources to project its nominal power and adequately protect the freedpeople and white Republicans upon whose electoral support it depended. At the local level, the violence delayed, and in some cases ultimately prevented, Republican officials from claiming the offices to which they had been elected. In those cases where they did take office, they often treaded lightly, not wishing to provoke further violence by challenging the established racial hierarchy.

In New Orleans, meanwhile, Warmoth set out to cement his position, through a dual ‘policy of strength,’ and policy of peace.’ Eventually, contradictions inherent in both policies - as well as the tensions that inevitably resulted from continued white hostility to Republican rule - would nearly destroy the state Republican Party. Nevertheless, from 1869 to 1872, Warmoth succeeded in establishing a fairly stable regime that commanded the acquiescence, if not the approval, of much of the white population of the state. At the local level, Republicans gained control of local offices in all parishes along the Red River, except for majority-white Bienville and Winn. However, attempts by Warmoth and his conservative allies to appeal to moderate white voters, and thus broaden the appeal of the party, meant that

⁸⁷ Fleming, *Sequel of Appomattox*, 274–275; Ficklen, *Reconstruction in Louisiana through 1868*, 162–163.

Republican political control did not automatically imply an improvement to the political, economic, and social position of the black population. Warmoth's concessions to moderate whites meant that blacks held very few local political offices, while conservative whites continued to oppose black participation in the judicial process. Nevertheless, the years from 1869 through 1872 saw a marked decrease in political and racial violence, as blacks voted reasonably unmolested in the 1870 elections and served on juries throughout the state, despite white opposition.

Meanwhile, the federal government increasingly disengaged from interference in civil affairs. Louisiana saw no more than a handful of prosecutions under the Enforcement Acts prior to the Colfax Massacre. The Freedmen's Bureau closed most operations by December 1868, just as Republicans took control of local government. The army, meanwhile, continued to reduce the number of troops stationed in Louisiana, until little more than a symbolic presence remained. These few troops, moreover, scrupulously abstained from interfering in civil matters, as senior officers quickly roped in local commanders who overstepped their very narrow mandate. As a result, the Republican ascendancy rested on very shaky ground. After the disputed 1872 gubernatorial and local elections, as militant whites once again launched an all-out attack on Republican politicians and the freedpeople who supported them, the party lacked both the intrinsic strength and federal support that might have helped it weather such an attack.