

# Redeeming Schools: Public Education in Post-Civil War Texas

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October 16, 2019

Andrea Mitchell Center Graduate Workshop Series

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## *Abstract*

In the span of six short years, Texas cycled through a conservative government, a Radical Republican, Reconstruction government, and back to a conservative, Democratic government. The Reconstruction government implemented a state-sponsored, public school system that pushed Texas to the forefront of educational advancement. For Republicans, schools were their primary tool to reconstruct southern society in the North’s image. Education would train a new generation to revere social and political equality for all people and would finally break the dominance of the planter class. The very nature of the Reconstruction school system, its administrative structure, its system of taxation, and its rules and regulations, reinforced the Republican vision of a new Texas.

As Republicans implemented their new system, conservative Democrats plotted their path back to power and marked schools as their primary target. Accusing the Republicans of using schools as a political vehicle for corruption, extravagance, and race mixing, the Democrats provoked vitriol and discord that sowed the seeds for the conservative dismantling of the state’s school system. Utilizing primary source material to capture political struggles at the apex of state government, this paper describes the brief rise and vertiginous fall of the public school system, the tax structure underpinning it, and the untimely death of the Republican vision for a reconstructed Texas.

## *Introduction*

The corner stone of the great educational edifice is laid and its foundations solid...Are we, as a people, equal to the task? We shall see. If the gleanings of the future shall leave as rich a harvest as that of the past, we shall wear no blush of shame when a world's intelligence asks us for our educational record, for proudly we can point to our FREE SCHOOLS, blessed institution of a free people, the bulwark of our liberties and the perpetuity of our national strength.

J.C. DeGress, Texas Superintendent of Public Instruction, 1873<sup>1</sup>

The above quote was written in the heyday of Texas' Reconstruction school system, one of the most advanced state systems in the country in the early 1870s. Revealing the cross-racial political vision of Republicans, the quote also highlights the centrality of schools in enacting that vision. Congressional Reconstruction picked up the pieces of a shattered South by using education as a tool to enact a Republican vision of a more modern, equal southern society. The role of schools in a partisan system ultimately proved their undoing as conservative Democrats regained control and set about tearing down that "great educational edifice" all the way back to "its foundations."

The story of the Republican vision in Reconstruction Texas is inherently political. Historians have attempted to reinvigorate political history through exemplary works like that of Brian Balogh, Tracy Steffes, and William J. Novak, among others. These efforts are refocusing on processes of American state development that have been obscured or passed over in the discipline's attempt to tell new stories. Nowhere is this need to reexamine state development more pressing than in one of the American state's earliest manifestations, the public school.

American schools began to take their more modern, local and state supported shape in the early decades of the American republic in the industrializing Northeast.<sup>2</sup> While the northern

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<sup>1</sup> Office of Superintendent of Public Instruction, *Second Annual Report of the Superintendent of Public Instruction of the State of Texas, for the Year 1872* (Austin, TX: James P. Newcomb and Company, 1873), 47.

<sup>2</sup> Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* 1st ed. (New York: Hill and Wang, 1983).

parts of the United States slowly developed their systems of common schools, the South, with its semi-feudal, slavery based system of exploitive agriculture, largely avoided the formation of public schools. Education in the South fell into three categories. Private schools catered to the wealthy, planter elite; a smattering of common and charity schools operated in urban areas for the merchant and professional class and urban poor, respectively; and clandestine, underground classes were run by slaves, often hidden from the brutal plantation oversight system.<sup>3</sup> These patterns were even more pronounced in the sparsely populated, frontier state of Texas where education systems remained undeveloped up through the Civil War. Like much of the American South and West, antebellum Texas lacked a vigorous state governmental system, and as a frontier territory, the state of Texas was primarily concerned with land: its acquisition, its transfer, its sale, its cultivation, and its protection. Texas' lean state government meant that there were few visible representations of state power. To extend Brian Balogh's analysis of the federal government to Texas before the Civil War, much of the state governmental apparatus operated as a government "out of sight."<sup>4</sup> The state's school fund, though initially trivial, grew to become one of the most important components of this hidden system though it was rarely used to support schools—instead becoming a tool for railroad development. Texas legislators' preference for economic growth through railroad expansion and disinterest in school funding highlight the nature of state development in antebellum Texas. The prewar abdication of state leadership in Texas' educational advancement denoted a different path of development than in the gradually centralizing state systems of the Northeast.

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<sup>3</sup> Kathryn A. Pippin, "The Common School Movement in the South, 1840-1860" (Dissertation, The University of North Carolina at Chapel Hill, 1977), 23-48; James D. Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill, NC: University of North Carolina Press, 1988), 104; Sarah L. Hyde, *Schooling in the Antebellum South: The Rise of Public and Private Education in Louisiana, Mississippi, and Alabama* (Baton Rouge, LA: Louisiana State University Press, 2016).

<sup>4</sup> Balogh, *A Government Out of Sight*.

In many ways, the story of education in Texas described above is unremarkable and reflective of broader patterns in the American South before and during the Civil War. What makes Texas distinctive is the nature of the Reconstruction struggle for public education. During Reconstruction, the most modern system of educational administration and financing was not taking shape in the usual areas of the Northeast and Midwest but in the frontier state of Texas. In the midst of a southern society in ruin, Republicans plotted an educational path to a providential future that would not just emulate the North but would actually allow Texas to go farther in realizing the dream of social and political equality.

*Conservatives and the Project of Antebellum Restoration*

The collapse of the Confederacy generated a new set of questions about power and control in the South. At the conclusion of hostilities, planters, conservatives, secessionists, and former Confederates set about creating new constraints on the freedpeople that would ensure as close a continuation of slavery as possible.<sup>5</sup> Historian Dale Baum captures the spirit of the state's 1866 Constitutional Convention: "zealousness in restricting black freedom now replaced antebellum zealotry in defending slavery."<sup>6</sup> Even before the Convention, one Texan complained to Provisional Governor A.J. Hamilton that "secret societies... would hang a man that would hire a former slave without leave from his former master."<sup>7</sup> The old planter class formalized this coercive labor regime through a black code that restricted the civil rights of freedpeople. Support for repression of freedpeople united a large swath of the white citizenry. Former State Supreme Court justice Oran M. Roberts captured the sentiments of white

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<sup>5</sup> Preuss, *To Get a Better School System*, 9.

<sup>6</sup> Dale Baum, *The Shattering of Texas Unionism: Politics in the Lone Star State during the Civil War Era* (Baton Rouge, LA: Louisiana State University Press, 1998), 125.

<sup>7</sup> John E. Thompson to A.J. Hamilton, Oct., 8, 1865, "Folder 94" Box 2014/042-4, Governor A.J. Hamilton Papers, Archives and Information Services Division, Texas State Library and Archives Commission.

supremacists when he called for “the *Certain* formation of a white Man’s gov[ernment]” to “keep Sambo from the polls.”<sup>8</sup> Roberts’ service in both the Secession Convention of 1861 and the postwar Convention of 1866 illustrated the unrepentant nature of southern politicians during the period of Presidential Reconstruction (1865-1867).<sup>9</sup> One Texas Unionist lambasted the postwar convention as a “farce...as much a Secession Convention in Sentiment as the one in Jan. 1861.”<sup>10</sup> Another Unionist from Jefferson, Texas hoped that the Union’s victory ensured “the would be aristocracy is completely overthrown and in place of Cotton the poor man stands King of the South.”<sup>11</sup> Their hopes were temporarily dashed as the planter elite rebuilt the antebellum period’s semi-feudal economy, moneyed dominance of politics, and hierarchical social structure.

The planter elite believed that state policy towards the schools could reinforce their domination over the freedpeople and secure their return to the antebellum order. Conservatives left the school fund woefully undercapitalized and only granted newly formed black schools access to state funds derived from the black community.<sup>12</sup> A depleted postwar school fund and moribund economy forced schools to continue to rely on local support and student tuition.<sup>13</sup> Even Oran Roberts objected to the conservatives’ parsimonious approach to school spending. He argued that railroad interests were lying about their desire to keep “the people of Texas from being heavily taxed, under the pretense of raising a school fund when” the revenue is “to be loaned to Railroad companies” instead of being spent on Texas’ children.<sup>14</sup> While Unionists

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<sup>8</sup> Oran M. Roberts, quoted in Baum, *The Shattering of Texas Unionism*, 132.

<sup>9</sup> Foner, *Reconstruction*, xvii.

<sup>10</sup> *San Antonio Express*, May 24, 1866.

<sup>11</sup> Charles Ames to A.J. Hamilton, August, 23, 1865, “Folder 50” Box 2014/042-3, Governor A.J. Hamilton Papers, TSLAC.

<sup>12</sup> Baum, *The Shattering of Texas Unionism*, 132, 146.

<sup>13</sup> Francis H. Lindsay to A.J. Hamilton, Feb., 27, 1866, “Folder 157” Box 2014/042-7, Governor A.J. Hamilton Papers, TSLAC.

<sup>14</sup> O.M. Roberts, “Remarks of O.M. Roberts, of Smith County, upon the Ordinance regarding ‘Education,’” *Galveston Daily News*, March 26, 1866, 1.

decried the machinations of the 1866 Convention, most white Texans, like Roberts, expressed concern only over the Convention's neglect of schools and support for railroads. An unemployed teacher wrote to the Provisional Governor on behalf of the "many poor, and orphan children, that are growing up without education," expressing a fear that they will "grow up and be thrown upon society, to become a nuisance." Still, complaints about state largess for railroads instead of schools did not galvanize opposition to the conservative Constitution of 1866. The constitution's expansion of educational provisions to twelve sections from a meager two in the 1845 Constitution headed off some criticism. Conservatives understood that most provisions would neither be implemented nor appropriately funded by a conservative legislature. They constructed an educational system in name only, founded on white supremacy. Blocking black schools' access to the undercapitalized school fund, the 1866 Constitution stipulated that the limited funds should be expended "exclusively for the education of all the white scholastic[s] of this State."<sup>15</sup> But in a devious and empty compromise meant to assuage Unionist worries, the 1866 Constitution also empowered the legislature to impose specific educational taxes on the freedpeople which could only be used on "a system of public schools for Africans" in order to "encourage schools among these people."<sup>16</sup> Knowing that the legislature could avoid levying such a tax, the framers of the 1866 Constitution effectively barred any use of state funds for black schools. Through devious legislative tactics and outright oppression, conservatives began the process of resurrecting antebellum Texas.

The conservative effort got a boost with the 1866 election of James W. Throckmorton who saw his principle duty as governor to be protecting the state from "the hell hounds of

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<sup>15</sup> Tex. Const. art. X, sec. 2 (1866).

<sup>16</sup> Tex. Const. art. X, sec. 7 (1866).

radicalism” in the Republican party.<sup>17</sup> Throckmorton, a wealthy railroad booster and ardent negrophobe and nativist, vilified foreigners and Northerners as “sour krauts” and swindling Yankees” who were “d—m—d negro worshipping skunks.”<sup>18</sup> Unsurprisingly, Unionists predicted problems for Republicans under the 1866 Constitution. One man from a rural community south of Dallas relayed that “leading union men are advocating a monarcal [sic] government” because there “is not virtue enough left in the people to sustain a Republican government.”<sup>19</sup>

Throckmorton quickly set about entrenching the old antebellum power structures.

Throckmorton’s overarching goal was to “get rid of the troops & freedmens bureau agents” stationed across the state.<sup>20</sup> Throckmorton undermined U.S. military authorities at the local level and appealed to national figures for assistance in challenging U.S. government officials. Throckmorton’s appeal to the U.S. Attorney General, Henry Stanbery, led Stanbery to issue orders “to the Military authorities as will prevent the recurrence of collision between the Military and Civil jurisdictions in the State of Texas.”<sup>21</sup> After complaining to Stanbery, Throckmorton duplicitously expressed to Freedmen’s Bureau General Charles Griffin an “earnest desire to cooperate with the Military Government.”<sup>22</sup> When confronted by Major General Sheridan with atrocities perpetrated against Unionists and Freedmen in Texas, Throckmorton challenged Sheridan’s assertions. He accused the abused Union men of actually being secessionists turned horse thieves, argued that the Freedmen “are not always blameless”

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<sup>17</sup> Ibid., 145.

<sup>18</sup> James W. Throckmorton as quoted in Baum, *The Shattering of Texas Unionism*, 149.

<sup>19</sup> A. Wright to A.J. Hamilton, Jan., 22, 1866, “Folder 147” Box 2014/042-6, Governor A.J. Hamilton Papers, TSLAC.

<sup>20</sup> James W. Throckmorton to O.M. Roberts, Oct., 1, 1866, “Letter Book Vol. 4,” Box 2F475, Oran Milo Roberts Papers, The Briscoe Center for American History, The University of Texas at Austin.

<sup>21</sup> Henry Stanbery to James W. Throckmorton, Nov., 6, 1866, “Folder 46” Box 2014/061-2, Governor James W. Throckmorton Papers, TSLAC.

<sup>22</sup> Charles Griffin to James W. Throckmorton, April, 11, 1867, “Folder 78” Box 2014/061-3, Governor James W. Throckmorton Papers, TSLAC.

and often committed robberies, thefts, and murders, and, most audaciously, claimed that “the negroes in localities of [Sheridan’s own] troops, are more afraid of imposition from the soldiers than from any other quarter.”<sup>23</sup> Throckmorton repeatedly presented a magnanimous sham to the public, especially to Northerners, while expressing a very different view to Texans and his inner circle of conservative advisers. The state government’s treatment of freedpeople was emblematic of this deceitful pattern.

The newly elected, conservative dominated Texas legislature began with a set of laws that gave a veneer of racial egalitarianism to an otherwise oppressive effort. Legislators guaranteed property rights and rights to personal security to the freedpeople, while at the same time proscribing them from voting, testifying against whites, marrying across racial lines, and traveling in integrated railcars.<sup>24</sup> In a speech to the Texas State Senate in 1866, Throckmorton explained that the new constitution generously guaranteed that revenues from school taxes “collected from Africans or persons of African descent shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children.” But he clarified that the legislature would refrain from levying a special school tax on freedpeople because of their “poverty” and “embarrassed pecuniary condition,” revealing, indirectly, the hollow nature of the constitutional provision.<sup>25</sup> Even Throckmorton’s suggestion that existing state revenue collected from freedpeople should be returned to their communities was deceptive. Throckmorton explained that the funds would be dispersed at the county level, where power had already been consolidated by white conservatives.<sup>26</sup> Even in counties nominally controlled by Republicans,

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<sup>23</sup> James W. Throckmorton to P.H. Sheridan, Jan., 28, 1867, “Folder 6: Letters, Jan. 1867,” Box 2H28, James W. Throckmorton Papers, Briscoe Center.

<sup>24</sup> Moneyhon, *Texas after the Civil War*, 60-61.

<sup>25</sup> James W. Throckmorton Joint Legislative Address, Oct., 31, 1866, “Folder 45” Box 2014/061-2, Governor James W. Throckmorton Papers, TSLAC, 4.

<sup>26</sup> *Ibid.*, 5; Baum, *The Shattering of Texas Unionism*, 146-147.

fear and intimidation often precluded equal distribution of resources.<sup>27</sup> Control over the lower levels of education spending would enable the white elite to divert funds away from black schools, all under a veneer of equality and generosity towards the freedpeople.

As Throckmorton entrenched white, planter power in Texas, other conservatives and even some secessionist ex-Confederates expressed concern. In a letter to John H. Reagan, former postmaster of the Confederacy, John Dimitry complained that contemporary leaders “look at political questions through their prejudices alone.”<sup>28</sup> In 1865, while incarcerated in a Massachusetts jail cell, Reagan himself had warned the people of Texas to make peace with the North and extend rights to the freedpeople.<sup>29</sup> He reiterated his call in a letter to Governor Throckmorton in 1866. While acknowledging his awareness of the dangers “of conferring the right of suffrage on the whole mass of our negro population,” Reagan believed that whites could retain control through intelligence tests as a voting requirement.<sup>30</sup> For Reagan, whites’ “preponderance in numbers and the influence they retain over the negroes by a wise and liberal policy toward them” would create a path to a new, democratic South that incorporated the freedpeople within a white-dominated system.<sup>31</sup> Despite disagreements over the speed and nuance of policy towards the freedpeople, the conservative elite was broadly united behind the recreation of planter dominance necessary to cement the antebellum order. Roughly halfway through his brief governorship, Throckmorton reached out to President Andrew Johnson to ask what would be necessary for readmission to the Union. Johnson, though no friend of the

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<sup>27</sup> Charles F. Rand to J.S. Kirkman, Feb., 16, 1867, “Folder 68” Box 2014/061-3, Governor James W. Throckmorton Papers, TSLAC.

<sup>28</sup> John B.S. Dimitry to John H. Reagan, Dec., 12, 1866, “Folder 10: Correspondence, 1866” Box 1910/004-1, John H. Reagan Collection, TSLAC.

<sup>29</sup> John H. Reagan to “The People of Texas”, 1866, “Folder 10: Correspondence, 1866” Box 1910/004-1, John H. Reagan Collection, TSLAC.

<sup>30</sup> John H. Reagan to James W. Throckmorton, Oct., 12, 1866, “Folder 5: Transcripts, Letters, 1866-1869,” Box 2K330, James H. Reagan Papers, Briscoe Center, 15.

<sup>31</sup> *Ibid.*, 16.

freedpeople, encouraged Throckmorton and the Texas Legislature “to make all laws involving civil rights as complete as possible, so as to extend equal and exact justice to all persons without regard to color.”<sup>32</sup> Despite Johnson’s pragmatic exhortation, Texas conservatives ignored Radical calls for the rights of freedpeople and reconstruction of the state’s governmental system on anything other than an antebellum model.

During this brief period of Presidential Reconstruction, conservative politicians in Texas bound the freedpeople into a position they hoped would differ from slavery in name only. Even the conservative school policies reinforced this oppressive system. The postwar legislature starved the state school fund of revenue, continuing the antebellum pattern of neglect, and the new constitution only gave the freedpeople a right to tax revenue from their own community.<sup>33</sup> To conservatives, the limited state support for white schools and the practical prohibition of education for blacks helped recreate antebellum society. As in the pre-Civil War years, the absence of a school system was a political statement, part of the southern conservative rejection of northern state development for a return to the semi-feudal, agrarian past.

### *Fighting for Rights in a Hostile Land*

At the same time, Unionists and freedpeople struggled against the consolidation of conservative power. Freedpeople worked tirelessly to create a black civil society, common schools, and new Republican political organizations such as the Union League. In the words of Texas historian Alwyn Barr, this “reconstruction’ of politics, economics, education, and social life” drove black activity in the postwar period.<sup>34</sup> Despite rampant violence and coercive labor

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<sup>32</sup> Andrew Johnson to James W. Throckmorton, Oct., 30, 1866, “Folder 41” Box 2014/061-2, Governor James W. Throckmorton Papers, TSLAC.

<sup>33</sup> Preuss, *To Get a Better School System*, 9.

<sup>34</sup> Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995*, 2nd ed. (Norman, OK: University of Oklahoma Press, 1996), 41.

conditions across Texas' farms, the freedpeople made schooling a key priority. Historian James Anderson has catalogued the freedpeople's "self-reliance and deep-seated desire to control and sustain schools for themselves and their children."<sup>35</sup> Starting with private and sabbath schools, freedpeople worked together to build school houses, hire teachers (often community members with little formal training), and purchase supplies.<sup>36</sup> A black teacher in Clarksville, Texas epitomized many dedicated supporters of black schools when he explained that he had been "laboring and trying to help the down-trodden [sic] race of my color long since the war."<sup>37</sup> These indefatigable efforts relied on the black community's resources which gave these early schools a degree of independence, but inevitably suffered from a lack of money. Another historian captures this dilemma succinctly, "the freedmen found money for schools out of their grinding poverty."<sup>38</sup> They were not, however, completely on their own.

Missionary and secular aid societies worked to develop community supported schools that could eventually be handed off to state and local governments. The American Missionary Association, the largest missionary society, laid out its plan "to plant New England in the South" in order to "help the South and save the country."<sup>39</sup> But this northern vision of state supported, locally controlled common schools ensured that blacks would have to share power over their schools with whites. So long as each had equal power in the political process, that model of shared power might work, but white dominance quickly produced an unequal distribution of school funding and educational resources. While blacks struggled to exercise political power, extra-political atrocities highlighted the virulence of many white Texans' anti-black animosity.

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<sup>35</sup> Anderson, *The Education of Blacks in the South*, 5.

<sup>36</sup> *Ibid.*, 9-17.

<sup>37</sup> Robert Richardson to General George P. Bull, May 10, 1870, "Folder 60" Box 2014/110-4 Governor E.J. Davis Papers, TSLAC.

<sup>38</sup> Ronald E. Butchart, *Northern Schools, Southern Blacks, and Reconstruction: Freedmen's Education, 1862-1875* (Westport, CT: Greenwood Press, 1980), 172.

<sup>39</sup> Quoted in *ibid.*, 25.

From 1865 to 1868, over 400 freedmen were murdered and dozens of schools were vandalized or destroyed.<sup>40</sup> In Bonham, a school for blacks that had been started when Union troops arrived was systematically dismantled as soon as they left.<sup>41</sup> White and black teachers of black children were ostracized and white communities frequently refused to provide them with accommodations or to sell land or buildings for black schools.<sup>42</sup> The rise of the Ku Klux Klan and other white vigilante groups generated fears among black parents.<sup>43</sup> By 1868, the Freedmen's Bureau explained that many black schools had been shuttered "in consequence of terrorism exercised by disorderly parties, whom it was impracticable to punish."<sup>44</sup> Without appropriate protection, black schools had little chance of survival.

The transition from Presidential to Congressional Reconstruction in 1867 brought a new balance of power in the South. A Republican takeover of the state government produced dramatic changes to education funding and provision. Freedpeople served as the foundation of this burgeoning Republican bloc and they took the prophetic writings of one of the secular aid societies to heart: "You cannot leave political power and duty to others now. If you do not use it yourselves, others will make use of you for their own ends."<sup>45</sup> With the backing of a radical Congress, they set a course for an educational, economic, and governmental system that would break the power of the planter elite and reconstruct southern society in a northern mold.

Determined opposition in Congress to Texas conservatives generated a true break with the politics of the past and fostered Republican power and black mobilization. President Johnson's increasingly brazen and bitterly anti-black policies and pronouncements were met by

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<sup>40</sup> Barr, *Black Texans*, 41; Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill, NC: University of North Carolina, 2010), 162-166.

<sup>41</sup> Butchart, *Schooling the Freed People*, 159.

<sup>42</sup> *Ibid.*, 162-166.

<sup>43</sup> *Ibid.*, 166-169.

<sup>44</sup> Quoted in *ibid.*, 170.

<sup>45</sup> Butchart, *Northern Schools, Southern Blacks, and Reconstruction*, 19.

Radical opposition, which overrode the President and aimed to force the restructuring of southern government and society by congressional mandate. Throckmorton was one of the first southern governors removed from power as the military assumed central authority in a new period of Congressional Reconstruction (1867-1874).<sup>46</sup> Military officials set in motion the process for a new constitutional convention which would be followed by new elections.

Republicans saw the education system as foundational to cementing their political power and enacting their vision for Texas, but they understood the challenges they faced in a hitherto one-party state dominated by the Democracy. Republicans recognized that the creation of a biracial democracy in the South would entail a total reconstruction of civil government.

Spearheaded by former Texas judge and Union cavalry officer Edmund J. Davis and Freedmen's Bureau agent and newspaper correspondent George T. Ruby, the Republican Party in Texas put forward a reconstruction plan at the state's 1868-1869 Constitutional Convention that enlarged and funded the state's education system, created a statewide police force, codified freedpeople's civil rights, and even enacted limited economic reforms.<sup>47</sup> A solid Republican majority among the delegates guaranteed passage of a new state-backed system of public schools.<sup>48</sup>

Provisional Governor E.M. Pease, militarily appointed in the wake of Throckmorton's ouster, implored convention delegates to "make a liberal provision, by taxation, upon property, for the immediate establishment of Free Public Schools for the education of *every* child in the State" (emphasis added).<sup>49</sup> Education for both races was a priority for Republicans. Even before the Civil War ended, abolitionists had "insisted that Reconstruction could never be complete

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<sup>46</sup> Foner, *Reconstruction*, xvii; Richter, *Overreached on All Sides*, 208.

<sup>47</sup> Moneyhon, *Texas after the Civil War*, 87-101.

<sup>48</sup> Claude Elliott, "CONSTITUTIONAL CONVENTION OF 1868-69," *Handbook of Texas Online*. Texas State Historical Association, June 12, 2010, (accessed April 10, 2019).

<sup>49</sup> E.M. Pease, *Message of his Excellency Elisha M. Pease, Governor of Texas, to the Constitutional Convention, June 3, 1868* (Austin, TX: Daily Republican Office, 1868), 6, "Folder 104" Box 2014/076-4, Governor E.M. Pease Papers, TSLAC.

until blacks had been guaranteed education, access to land, and...the ballot.”<sup>50</sup> The Republican focus on education extended to the South’s white masses as well. The planter elite had intentionally starved the state school fund of revenue in order to maintain low tax rates while sending their own children to private schools. Properly funding public schools for poor whites and blacks would expose the planter elite’s class allegiances.<sup>51</sup> Conservatives endeavored to return to the antebellum era of planter domination and low taxation—divisive policies that they attempted to diffuse by uniting whites around the demonization of the freedpeople. Republicans countered with a path to consensus between blacks and poor whites based on common schools for all.

The Republican Constitution of 1869 copied the more generous educational provisions of the 1866 Constitution but went further in several key areas, including a minimum school year, four months, which applied to “*all* the scholastic population” (emphasis added).<sup>52</sup> The 1866 Constitution’s only source of school funding came from a portion of land sale revenue; the new constitution stipulated specific sources of revenue for the school fund including “all sums of money...from the sale of any portion of the public domain,” “one-fourth of the annual revenue derivable from general taxation,” and “an annual poll-tax of one dollar.”<sup>53</sup> Cognizant of the bankruptcy of the fund following the Civil War, the constitution also limited the school fund to investing in the safest asset available, “the bonds of the United States Government.”<sup>54</sup> Inscribing educational rights in the state constitution was an important first step, but the lessons from the conservative legislature’s inaction regarding the 1866 Constitution’s educational stipulations

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<sup>50</sup> Foner, *Reconstruction*, 60.

<sup>51</sup> *Ibid.*, 14.

<sup>52</sup> Tex. Const. art. IX, sec. 5 (1869).

<sup>53</sup> Tex. Const. art. IX, sec. 6 (1869).

<sup>54</sup> Tex. Const. art. IX, sec. 9 (1869).

highlighted the importance of continuing the struggle for free schools in the legislature. It would take legislation to breathe life into the nascent school system.

The election of Ulysses S. Grant as President of the United States in 1868 aligned the executive and legislative branches more closely than they had been before. Texas prepared for 1869 elections under the new constitution. More stringent enforcement of loyalty oaths barred many ex-Confederates from running for office or voting, prompting the Republican Party to anticipate a momentous victory. Even with the oath's assistance, however, Unionists and freedpeople faced harassment and violence across the state. The Klan terrorized black communities and burned polling places.<sup>55</sup> Citizens complained to Pease that "assassinations and violence" perpetrated "upon the rights of unoffending people" made "civil government...a mockery."<sup>56</sup> Another letter from the town of Palestine described the military's attempts to arrest members of a local chapter of "the masked K.K.K....for shaving heads, whipping, and shootings, negro women, and men [sic]; and burning their property."<sup>57</sup> Even Republican supporters in Brenham, where "our freedmen schools are progressing finely," pleaded for "the disfranchisement of enough of the late Rebels of Texas so as to establish the permanent supremacy of the Republican party of our State" before a conservative resurgence started up again.<sup>58</sup> Military officials issued warnings about "planters who have freedmen in their employ, [and] have threatened them with bodily harm, if they attempted to exercise the right of suffrage," and the military stepped up its activity to protect voting.<sup>59</sup> The military's involvement prompted Pease to resign in protest, which further polarized the pre-election debate and strengthened

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<sup>55</sup> Moneyhon, *Texas after the Civil War*, 110-113.

<sup>56</sup> Citizens of Falls County to E.M. Pease, 1869, "Folder 183" Box 2014/076-6, Governor E.M. Pease Papers, TSLAC.

<sup>57</sup> J.A. Wright to E.M. Pease, Jan. 13, 1869, "Folder 150" Box 2014/076-4, Governor E.M. Pease Papers, TSLAC.

<sup>58</sup> Stephen A. Hockworth to E.M. Pease, May 28, 1869, "Folder 173" Box 2014/076-6 Governor E.M. Pease Papers, TSLAC.

<sup>59</sup> "Military Orders," *Jefferson Radical*, Nov. 13, 1869, 4.

conservative narratives about military interference.<sup>60</sup> Republican candidate Edmund J. Davis pulled out a narrow victory by a margin of around 200 votes.<sup>61</sup> With a Republican governor and legislature, Texas started on the path to readmission to the Union and began the process of building a new state government.

As George Ruby worked to recruit “good...named Republicans” to state offices and positions of power, the new Republican legislature and Governor Davis passed laws that gave statutory heft to the 1869 Constitution’s requirements, establishing a state police force, allowing the governor to declare martial law, restricting firearms, and protecting civil and political rights for the freedpeople.<sup>62</sup> The 1870 and 1871 School Laws gave legislative support to the constitutional provisos regarding the state’s education system. Republicans in Texas first had to contend with the problems of locally run schools. If local conservative forces exerted democratic domination over the free schools for blacks and whites alike, they could seriously hinder the Republican goals for reconstruction through education. As a result, the Republicans created a highly centralized system of state revenue generation, a large state bureaucracy tasked with distributing funds, and educational regulations determined by a powerful Superintendent of Public Instruction and State Board of Education.<sup>63</sup> The legislation empowered statewide adoption and distribution of textbooks, uniform teacher and administrator salaries, age ranges for grades, and school inspection and oversight.

Davis nominated former military officer J.W. Talbot as Superintendent of Public Instruction to put the plan in motion.<sup>64</sup> Letters poured in from around the state and even as far

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<sup>60</sup> Moneyhon, *Texas after the Civil War*, 112.

<sup>61</sup> *Ibid.*, 116.

<sup>62</sup> Quote from Nathan Patten and G.T. Ruby to E.J. Davis, Jan. 13, 1870, “Folder 9” Box 2014/110-1 Governor E.J. Davis Papers, TSLAC; list of legislative measures from Moneyhon, *Texas after the Civil War*, 121-122.

<sup>63</sup> The State Board of Education comprised the Governor, Attorney General, and Superintendent of Public Instruction. Preuss, *To Get a Better School System*, 11-12.

<sup>64</sup> “Texas Items,” *Houston Telegraph*, May 5, 1870, 5.

afield as Ohio from teachers, educators, and clergymen asking for jobs. References to work experience and educational credentials recur in many of the letters, but so too do more interesting claims to party affiliation, experience with the schools of the North, and a commitment to educating the freedpeople. One letter from a former teacher in Waco began with the declaration, “I am a Republican in Politics” before professing to “know of nothing that would do more to strengthen and support the Republican Party, in this state, than a just prompt and judicious management of the School System.”<sup>65</sup> Another letter from a principal and pastor in Pennington explained that his work “experience among the free public schools of the North” made him “familiar with the operation of the system there, in all its phases and bearings, and the means employed to secure success.”<sup>66</sup> A Waco professor claimed “the obligation...of securing the same school privileges to the son of the humblest black man in the State as to my own or any other persons.”<sup>67</sup> These applicants recognized that education was a Republican project.

Talbot’s nomination, though seemingly uncontroversial, was rejected by the legislature. Newspapers at the time, both Republican and conservative, speculated the cause was racism: due to “how General Talbot stands on the *mixed* school question. A large majority in the Senate are opposed to mixed schools, and we believe they are sustained by the masses of the people, white and colored—Republicans and democrats;” although the papers also asserted that this seemed a strange reversal from Talbot’s stance “not favoring the plan of mixed schools” during the convention.<sup>68</sup> A conservative newspaper crowed that it was “proud to know that our Senate can appreciate the extreme folly of regulating the affairs of society...Fanaticism is the only thing that

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<sup>65</sup> John C. Stephenson to E.J. Davis, Mar. 25, 1870, “Folder 42” Box 2014/110-3 Governor E.J. Davis Papers, TSLAC.

<sup>66</sup> D.W. Steele to E.J. Davis, Feb. 19, 1870, “Folder 29” Box 2014/110-2 Governor E.J. Davis Papers, TSLAC.

<sup>67</sup> O.H. Leland to E.J. Davis, May 28, 1870, “Folder 64” Box 2014/110-5 Governor E.J. Davis Papers, TSLAC.

<sup>68</sup> “The *Republican* says,” *The Watchman*, May 14, 1870, 2.

has brought [some] to this pretended belief” in integration.<sup>69</sup> These accusations of race mixing would dog the Republican administration of the public schools as conservatives strove to undermine Davis and schools for freedpeople. Although no evidence exists indicating a Republican plan for integrated schools, the absence of a constitutional *requirement* for segregated schools stoked conservative rumors and ginned up racial fears.

Davis eventually settled on Jacob Carl DeGress, a nominee with more shallow Texas roots, a less easily scrutinized record, but wide-ranging experiences, who “would give general satisfaction to the party in all sections of the state.”<sup>70</sup> A German immigrant and former Missourian, DeGress fought in the Union Army and after the war worked for the Freedmen’s Bureau. Surprisingly, apart from his experience with the Bureau, he had limited knowledge of northern school systems, and instead offered what one historian characterized as skills as “an organizer and administrator.”<sup>71</sup> Opponents argued that DeGress’ nomination was “part of the programme devised by Gov. Davis for perpetuating a military despotism in this State” and that DeGress’ military service helping the freedpeople revealed a plan to “give preference to the negroes, and force mixed schools upon the country.”<sup>72</sup> DeGress was eventually confirmed by the Senate and served for the rest of Davis’ term from 1871-1874.<sup>73</sup> Together, the two former Union soldiers worked to implement the Republican school vision.

In creating the state’s school system, the State Department of Education entered a bewildering educational ecosystem of informal, community-run black and white schools, town and county supported schools, parochial, missionary, and secular aid society schools, and

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<sup>69</sup> *Belton Journal* reprinted in “Mixed Schools,” *The Watchman*, May 21, 1870, 2.

<sup>70</sup> Sam Dodge to E.J. Davis, April 12, 1871, “Folder 181” Box 2014/110-13 Governor E.J. Davis Papers, TSLAC.

<sup>71</sup> Moneyhon, *Texas after the Civil War*, 146.

<sup>72</sup> “An Enemy in Disguise,” *Tri-Weekly State Gazette*, May 3, 1871, 2.

<sup>73</sup> Preuss, *To Get a Better School System*, 11-12.

Freedmen's Bureau supported schools. One founder and teacher of a community supported black school in Dallas wrote Davis lamenting that he "ha[d] very little received from my scholars" in the form of tuition, but that he would appreciate "a little money for me" to help run the school.<sup>74</sup> Folding schools like this into the state system was challenging. At the same time, the Freedmen's Bureau and aid societies had largely stopped providing funding for black schools, anticipating that state systems would fill the void. DeGress reflected on the immense challenge in his 1871 Annual Report, "no records of educational work of the past existed...prejudice of the most unfounded character existed in many large communities against public schools" and "the immense work to be done...suggested the necessity of the most stringent economy."<sup>75</sup> DeGress set to work fashioning a republican school system that would support a Republican political system.

From the beginning DeGress' project required more money than Texas' state government had ever expended on education. The exigencies of the new system pushed expenditures over one million dollars when the state had never spent more than \$100,000 in a previous year.<sup>76</sup> One concerned educator wrote to Davis "on the supposition that there are not now enough funds to pay" for "the proper working of the system," proposing that "for the present the people ought to build their school houses, and by a county tax pay their County Supt, if they have one."<sup>77</sup> That educator's appraisal of the Department of Education's fiscal status was not far off the mark. While DeGress was proud to boast that by 1871 Texas had the seventh largest school fund in the country—an increase largely attributable to public land sales and Texas' inordinate size—the

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<sup>74</sup> W. Shiller to E.J. Davis, June 24, 1870, "Folder 68" Box 2014/110-5 Governor E.J. Davis Papers, TSLAC.

<sup>75</sup> Office of Superintendent of Public Instruction, *First Annual Report of the Superintendent of Public Instruction of the State of Texas* (Austin, TX: J.G. Tracy, State Printer, 1872), 4.

<sup>76</sup> Moneyhon, *Texas after the Civil War*, 174.

<sup>77</sup> John C. Stephenson to E.J. Davis, Mar. 12, 1870, "Folder 37" Box 2014/110-3 Governor E.J. Davis Papers, TSLAC.

available balance was not large enough to cover the educational appropriations eagerly passed by the legislature.<sup>78</sup> In addition to raising new sources of revenue statewide including an ad valorem tax (of half a percent on \$100 of assessed value), occupation taxes, and a poll tax, the state also empowered localities with the ability to raise taxes for schools or roads up to an additional two percent on \$100.<sup>79</sup> Facing budget shortfalls, the state legislature gradually raised the state property tax, eliciting opposition from taxpayers on which Democrats eagerly capitalized. Reflecting frustrations with local opposition, DeGress explained in his first annual report that “designing politicians and factionists seek...to cripple our system of education in its infancy, by throwing every obstacle in the way of the collection of this tax.”<sup>80</sup> Conservatives latched onto taxes and bureaucracy as their key attacks on the Republican school system.

As with taxes, there was enormous growth in the state’s bureaucratic system supporting public education. Before 1870, the state’s Department of Education had largely been staffed by a superintendent and a minimal office staff.<sup>81</sup> The new system, described derisively by Texas school historian Frederick Eby as “the most imperial system of education known to any American state,” was tasked with an extensive array of duties thereby necessitating a much larger staff.<sup>82</sup> A sizable clerical staff handled administrative tasks in the department’s capitol office while the state was organized into a hierarchical structure reminiscent of DeGress’ military experience. DeGress appointed one supervisor over each of the state’s 35 judicial districts. These supervisors then appointed school directors for each county who managed the school districts therein, appointing principals and teachers alike.<sup>83</sup> Unremarkably for nineteenth

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<sup>78</sup> Most of the school fund was unavailable to cover yearly expenditures because it was comprised of bonds. Office of Superintendent of Public Instruction, *First Annual Report*, 18-19.

<sup>79</sup> Moneyhon, *Texas after the Civil War*, 153.

<sup>80</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 52.

<sup>81</sup> Preuss, *To Get a Better School System*, 7-12.

<sup>82</sup> Eby, *The Development of Education in Texas*, 159.

<sup>83</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 4-7.

century American government, this system became a robust patronage mill, a point not lost on Democrats but which will be addressed later.

DeGress' extensive department used its manpower to accomplish several important milestones. Early in his tenure, DeGress had his staff conduct the state's first scholastic census which approximately measured the number of children enrolled in existing schools out of the total number of children, an impressive feat in a state as geographically sparse as Texas.<sup>84</sup> Additionally, the state pushed for compliance with the constitutional stipulation of compulsory education.<sup>85</sup> In its first scholastic year, 1871-1872, the enrollment rate was calculated at roughly 25% but jumped to 50% in the second year, 1872-1873, as the school system pulled in more students.<sup>86</sup> Next, the administrative apparatus examined teachers in accordance with the legislature's requirement that all teachers be certified. To meet "the urgent demands upon the department for certificates," the department sent out traveling panels of examiners who managed to certify over 3,500 teachers while rejecting a further 1,300.<sup>87</sup> To encourage uniformity in curriculum and easier mobility for pupils, the state department adopted specific textbooks and created a state-run procurement and distribution system—the auspicious beginning of Texas' eventual dominance in the textbook market.<sup>88</sup> The Republican legislature even equalized the pay scales between male and female teachers because "as educators women are fully as efficient as men."<sup>89</sup> Finally, the department communicated rules and regulations with districts across the state helping those looking to follow the law and haranguing the recalcitrant. Despite its

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<sup>84</sup> The total number of children for the 1871-1872 school year was 191,009, of whom roughly 72% were white, 26% were colored, and 2% were not classified. Office of Superintendent of Public Instruction, *First Annual Report*, 100.

<sup>85</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 6.

<sup>86</sup> Moneyhon, *Texas after the Civil War*, 149-150.

<sup>87</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 7, 44.

<sup>88</sup> *Ibid.*, 83.

<sup>89</sup> *Ibid.*, 7, 45.

impressive achievements, the educational apparatus was vilified by conservatives as being extravagant and wasteful.

As with DeGress' appointment, Republican bona fides were prerequisites to nomination and reinforced the perception among conservatives that the schools were simply a vehicle for Republican political objectives. Republican activist George Ruby encouraged Governor Davis to look for "able efficient and honorable gentlemen, and good Republican[s]."<sup>90</sup> In the words of one Hillsboro leader, the "success" of "free schools[,] being the offspring of Republicanism," are "increased by judicious appointments."<sup>91</sup> Leaders in Bonham portrayed the battles over schools and taxes as decidedly political, referring to the local sheriff, who refused to hand over tax revenue, as "our political enemy...weak, and easily managed by his Democratic 'Lords,' who will as you know, resort to the basest means to harass a Republican administration" and "do our school interests great harm."<sup>92</sup> A school leader in Bremond described a conspiracy by "the democracy of this place to route me" and that as "a Republican honest and true to the party," he "was willing to do anything" so that he would not have to turn his school "over to the democracy."<sup>93</sup> The Republican appointed postmaster and school principal of Gonzales County saw the partisan struggle over taxes and schools in existential terms: "if the schools go down it will militate against the Republican Party. The leaders in the Democratic Party comprehend the importance of this point" and are "endeavouring to crush out the Public Schools."<sup>94</sup> Despite real episodes of corruption, the school system had to employ Republicans as leaders because the expansive vision of public education was an inherently political, Republican vision. The school

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<sup>90</sup> Patten and Ruby to Davis, Jan. 13, 1870, "Folder 9" Box 2014/110-1 Governor E.J. Davis Papers, TSLAC.

<sup>91</sup> L.J. Sturgis to E.J. Davis, Nov. 18, 1871, "Folder 223" Box 2014/110-18 Governor E.J. Davis Papers, TSLAC.

<sup>92</sup> Sam G. Carter to E.J. Davis, April 3, 1872, "Folder 239" Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>93</sup> J.R. Scott to E.J. Davis, April 5, 1872, "Folder 239" Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>94</sup> Alfred Kent and M.N. Allis to E.J. Davis, April 18, 1872, "Folder 242" Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

supervisor for the 28<sup>th</sup> Judicial District embodied this connection when he lyrically intoned that “Republicanism is a school for the elevation of human aspiration, it refines the tastes and instructs mind and heart in well doing. It is an agency of Divine Providence for the elevation of mankind.”<sup>95</sup> Key to this Republican vision of education were schools for the freedpeople.

The Republican Party understood that cementing political power required strengthening the black community. The schools for the freedpeople were an integral part of the Republican project and a project largely led by black communities themselves. In his first annual report, DeGress marveled that the freedpeople overcame great obstacles and “clubbed together and raised means and materials to put up their own frame school houses, that their children...might reap the benefits of free schools.”<sup>96</sup> One such group of black citizens in Victoria described the need for “us poor ignorant and tyrannized people...to read and write so that we might be the more able to protect ourselves in the world.”<sup>97</sup> Freedpeople saw schools as an opportunity for growth and learning that would give them the tools necessary to wrest power from “the rebel element.”<sup>98</sup> Unsurprisingly, the priorities of white community leaders and the freedpeople often conflicted. Concerned parents in Corpus Christi sent a petition to the governor calling for a “school for the colored children” because community leaders only wanted “a White School,” adding that Republicans wanted teachers “born of the union. Free from the miserable rebel spirit that seems determine to controll [sic] the youth here, and teach them to dispise [sic] the union, our state government, the colored people, and those who want to see them educated.”<sup>99</sup> Another concerned freedperson recounted that a group of “colored children...are not getting any

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<sup>95</sup> A.W. Leedon to E.J. Davis, Dec. 11, 1871, “Folder 228” Box 2014/110-18 Governor E.J. Davis Papers, TSLAC.

<sup>96</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 51.

<sup>97</sup> Allen Harris to E.J. Davis, 1872, “Folder 244” Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>98</sup> *Ibid.*

<sup>99</sup> A. Rowe to E.J. Davis, Aug. 25, 1871, “Folder 204” Box 2014/110-16 Governor E.J. Davis Papers, TSLAC.

schooling” because they “are held by white people” and that “it is very hard to get justice” because “we are powerless...to defend our own Race.”<sup>100</sup> Schools could empower the powerless and the freedpeople knew it. The Republicans saw schools as a potent political tool to reshape southern society and black schools were one of its most essential components. Taking racist demagoguery head-on, DeGress explained that the “colored children...evinced retentiveness of memory, quickness of perception, and ability to understand, fully equal to any other race.” He pronounced that “the future of the colored people, is settled, for education will make them self-reliant, self-supporting and valuable citizens.”<sup>101</sup> With a secure and robust school system for white and black alike, the Republican vision would bear fruit with future generations.

DeGress and the Republicans in power saw schools as key to their construction of a new, harmonious state. In his first annual report, DeGress captured the Republican vision succinctly, “our peace, prosperity and progress, all rest upon the perpetuation of our system of free schools, and the cultivation of the minds of those who, in a few years, are to hold within their hands the fate of our State.”<sup>102</sup> While conservative intransigence proved unyielding in the current generation, schools guaranteed that future generations would be more pliable, tolerant, and Republican. As the Republicans planted the seeds of their schooling system, conservatives prepared for a counterassault that would root it out stem and branch.

*The Democracy Strikes Back: Anti-Tax Conservatism and Racial Terror Threaten the Schools*

Taxation of any character naturally excites a species of antagonism, and is looked upon blindly by thousands of well-meaning people as an evil they tolerate by sufferance.

J.C. DeGress, Texas Superintendent of Public Instruction, 1874<sup>103</sup>

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<sup>100</sup> Anderson Rowlett to E.J. Davis, April 17, 1873, “Folder 293” Box 2014/110-25 Governor E.J. Davis Papers, TSLAC.

<sup>101</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 50-51.

<sup>102</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 57.

<sup>103</sup> Office of Superintendent of Public Instruction, *Second Annual Report*, 29.

Democrats capitalized on anti-tax sentiment but coupled it with apocalyptic warnings about the danger of letting Republicans rule the state through the freedpeople. While conservatives employed both arguments in their eventual path back to power, the campaign against taxes took an overt and highly publicized role while the racial struggle increasingly relied on covert operations meant to intimidate blacks. Schools starred in both operations: as the *raison d'être* for high state and local taxes and as the embodiment of the Republican vision of a multiracial society. Democrats embarked on their revanchist mission not with the goal of destroying public education, but with a willingness to use and sacrifice schools in the pursuit of power.

From the inception of the Republican school system conservative taxpayers balked at paying their required levies. Angry citizens wrote to Governor Davis expressing that “the tax levied and assessed...upon our property is so enormously high that even in the most prosperous times it would be a burden.”<sup>104</sup> In Rusk, the county sheriff inquired of Davis whether he should confiscate the “personal property” of the “great many taxpayers of this county [who] refuse to pay [the tax] as illegal.”<sup>105</sup> In some counties, local officials supported resistance. In south Texas’ Cameron County, the sheriff and district judge banded together to block taxes such that the state was “powerless to extend the blessings of free education to hundreds of helpless children.”<sup>106</sup> The sheriff of Travis County only collected what he termed “the state and county tax” and not “the special school tax.”<sup>107</sup> Even locales run by Republicans experienced problems. The mayor of Calvert explained that “the people here are being led by a few hot heads who seem

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<sup>104</sup> A.J. Harris to E.J. Davis, Aug. 12, 1871, “Folder 204” Box 2014/110-16 Governor E.J. Davis Papers, TSLAC.

<sup>105</sup> R.B. Reagan to E.J. Davis, Nov. 3, 1871, “Folder 219” Box 2014/110-17 Governor E.J. Davis Papers, TSLAC.

<sup>106</sup> J.C. DeGress to E.J. Davis, Nov. 14, 1871, “Folder 219” Box 2014/110-17 Governor E.J. Davis Papers, TSLAC.

<sup>107</sup> J.C. DeGress to E.J. Davis, Nov. 14, 1871, “Folder 222” Box 2014/110-18 Governor E.J. Davis Papers, TSLAC.

determined to resist the payment of taxes for the support of a Republican Office.”<sup>108</sup> A Galveston attorney wrote of conflict between the county treasurer and the sheriff over the payment of taxes. With no clear chain of command, lawyers in the community had simply recommended nonpayment.<sup>109</sup> In Goliad, confusion reigned between a reluctant sheriff and the county “Board of School Directors” over the “authority to collect the 1 per cent tax.”<sup>110</sup> As tensions over taxes rose, conservative leaders saw an opening for a statewide political movement.

Diverse elements of the non-radical state elite banded together to mobilize the conservative populace against the Republican government and the high taxes resulting from the school system. Pulling in previous governors from both parties including A.J. Hamilton, E.M. Pease, and James W. Throckmorton, the movement billed itself as nonpartisan but advocated an explicitly political message that accused Republican leaders like Davis and DeGress of “one grand purpose...to concentrate power in the hands of one man, and to emasculate the strength of the citizens of Texas as a free people.”<sup>111</sup> In advance of the 1871 fall congressional elections, the movement organized a Tax-Payers’ Convention in Austin to focus dissent from across the state. Although the leaders acknowledged “equal civil and political rights” for “every person in the State, without regard to race or previous condition,” they nevertheless hinted at the racism roiling Texas politics during the period alleging that “the people stand stripped of many of the inalienable rights of freemen, while he who is now clothed with these lost rights of the people, gloats on their humiliation and congratulates himself on the possession of kingly power.”<sup>112</sup> By

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<sup>108</sup> M. Connolly to E.J. Davis, June 13, 1870, “Folder 65” Box 2014/110-5 Governor E.J. Davis Papers, TSLAC.

<sup>109</sup> Edward Austin to E.J. Davis, Oct. 22, 1870, “Folder 124” Box 2014/110-9 Governor E.J. Davis Papers, TSLAC.

<sup>110</sup> Daniel D. Claiborne to E.J. Davis, Mar. 24, 1872, “Folder 237” Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>111</sup> Moneyhon, *Texas after the Civil War*, 175; “Proceedings of the Tax-Payers’ Convention of the State of Texas,” (Galveston, TX: News Steam Book and Job Office, 1871), 11, 14.

<sup>112</sup> *Ibid.*, 24, 14.

painting politics as a zero-sum battle between true Texas patriots and the Republican usurpers—carpetbaggers, scallywags, and freedpeople—conservatives reinforced a narrative casting the increase in taxes as emblems of Republican abuse and corruption.

Excessive taxation became the overriding focus of the eponymous Convention. In advance of the meeting, former governor Hamilton explained that “the people were willing to pay any tax which may be found necessary to meet the legitimate wants of the Government,” but that current spending was excessive and poorly managed.<sup>113</sup> To back up their philosophical and political opposition to taxes, conservative lawyers laid out a constitutional challenge to them. Arguing that the tax laws were contradictory and therefore inoperable, the Convention claimed that the only reasonable course of action was for “the people not to pay” the school tax and instead “resort to the courts of the country for relief, by injunction” and to even “enjoin the sheriff from the execution of a law that is null.”<sup>114</sup> While lacking any legal basis for this call for massive resistance, the Convention members used constitutionality as a cudgel against the governor who they accused of “despotism, which constantly becomes more and more absolute and will certainly end in unqualified enslavement of the people, unless some check is interposed.”<sup>115</sup> The conservative effort succeeded and the Democracy took back the legislature in 1871, becoming the “check” on the Republican administration. Governor Davis moderated his political positions to work with the Democrats but nevertheless saw several important vetoes overridden. Democrats reduced taxes, abolished the Republican state police (which had contained a substantial black officer corps), and shrank DeGress’ educational bureaucracy.<sup>116</sup>

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<sup>113</sup> “Synopsis of Senator M.C. Hamilton’s Speech before the Mass Meeting in Travis County, on Saturday, 19<sup>th</sup> inst., on the Tax Question, etc.,” *The Weekly Democratic Statesman*, Aug. 31, 1871, 3.

<sup>114</sup> “Proceedings of the Tax-Payers’ Convention,” 24, 28.

<sup>115</sup> *Ibid.*, 20.

<sup>116</sup> Moneyhon, *Texas after the Civil War*, 188-192; Preuss, *To Get a Better School System*, 12-14.

Even more damaging for schools, conservatives' stance on the nonpayment of taxes resulted in widespread opposition in counties and towns across the state.

The Taxpayers' Convention exhortation of citizens to refuse to pay their taxes coupled with a conservative lawsuit challenging the taxes for schools produced confusion and resistance across the state that hampered DeGress' educational efforts. He conceded in his first annual report that "stubborn opposition" had produced "much difficulty and misunderstanding," adding that "in some counties board after board of directors have resigned their positions under the pressure of political influence brought to bear by opposing factions" like the "so-called tax convention."<sup>117</sup> By the second school year, DeGress proudly observed that "results have been achieved and triumphs obtained" but admitted that some counties were still refusing to collect the tax thereby starving their schools of revenue.<sup>118</sup> The legal challenges to the tax gave cover to local officials like the sheriff in Navarro County who refused "to turn over any more of the money collected from the 1 per cent school tax" until the state Supreme Court ruled on its constitutionality.<sup>119</sup> A Republican school leader in Rutersville complained that "the opposition ring to...the One Dollar Tax, is so strong and malicious, that a costly lawsuit is inevitable."<sup>120</sup> By sowing confusion and stalling tax collection through legal maneuvering, conservatives successfully hampered the full implementation of the Republican's school plan.

The antitax fervor became even more powerful when coupled with criticism of the educational system as a corrupt tool of the Republican Party. A Democratic newspaper lambasted Republican goals as "the selfishness of gain, or of party power" which had allowed "the sacred, beloved school fund" to be "eaten up by their practice under the...expensive school

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<sup>117</sup> Office of Superintendent of Public Instruction, *First Annual Report*, 7, 41.

<sup>118</sup> Office of Superintendent of Public Instruction, *Second Annual Report*, 30-31.

<sup>119</sup> H.L. Slayton to E.J. Davis, Mar. 20, 1872, "Folder 236" Box 2014/110-19 Governor E.J. Davis Papers, TSLAC.

<sup>120</sup> R. Hillebrand to E.J. Davis, April 15, 1872, "Folder 241" Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

law” which would be “the suicide of the Radicals.”<sup>121</sup> Conservative papers also marshalled inaccurate statistics on the salaries and expenses of DeGress’ central office to highlight the Republicans’ profligate “support [for] a set of men whose services are not needed.”<sup>122</sup> The *Houston Telegraph* extolled the need for schools as “the only protection against anarchy and despotism” and asserted that they “do not wish to break down the school system,” but called the Republican system “unnecessarily expensive,” and “outside” of and “repugnant” to the Texas Constitution.<sup>123</sup> Channeling a class critique, one frustrated teacher waiting on her back pay complained that instead of being used for “school matters...money [was] lavished upon Supervisors Superintendents and other Supernumeries...supporting a new aristocracy at the expense of the working class.”<sup>124</sup> Other critics addressed the issue of corruption more directly. In a stunning rebuke, one of DeGress’ appointed supervisors revealed a kickback scheme DeGress ran for school contracts “exposing the base purposes” to which a beneficial law “has been prostituted” in the hope that “a wholesome public rebuke and indignation” would “deter [DeGress] and [his] fellow schemers from a continuance of [their] wicked and villainous practices.”<sup>125</sup> In addition to the concerted campaign in the press to highlight and exaggerate Republican waste and graft in the school system, Democrats also used the power of petitioning and constituent letter writing to express dissatisfaction with the Davis administration’s handling of school matters. In an early example of political activism built around identical petitions,

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<sup>121</sup> “Radical Suicide,” *The Houston Telegraph*, May 9, 1872, 4.

<sup>122</sup> “How the School Money Goes,” *The Houston Telegraph*, Feb. 22, 1872, 4.

<sup>123</sup> “The Letter of Col. DeGress,” *The Houston Telegraph*, Feb. 22, 1872, 4.

<sup>124</sup> Elizabeth H. Jordan to E.J. Davis, May 18, 1872, “Folder 247” Box 2014/110-21 Governor E.J. Davis Papers, TSLAC.

<sup>125</sup> “An Expose of the Superintendent of Education,” *The [Austin] Reformer*, Sept. 23, 1871, 1.

citizens in several counties wrote to the governor calling for Superintendent DeGress' removal, otherwise "the glorious cause of public education, in the State will never amount to anything."<sup>126</sup>

The campaign to reveal the alleged extravagance and partisanship of the school system took center stage in the media, but dark intimations of unfair support for black schools and accusations of Republican designs for race mixing emerged as dominant themes from Democrats around the state. While the planter elite and party organs like the *Houston Telegraph* "took a position in favor of the duty and necessity of educating the colored race," Democrats nevertheless stoked conservative fears of and animosity towards the freedpeople.<sup>127</sup> In hints and nods, the Democratic press reinforced the direct connection between Republicans and schools for the freedpeople. As the state system struggled to make payments to teachers on time, one paper conspiratorially recounted that teacher vouchers at "white schools bore erasures...while those belonging to teachers of negro schools were not changed in the slightest manner."<sup>128</sup>

Republicans struggled to overcome the debilitating accusations of support for black schools because Republicans *were*, in fact, committed to strengthening and extending schools for the freedpeople, the largest segment of the Republican Party base. This Republican school vision was lambasted in a Dallas newspaper which argued that "no system of common schools, at present existing in the New England states, is suited in its entirety to Texas." Combining racial and tax worries, the author explained that because "negroes have little or no property...a heavy taxation affects them but little."<sup>129</sup> Conservatives claimed that the current system was "being run as a political machine for the benefit of the radical party," that freedpeople were foisting

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<sup>126</sup> J.F. Leisering to E.J. Davis and H.J. Clare to E.J. Davis, 1872, "Folder 244" Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>127</sup> "The Letter of Col. DeGress," *The Houston Telegraph*, Feb. 22, 1872, 4.

<sup>128</sup> "Texas News," *The Houston Telegraph*, May 16, 1872, 5.

<sup>129</sup> "Education—Public Schools," *The Dallas Herald*, Mar. 9, 1872, 1.

excessive levels of taxes on whites in the state, and that “an array of carpetbaggers and school marms” had been “imported to teach radicalism and fatten upon our substance.”<sup>130</sup> When one of the DeGress appointed school supervisors implored the freedpeople to vote Republican in order to “take up your rightful position as the equal politically, and civilly, with your former masters,” a conservative newspaper alleged that Republicans were pushing for “social equality” that would preclude any separation of “the colors.”<sup>131</sup> At the same time, Democrats accused the Republican leadership of insincerely using the freedpeople to entrench their personal power: Republicans were “only intent upon throwing tubs to the black Radical whale that they may catch it, dissect it, get its oil and bone, and find profit from it.”<sup>132</sup> A Democratic candidate even claimed that the certification board had “made it a rule to ignore good and competent men to appoint ignorant, unlettered men, in many instances negroes to look after the education of the children of this State.”<sup>133</sup> Through these kinds of allusions and asides, conservatives sent a clear signal to their white base that the Democracy was politically vigilant against any infringement of white dominance. Actions, however, sent an even stronger message.

Conservatives employed a variety of legal, electoral, and publicity strategies to foil the Republican’s public school system, but they used extralegal measures as well including not following through on judicial orders and nonpayment of taxes. Perhaps the most extreme measures were the abuse and arson perpetrated against schools and teachers, both black and white, across the state. The town of Kaufman witnessed a Ku Klux Klan torching of a school for freedpeople in 1868, but burnings continued with ones in Chappel Hill and Freestone County in

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<sup>130</sup> Ibid.

<sup>131</sup> “Radicals of Harris County,” *The Houston Telegraph*, May 2, 1872, 5.

<sup>132</sup> Ibid.

<sup>133</sup> “Democratic Barbecue at Willis: Major Jos. Boone,” *The Daily Mercury*, Oct. 24, 1873, 4.

1871.<sup>134</sup> In Fort Worth, a school taught by “a very worthy man and Republican” was “broken up [burned] by disguised parties after night.”<sup>135</sup> In a shockingly brazen recurrence of violence, a Kaufman school teacher wrote that the “wild spirit of [school] Proscription has caused them in the minority to burn down my school house” driving him to seek shelter “against further assaults.”<sup>136</sup> A frightened teacher in Whitesboro wrote that as “a northern man, a Republican...[I] don’t consider myself safe” and entreated the governor for the secret “power to carry weapons.”<sup>137</sup> Black children were threatened by white crowds in Milliken in 1867 and a night school teacher was threatened with drowning in Gonzalez in 1869 unless he left town. White vigilantes followed through on their threats by murdering a teacher in Rock Dam in 1868.<sup>138</sup> As historian Ronald Butchart has explained, the traditional historical interpretation of Reconstruction violence focused on the use of violence for political and electoral ends, but “education was also deeply implicated in the terrorist response.”<sup>139</sup> As a key pillar of the Republican vision for the South, schools, particularly those for the freedpeople, were targeted by Democrats eager to roll back the features of the Republican state.

By the end of Governor Davis’ first term, the Democrats growing strength had arrested and in some cases reversed the expansion of the school system. As the state geared up for what would be a momentous election in 1873, conservatives contended that “the enormous and overwhelming burdens of taxation with which the people are afflicted demands retrenchment.”<sup>140</sup> Republicans, struggling to hold together a dwindling base as whites abandoned the party, campaigned on a half-complete school system and a vision for a brighter future.

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<sup>134</sup> Butchart, *Schooling the Freed People*, 165-166.

<sup>135</sup> B.F. Barkley to E.J. Davis, April 27, 1872, “Folder 244” Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>136</sup> Robert Cecil Hoggins to E.J. Davis, 1872, “Folder 244” Box 2014/110-20 Governor E.J. Davis Papers, TSLAC.

<sup>137</sup> James. R. Frost to E.J. Davis, Nov. 8, 1872, “Folder 265” Box 2014/110-23 Governor E.J. Davis Papers, TSLAC.

<sup>138</sup> Butchart, *Schooling the Freed People*, 167-169.

<sup>139</sup> *Ibid.*, 173.

<sup>140</sup> “The Comptroller and J.C. De Gress,” *The Houston Telegraph*, Jan. 30, 1873, 7.

*Conclusion—The “Redemption” of the Schools: Defunding Texas’ Nascent School System*

The victorious campaign of the Democracy in 1873 “redeemed” the Texas government under white, southern, Democratic rule. In Richard Coke’s campaign to unseat Governor Davis, the school system took centerstage. In campaign material, speeches, and articles, Coke attributed the state’s growing debt and higher taxes to his Republican opponent’s profligate mismanagement of the school system.<sup>141</sup> The attack worked and dismantling the Republican school system became the Democratic project for the rest of the 1870s. Coke had DeGress forcibly removed from office causing immediate upheaval and confusion in the operation of the schools. Conservative broadsheets exonerated “the Democratic party” as “in no wise responsible for the confusion existing, or the temporary suspension of the schools.”<sup>142</sup> Nonetheless, public education was being rolled back across the state.

A few features of the Republican school system were left in place, including reduced levels of ad valorem taxes as well as a minimum school term, but most of it was dismantled. Democrats, never enamored with DeGress’ standardized curriculum and certification procedures, removed the state from most policymaking by eliminating the administrative apparatus below the Superintendent of Public Instruction and devolving power to locally chosen school boards.<sup>143</sup> While counties and local districts gained new discretion over local policy, conservatives stripped them of control over raising local funds, effectively handicapping their ability to finance educationally advanced schools.<sup>144</sup> On top of this, compulsory education was revoked and the age range within which children qualified as “scholastics” (and were therefore school eligible)

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<sup>141</sup> “Democracy at Home and Abroad,” *The Daily Mercury*, Oct. 16, 1873, 2.

<sup>142</sup> “Texas Free Schools,” *The Dallas Weekly Herald*, Jan. 31, 1874, 1.

<sup>143</sup> Moneyhon, *Texas after the Civil War*, 188-192.

<sup>144</sup> *Ibid.*, 189-201.

was reduced to 8-14 years.<sup>145</sup> Unsurprisingly, the Democrats reduced state spending on education from over \$1 million in the 1872-1873 school year to \$275,000 in 1880-1881 despite growth in the state's population.<sup>146</sup> Instead of being at the vanguard of educational progress in the United States—the Republican goal—Texas slowly fell, with other parts of the “redeemed” South, to the bottom of the list of most educational indicators. Decades would pass before Texas schools would surpass the level of sophistication achieved during Reconstruction and an entire century would elapse before black children received access to the schools they had been promised by forward thinking Republicans after the Civil War.

The Republican vision of schooling was meant to usher into existence a modern, reformed South dedicated to political equality for all citizens, thereby breaking planter control of southern society. Texas' Republican school system was designed to incorporate cutting edge bureaucratic and administrative advancements in education. From a reliance on statewide taxation, to a state controlled textbook purchasing system, to a robust oversight and certification machine, Texas catapulted from educational backwater to vanguard of experimentation and progress. In its own depressingly affirming way, the depth of conservative and white animosity revealed what many believed the Republican school experiment in Texas could accomplish. To prevent the fulfillment of the Republican vision of racial equality, Democrats tore down the “educational edifice” block by block.<sup>147</sup> Only by dismantling the Republican schools could Texas return to the antebellum order.

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<sup>145</sup> Preuss, *To Get a Better School System*, 12-14.

<sup>146</sup> Office of Superintendent of Public Instruction, *Second Annual Report*, 76-77; Moneyhon, *Texas after the Civil War*, 202.

<sup>147</sup> Office of Superintendent of Public Instruction, *Second Annual Report*, 47.