Kentucky in the Reconstruction Era

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Kentucky in the
Reconstruction Era

ROSS A. WEBB

THE UNIVERSITY PRESS OF KENTUCKY
For Ruth, Eric, and Alan
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INTRODUCTION

The years immediately following the Civil War, commonly called the reconstruction era, were filled with great stress, conflicting emotions, and fundamental societal problems relating to race, equality, and democracy.

 Much of the writing about this period lacks objectivity, since the authors of any generation find it difficult to shake off the prejudices of their day. While much that has been written about the history of reconstruction is true, much of it is false, or a mixture of true and false, resulting in some very strained historical interpretations. This should come as no surprise, because the need for a defeated people to find psychological compensation for a humiliating loss is very great, particularly when there is the additional burden of guilt for slavery and secession to be borne. On the other hand, the victors experienced guilt as well and sought justification for the despoiling activities of Union armies and the corruption of postwar reconstruction governments in the South.

 On April 9, 1865, having concluded that he could accomplish nothing more by fighting, Confederate General Robert E. Lee had gone to meet Union General U. S. Grant at Appomattox Courthouse to sue for peace. Grant not only accepted Lee’s surrender but generously permitted the Confederate soldiers to keep their horses and mules, issued them rations, and forbade victory celebrations out of deference to Lee’s de-
feated army. "The war is over," Grant admonished; "the rebels are our countrymen again."

As the Union veterans returned to their homes, a spirit of satisfaction and accomplishment was theirs: the federal Union had been saved, states' rights supposedly had been vanquished, and the dreadful institution of slavery was at an end. True, it had been costly. While accurate statistics are not available, somewhere in the vicinity of 620,000 men had been killed or died as a result of the war. Untold generations would not be born as a result of the holocaust. The impact of this loss of manpower upon western expansion and industrialization would be immensely significant. And thousands of women who had suffered the loss of a loved one would carry animosities in their hearts for years to come.

While the North celebrated its victory, the South languished. As the Confederate veteran plodded homeward, his path led through many a battle-scarred area. The major fighting had taken place in the South; and where armies had marched, the weary traveler saw the results: lands were scorched, transportation systems demolished, cities laid waste, farms deserted, and labor systems disrupted. In the southern mind the North was responsible, and southerners would resist any attempt at the "Yankeefication" of their region. The degree of reconstructibility of the southern leadership class varied. Jefferson Davis refused to alter his ideas or to make compromises relative to the future role the South might play in the federal Union. Conversely, James A. Longstreet was willing to make the best of a bad situation. The distinguished Kentuckian John C. Breckinridge accepted the new order, but consistently declined to become a part of it. Each of these men, in his own way, was typical of southern thought and action in the postwar years.

President Lincoln had consistently held to the principle of an indissoluble Union: in his view the southern states were never outside the Union. Since the rebellion was one of armed individuals against the national government, the task of reconstructing these individual rebels lay within the pardoning power of the president. In December 1863 he proclaimed his
“10 percent plan” by which he hoped to find a nucleus of loyal voters to rebuild the southern states. Whenever 10 percent of the voters of 1860 in any of the seceded states took the oath of allegiance and agreed to accept the legislation of Congress and the proclamations of the president, “Father Abraham” would recognize their government as legal. He also proposed to pardon all southerners who would take the oath of allegiance except those who had held prominent positions in the Confederacy.

Lincoln’s untimely death on April 15, 1865, did not weaken the cause of presidential reconstruction, for his successor, “Tennessee Andy” Johnson, stood as well for the indissoluble Union. Seeking to carry out his predecessor's wishes, Johnson pardoned all southerners who would take the oath of allegiance. Although certain prominent Confederate military and political leaders were exempted from this amnesty, they were invited to petition the president individually. Military governors were appointed for those states not yet constructed—North and South Carolina, Georgia, Florida, Alabama, Mississippi, and Texas (Tennessee, Louisiana, Arkansas, and Virginia had been recognized by Lincoln). These governors were instructed to put into force the laws of the United States, to call state conventions which would nullify their ordinances of secession, abolish slavery, and frame new constitutions. When Congress met in December 1865, all the southern states had either carried out Johnson's requirements or were in the process of doing so. It was a critical moment in American history. Would Congress recognize the Johnson governments?

The Radicals controlled Congress, and smarting from what they considered an infringement of congressional authority they refused to seat the newly elected southern representatives. Under the leadership of Thaddeus Stevens in the House and Charles Sumner in the Senate, the Radicals argued that the southern states had seceded from the Union, had been conquered by the Union army, and had reverted to the status of territories. Their readmission to the Union was, therefore, a matter for the Congress, not the president, to determine. Certainly, uppermost in the minds of many of these
Radical Republicans as they viewed the southern scene was the distinct possibility of political defeat by the reconciliation of Southern and Northern Democrats into a unified party.

Although the concept of progress had received a setback with the outbreak of the Civil War, it was still very much alive in postwar America. Believing that the course of history could not be thwarted, many Americans still held that progress was inevitable and that man was perfectible. In many ways the program of southern reconstruction was an effort to realize the ideal of the perfectible man as it sought to bring egalitarianism to the South. But the expectations of the Radical Republicans were not to be realized. The passions and hostilities aroused by the war were not to be easily forgotten. Prejudice and self-interest, rather than reason and intellect, continued to rule men’s passions.

Certainly one of the most difficult problems of the postwar period was the necessity to find a place in American society for the black man. Few Americans in either the North or the South were ready to accept the full implications of the doctrine of equality embedded in the Declaration of Independence. Southern reservations about the Negro were compounded by the familiarity of the old master-slave relationship and, what was more important, by fear. Adjusting to the black in an independent status was difficult for southerners, and so they sought to impose legal and social controls which would preserve order and white supremacy in a biracial society. However, northern attitudes toward the Negro were not markedly different. Outside of New York and New England, where the black population was relatively small, social, political, legal, and economic discrimination was as strong as in the South.

But Negro equality was intricately tied up with another problem with which the postwar generation was forced to deal—the question of the rights of the states and the nature of the Union. The Civil War had determined that the states either had lost or had never possessed the right to leave the Union. But what rights did the states still possess? Were the
rights of the states, so long considered the bulwark against national tyranny, now to become the instrument of tyranny within the states?

The focus of disagreement was over the role and function of the national government. The Jefferson-Jackson Democrats believed that the national government must not usurp the function of state government. The Whig-Republican tradition, on the other hand, emphasized the interdependence of state and national government.

These two political traditions disagreed strongly over the role of the Negro. The Democrats held the black man to be fundamentally childlike and irresponsible, happiest and most productive when supervised. Freedom in their eyes was primarily for the white man. The Whig-Republicans, however, argued that the black man, once the handicaps resulting from his recent bondage were removed, would be as effective and as responsible a citizen as the white.

As the South stood squarely in the Jefferson-Jackson tradition, so did the border states. In many ways the border states mirrored southern thought and action. Although Delaware, Maryland, Missouri, West Virginia, and Kentucky had remained in the Union during the war, they were a source of both pride and embarrassment for the federal government. While they repudiated secession and remained loyal, they were plagued with internal dissension because of the presence of a significant pro-Confederate minority. As a result, they all felt in some form the strong hand of the federal government. At the outset of the struggle Unionist parties developed in each state to maintain identification with the Union. However, once the war was over, its members returned to their former political allegiances. Hoping to offset the Negro Republican vote, Democrats appealed to the large Conservative and pro-Confederate vote which existed in each state. Kentucky, Maryland, and Delaware early removed proscriptions against Confederates and pro-Southern sympathizers, thereby strengthening the Democratic party which dominated these states during the era of reconstruction. However, Missouri and West Virginia remained under Republican control
until the end of the decade primarily by applying the loyalty and test oaths to returning Confederates and their sympathizers. Violence characterized race relations in all of the border states except West Virginia, where there were few blacks. Kentucky and Missouri had the worst reputations, and because of this approximately 40,000 Negroes fled these states between 1865–1870.

The nature of the federal Union may have been determined by the war, but the concept of states' rights remained very much alive in the minds and hearts of the white citizenry of the border states. While the South was restrained by the process of reconstruction, the border states were relatively free to express themselves. They openly showed their anger and antagonism towards the efforts of the Radical Republicans to effect a social revolution in the South by immediately challenging the right of the federal government to interfere with the domestic rights of the states.

Kentuckians could never forget that their state had sponsored the Kentucky Resolutions of 1798. This famous document had declared that the Union was a compact of states "not united on the principle of unlimited submission to their general government." These words were seared into the memories of Kentuckians who called them forth at propitious times to justify an action of the state or to condemn an action of the national government.

Kentuckians in many ways were the product of their environment. As the physical features of the state varied, so did its people. Where the arable soil was sparse and unproductive, as in the Appalachian Plateau of eastern Kentucky and in the northern and western Knobs, the pioneer had eked out a living with few if any slaves. Here developed a rugged, individualistic yeoman farmer, jealous of his land and of his meager possessions. Conversely, settlers who had found their way into the more fertile regions of the state created a culture more like that of their southern cousins. While the soil and the climate of Kentucky were not conducive to the growth of cotton, rice, or sugar, Bluegrass and Pennyroyal planters did establish miniature plantations based upon a hemp and tobacco
culture and slave labor. However, Kentucky evolved primarily as a state of small farms operated by few, if any, slaves. Of the approximately 83,000 farms in the state in 1860, some 74,000 of them averaged between twenty and fifty acres in size while only 200 farms were larger than a thousand acres. Over the years the yeoman farmer and the Bourbon planter came to dislike one another, each holding the other in disdain. This cultural division was never more apparent than when Kentuckians determined the question of war or peace in 1861.

Kentucky's ultimate decision to remain within the Union was a result of its ability to reorient its versatile trade in mules, horses, hogs, sheep, cattle, flour, hemp, and tobacco from the South to the North and East and of its strong family connections with the West and the Northeast. Certainly the violation of Kentucky's neutrality by Confederate raiders also influenced the state's decision to remain loyal. The telling factor, however, was the hostility of the small yeoman farmer for the Bourbon planter who had so long dominated state politics. Since the Bourbon was predominantly pro-Confederate in his sympathy, the Kentucky yeoman, for the most part, stubbornly fought to maintain Kentucky's ties with the Union. Thus, the presence of an active body of "Unconditional Unionists" early in the struggle prevented the secession of the state despite the fact that a star had been reserved for Kentucky in the official flag of the Confederacy.

Although Kentucky remained loyal, her continuing presence in the Union was never fully assured. Frustrated and at times angered by President Lincoln's courtship of his native state, Secretary of War Edwin M. Stanton considered Kentucky to be "a pariah among the elect" whose "fickleness" was a source of constant embarrassment to the administration. For her part, Kentucky had some very real grievances. Despite assurances from Lincoln that the war was being fought to preserve the Union, Kentuckians became increasingly concerned over their slave property, particularly with the passage of the Confiscation Act of 1862, which provided that rebel property would be confiscated and given to the Negroes, and the issuance of the Emancipation Proclamation of 1863, which
freed the slaves in the rebellious states. Was uncompensated liberation of the slaves in the loyal states to be the next move on the part of the federal government?

Even more troublesome was the imposition of martial law upon Kentucky in July 1863. Supposedly instituted to preserve the freedom of elections in Kentucky, in reality it quashed the pro-Southern element in the state. Subsequent orders resulted in the seizure of reputedly “rebel” property and the requirement that every Kentuckian take an oath that he had not directly or indirectly aided the Confederacy. This was a stinging insult to a proud people.

As the need for additional troops continued to increase, the Federals began recruiting Negro regiments in the state early in 1864. White Kentuckians were furious: not only was this an invasion of their property rights, but they felt that arming the Negro represented a potential threat to the peace and safety of the commonwealth.

As threats to Kentucky’s property mounted, as military rule grew more oppressive, and as the Union army continued its Negro recruitment, Kentuckians voiced strong objections to the policies of the federal government, although they repeatedly explained that their criticisms were aimed at the administration and at Congress, not at the Union.

The political unity of the “Unconditional Unionists” which had kept Kentucky tolerably loyal began to break up in 1864. Despite the efforts of such prominent politicians as Robert J. Breckinridge, William Cassius Goodloe, and Benjamin H. Bristow to secure endorsement of President Lincoln for a second term, “Conservative” Unionists, led by James Guthrie, boldly announced their support of the “Copperhead” Democratic candidate, General George B. McClellan. Encouraged by this schism, the “Southern Rights” Democratic party publicly declared for McClellan. Playing up the atrocities of military rule as well as instances of federal meddling in the internal affairs of the state, this political combination of “Conservative” Unionists and “Southern Rights” Democrats carried the state for McClellan by a plurality of 36,616 votes. To further indicate their disenchantment with the federal government,
the Kentucky legislature decisively rejected the Thirteenth Amendment despite Governor Thomas E. Bramlett's official endorsement.

Then, on April 3, came news that Richmond had fallen. The editor of the Louisville Daily Journal wrote of this momentous event: "We seem to ourselves to see a white-winged Angel in the air, and her name is Peace. She sheds a tear for the past, but her holy and beautiful countenance glows with joy for the future." But five days after this editorial, on April 14, 1865, President Lincoln was struck by an assassin's bullet. A stunned nation received the news unbelievingly. The editor of the Frankfort Commonwealth declared that "every countenance was depicted with sorrow." The Kentucky legislature, which only a few days earlier had been extremely critical of the president, now declared Lincoln to be "the greatest patriot and statesman of the nation and of the world."

In many ways Kentucky had been a microcosm of conflict: a civil war within a civil war. Of the more than 100,000 Kentuckians who participated in the conflict, some 30,000 joined the ranks of the Confederacy, 64,000 signed with the Union forces, and 13,000 were in State Guard service. Unhappily, the suspicion and animosity that had characterized the war years were to continue after the war. As soldiers of both sides returned home in 1865 to take up where they had left off, their deeply instilled hates and prejudices continued to exist.

As a border state, Kentucky had felt the ebb and flow of both Union and Confederate armies as they sought to gain mastery of the state. The contests of Leonidas Polk and U. S. Grant for possession of western Kentucky, of Felix K. Zollicoffer and George H. Thomas for eastern Kentucky, the maneuvers of Albert Sidney Johnston and L. H. Rousseau for control of the Louisville and Nashville Railroad, and the cavalry raids of John Hunt Morgan into southern and central Kentucky testify to the fact that Kentucky was a "dark and bloody ground" during the war. Even when these armies ceased to move across her fields and mountains, "bushwhackers" and ruffian guerrillas terrorized the countryside, keeping alive hostile prejudices and animosities.
Although no major battles had been fought on Kentucky soil, numerous minor skirmishes had occurred. Nonetheless, her lands remained fertile, her dwellings were intact, her industry and trade were relatively active although momentarily oriented northward, and her railroads and river navigation were in only a modest state of disrepair. While the economic impact of the war upon Kentucky is difficult to determine, statistics do indicate that there was a marked decrease in livestock and property prices. Horses, mules, cattle, and hogs suffered most in terms of number reductions. More serious was the decline of property valuation from $225,000,000 in 1861 to $198,000,000 in 1865. Historians are generally agreed, however, that these decreases were the result more of neglect than of military destruction.

Of all the changes, the most difficult one for white Kentuckians to accept was the revolutionary change in the status of the black. With the end of the war, Kentucky was forced to face up to the issue of ratification of the Thirteenth Amendment which prohibited involuntary servitude. Unlike the other slave states, Kentucky did not revise her constitution at the end of the war. Since the constitution of 1849 protected the institution of slavery in the state, the abolition of slavery in 1865 was considered by legalists to be quite impossible. Two favorable pollings of the people and the calling of a special convention were required to amend the constitution. If the amendment did not achieve a majority of votes at any point in the process, it failed.

Furthermore, Kentuckians stubbornly refused to give up their slaves without compensation. Their representatives in Congress not only consistently opposed the Thirteenth Amendment but insisted upon payment of $34,000,000 for their chattel property. Later they upped the ante to $100,000,000. But the reality of the situation was to be seen in the dramatic fall in the price of slaves brought about by the federal government's effort to force Kentuckians to accept the inevitable. When General J. M. Palmer began issuing passes permitting Negroes to travel where they pleased, this directly struck at the Bourbon planters of the Bluegrass and the Pen-
nyroyal, since their tobacco and agrarian economy was dependent upon black labor. While it is true that many freedmen, lacking a place to go, were content to remain as laborers on farms able to hire them, others were not. Wherever open hostility had characterized the master-slave relationship, freedmen began moving from one neighborhood to another. Out of their misery and fear of the white terrorists who sought to frighten them into submission, they flocked to the towns and cities in such numbers that they created very real problems of housing, sanitation, and health. Over 28,000 Negroes flooded into Louisville alone, disrupting life in that river town. Despite legislative efforts to deny blacks the right to travel on stages, boats, and trains, the traffic continued.
THE WAR AT AN END, Kentucky was faced with a number of difficult problems: federal military rule must be terminated; the labor problem attendant upon the emancipation of the slaves must be resolved and the freed Negro integrated into the state's political, economic, and legal systems; the economy must be revived in terms of trade, industry, and agriculture; and internal improvements, which had languished during the war, must be expanded and developed. In short, restoration of the state to peacetime normality was a challenge of some consequence.

While a political tug-of-war was going on in Washington between the Radical Republicans and President Lincoln's successor, Andrew Johnson, for control of the Conservative vote of the nation, Kentucky was a microcosm of similar political conflict.

The Democratic party was composed of a strange combination of "Union Democrats," who supported Lincoln during the war but had broken with the administration when military rule was imposed upon Kentucky in the summer of 1864, and "States' Rights Democrats," whose southern proclivities made them suspect to the point of being referred to as "Copperheads." A meeting ground for these two diverse groups existed in their common hostility towards the federal adminis-
tration, their belief in the strict construction of the United States Constitution, and their continued advocacy of states' rights. Led by such outstanding Kentuckians as Garrett Davis, Charles Wickliffe, and W. F. Bullock, they worked hard, now that the war was over, to reunite the party.

Meanwhile, the remnant of the "Unconditional Unionists" gradually transformed itself into a Republican party under the leadership of such prominent men as James Speed, Benjamin H. Bristow, R. Tarvin Baker, and John Marshall Harlan. But whereas the national Republican party fell under the influence of the Radicals, Kentucky Republicans remained moderate, arguing that they were the party of political, economic, and social progress. While generally supporting the federal administration, they expressed real misgivings about congressional reconstruction.

There was also a large "Conservative" element in the state, consisting of old-line Whigs who were disenchanted with Radical Republican policy; Independents who opposed the centralization of government in Washington; and "Union Democrats" frustrated by the increasing influence of "Southern Democrats" over the party. Led by Thomas E. Bramlette, R. T. Jacobs, and J. H. Harney, the Conservatives were a powerful political force to be reckoned with.

The Democrats made their appeal to the Conservatives on the grounds that Radical reconstruction was an invasion of the rights of the states and therefore in violation of the Constitution of the United States. They condemned the centralization of political power in Washington, damned the tariff as intolerable discrimination in favor of New England, and insisted upon cheap money as a means of inflating the economy.

The Unconditional Unionists (or Republicans) met in Frankfort in May 1865. After declaring their support of the federal administration, they urged acceptance of the Thirteenth Amendment and a policy of magnanimity toward returning Confederates. However, they opposed repeal of the State's Expatriation Act, which prohibited "former rebels" from exercising their political rights. Anyone not in agreement with these principles, they purged from the party. In so doing,
they drove many a sympathetic Conservative and Independent into the ranks of the Democracy.

A test of strength between the political factions occurred in the August election of 1865. The primary issue was the ratification of the Thirteenth Amendment. Although the Kentucky legislature earlier had refused to adopt the amendment, Republicans had forced the issue from the halls of the legislature to the ballot box. During the contest, the editor of the *Louisville Daily Journal*, George D. Prentice, urged Kentuckians to accept the Thirteenth Amendment so that the state could “get on” with a much-needed economic expansion program. “The doom of slavery is sealed,” he wrote. “Why, even Robert E. Lee and J. C. Breckinridge concede that it is dead. Why not, then, bury it out of sight?” Kentuckians, he argued, should be more concerned with reopening trade with the South and Southwest, and with developing and reorganizing native industry, than with the antiquarian issue of slavery.

As hostility mounted in the state against the presence of the military, President Lincoln appointed the able Illinoisan, General John M. Palmer, as military commander of Kentucky to replace the extremely unpopular General Stephen Burbridge. Although he was initially well received by Kentuckians, Palmer’s popularity soon waned. Claiming that Union deserters, rebel soldiers, guerrillas, and individuals who had given “aid, comfort, or encouragement” to the Confederacy had forfeited their franchise, Palmer determined to ensure “the purity” of the fall elections by having the army stand guard at the polls. Lists of individuals who were ineligible to vote were prepared by “responsible persons” and used by military officers to screen voters at the polls. As if this interference in elections was not sufficient injury, Palmer began allowing Negro troops, together with their families, to leave the state with “Palmer passes.” Although the general argued that this was being done to relieve crowding, Kentuckians accused him of willfully assisting blacks to flee the state.

In response to angry petitions from Kentucky, in October 1865 President Johnson ordered an end to martial law in the state. Antagonized by the president’s action, General Palmer
in December 1865 countered by declaring that irrespective of Kentucky’s desire, the Thirteenth Amendment had been ratified by three-fourths of the states and that in the future, Negroes were free and under “the general law of the land.” This evoked an angry response from the salty correspondent of the *Daily Kentucky Yeoman:* “The laws of man may be set aside,” argued “Old Kentucky,” “but the laws of God governing the races, are not to be trifled with.”

When the newly elected legislature convened on November 4, 1865, there were 40 Union men (Republicans) and 60 Opposition men (Conservatives and Democrats of varying hues) in the house and 18 Unionists and 20 Oppositionists in the senate. Smarting over Palmer’s decree and ignoring the plea of the governor, they overwhelmingly rejected the Thirteenth Amendment as well as the effort to secure the admission of Negro testimony into state courts. Amid strong criticism of the congressional reconstruction programs, the legislature was supportive of President Johnson’s plans for the reconstruction of the South. They repealed the Act of Expatriation and passed legislation guaranteeing to “all persons” in the state their constitutional and civil rights. (It is noteworthy that “all persons,” did not include blacks.) This removal of proscriptive measures against former Confederates and southern sympathizers in December 1865 was not, as some historians have suggested, evidence that Kentucky at last had revealed her pro-Confederate sympathies. Rather it indicated that Kentucky was eager to forget the controversy that had so divided her white citizenry and to provide once more a united front as the state sought to prevent further violation of its rights by the federal government.

Neither was Kentucky’s condemnation of congressional reconstruction a token of Confederate sympathies. Rather it was essential to Kentucky’s economic well-being to have the southern states back in the Union as full trading partners, for a depressed South did not offer the markets Kentucky needed. Kentuckians argued that the sooner the southern states were restored to their rightful place in the Union, the sooner the whole nation would prosper.
Kentucky’s failure to ratify the Thirteenth Amendment and to repeal her slave code was also, for the most part, an economic consideration. For Kentucky, freeing the slaves meant a serious capital loss for the slaveholder. While arguments had been made that the cost of maintaining the slave was greater than the results of his labor and that any possible labor drain of Negroes to the North would be more than offset by an influx of free population into the state, Kentuckians worried about both the declining labor supply and the increasingly unstable nature of black society.

By early 1865, the Radicals in Congress believed that they had found the answer to the problem of rehabilitation of the newly freed black. On March 3, they passed the Freedmen’s Bureau Bill which created “a bureau of refugees, freedmen, and abandoned lands” under the direction of the War Department. Charged with the responsibility of caring for the freedman in the former states of the Confederacy, the bureau was to provide food, clothing, fuel, and shelter for the destitute and needy as well as to assign abandoned and confiscated property within the rebellious states to “loyal refugees and freedmen.” This measure infuriated Kentuckians. “Reconstruction is usurpation, base usurpation” fumed “Old Kentucky.” The editor of the *Louisville Daily Courier* cursed this “unrestrained tyranny—the madness and frenzy of unreasoning fanaticism.”

Because of Kentucky’s recalcitrance in the matter of granting the freedman his rights, General Oliver O. Howard, Commissioner of the Bureau, ordered the extension of the bureau to Kentucky in December 1865, even though Kentucky had not been one of the secessionist states. Protest meetings sprang up across the state like wildfire, and petitions were drafted condemning the establishment of the bureau in a loyal state and requesting its immediate removal. But regardless of such petitions, on December 26, 1865, General Clinton B. Fisk, assistant commissioner for Tennessee, immediately moved to establish the necessary agencies to provide for the care, education, and general well-being of the freedmen in Kentucky.
Frightened by this new form of federal intervention, the legislature passed seven measures intended to grant relief to the former bondsman. The first was a measure to protect both Negro employee and white employer from exploitation of contract. Taxes collected from Negroes and mulattoes were to be put into a separate fund for the support of Negro paupers and the education of their children. Negroes and mulattoes were now permitted to sue and be sued, implead and be impleaded; acquire property by gift, devise, descent, or purchase, and dispose of same; charge any person with a criminal offense against his person and to institute suit; be competent witnesses in all civil proceedings in which Negroes and mulattoes were party and in all criminal proceedings in which a Negro or mulatto was a defendant. While the intermarriage of blacks and whites was forbidden, Negroes and mulattoes were permitted to marry. Punishments for felonies and misdemeanors by free Negroes and mulattoes were to be the same as for whites. Finally, the old “Master and Apprentice” laws were repealed, as were the statutes dealing with the treatment of runaway slaves.

Another unique response to the imposition of the Freedmen's Bureau upon Kentucky was the effort to revive the old Unionist party in the hope of presenting a united front against further efforts by the Radical Congress to impose reconstruction policies upon Kentucky. This was the brainchild of George D. Prentice, editor of the *Louisville Daily Journal*. He hoped to secure a political coalition between Kentucky's Republicans who claimed "separateness" from their northern Radical cousins, Union Democrats who were concerned by the infiltration of their party by ex-Confederates, and Conservatives who ardently opposed congressional reconstruction. Representatives of these three political factions caucused on January 17, 1866, determined to find a basis for alliance. After expressing gratitude to the Union army for suppressing the rebellion, they endorsed the president's reconstruction program, praised "the loyal spirit" of former rebel states, affirmed their allegiance to the national government, requested the removal of the Freedmen's Bureau from Kentucky, and urged
the formation of a third party—"the Union Party." Using the Kentucky Resolutions of 1798 as justification for their action, these "Unionists" condemned the "Legislative Usurpation" of the rights of the states by congressional "Demagogues" and compared the present plight of Kentucky to that of revolutionary times. As their forefathers had fought "against royal prerogatives and the acts of royal satraps," so must Kentuckians again challenge the illicit actions of a usurping Congress.

A statewide convention was called for, to be held on May 30. While their opponents regarded them as political renegades, some highly respectable men joined the movement, among whom were R. T. Jacob, John H. Harney, John Marshall Harlan, and Hamilton Pope. In addition to the support of the Louisville Daily Journal, they had the backing of the Frankfort Commonwealth and the Lexington Standard as well as of a number of smaller newspapers.

Kentuckians continued to be troubled by federal usurpation of states' rights when Congress passed the Civil Rights Bill of April 9, 1866. Bestowing citizenship upon the Negro, this measure permitted the federal government to intervene in state affairs to protect the rights of its citizens. The federal courts were empowered to try violators, and the military power of the United States could be used to enforce the measure. Again President Johnson exercised his veto power, on the grounds that the bill was an unwarranted invasion of states' rights. White Kentuckians regarded the Civil Rights Bill as "Niggerism Rampant." The Louisville Daily Courier noted that every member from Kentucky had voted against the bill, except General L. H. Rousseau "who was not in Washington at the time." When the president vetoed it, headlines screamed: "VETO! VETO! A DANIEL COME TO JUDGEMENT! AN ABLE DOCUMENT!! HEAVY READING FOR JACOBINS! NO INTERFERENCE WITH LOCAL LEGISLATION! . . . DOWN WITH THE DIRECTORY!! ANDREW JOHNSON IS PRESIDENT!" When the Civil Rights Bill was repassed over the president's veto in April 1866, the editor of the Louisville Daily Courier moaned: "The famous parliament, which beheaded King Charles, of England, never proposed a law so tyrannical. The Jacobins,
under Robespierre, who flooded France with blood, never passed a measure so oppressive.”

Because the constitutionality of the Civil Rights Act was in question, in June 1866 Congress proposed the Fourteenth Amendment, which would ensure the rights guaranteed under the Civil Rights Act. White Kentuckians, angered by what they considered a further injustice, believed that the status of the Negro within the borders of the state was purely a matter of domestic concern. Reporting the emigration of 500 whites from North Carolina to the Northwest, the editor of the *Louisville Daily Courier* caustically remarked: “Radicalism is fast rendering the South uninhabitable except by niggers and alligators.”

“THE CROWNING INFAMY,” as the Democratic press put it, was the passage by Congress of the Southern Homestead Act in June 1866, which opened up the public lands of Alabama, Arkansas, Florida, Louisiana, and Mississippi to eighty-acre homesteads for refugees and freedmen who would agree to actual occupation. The Freedmen’s Bureau was not only to inform Negroes about the act, but to urge them to take advantage of the opportunity. This seemed threatening, for the same fate could befall public lands in Kentucky. Furthermore, it could result in a drain of Kentucky’s already weakened agricultural labor supply. It was obvious that Kentucky must present a united front if the continuing efforts of the Radical “hell-hounds” to force black supremacy upon the South were to be challenged.

Worried by the potential threat of Prentice’s Union party, the Democrats countered by inviting all interested people to join their party “without regard to past issues, to rally as friends of the Constitution against the revolutionary radicals.” They condemned the *Louisville Daily Journal* for its efforts to split the party and courted the Conservatives by calling for the immediate admission of the representatives of the southern states to Congress, the abolition of the Freedmen’s Bureau, the restoration of habeas corpus, a tariff for revenue only, strict adherence to the Constitution, the right of each state to regulate its domestic affairs, a general amnesty for former Con-
federates, and support of President Johnson’s reconstruction program. Against the charges that the Democracy was Confederate-dominated, the editor of the *Louisville Daily Courier*, Walter N. Haldeman, countered that the Democracy embraced “the best people of the State, and a majority of them!”

During this period, Kentuckians reacted strongly to the barbs and criticisms being leveled against the state by such Radical northern newspapers as the *Cincinnati Gazette*, the *Cincinnati Commercial*, the *New York Tribune*, the *New York Times*, the *Pittsburgh Gazette*, and others. Accusing the state of being under the domination of ex-Confederates, these northern journals urged that military rule be continued and that the Freedmen’s Bureau be maintained in Kentucky. The *Cincinnati Gazette* claimed that the only way Kentucky could be redeemed was to “change loyalty within her borders.” While such journalism was intended to help the Republican cause in the state, it actually served only to antagonize the great majority of Kentuckians. In no small measure, it resulted in many Union Republicans going over to the Democratic party—the party opposing further federal encroachment on the rights of the state.

In early April 1866 a convention of Union veterans was held in Louisville. After establishing the “Union Soldiers’ Association of Kentucky,” they adopted a resolution which condemned “the efforts of politicians to organize a party upon the basis of an extinct rebellion.” This was specifically aimed at Prentice’s third-party movement.

The Democrats met in convention at Louisville on May 1 to select candidates for county judges, sheriffs, and other local officials. Eighty-one of the 110 counties were represented. Conscious of the efforts being made to split the party, the delegates worked hard to achieve a visible unity. Among the resolutions adopted was a restatement of the Kentucky “Resolutions of ’98”—“that the Federal Government is one of limited and restricted powers.” Insisting that such matters as representation in Congress and Negro suffrage were concerns of the state and not the federal government, they condemned the
abridgment of free speech and press, the denial of habeas corpus, and the presence of the Freedmen's Bureau in the state. They warned their supporters of the evils of a third party and urged them to have nothing to do with "THE JOURNAL'S CONVENTION" called for May 30. The most significant nomination made by the convention was the selection of Alvin Duvall for the clerkship of the Court of Appeals. Duvall had been forced by General Stephen Burbridge to flee the state in 1864 because of his reputation as a Confederate sympathizer.

An interesting mélange of political figures, referred to as the "Kentucky Bushwhackers," gathered in Louisville on May 30 with the avowed intent of forming a third party in order to restore "good government" based upon "a constitutional union." Although boycotted by the orthodox and more extreme elements of both parties, the group organized itself into the Conservative Union Democratic party. Despite some preliminary opposition, the Republican faction ultimately secured control of the convention. Following the nomination of Richard R. Bolling for clerk of the Court of Appeals, the party adopted a number of resolutions which declared their continued opposition to the principles of rebellion and secession, their support of President Johnson's reconstruction program, and their condemnation of the Freedmen's Bureau. When Colonel Bolling subsequently refused the nomination, a number of caucuses were called and finally the prominent Union general Edward H. Hobson was selected as the candidate for the clerkship.

Such newspapers as the Louisville Daily Journal, the Louisville Democrat, and the Frankfort Commonwealth immediately began extolling the virtues of the Constitution, the Union, President Johnson, and General Hobson. All who wanted "peace and prosperity and one country" were invited to support the Conservative Union Democratic party. Charging the Democracy with being a "rebel sympathizing party," their cry was "UNION VERSUS SECESSION."

Midway in the campaign, charges of congressional intimidation were voiced by the Democrats. The Daily Kentucky Yeoman's headlines of July 26 read: "FIVE MILLION DOLLARS
TO KENTUCKY DEPENDING UPON THE DEFEAT OF THE SECESSION PARTY." Supposedly, to help bring about Hobson's election, congressional Radicals were proposing a bill to pay loyal owners up to $300 for each slave mustered into the Union army. "Let the people of Kentucky remember," scolded the editor of the Daily Kentucky Yeoman, "that they have been robbed of more than one hundred million of slave property by the Constitutional Amendment Party of the country, of which General E. H. Hobson was a prominent and distinguished leader." At the same time, the Democratic press under the aegis of the Louisville Daily Courier was doing everything it could to allay the charges that the Democracy was a rebel and secessionist party. Calling it "slander" and "bare-faced humbug," Haldeman accused the opposition of "keeping alive the animosities of the war." How could the Confederates seize control of a party when there were in the state only 30,000 ex-Confederate soldiers as opposed to 75,000 ex-Union soldiers?

Meanwhile, the Conservative Union Democratic press kept up a running attack upon Duvall's supposed rebel activity during the war. The editor of the Louisville Daily Journal lamented: "That the Duvall party is a pro-rebel and rebel-sympathizing party is known to every man in Kentucky." On the eve of the election, Prentice warned: "If you vote for Duvall to-day, Kentuckians, you vote BLACK AND BLOODY SECESSION."

Duvall's overwhelming plurality of 37,000 votes was hailed by the Louisville Daily Courier as evidence that Kentucky was "Redeemed, Regenerated and Disenthralled." Northern newspapers called the contest "an all out rebel victory." While many historians have accepted this latter interpretation, it is simply not correct. The real issue was not Duvall's connection with "the lost cause" but rather his martyrdom at the hands of the federal military. Duvall had run afoul of General Stephen Burbridge in the election of 1864. He had been on the bench of the Court of Appeals since 1856, becoming chief justice in 1861. Standing for reelection, Duvall was declared unsuitable by General Burbridge, who backed an Unconditional Union-
ist, M. M. Benton. Upon a trumped-up charge, orders were issued for the arrest of Duvall, who fled the state in order to escape incarceration. Kentuckians were resentful of this interference by the military in their election. As Kentuckians went to the polls in 1866 and voted for Duvall, they were expressing their continued hostility toward the federal government for its high-handed military rule as well as for the imposition of the Freedmen's Bureau upon Kentucky. Apart from Duvall's election, the most important result of the election of 1866 was the breakup of the "Third Party" into its component elements: Conservatives, Republicans and Union Democrats.

The attempt by George Prentice to achieve some form of political unity to fight congressional domination was to be emulated by the president. Conscious that his leadership depended upon bipartisan support, Johnson hoped to create a national party of moderates to support him in his struggle against the Radicals. Late in August 1866 it was announced that the president would make a "Swing Around the Circle," visiting key cities from Pennsylvania to Missouri. Initially he was well received. Claiming that his reconstruction policies toward the South were based upon the Christian principles of amnesty and forgiveness, he denounced the Radicals and urged his audiences to protect the Constitution and the Union by voting the ticket of the National Union party. Since he did not vary his speech, his audiences soon began to fall off. Also his fiery responses to the increasing number of Radical hecklers in his audiences tended to lower the dignity of his office.

However, his visit to Louisville on September 12 was remarkably pleasant and without incident. Haldeman editorialized: "Today, our President, the hope of the nation will be here among us." Prentice was enthusiastic: "Louisville and Kentucky, warm-hearted and strong-handed, extend a Western welcome, a Southern welcome, a patriotic welcome to our large-souled President." Louisville's streets were "beautifully decorated," the buildings decked with banners bearing inscriptions "Johnson and the Constitution" and "Our President—The Country's Hope." At the courthouse the President
assured some 50,000 listeners who had turned out to hear him that he stood for the Union and that the "present congress if continued would establish a despotism." He urged Kentuckians to support the National Union party as the only hope of offsetting the usurpation of Congress. As the president entered his hotel, thirty-nine "little maidens" (symbolic of the number of states in the Union) scattered flowers in his path.

Johnson was encouraged by the support of the Union Soldiers Convention which met in Cleveland on September 17. Kentucky had elected seventy-nine delegates of various political hues, among whom were Governor Thomas E. Bramlette, General L. H. Rousseau, General W. C. Whitaker, and Colonel B. H. Bristow. Governor Bramlette offered the resolution at the convention which endorsed the policies of the president. Subsequently, the convention approved the platform adopted at the Philadelphia National Convention "as the only course open to those who desired to preserve the Constitution and the Union."

The Radicals responded that if the president's candidates were sustained, the country could expect an "outbreak of violence," since the president would create a rival Congress comprised of northern Copperheads and southern rebels. A Republican victory was "the only practicable road to peace." The November election resulted in a disastrous defeat for the president, with the Republicans securing large majorities in both houses of Congress. Since the Fortieth Congress did not convene until December 1867, Kentucky did not elect her congressmen at this time, but rather waited for the spring election.

The state elections of August 1866 had left Kentucky Republicans under no illusions. They had been badly beaten, and the Conservatives had forsaken them in midstream. On the other hand, the Democracy was cocky: "There is no half-way house to stop at—no middle party to fight in. . . . Those who are not for us are against us. Those who are not with the Democratic party in Kentucky are with the Radicals, and upon that line they must fight it out." Still the Republicans struggled to renew their liaison with the Conservatives and the Union
Democrats. The test came in the election of a United States senator early in 1867, when the Conservatives in the legislature supported Garrett Davis, the Union Democrats backed Lazarus W. Powell, and the Republicans put up Benjamin H. Bristow. Suddenly the Union Democrats swung their vote to Davis. A deal had been made: the Union Democrats and the Conservatives had made common cause. A third-party movement was to continue in Kentucky.

During the fall and early winter of 1866–1867, the number of crimes and outrages, particularly against blacks, increased. Lynch law threatened to displace civil authority. Violent crimes were being committed against Negroes and Union men in Marion, Boyle, and adjoining counties where “Skaggs men” were holding forth. It was estimated that there were over 120 members of this gang of villains, the majority of whom were armed and mounted. Bands of robbers had also taken to holding up trains, with serious disruption of freight, mail, and passenger service. So serious had the situation become that the governor sent a special message to the legislature asking for an appropriation to offer rewards for the apprehension and conviction of the culprits as well as authority for the executive and civil authorities to hunt them down.

When the legislature reconvened on January 4, 1867, Governor Bramlette reported on the present “increased disregard for the law.” Among his major recommendations for legislative consideration were: revision of the laws relating to blacks so as to “remove the flimsy pretenses of an unreasoning fanaticism,” promotion of immigration, development of the resources of the state, sponsorship of extensive internal improvements, and ratification of the Fourteenth Amendment. The intent of the Fourteenth Amendment was clear: it not only recognized the civil rights of Negroes, but made the federal government the protector of these rights. This issue was hotly debated in the legislature. While the Republicans justified the amendment on the grounds that it was the logical extension of the revolutionary doctrine that “all men are created equal,” Democrats charged that it represented a further invasion of the domestic rights of the states. Despite such theoretical
arguments, racism and partisan politics dictated party position. Republicans recognized the opportunity of increasing their power and influence by attaching to their ranks the Negro freedman. Conversely, the granting of citizenship to the black man represented a threat to the political ascendancy of the Democrats. When the issue finally came to a vote, the Fourteenth Amendment was overwhelmingly rejected: 62–26 in the house, 24–7 in the senate.

With that matter settled, the Democrats now determined to put their own house in order. There were three distinct elements present in the party: the Southern Rights Democrats (ex-Confederates), the Conservative Democrats (Confederate sympathizers), and the Union Democrats (ex-Union men and Federalists). Denying that they were “the party of rebellion,” the Democrats reminded Kentuckians that former Confederates after all did not number one-fifth of the strength of the whole party. To appeal to the Conservatives, a caucus between the two political factions was called, which was characterized as one where “good feeling prevailed.” Thus when the Democrats met in state convention on February 22, 1867, it was a strong and powerful body that nominated John L. Helm for governor and John W. Stevenson for lieutenant governor. After professing “ardent attachment” to the Union and to the Constitution, it condemned congressional reconstruction, damned the “high and odious tariff,” criticized the corruption in government, and announced its continuing support of the president.

Four days later the Republicans held their convention in Frankfort. While not a large assemblage, it did consist of some highly respectable people. The moderates of the party were able to secure control of the convention and nominated Colonel Sidney M. Barnes for governor and R. Tarvin Baker for lieutenant governor. Suppressing a move by the radicals for a plank supporting congressional reconstruction, the convention finally agreed upon certain noncommittal resolutions which damned “the rebel Democracy in Kentucky,” urged the support of the party by Union men, and called for an improved “system of general education.”

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The so-called third party of Union Democrats and Conservatives convened on March 6 and nominated Judge W. B. Kinkead for governor and Harrison Taylor for lieutenant governor. Despite Kinkead's claim that it was "the true Democracy," the third party stood little chance of success. Ultimately, its members found their way into the ranks either of the Democrats or of the Republicans. One of the most outstanding converts to Republicanism at this time was a young Louisville lawyer named John Marshall Harlan, who was to gain prominence in the days to come.

Both parties anticipated victory in the special congressional election called for May 4, 1867. In the course of the campaign the "Thads and Thirds," as the Republicans and Union Democrats were called, accused the Democrats of putting forward a "secession ticket." They claimed that some of the Democratic candidates could not take the test oath. Denying this charge, the Democracy countered that the only way to combat the threat of Negro suffrage and the other evils of Radical reconstruction was to elect a Democratic ticket. To the great disappointment of their opposition, the Democrats made a clean sweep, electing nine congressmen. Immediately, the Cincinnati Gazette, no friend of the Kentucky Democracy, charged that "the rebels in Kentucky have swept the State." Undoubtedly, their misinformation came from defeated and dejected Republicans such as Sam McKee, who in a fit of temper referred to the victorious Democrats as "advocates of treason and rebellion." "Kentucky," he charged, "needs reconstruction and must have it."

While both parties awaited the outcome of the August state election, the Radical Republicans in Congress refused to seat the newly elected Kentucky representatives. On July 3, 1867, formal protests were lodged in the House of Representatives that the "loyal voters" of Kentucky had been "overawed" by rebel sympathizers and ex-Confederates in the recent federal election, and an investigation of the credentials of the Kentucky representatives by the Committee on Elections was ordered. During December and January, five of Kentucky's congressmen were permitted to take their seats: Lawrence S.
Trimble, J. Proctor Knott, Asa P. Gover, Thomas L. Jones, and James B. Beck. One member had died in the interim, (Elijah Hise), and his seat was ultimately taken by Jacob S. Golladay. John Y. Brown’s seat was contested, but since neither he nor his challenger proved acceptable, the seat remained vacant throughout the entire session of the Fortieth Congress. John D. Young’s seat, however, was successfully challenged by Samuel McKee, who then became the lone Republican representative from Kentucky. George M. Adams was the only representative unchallenged; though a Democrat, he had been a member of the Union army!

Kentucky newspapers sounded the tocsin of resentment. “The action of the Jacobin members with reference to our Congressmen,” wrote the editor of the Louisville Daily Courier, “renders it more important than ever that the majority for the Democratic state ticket on the first Monday in August should be a very large one.” Denying that the Democratic party was the party of rebellion, Haldeman reminded his readers that the issues were well defined. Republicans stood for “oppression, Negro equality, despotism”; Democrats “for truth, for liberty, for the Government under which the nation prospered.” The choice should be easy. The Daily Kentucky Yeoman warned: “Kentucky is inhabited by Kentuckians, and cannot be prostituted to the despicable ends of Red Republicanism.” As the campaign heightened, “Old Kentucky” became more vehement: “In the name of civil and religious liberty—yes, in the name of God and the memory of the old Continental Congress and the framers of the Constitution of the States and Nation—when will the people open their eyes to the purposes of the party in power, and hurl them out of office for the outrages they are committing upon the States and people thereof?” “Be true to Kentucky and the old Government” was the watchword of the Democrats on the eve of the election; Kentuckians, as they went to the polls in August 1867, would show the world that they could stand firm in the face of adversity, that they could maintain an independent position, that they stood for the Union but against the present government.
The Democrats overwhelmingly carried the election: Helm and the Democratic ticket won the day. The Republicans secured only 7 of the 38 seats in the senate and 10 of the 100 in the house. Lashing out at the Democratic opposition, the Frankfort Commonwealth lamented: “The ‘Lost Cause’ is found again in Kentucky.” The northern press also immediately claimed that Kentucky was “thoroughly and overwhelmingly in the hands of the Confederates.” Anticipating “a reign of terror,” the editor of the Cincinnati Daily Gazette warned that “no man who adhered to the Union cause is safe,” for “there is no freedom of speech or of the press in Kentucky.” Some historians have assumed from this that the Democracy was indeed thoroughly dominated by ex-Confederates. While it is true that former Confederates were finding their way back into politics, their numbers were small, since many of their leaders were still banned from politics by the test oath. While the Democratic ticket included some ex-Confederates and southern sympathizers, more important than their former identification was their stubborn belief in states’ rights. Kentucky’s electorate was adamant in its declaration of loyalty to the Union and to the Constitution, but the majority considered congressional action towards Kentucky, as well as towards the southern states, intemperate, injudicious, and a direct violation of domestic rights under the Constitution. Furthermore, it should not be forgotten that these were the first elections free from the overt influence of the Union army, and Kentuckians seized upon this opportunity to declare their dissatisfaction with the “shabby” treatment of the state by the federal government.

The Democracy considered its success a precursor of things to come. “The Democracy of Kentucky set the example,” claimed the Daily Kentucky Yeoman, “Connecticut followed, California and Montana came on in line, and now come Pennsylvania, Ohio, Indiana, and Iowa. New York and the rest will follow in November—‘revolutions never go backward’—and the platter will be swept.”

Even as the Democracy gloated over its success, its newly elected governor, John L. Helm, was seriously ill. Five days
after his inauguration he died and was succeeded by the lieutenant governor, John W. Stevenson. Stevenson set the tone of his administration by promising the people of Kentucky that he would adhere strictly "to the Constitution of the United States and the Constitution of Kentucky," since both "were ordained to perpetuate the rights of civil liberty and free representative government."

During the fall of 1867, the visit of the congressional "Smelling" Committee (as the Federal Elections Investigating Committee was called) to Kentucky, the troublesome Negro suffrage question, the increased lawlessness in the state, the firing by the president of Secretary of War Edwin M. Stanton, and the possibility of Johnson's impeachment made Kentuckians apprehensive about their future. When the legislature met in Frankfort on December 2, Governor Stevenson assured the members that "recent popular expression of the masses indicates that the storm of fanaticism and terror, which has almost shipwrecked us in the wild chimerical schemes of social change, will yet dash itself against the rock of the Constitution, and expend its fury without danger."

Nevertheless, the legislature passed resolutions calling for an end of southern reconstruction, the maintenance of a "White man's government" in the South, and an investigation of General Stephen B. Burbridge as commandant of the Department of Kentucky. When James Guthrie resigned his seat in the United States Senate on February 10, the Democrats rallied their forces to elect Thomas C. McCreery over the Republican candidate, Sidney M. Barnes, and the third-party nominee, Aaron Harding. The necessity of a special gubernatorial election resulted in the calling of state conventions. The Democrats met in Frankfort on February 22, and unanimously nominated the acting governor, John W. Stevenson, for the governorship. After choosing delegates to the national convention, they passed resolutions calling for the "unconditional restoration" of the southern states to "full and equal enjoyment of their rights in this Federal Union and the granting of universal amnesty." Five days later the Republicans convened and nominated R. Tarvin Baker for governor, select-
ed presidential electors, and declared for U. S. Grant as president and James Speed of Louisville as vice-president. Calling for “equal and exact justice to all men,” the Republican platform was unusually quiet on such issues as the impeachment of the president.

Because Stevenson was extremely popular, the Republicans did little campaigning on behalf of Baker in the state election. Rather, they chose to throw all their efforts into winning the state for Grant. Under the leadership of men like Speed and Bristow, they attempted to characterize the party as progressive, one interested in the progress and “advancement of man.” Pointing to Grant’s magnanimity at Appomattox Courthouse, they characterized him as the “gracious savior of the Union.”

The Democrats, however, brought out their heavy guns. Calling attention to the increasing threat of Negro suffrage, the labor shortage in the state, and the presence of the Freedmen’s Bureau in Kentucky, they charged that the Republicans were preparing to carry the election “by force and threatening war.” Republicans would arm the black man and use him to carry the election. “Remember,” they warned, “that if General Grant is elected President, Radical rule will become permanent; that there will be an end of free government in America.” They were not above a little personal slander, either. Rumor had it that “Grant’s whiskey record is not half so infamous as his Indian baby record in California.” But of greatest consequence was their effort to throw off the stigma of being the “rebel” or “secessionist” party. They claimed, truthfully enough, that four-fifths of those Kentuckians who during “the late unhappy war” took up arms for the federal government were Democrats. Thus a major portion of their membership was Unionist.

Not only did the Democracy elect Stevenson by an overwhelming plurality of 88,965, in the August 1868 election, but it carried the state for the Democratic presidential candidate, Horatio Seymour, by a majority of 76,323 and elected nine Democratic congressmen. Once again the charge of “rebel” was leveled against the state, but the Democrats remained un-
perturbed, believing that the country was “on the eve of great reactionary events” which would ultimately end Radical reconstruction.

During the ensuing winter and the spring of 1869 the controversial issue in Kentucky was the Fifteenth Amendment, which would guarantee the franchise to the Negro. The Democrats charged that the power of Congress to propose amendments to the Constitution was “a limited and restricted power.” In this instance, the Radicals were subverting the Constitution “under the guise of a proposition to amend it.” Certainly the enfranchisement of the freedman would help a battered Republican party overcome the losses it had sustained in the elections of 1867 and 1868. Therefore, Republicans argued that since the “love of liberty” was inherent in human nature, if it continued to be stifled, internal revolution would ensue. “The Everlasting Negro,” groaned the editor of the Louisville Courier-Journal is “a terrible evil to this country.” Prejudice ran high in Kentucky. If the federal government had paid for the freed slaves, would matters have been different? Some contemporaries believed this would have ameliorated the situation, but it is highly unlikely. Racism was an accomplished fact. The mistreatment of blacks by the Regulators and the Ku Klux Klan, along with the consistent refusal to admit Negro testimony in state courts, was abundant evidence of Kentucky’s hostility to the black man. It was a foregone conclusion that the Democratic legislature, possessed of strong racial prejudices and antagonisms against federal authority, would reject the amendment, as it did on March 13, 1869.

Republicans had long been concerned by the fact that they had very little support for their cause in the public press of the state. Apart from the Frankfort Commonwealth and Lexington’s Kentucky Statesman, they were forced to rely for their backing upon such newspapers as the Cincinnati Commercial and the Cincinnati Gazette. As the state shifted its trade southward and entered into railroad competition with Cincinnati for the southern trade, Kentuckians developed a deep mistrust of their Ohio cousins. Certainly the charges of “reb-
el” which the Commercial and the Gazette leveled at the state did not help the situation. Kentucky Democrats constantly took issue with the Cincinnati press, referring to its “invalid reporting,” or more bluntly, its “damn lies!” The Democrats, on the other hand, had numerous newspapers espousing their cause—the Lexington Observer and Reporter, Paris’s True Kentuckian, the Georgetown Weekly Times, Frankfort’s Daily Kentucky Yeoman, the Maysville Bulletin, the Paducah Herald, the Clark County Democrat, the Louisville Daily Democrat, the Louisville Journal, and the Louisville Courier, to mention only a few. Consolidation of the three Louisville Democratic papers under the editorial management of Henry Watterson in the fall of 1868 proved extremely threatening to the Republicans. At the urging of a number of prominent Republican party leaders, a joint stock company was established to publish a commercial journal that would “cater first and foremost to the interests of the State.” Securing a charter from the legislature, the Louisville Daily Commercial began publication on December 29, 1869. Under the editorship of Colonel R. M. Kelly, the Commercial became a significant spokesman for the Republican party. Avoiding support of “scandalmonging Radicals,” its reporting was considered by its readers to be “safe and sane.”

Meanwhile, under the leadership of Speed, Bristow, and Harlan a new image was being projected for the Republicans. Characterizing the party as “progressive” and “liberal,” they urged Kentuckians “to cut loose from prejudices of the past” and to conform “to the age, to the spirit of progress, to liberal ideas, to justice to all men.” As one spokesman put it: “The Republican party . . . during the whole of its existence has had regard to every man’s rights and interests.” Therefore, Kentuckians should accept the new order of things so that the state might continue in the mainstream of national progress. The Louisville Commercial picked up this theme and began expounding the progressive nature of the party.

Simultaneously, Henry Watterson of the Louisville Courier-Journal sensed the changing spirit of the times and began advocating his “new departure” concept. Calling upon the
“New South” to depart from historic Democratic philosophy, he urged acceptance of the Fourteenth and Fifteenth amendments, recognition of the civil rights of Negroes, fostering of industrial development, state subsidy of railroads, and encouragement of immigration into the state as a source of new labor. Realizing that the South was helpless and at the mercy of the North, he was convinced that the way to reconciliation was to disarm the radicalism that had precipitated reconstruction. By supporting a policy of justice to both whites and blacks and by appealing to the business and conservative interests of the North, he would achieve his objectives. From 1868 onward, Watterson’s editorials sought justice for the Negro, praised the beneficence of the martyrred Lincoln, and encouraged the emergence of what he called the “New South.” Watterson argued that if the South was to take its rightful place in the Union, it must accept the results of the war, whether it liked them or not. This was a revolutionary step to take and one not easily accepted by the rank and file of the Democratic party. Watterson was attacked as “a creature of the Freedmen’s Bureau” and even was accused of selling out to the Republicans. “Bourbon” Democrats became so antagonized by the *Courier-Journal* that they founded the *Louisville Daily Ledger* to express their conservative points of view. Undeterred, Watterson remained convinced that the Democratic party was the instrument of progress and advancement. Determined to convert his party to the “new departure,” he led efforts to suppress lawlessness in the state and to permit Negroes to exercise their civil rights.

Between 1865 and 1870 Kentucky Democrats and Republicans had much in common. Both parties labored under stigmas—the Democracy of being “rebel” and the Republicans of being “radical.” Both courted a nebulous political faction known as the Conservatives who sponsored brief third-party movements. Both sought to end federal intervention in Kentucky. Both were dominated by whites who were for the most part racist in their philosophy. Both were critical, for different reasons, of congressional reconstruction programs. Both believed in the concept of progress—that the time had
come to forget the past and look to the future. Although Republi­cans continued to lose elections to the Democrats throughout this period, they were not discouraged. Clearly the choices for the future lay between Republican progressivism on the one hand and the "new departure" politics of the Democrats on the other.
LET LOOSE YOUR GRIP upon the ‘nigger.’ Grapple the plow-share in your hands. . . . Shame the rash malice of those who speak of your motives, and actions, and principles, by walking in the fear of the Lord and law of the land.” These words were written by Henry Watterson for southerners in 1865. If Kentuckians had heeded “Marse” Henry’s advice, they might have been spared much of the agony of the postwar period.

The status of the black in Kentucky when the war ended was ambiguous. Kentucky’s continued presence in the Union during the war had meant that the Emancipation Proclamation of January 1, 1863, did not apply to the Kentucky Negro. With peace imminent in the spring of 1865, the majority of blacks were still legally enslaved in Kentucky. While it was true that the families of some 28,000 Negroes who had seen military service in 1864–1865 received their freedom by an act of Congress dated March 3, 1865, this had upset Kentuckians who smarted over the enlistment practices of the Union army. Kentucky’s farms had been raided periodically by squads of federal troops who forcibly took “hundreds of Negroes from the fields.” Governor Bramlette complained to the legislature in 1865 that not only had the state been “devastated by rebel raids and guerrilla depredations,” but Kentucky’s agriculture
and industry had been paralyzed by the loss of its productive labor supply.

General John M. Palmer, who became the new military commander for Kentucky in February 1865, was determined to do all in his power to abolish the antebellum slave laws which were still in effect in Kentucky. In this endeavor, he was aided by the Reverend Thomas James, a free black minister of the African Methodist Episcopal Church. Born in slavery, as a youth James had run away to Canada where he worked on the Welland Canal. Returning to New York, he married in 1829 and was ordained a minister in 1833. After serving churches in Buffalo and Rochester, he was sent by the American Missionary Association in 1862 to assist blacks in Louisiana and Tennessee. En route, James and his daughter came to Louisville, where he worked with the Union army and became an ardent advocate of the rights of Kentucky freedmen.

When Congress freed the wives and children of Negroes serving in the Union forces in the spring of 1865, some 75,000 Kentucky women and children suddenly were legally freed. Antagonized not only by the immediate financial loss this represented but also by the impact it would have upon the available labor supply, Kentucky slave owners stubbornly resisted the federal action. With threats and violence they attempted to cow the Negro into continued submission. Since Kentucky law recognized no legal tie between slave husbands and wives, or parents and children, slave owners now refused to permit slave families to join their freed relatives. Upon further investigation, it was discovered that "slave pens" had been built throughout the state where Negroes continued to be held in irons. Angered by this white resistance to federal law, Palmer announced that he would use his military power, "if necessary," to enforce the rights of ex-slave soldiers. Upon the recommendation of Thomas James, the slave pens were sought out and forcibly closed. Male slaves were encouraged to enlist, thereby achieving freedom, while slave women were urged to marry Negro soldiers. James was accused of attempting to persuade every black woman who came into a freedmen's camp to marry a soldier, in order to protect her and her children from
militant slave owners. Palmer's chief subordinate, James S. Brisbane, later claimed that this "policy of Negro enlistment and hasty marriage" ultimately "bankrupted slavery in Kentucky."

In an effort to provide wider employment opportunities for Negro freedmen, General Palmer issued on May 11, 1865, Order 32, which permitted provost marshals to issue military passes to unemployed blacks and their families. These "Palmer passes" not only permitted Negroes to move about at will, but to leave the state should they so desire. This, of course, was aimed specifically at nullifying the old slave code of Kentucky which prohibited the physical movement of blacks. Negroes commonly referred to these passes as "free papers," which to a great extent they were. In fact, the freedom spirit was so strong that in anticipation that a general emancipation would be announced on July 4, 1865, thousands of slaves left their homes and sought refuge at federal camps (such as Camp Nelson) across the state. At the Fourth of July celebration held at Louisville, General Palmer addressed a group of some 20,000 blacks who received him enthusiastically. While there was some confusion as to whether he said "You are free" or "You are substantially free," Palmer urged them to work hard, to insist upon being paid wages, and to help themselves by educating their children. A few weeks later, Palmer further facilitated the mobility of Negroes by issuing Order 49, which expanded Order 32. This permitted military officers, for reasons of overcrowding, to issue "free passes" to blacks—thus relieving their camps of an excess Negro population. By November, a well-satisfied Palmer estimated that over 10,000 Kentucky slaves had crossed the Ohio River to freedom.

But Palmer's efforts on behalf of the blacks abruptly ceased when martial law was ended in Kentucky on October 12, 1865. Striking out at "the petty tyrant," as Palmer's opposition referred to him, railroads forbade transportation to "slaves" without the specific written permission of their owners, and suits were instituted in the state courts which declared the Congressional Act of March 1865 (which freed the families of Negro soldiers) unconstitutional. Four civil suits were begun
against Palmer personally, but were dismissed. Despite these attempts to frustrate his work, the general was pleased with the results of his efforts. Writing his wife, he claimed that slavery was virtually ended in Kentucky.

In actuality, about 65,000 slaves formerly owned by disloyal whites in the state already had been freed, and under the Congressional Act of March 1865 another 28,818 Negro soldiers together with their wives and children (totaling about 75,000) had secured their freedom. The military estimated that approximately 65,000 men, women, and children remained slaves in Kentucky after March 1865. It would be difficult to estimate how many of these 65,000 had been shepherded to freedom by Palmer's tactics, but it was enough to cause a major crisis in Kentucky's agricultural labor supply.

Kentucky's freedmen were typical of newly freed blacks. As Frederick Douglass remarked: "He [the freedman] had neither money, property nor friends." While the former bondsman had physical strength, he possessed little else. Still he was hopeful, believing that freedom would create opportunities for advancement in the form of land ownership and the accumulation of personal property. However, since most blacks were unskilled, profitable occupations were not to be found. Thus the immediate task of the federal government was to provide food, clothing, and shelter for the Negro family in an effort to tide them over.

Encouraged by the ease of securing "Palmer passes," thousands of blacks uprooted their families and began moving to the towns and cities. Here they became prisoners and victims of their environment, for they came in such numbers that they flooded the labor market. Caught in the mesh of sudden growth, the cities developed immense problems related to the need for more housing, better sanitation and health care, and expanded education facilities. This migration to the city declined sharply by 1870 when blacks realized that the city was not the gateway to opportunity they had expected. Poverty and debt-slavery existed in the city as they had on the farm. Illustrative of conditions in the city was a report in the Louisville Daily Courier in January 1866 which stated that dis-
ease and starvation were rife among the city's Negro population. "These poor creatures," the paper stated, "are huddled, like so many cattle, in every alley of the city. They occupy out-houses and cellars, and subsist—if they manage to subsist at all—after the most precarious fashion." With resentment against whites rising, the number of crimes by blacks increased sharply.

Meanwhile in rural Kentucky white landowners became increasingly concerned over the disruption of their labor supply. Resorting to threats and violence, they made every effort to keep the black "in his place." Cabins were burned or torn down, murders were frequent, mutilation of males was not uncommon, and Negro women were sexually assaulted. It was not unusual to hold black women as pawns in order to maintain the obedience of their ex-slave husbands. Returning Negro soldiers had their guns taken from them and then were fined for bearing arms under the old slave code. Planters locked up their slaves or held women and children as hostages for their male labor supply. But even more appalling were the activities of the "night riders," better known as "Regulators" and "redeemers." Fierce, uncouth men, calling themselves "captains," "majors," and "colonels," organized bands of desperadoes who, in addition to robbery and banditry, took upon themselves the job of "regulating" the Negro. Ironically this had an effect opposite to the one which the white landowner desired. The terror created in the Kentucky countryside by these rowdies was a major factor forcing the Negro to uproot his family and flee to the nearest town or city for protection. It is little wonder that the freedman pleaded with the federal government to extend the protection and benefits of the Freedmen's Bureau to the blacks of Kentucky.

Certainly Kentucky's adamant refusal to ratify the Thirteenth Amendment, to amend those sections of its constitution applying to the institution of slavery, and to repeal its slave codes was abundant evidence of the state's attitude toward the freedman. Among those urging the establishment of the Freedmen's Bureau in Kentucky was General Palmer, who reported to the head of the bureau, Major General Oliver O.
Howard, the increasing number of atrocities that were taking place in the state. Howard was a concerned, sensitive, and committed "Christian Soldier" who was not backward when it came to protecting and providing for the Negro freedman. Although the bureau concentrated on coordinating programs already established by the military commanders of the former Confederate states, it was not long before Howard's bureau officials were also operating freedmen's camps, founding schools and hospitals, negotiating "fair wage" contracts for the black and using every legal means to protect the civil rights of the Negro from violation at the hands of state authorities.

Upon learning of the plight of Kentucky's black population, General Howard issued instructions to the assistant commissioner for Tennessee, Major General Clinton B. Fisk, to extend the protection of the Freedmen's Bureau to Negroes residing in Kentucky. Technically Howard was stretching his authority, for Kentucky was not one of the seceded states where under law the bureau was to be established. Supposedly Kentucky was immune from such reconstruction measures. Howard was well aware that if anyone could do the job of protecting Kentucky's blacks it would be General Fisk. Well known and well liked, Fisk was sincerely interested and concerned for the well-being of the freedmen. Once a minister, he had left the pulpit for banking and by the time the Civil War broke out was a prominent Saint Louis financier. Leaving his business, he joined the military where his war record was so meritorious that he rose from the rank of colonel to brigadier general. An ardent abolitionist and a member of two large freedmen's aid societies, Fisk had won the confidence of Tennessee's Negroes, who regarded him as somewhat of a savior of their people.

In an effort to placate Kentucky before the formal imposition of the bureau upon the state, Fisk visited Governor Bramlette in Frankfort. While receiving him cordially, Bramlette did not find it politic to officially endorse the coming of the bureau to Kentucky. In the course of the conversation, Bramlette informed Fisk that he intended to send a special message to the legislature urging it "not to delay providing for protec-
tion of the freedmen.” In this manner, the governor hoped to allay federal fears regarding the welfare of the Negro in the state.

Nevertheless, in a Nashville address to the freedmen on December 29, 1865, General Fisk announced the total abolition of slavery as a result of the ratification of the Thirteenth Amendment and the extension of the supervision of the bureau over “persons recently held as slaves in Kentucky.” After noting the agencies to be established, Fisk invited the “cordial cooperation” of the civil authorities as well as of “all good citizens” of the state of Kentucky. He counseled the Negroes not to flock into the towns and cities “where want and misery” would befall them, but to remain in their old homes and to contract with their former masters who still needed their labor. Fisk urged blacks to be industrious and moral, but above all to insist upon the education of their children.

As Fisk established the necessary services and agencies of the bureau in the state, Generals Palmer and Rousseau strongly encouraged and approved of his actions. Fisk wrote General Howard on February 14, 1866, that while Kentucky public opinion was “neither favorable nor friendly” toward the bureau, “a large majority” of whites desired “to act fairly towards the freedmen.” He also was pleased to report that blacks were “generally disposed to enter into equitable labor contracts” with the white landowners. Yet Fisk was under no delusions as to the situation in Kentucky. He complained that “every species of cruelty and outrage” existed in the state: whites who supplied information about terrorists feared assassination; blacks who sought the assistance of the bureau were beaten, shot, and driven from their homes; and ex-Confederates were being selected “as candidates for high positions of honor and trust” in the government. As he had anticipated, protest meetings objecting to the presence of the bureau in Kentucky were held throughout the state. The largest of these meetings took place at Louisville on February 22, 1866 and was presided over by the governor. Resolutions were adopted which praised Johnson’s veto of the Second Freedmen’s Bureau Bill and declared that “the right to fix the legal status
of the inhabitants of a State belongs, of right, to the State in which they reside.” Since there was “no hostility to the freedman in Kentucky, no purpose to do him injustice,” the Louisville convention demanded the immediate removal of the bureau from the state. The vitriolic pen of “Old Kentucky” warned: “Let out your spite, Messrs. gentlemen abolitionists. The day may come, as it did to Danton, Robespierre, and Marat, in the French Revolution, when the knives you are whetting for others may take off your own heads.”

Amidst such sentiments, Fisk complained to General Howard that Kentuckians regarded the president’s veto of the Freedmen’s Bureau Bill as evidence of “unqualified executive hostility” toward the bureau. If its work was to be effective, Kentuckians must be told that the bureau was there “legally” and that it would remain until the freedman was adequately protected “in person and property.” Fish urged the commissioner to secure a statement from the president that the bureau was in Kentucky “in accordance with laws, and that it will remain there for the present, and its continuance cease only when justice is otherwise secure to the freedman.” He also warned Howard that Kentucky politicians “of all shades” as well as citizens “of all degrees of respectability” would call for the removal of the bureau in the coming elections.

By March 1866 General Fisk had divided the state into three subdistricts, each under a field officer, with headquarters at Louisville, Lexington, and Paducah. Brigadier General John Ely was appointed chief superintendent with offices at Louisville. The Louisville Daily Courier remarked of Ely’s appointment: “Gen. Ely is represented to us as a gentleman of liberal views, free from undue prejudices in favor of or against the negro, and disposed to do simple justice, without using the power and authority of his office to insult or outrage the white population for the benefit of the class of whom he has charge.”

“Citizen agents” were appointed in each county with authority to collect fifty cents for each registered labor contract and such costs as the civil law permitted in cases adjudicated by them. However, because of undue difficulties and the great responsibility that they had, these agents were eventually paid a sal-
ary ranging from fifty to a hundred dollars per month. Their job proved thankless since they received very little help from local authorities and were often subjected to threats of violence themselves.

At Fisk's instigation a "Kentucky Colored Peoples Convention" was held at Lexington on March 23. Addressing that assembly, Fisk gave assurances that the state's administrative officers were supportive of the rights of freedmen, but warned the blacks that they must organize if their civil rights were to be sustained. Responding to his suggestion and to the leadership of a number of free blacks, the convention elected officers: Henry King of Fayette County was named president; E. B. Cheatham of Marion County, vice-president; James H. Campbell of Covington, secretary; G. W. Dupree of McCracken County and Henry Scroggins of Fayette County, assistant secretaries; and Benjamin Tibbs of Boyle County, treasurer. Unfortunately, little resulted from this effort at unification of the blacks.

While Fisk was disappointed at the results of the convention, his attention was soon drawn to other problems. Eastern Kentucky particularly was rife with what a special investigator referred to as "extreme cases of cruelty and outrage." Some sixty cases of violence had occurred there ranging from burning and tearing down Negro homes to beating, shooting, robbery, and murder. Fisk hastily requested troops and assigned them to the more troubled areas for the protection of the freedmen. Since the civil authorities refused to take any notice of such happenings, he now established Freedmen's Bureau courts in the major towns and cities of the state in an effort to secure justice for the former bondsman. Reporting to General Howard on March 31, 1866, Fisk urged enforcement of the Civil Rights Act, arguing that federal officers could do much to "tranqulize the State and protect the freedmen." Meanwhile, the assistant commissioner continued to care for the poor and the sick at Louisville, Camp Nelson, and Columbus, and to provide the most elementary education for black children. Fisk warmly commended "the self denying Christian women of the North who have with earnest fidelity, in the face of
bitter opposition, successfully conducted schools for the freedmen.”

All sorts of problems were brought to the bureau during these years. In Shelbyville, blacks complained that they had to work for their old masters for whatever they chose to pay—and that was a pittance. Winchester farmers complained that their Negroes were being kidnapped and smuggled to Cuba, there to be sold back into slavery. In Clark, Estill, Owsley, Jackson, Madison, and Oldham counties employers would not agree to written contracts which had to be registered with the bureau, and blacks were being forced to work under verbal contracts which had no standing in the courts. While Jessamine and Garrard counties adamantly refused to provide for black paupers, Fisk reported that those counties were cooperating with bureau authorities to a greater extent than were Bourbon, Fayette, and Scott. Boone, Kenton, and Campbell counties had simply refused to countenance the presence of the bureau, with the result that many “grave outrages” against the freedmen were occurring there.

As late as February 1866, the editor of the **Louisville Daily Journal** urged the legislature to wipe out the slave code and accept the new status of the Negro. He also complimented General Fisk: “Our impression is that Gen. Fisk wishes to do the right thing, to administer the affairs of the bureau in such a manner as to be the least offensive to the community.” But despite the tenor of this editorial, Fisk was becoming increasingly unpopular in Kentucky.

Meanwhile, during the spring and summer of 1866, commissioner Howard created two new assistant commissioners: one for Kentucky and one for Maryland. Major General Jeff C. Davis was appointed assistant commissioner for Kentucky on June 13, 1866. Davis was a native of Indiana and had succeeded General Palmer as military commandant of Kentucky in March 1866. His appointment as assistant commissioner evoked a strong reaction from Kentuckians who believed he would bring undue military pressures to bear upon the state.

Davis proved to be a good administrator, however. At his direction the state was now divided into five districts:
Lexington, with responsibility for eastern counties; Louisville, with responsibility for the counties contiguous to Jefferson County; Northwestern, including those counties west of the Cumberland, with headquarters at Paducah; Southern, including the southcentral region, with headquarters at Bowling Green; and Central, comprising some fifteen counties in the center of the state and without a general headquarters. There were in all forty-six officials of the bureau, twenty-five of whom were civilians.

In his report to General Howard of November 5, 1866, General Davis stated that the work of the bureau was being hindered by the continuing opposition of the people as well as state authorities to the admission of Negro testimony in cases involving whites. While all "serious cases" previously had been submitted to state authorities for judgment, the exclusion of Negro testimony from state courts had resulted in the necessity to refer such cases to the federal courts. Rulings such as that of Judge Richard Hawes of the Bourbon County Court denying the legal existence of the bureau in the state had to be ignored if the work of the bureau was to go forward. Davis informed his agents that such decisions were not binding upon them.

Despite such reverses, the bureau continued to make headway. When Congress, on July 16, 1866, had extended the life of the bureau for two years, an Educational Division was established at bureau headquarters and many programs were expanded. Davis proudly reported to General Howard that some fifty-four schools had been established for the education of freedmen and their children. Supported mainly by subscriptions from parents, they were operated under the auspices of black religious denominations. These schools had met little or no opposition in the cities of Louisville, Lexington, Frankfort, and Danville, but elsewhere violent objection to the education of blacks had occurred. Davis was sustained and supported in his educational efforts by the Reverend T. K. Noble, chaplain of the 128th United States Colored Troop. As superintendent of schools, Noble worked hard to establish new schools throughout the state for the education of
blacks. However, much of his work was ineffective both because of financial problems and the ever-present threat of Regulators.

Davis reported that some 237 outrages had been committed against freedmen between June 1 and October 31, 1866. Few arrests had been made because of the inactivity of state authorities, the lack of federal troops to enforce the law, and the fact that the crimes were committed at night by Regulators wearing disguises. Such acts of violence were directed not only towards blacks, but towards white Unionists as well. This terrorism was particularly rife in Boone, Scott, Owen, Harrison, Marion, Simpson, Logan, Warren, Barren, Breckinridge, Daviess, Meade, Woodford, and McCracken counties, and throughout the whole area of the Cumberland River. Lamenting his inability to do more to aid and protect the Negro, Davis bemoaned the fact that the cost of supporting the bureau in Kentucky for this period was only thirty cents per freedman and with this he was obliged to issue rations, provide shelter and clothing, dispense drugs, care for the sick, and pay the cost of legal assistance.

Later in September 1866 General Howard sent an inspector to Kentucky to evaluate the work of the bureau. In his report, General F. D. Sewall praised the bureau officers who were active and aggressive, but criticized the citizen agents who were more easily influenced "by local and political surroundings" than were military officers. He found "no collection or colonies of freedmen" in the state since Camp Nelson had been disbanded. Crops were good, and Sewall believed there would be little suffering during the coming winter. However, while some of the counties had made provision for the Negro, most had not. Sewall strongly believed that if the freedmen were left "undisturbed in their rights, and unmolested in their industrial pursuits" they would be able to provide for themselves, bear their proportional share of taxation, and become a source of wealth to the state. Sewall lamented that he had found a "greater degree of hostility" towards the bureau in Kentucky than anywhere else he had visited—with the possible exception of Mississippi. This, he believed, was the
result of the presence of the bureau in a state that had not seceded. Still he was adamant: "In no state" was the bureau "more necessary" to protect the freedman than in Kentucky.

Shortly after Brigadier General Sidney Burbank assumed the assistant commissionership in March 1867, General Howard sent Lieutenant William H. Merrill on an inspection trip to Kentucky. Merrill reported that he believed conditions in northern Kentucky were improving. Because of the scarcity of labor, whites had been forced to treat the blacks much better than previously. Conditions in the central part of the state were "satisfactory" and he was pleased that there had been no recent outrages reported there. Negroes were being employed in Kentucky at an average wage of twelve dollars per month. However, in the eastern part of the state, outrages had increased and Merrill urged the establishment of a bureau agency at Greenupsburg (now Greenup).

Merrill's observations were substantiated by General Burbank, who reported to General Howard in August 1867 that the majority of freedmen in the state were being employed at "fair wages." But even more significant, a number of blacks either were farming on shares or leasing land and working for themselves. However, "white-black altercations" continued to plague the state. A group of Regulators under the leadership of "Judge Lynch" were holding "court" in Marion, Washington, Boyle, Casey, and Taylor counties, hanging both blacks and whites without trial; and state authorities had been unable to stop these lynchings.

Burbank was pleased when the United States Circuit Court in October 1867 declared the Civil Rights Act constitutional. Seizing upon this, the assistant commissioner immediately issued Circular No. 8, which urged Negroes to take their grievances to United States commissioners who would seek the arrest of the offenders and press for their trial in federal courts. As of November 1867, Burbank reported that "in almost every instance" where freedmen had made affidavit before the commissioners, the guilty party had been arrested and held for trial. In general, Burbank believed the lot of the freedmen was much improved. Blacks were enjoying better health. They
were using their bounties to buy land and homes. The number of outrages against them was declining. They were becoming increasingly conscious of the importance of education for their children.

Hearing that the bureau was to be closed down, Burbank warned General Howard that if this occurred the activities of the Regulators and the Klan would increase. In fact, many freedmen were already fleeing the state in anticipation of an end of the bureau's protection. Subsequent reports from agents across the state for May and June substantiated Burbank's fears. Writing Howard in June 1868, Burbank lamented: "The general condition of the freed people would be very satisfactory were it not for the infamous acts of the Regulators and Ku Klux Klans." Black labor was in demand and wages were good, but the "Regulating rowdies" were boasting that they would soon "have their own way" with the "niggers" who would "be glad to take back a great many things they have said."

During this time of uncertainty the federal courts remained active in their efforts to protect the freedman from exploitation. The clerk of the United States Circuit Court, A. J. Ballard, reported to the bureau that the court had brought nine major convictions of white persons under the Civil Rights Act for outrages upon blacks. Furthermore, during the May term (1868), he reported that fifteen new indictments had been handed down against whites for violence done to Negroes.

In an effort to prepare the freedman for the discontinuance of the bureau, Burbank dispatched the chief superintendent, Major Ben P. Runkle, to the major towns and cities of Kentucky to inform the Negroes of "their rights under the law" and to encourage their continued sponsorship of education as well as their acquisition of property.

Meanwhile, complaints had reached the Washington bureau that a large number of freedmen were being exploited by "bounty brokers" as well as by "Clothing Merchants and Grocers" who had "traded the soldier out of his claim." These efforts to swindle the Negro were appalling in the eyes of General Howard. But even worse were the rumors that certain
bureau officers had appropriated, for their own use, money sent to them for the payment of black soldiers’ bonuses. These rumors turned out to be true, as the increasing number of courts-martial would indicate. Not least of those court-martialed was the Bureau’s Claims Agent, Major Ben P. Runkle. Despite his claim of innocence on the grounds that he was not responsible for the actions of dishonest agents, he was found guilty of “swindling and embezzling” in July 1872. However, President Rutherford B. Hayes reversed this decision in August 1877 claiming that “the evidence nowhere affirmatively establishes the charge.”

In an effort to postpone “the evil day” when the bureau would be disbanded, plans to reorganize the bureau in the interest of economy and efficiency were approved by Congress in July 1868. Under the new organization the bureau was permitted to continue its operations until January 1, 1869. In Kentucky, the bureau’s offices at Paducah, Mount Sterling, Lexington, Central and West Louisville, Covington, and Owensboro were closed. Since the state had made no provision for the care of destitute freedmen, this function of the bureau was continued, but the responsibility for the home for the destitute was transferred to the army’s Surgeon in Chief. Efforts were made to turn over the bureau’s hospital to Louisville, but the city expressed little interest in assuming this “white elephant.” When the hospital was officially closed on January 1, 1869, General Burbank worried about the fate of the chronically ill and insane freedmen and their families. The closing of the orphan school and asylum at Lexington in July 1868 was even more traumatic. Burbank complained to Washington about the large number of “little children left out in the street naked and starving” because relatives were unable financially to care for them.

Opponents of the bureau charged that the extension of its life until January 1869 was a skillful political ploy upon the part of the Radical Republicans to control the Negro vote in the upcoming November presidential election. Certainly this may have been true, for immediately following the presidential
election, assistant commissioners were ordered to wind down the activities of the bureau. While all of the bureau’s offices were closed as of January 1, 1869, Negro veterans’ claims continued to be processed at Louisville until June 1872. In addition, the bureau’s educational work continued through the summer of 1870, when the superintendents of education were finally withdrawn. Regardless of the significant efforts by the bureau to assist the Negro in his transition from slavery to freedom, the majority of white Kentuckians regarded the presence of the bureau in their state as a gross violation of their sovereignty. Its removal was to end a major source of antagonism towards the federal government.

In addition to the bureau’s programs to rehabilitate the freedman, another effort was being made “to mold ex-slaves into middle-class citizens.” In March 1865 a group of northern businessmen, philanthropists, and humanitarians secured a charter from Congress for the creation of the Freedman’s Savings Bank. Spearheaded by John W. Alvord—Congregational minister, teacher, and abolitionist—this benevolent institution was intended to develop the concepts of industry and thrift among the Negroes. In short, it would provide “a wellspring of black economic progress,” as one contemporary put it.

A nonprofit concern whose purpose was to receive deposits from freedmen and to invest them in stocks, bonds, treasury notes, or other securities of the United States, the bank had no stockholders but was regulated by fifty trustees. In 1865–1866 the bank’s secretary, John Alvord, and first vice-president, Mahlon T. Hewitt, traveled throughout the South establishing branches and hiring cashiers to carry on the business of the bank. Since the bank had no working capital, establishment of the branch banks was a matter of some financial concern. However, in less than two years over twenty-two branches had been founded in thirteen states and the District of Columbia. Bank officials sought not only presidential endorsement of the bank, but especially the backing of the
Freedmen’s Bureau. General Howard proved most supportive and urged his assistant commissioners to encourage Negroes to deposit their bounty money with the Freedman’s Savings Bank.

The third branch of the bank to be established was at Louisville, the first two being at Washington and Norfolk. Opened in August 1865, the Louisville branch was fortunate in having a succession of able cashiers in the persons of Dr. William H. Goddard, Colonel L. A. Porter, H. H. Burkholder, and Horace Morris. Goddard, Porter, and Burkholder were white, but Morris was a black. Born and raised in Louisville, Morris was free before the war and had worked on the Underground Railroad. After the war his excellent reputation had resulted in his being named to a number of advisory boards, not least of which was the Louisville branch of the Freedman’s Savings Bank.

In 1866–1867 the bulk of depositors in the Louisville branch were returning black soldiers, most of whom did not reside in the city. That was to change, however. By 1873 about 95 percent of the depositors lived in Louisville and virtually none of the new depositors had ever seen military service. These new depositors included artisans, laborers, and domestics, which indicates that the black was achieving some measure of economic independence in Kentucky.

In 1867 the Louisville cashier reported that over $92,500 had been withdrawn from the bank for the purchase of homesteads, mechanical and business improvements, seeds and implements, as well as for educational expenses. Lamenting the fact that so little money had been expended for land, Horace Morris believed that the amount would have been greater if white landowners had been willing to sell land to the freedmen.

The Louisville branch had one of the finest and most influential advisory boards of any of the banks. As of January 1866, Louisville’s board consisted of seventeen Negroes and seven whites. They evaluated the work of the cashier, recommending the resignation of the Louisville dentist, Dr. Goddard, because he could not devote full time to the work of the
bank, and nominating a replacement. In 1870 President Alvord reported that the advisory board at Louisville was a "very intelligent Committee." Under the chairmanship of Bland Ballard, president of the Kentucky National Bank, the bank made significant advances, and when the Louisville branch was examined in 1874, its finances were found to be in good order.

When the branch at Louisville was founded, plans for a branch at Lexington had already been developed. Since Lexington was a center of a former slave area and continued to have a sizable Negro population, every effort was made to establish a branch of the Freedman's Savings Bank in that city. Alvord claimed that there were approximately 12,000 blacks in the Lexington area who were among the most prosperous in the South, owning homes and real estate valued at $250,000. However, it was not until November 1870 that the Lexington branch was established. The bank's first cashier, J. G. Hamilton, however, was too involved with his school-teaching to pay proper attention to the bank's business. When he attempted to resign the cashiership, the advisory board urged him to continue in this capacity since they believed that there was a very close tie between banking and education. Lacking the ability to closely supervise loans, Hamilton was suspect because of several very questionable practices at the Lexington branch.

The Panic of 1873 had a detrimental effect upon the Freedman's Savings Bank, resulting in great numbers of depositors withdrawing their savings in the face of economic adversity. In response, the trustees in 1873–1874 made every effort to reduce expenses by closing weaker branches and firing high-salaried cashiers. A scapegoat being needed, a move to unseat Alvord from the presidency succeeded and the highly popular and well-known Frederick Douglass was elected president in March 1874. While Douglass had been a trustee since 1871, he had only occasionally attended the board's meetings and was relatively ignorant of the bank's condition when elected president. At his insistence, black cashiers were hired in an effort to restore the confidence of freedmen in the bank. However, continued exposures by the public press together
with President Douglass's inability to restore public confidence in the organization resulted in the official closure of the bank on July 2, 1874.

The losses suffered by the freedmen were nearly ruinous. While their accounts were not large, ranging in Kentucky between $5 and $825, the bank's failure meant an end of what little had been put aside from soldiers' bounties and hard-earned wages. Not only did the closure discourage saving, but it resulted in a deep and long-lasting distrust of all banks by blacks, for they believed that the bank had been federally sponsored and therefore was "perfectly safe." It was not until 1881 that depositors received anything in the way of a dividend from the remaining resources of the bank. In all, four dividends were paid. Efforts were made in the 1890s and early 1900s to have the federal government reimburse the depositors for their losses, but despite persuasive arguments, Congress remained unmoved.

Bureau officers had predicted that violence would follow the withdrawal of the bureau from the state, and they were right. During the spring and summer of 1869, Kentucky was again a "dark and bloody ground." In Lincoln, as well as in adjoining counties, bands of marauding outlaws took the law into their own hands. At the request of local officials, Governor Stevenson ultimately sent in the militia to restore order.

Despite the violence, the political contest of 1869 was relatively quiet. "Roundly" defeated in 1868, the Republicans appeared completely overwhelmed, while the Democrats smugly anticipated victory. The only issue of any uncertainty was the proposed increase in the school tax of $.15 on each $100 of property valuation. The Democrats won the election, and the school tax plebiscite carried by a majority of 24,677.

The General Assembly was opened on December 6, 1869, by Governor Stevenson, who, after reporting that the state was in "a most healthy condition" financially, urged the legislature to enact a general law for the incorporation of banks and other companies, to establish a bureau of insurance to regulate that vital business, and to refer the question of possible con-
stitutional revision to the people. He warned that if the violence of the past summer continued, he would be forced to ask for additional authority from the legislature to curb the activities of the outlaws.

In response to the plebiscite, the legislature enacted a measure to impose the additional tax for the public school system of the state. (It must be remembered that this new act was intended for the education of “white children exclusively.”) This legislation was the result of several years of hard work upon the part of Kentucky’s superintendent of public instruction, Zach F. Smith. In a “special report” to the General Assembly, Smith had bluntly stated that without additional revenue he could not develop “an effective and vigorous” public school system in the state. While no major change in the organization of public education was provided for, each district was required to provide school for five months of the year and teachers’ wages were fixed at $20–$40 per month.

The results were gratifying: school revenue increased by $685,228 during the next two years, the number of districts was increased by 591, and the number of students attending the public schools increased by 28,851. But despite these achievements, there were still well over 40,000 white adult males in the state who could neither read nor write. And what about the Negro freedman?

Formal Negro education had not existed in Kentucky until the advent of the Freedmen’s Bureau. General Howard consistently maintained that the education of the freedman was “the true relief” needed by the Negro and his family and instructed his assistant commissioners to make this one of the primary functions of the bureau. Although Congress had not appropriated funds for educational programs, the National Freedmen’s Relief Association, together with a number of independent missionary church commissions, provided some sources of revenue. As of November 1866, Assistant Commissioner Jeff C. Davis reported to General Howard that there were approximately 200,000 freedmen in the state, very few of whom were refugees; that the majority were “generally industrious” though a number preferred “a life of vagrancy”; that a
demand for their labor existed; and that the freedmen were interested in the education of their children. As of October 1866, there were fifty-four Freedmen's Bureau schools, employing sixty-seven teachers and having 3,259 pupils in attendance. Except at Lexington and Covington, the schools were being taught by "colored teachers" supported by subscriptions from parents. Negro religious groups permitted their churches to be used as schoolhouses. In some areas "free schools" were available supported by the Western Freedmen's Aid Society, city councils, and the American Missionary Association.

Despite the strong opposition of whites, the relatively small amount of financial support, and the fact that the freedman was "so poorly paid that the incessant labor of every child is needed to keep him from starvation," General Burbank promised to build "first class schools in all central points" as well as to found schools for the training of Negro teachers. Burbank estimated that there were 37,000 black children between the ages of six and eighteen in Kentucky whose educational needs had to be met.

In October 1868, just before the bureau's work was phased out, Burbank informed Howard that the bureau had operated 136 Negro schools, employing 165 teachers (144 of whom were black), with 6,023 students in attendance. The Reverend T. K. Noble, chief superintendent of the bureau's schools, in his final report estimated that 20,000 Negro children had received the "rudiments of an education" in schools supported by the bureau, although no more than 8,000 attended school during any one month. Burbank, however, was satisfied that "the mustard seed of education had been planted" and that it would "continue to grow and increase until it becomes a mighty tree."

Conscious that the state must assume the important responsibility of educating the black, the bureau began pressing the legislature for appropriations to support Negro education. In February 1866 provision was made for a small percentage of the taxes collected on Negro property, including dogs, to be applied to the support of black schools, which were to be placed under the control of the state superintendent. In
March 1867 the governor signed into law a measure imposing a "capitation tax" on all Negro males over the age of eighteen to be used for the support of Negro paupers and the education of their children. In both instances the money was collected but not used for the purposes for which it was designated. With the subsequent changes in the white schools, blacks began demanding equal educational opportunities for their children. Backed by the bureau, they threatened to resort to the courts if nothing was done for them. In November 1867 the bureau asked attorney James Speed what procedures should be adopted to force the use of the tax money for the purpose it was intended. Rather than resort to the courts, Speed advised petitioning the legislature. Assistant Commissioner Burbank prepared the necessary petition which was signed by 10,000 freedmen. Far from accomplishing its purpose, the document apparently antagonized the legislature, which amended the act placing all of the money in the paupers' fund. Burbank complained: "Practically, it is worse than no law at all."

The legislature continued to be prejudiced. The Committee on Federal Relations reported out the Fifteenth Amendment adversely, and the legislature approved that report by a large majority. When the Judiciary Committee was instructed to report measures for bringing to justice the bands of Ku Klux Klansmen, marauders, bandits, and Regulators who were terrorizing the state, the legislature concluded that no such organizations existed in the state and thus refused to acknowledge that there was a problem.

While the majority of blacks were cowed in the face of such adversity, not all were. A teacher named Elijah P. Marrs when threatened by the Klan in Henry County, organized the Loyal League for the Protection of Negroes. "For three years," wrote Marrs, "I slept with a pistol under my head, an Enfield rifle at my side, and a corn knife at the door, but I never had occasion to use them."

During mid-July 1869 some 250 Negroes assembled in Louisville to discuss the improvement of their educational facilities. While results were meager, the superintendent of
public instruction did call the attention of the legislature to the fact that "no well-matured and satisfactory plan" for the education of the Negro had been approved by the General Assembly.

Where there were heavy concentrations of Negroes, they were able to make their needs known. For example, the city of Louisville had responded to their requests and in October 1873 opened the first Negro high school in the state. While Lexington was not so generous, in 1874 it did agree to pay teachers' salaries if the Negro school board would provide the buildings and furniture. Governor Leslie again called the matter to the attention of the General Assembly in December 1873. Since the Negroes were "struggling so earnestly and with a measure of success to educate their children," Leslie strongly urged the legislature not to ignore their demand any longer. The General Assembly finally accepted its responsibility and required that the annual revenue tax on each $100 of taxable property of Negroes together with other sources of revenue generated by blacks—the capitation tax of $1 on each male over the age of twenty-one; taxes on dogs, deeds, and lawsuits; and fines, penalties, and forfeitures involving Negroes—would be set aside for the support of Negro schools. The schools were to be managed by Negro trustees, and the law specifically prevented blacks from attending white schools and whites from attending Negro schools. The superintendent of public instruction was directed to implement the act. Negro schools in Kentucky, however, were never of the quality of white schools, primarily because of the low support base for Negro education. While higher education was available to the Negro at Berea College and at Simmons University in Louisville, not until 1886 did the legislature provide for the training of Negro teachers by creating the "Kentucky Normal School for Colored Persons" (now Kentucky State University), which opened in Frankfort the following year.

During these turbulent years, one source of continuing stability for the harried black was his church. As was the case in the Deep South, Kentucky freedmen left their masters' churches and formed their own congregations. While the
majority identified with either the Baptist or the Methodist church, smaller and more elite groups of blacks joined the Presbyterian, the Disciples of Christ, and the Episcopal churches.

Certainly in the postwar period the Negro church along with the Freedmen's Bureau helped to provide what order, structure, and cohesion existed in the black community. Educational, political, and economic leadership came in no small measure from black clergy. Since the church was exclusively controlled by Negroes, it became the center and driving force of separatism. While it may have represented an accommodation to Jim Crow, it was also the instrument that fought to promote and defend black political, economic, and civil rights. Among a long list of Negro ministers who championed black rights were William J. Simmons, Elijah P. Marrs, J. B. Stanberry, Allen Allensworth, C. C. Vaughn, Joseph S. Attwell, and Preston Taylor. Simmons was a well-educated black from South Carolina who removed to Louisville. As head of the American Baptist Publication Society, he was able to interest such northern entrepreneurs as John D. Rockefeller in contributing to the work of the society. Marrs was not only a "consequential-looking" black, but one who taught his people the art of defending themselves in the face of adversity. Stanberry was considered the Republican leader of Fayette County and strove valiantly to secure political appointments for his race. Allensworth worked with Simmons in the American Baptist Publication Society, taught school, and became financial agent of the General Association of Colored Baptists in Kentucky. Vaughn, who had been born a slave in Virginia but was freed when his master removed to Ohio, was sent by the American Missionary Society to Kentucky as a teacher. After attending Berea College, he was ordained a minister. Later he became chairman of the State Convention of Colored Men and exerted strong political leadership among the blacks. Attwell was an Episcopal minister who married a pioneer Philadelphia Negro secondary school teacher, Cordelia, and together they actively promoted the cause of secondary education for blacks in Kentucky. Taylor, a Disciples of Christ
minister, combined his clerical talents with his stonecutting trade. He successfully bid for a contract to build a section of the Big Sandy Railroad connecting Mount Sterling, Kentucky, and Richmond, Virginia, and the president of the road was so pleased with Taylor's work that he urged the black preacher to bid for other sections of the line. Taylor, however, refused, wishing to devote more time to his ministry. Although the Negro minister was in his pulpit on Sunday strengthening and sustaining his flock, during the rest of the week he was found in the classroom, in the marts of trade, or in the smoke-filled rooms of politicians—constantly working to improve the lot of his people.

The church, however, was not the only organization to which the freedmen turned for aid and support, for a number of secret and benevolent societies for blacks emerged at this time. One of the first such societies in Kentucky was the Order of the True Reformer. Under its sponsorship the first state-chartered Negro bank opened its doors at Richmond in the spring of 1889. This order also established the first industrial insurance company to be operated by Negroes—the Southern Aid and Insurance Company. The Grand Lodge for the Colored Masons was organized in Louisville in 1867 and rapidly expanded throughout the state until by 1882 it numbered seventeen lodges. Also popular among blacks was the Negro Odd Fellows Lodge which was organized in Kentucky in 1872.

Among the several business projects begun by Kentucky Negroes were the mechanical and agricultural associations which were founded in Kentucky as early as 1867. Under the sponsorship of these associations, Negro fairs displaying agricultural and industrial products were held annually in Jefferson, Fayette, Madison, Nicholas, and Bourbon counties. Representative blacks who enjoyed some measure of business success included Jordan C. Jackson, who ran a fruit-and-confectionary store in Lexington but later became active in banking, journalism, undertaking, and the livery business; Preston Taylor, the stonemason and preacher; and Henry Alexander, Mason County storekeeper. There were at least
three Negro lawyers in the state by 1872: N. R. Harper and George A. Griffith of Louisville and Charles Morris of Lexington. Among the first Negro physicians in Kentucky was E. S. Porter, a graduate of Brooklyn Medical College who removed to Louisville in 1878. Another Louisville doctor, Henry Fitzbutler, founded the first successful black newspaper in Kentucky, the *Ohio Falls Express* in 1879. Active in civic and political affairs, Fitzbutler responded to the growing need for communication among blacks.

In view of the lack of capital and professional experience on the part of Kentucky's Negro population during this period, black achievements are noteworthy. Although relatively few achieved outstanding recognition, those who, in spite of white racism, did succeed continued the struggle to achieve a place for the freedman in the social, political, and economic order of the day.
The census of 1870 indicated that the state was recovering rapidly from the economic dislocation caused by the Civil War. Kentucky’s population now totaled 1,321,011, which represented an increase of 165,327 since 1860. Of this number 1,098,692 were whites and 222,210 were blacks, the remainder being Indians and Asiatics. Significantly, the Negro population had decreased by approximately 6 percent in the decade. Of the total, 930,136 individuals were ten years of age or older, of whom 414,593 were in the work force (364,300 males and 50,293 females). Agriculture employed 261,080 persons, 84,024 were in professional occupations, 25,292 in trading activities, and 44,197 in manufacturing, mechanical occupations, and mining. Certainly these statistics were a portent for the future. The cities of Louisville, Lexington, Paris, and Frankfort showed the greatest population growth, primarily because of the great influx of rural blacks. The assessed value of property in the state was $409,544,294 of which $2,528,671 was assessed on property owned by Negroes. Kentucky’s farm land totaled 18,660,106 acres and was valued at $248,991,133. The aggregate value of farm products totaled $87,477,374, with tobacco, hemp, wool, cattle, hogs, corn, and wheat the primary products. There were 5,390 manufacturing establishments with an invested capital of $29,277,809 employing 30,636 la-
borers. Factory products were valued at $54,625,809. However, Kentucky's mineral wealth still remained relatively unexploited.

Although Kentucky's southern trade had been disrupted by the war, it had revived rapidly. The river trade was reopened almost immediately, but the age of the steamboat had been succeeded by the era of the railroad. As a result the major trade entrepôts of Cincinnati, Louisville, Evansville, and Saint Louis soon came to realize that if they were to regain their former control over the southern market, they must become centers of railroad development. Since Louisville was the major commercial center of the state, Kentucky's trade tended to gravitate to that city. The Falls City was fortunate in that the Louisville and Nashville Railroad was still intact. Although sections of the line had been destroyed by the Confederates, the road had been rebuilt by the Union army. Significantly, after the war Louisville controlled the only major rail connection between the central Ohio Valley and the South.

A change also had taken place in the process of southern merchandising since the war. Instead of the antebellum plantation store as the major retailing institution in the South, an independent local dealer had emerged whose business had to be courted by commercial trading houses. Wholesalers now hired traveling salesmen, or drummers, to secure their trade contracts in the South. Louisville dealers "stole the march" by hiring former Confederates to represent them, and by inviting southern merchants to great commercial conventions held every fall. Kentucky's merchants claimed that their stocks were as large, their facilities as great, and their disposition to trade upon liberal terms "as earnest" as could be found among Cincinnatians, Saint Louisans, Philadelphians, or New Yorkers. They also reminded prospective southern buyers of Kentucky's past "liberality"—after the war Louisville had sent money, food, and clothing to the destitute in the Deep South. Moreover, the editor of the Louisville Daily Courier urged Kentuckians to treat southern buyers with respect: "We must win the confidence and friendship of the Southern people. It
is not [done] by insulting their prejudices and wounding their feelings, or by reproaching them with their misfortunes and denouncing them as rebels." That Kentuckians were succeeding in courting the trade of the South can be seen by the advertising columns of the principal newspapers of the state, which carried business notices of trading houses in Tennessee, Georgia, Alabama, Mississippi, Louisiana, and Arkansas.

Louisville's trade had changed in nature from a predominantly distributive trade before the war to a productive commerce in dry goods, tobacco, liquor, and meats after the war. As a purchaser of imported manufactures, Louisvillians damned the Republican tariff policy as "intolerable" and "discriminatory," cursed the threat of specie resumption as tantamount to depression, and urged extensive railroad expansion.

To counter the threat of Evansville merchants, who were attempting to exploit the trade of southwestern Kentucky, the city of Louisville subscribed $1,000,000, conditional upon an additional $1,500,000 from the counties involved, to build the Elizabethtown and Paducah Railroad, which would connect Louisville with the southwestern part of the state. A veritable "railroad fever" now struck Kentucky. Major connector lines were projected which would link the state not only with Louisiana and Georgia, but with Virginia and New York as well.

Louisville's chief rival for the exploitation of the southern trade was Cincinnati. Louisville struck at the Cincinnati river traffic by building a bridge over the Ohio Falls Canal so low that vessels from Cincinnati could not pass under it. When the Portland Canal was returned to private hands by the federal government, it was allowed to deteriorate, much to the annoyance of Cincinnati shippers. When a "short line" railroad was built to join the two cities, at Louisville's insistence the "standard gauge" was adopted—while the L & N used the wider gauge of five feet. The drayage, transfer, and warehousing this necessitated increased the cost of Cincinnati products markedly. In the face of such discrimination, Cincinnati was not content to allow Louisville a monopoly of the southern
trade. She was momentarily stymied by the fact that the Ohio constitution limited the city's efforts to fund railroad schemes, but in 1869 the Ohio legislature passed the necessary enabling legislation (the Ferguson Act) which permitted the city to build a railroad through the states of Tennessee and Kentucky.

Cincinnati businessmen immediately began planning a railroad which would run through Central Kentucky into Tennessee where it would connect with thousands of miles of southern railroad. Tennessee subsequently granted a charter to the company and authorized $10,000 per mile to build the road from Chattanooga to the Kentucky border. After a stormy debate, the Kentucky legislature chartered the Cincinnati, Lexington, and East Tennessee Railroad and granted permission for the company to acquire the Kentucky Central, which ran from Cincinnati to Nicholasville via Lexington. However, when Cincinnati was about to close the deal, litigation over ownership of the Kentucky Central resulted in a stalemate. Cincinnati, backed by $10,000,000 worth of railroad construction bonds, now requested enabling legislation from the Kentucky General Assembly to build its own “Southern” railroad. When such a bill was introduced in the legislature in January 1870, the L & N lobby as well as representatives of vested Louisville interests descended upon the Capitol, where they damned the measure as favoring the interests of Ohio over Kentucky. The *Louisville Courier-Journal* commented: “We predict that the people along the line of the proposed railway will regard the civil rights bill as a blessing compared to the proposed railway scheme. The title of this bill should be ‘A Civil Rights Bill for the Benefit of Cincinnati.’” Lavishly entertained by the lobbyists of both the L & N and the Cincinnati Southern, the General Assembly dawdled for nearly two months. Amid “the din of exploding corks and the smoke of cigars, and the haze of merriment,” the legislature finally defeated the measure. While Louisville and the L & N interests were relieved, Central Kentuckians were enraged, claiming that they had been “sold down the river” by the legislature. Disgusted, Cincinnati now turned to the federal government for help. On March 15, 1870, Senator John Sher-
man of Ohio introduced a bill into Congress "to promote commerce and to cheapen the transportation of the mails and military and naval stores between Cincinnati and Chattanooga by building an interstate railroad South." Following some technical changes, a new measure was introduced into Congress in February 1871 and was immediately attacked by Kentucky's congressional representatives as a violation of the state's right to charter a local enterprise. Although Representative James B. Beck was personally in favor of the road, he and Senator Garrett Davis were adamantly opposed to such an infraction of Kentucky's sovereignty and they did all they could to block the bill. While the House ultimately passed the measure in March 1871, the Senate adjourned on April 20 without taking any action on the "Southern Railroad Bill." Clearly the Senate was leaving the issue to Kentucky to decide.

This was not the only instance of federal meddling in Kentucky's domestic affairs. In March 1870, Attorney General Amos T. Akerman had ordered a vigorous prosecution in Kentucky of violators of the Fourteenth Amendment. Democrats charged that this measure was intended to keep former Confederates from high public office and pointed to the efforts of Kentucky Republicans to prevent Governor John W. Stevenson from taking his seat in the United States Senate. When an indictment was sought against Stevenson for holding the office of governor in violation of the third section of the Fourteenth Amendment, the United States attorney for the District of Kentucky, Gabriel C. Wharton, advised that the evidence was too flimsy to prosecute. Immediately Kentucky's United States senator, Thomas C. McCreery, secured passage of a bill which relieved seventy-three Kentuckians (including Stevenson) from any political disability under the Fourteenth Amendment. Stevenson continued in the governor's chair until February 13, 1871, when he resigned to take the Senate seat. He was succeeded by the president of the state senate and acting lieutenant governor, Preston H. Leslie.

News of the ratification of the Fifteenth Amendment was received with mixed feelings in Kentucky. The blacks held a
great celebration in Louisville on April 8, 1870. Amid an “imposing ceremony,” they adopted resolutions naming the Fifteenth Amendment as “the greatest event” in the history of the country. It was the “final triumph” of the principles set forth in the “ever-memorable Declaration of Independence.” They now demanded the repeal of all laws which discriminated against them.

Meanwhile, the Democrats in “A SHORT EPISTLE TO SAMBO” publicly announced that they had no need of the Negro vote. They could “get along quite as well with or without it.” They advised Negroes “to have a prudent care to their situation, their circumstance, their surroundings, their antecedents” for “the less they have to do with politics the better.” The editor of the Louisville Courier-Journal, “Marse” Henry Watterson, counseled Democrats to “feel in no way cast down or dismayed,” by the ratification of the Fifteenth Amendment. So long as representative government existed, Democrats must work to secure the necessary majorities to change the situation. “If we can just at this time turn from the grave of ‘dead wants’ and face the new order of things with open eyes, we shall display all the ‘backbone’ that has any marrow or practical use.” Warning “every Democrat, every conservative citizen” to be “fully awake to his duty,” the salty Louisville editor charged the Republicans with “dividing and alienating the White and Black races and exciting a war between them.” To offset the reputed Republican Negro vote, Watterson urged the Democracy to woo the Irish and German vote and court the laborer: “Working men, see what the Radicals do for you! They give the poor white mechanic or laborer who has a family to support no protection against the political dictation of the domineering capitalist who employs him.”

The Democrats, as expected, carried the August election of state and local officials. Although the Republicans were unable to carry a single county, they continued to be optimistic about the November congressional election. For the first time, they had a full slate of candidates. Republicans argued that in addition to the 39,566 votes cast for Republican electors in 1868, they expected the votes of “all those who were Republicans at
heart, but who were kept from the polls, or induced to vote [Democratic] . . . by fear of violence,” those “whose sympathies had all along been on the side of right” but had been alienated by the Negro suffrage question, those “conservative Union men of the War,” as well as “from thirty to thirty-five thousand colored citizens.” The editor of the Louisville Commercial, Colonel R. M. Kelly, crowed: “Elections hereafter won’t be the one-sided affairs of 1867, 1868, and 1869.” Damning the Democracy for carrying the state “swiftly and surely toward bankruptcy,” he urged Republicans to “sink all internal dissensions and private feuds” and to “pull together.” “Why not join us?” asked the colonel. “There will be no more ‘back seats’ in the Republican party. We invite all, whether Union or Confederate, to stand with us on equal ground, and eligible to equal honor.”

The results of the contest were as exhilarating to the Democrats as they were depressing to the Republicans. The Democrats carried every seat. Even the distinguished former United States attorney general, James Speed, was defeated by the incumbent member of Congress, Boyd Winchester.

Irregularities in the election of 1870, however, resulted in a demand by the Democrats that a stringent registration law be enacted to prevent citizens from voting more than once. Since many Negroes had no fixed residence, some whites feared that they would vote at several polling districts and not be challenged. While this was possible, the real motivation behind the request was to restrain the Negro vote. At Democratic insistence, a measure calling for registration of voters was introduced into the legislature several times in the next few years, but was defeated each time by those who stood to gain from control of the black vote.

Meanwhile, Republicans had concluded that blacks had been intimidated at the polls by the required voice vote which all could hear. If a Negro had not voted as the community believed he should, he was subject to possible terrorism. The use of the secret ballot was the answer. Following the adoption of the Australian ballot by the federal government in 1871, Kentucky instituted a similar procedure in 1872.
The Republicans' monopoly of the black vote began to wane after 1870, partly because of the inability of the party to satisfy the ambitions of Negro leaders for public office. In 1871, three black Republicans bolted the party and were seated in the Democratic convention. Forming a black Democratic organization, they sent speakers out to the Negro communities across the state to enlist their support of the Democracy. The Negro vote was now divided in Kentucky. In the future, neither party would be able to control the black vote.

One of the primary issues troubling Negroes during these years was the consistent refusal by the state to grant them the right to testify in cases involving whites. Since this was a right guaranteed them under the Civil Rights Act of 1866, writs of habeas corpus were used to transfer cases involving Negroes from state to federal courts. Despite the decision of the Kentucky Court of Appeals in Commonwealth vs. Bowlin, which declared the Civil Rights Act inoperative and unconstitutional, the Federal Circuit Court of Kentucky in United States vs. Rhodes in October 1867 ruled that the Civil Rights Act was constitutional and granted the federal courts jurisdiction over cases in which the state denied the admission of black testimony.

Both the United States district attorney and the Freedmen's Bureau sought transfer of cases involving Negro testimony into federal courts. In John Blyew and George Kennard vs. the United States, two white men who had murdered a Negro family of six were sentenced to death by the federal circuit court on the testimony of black witnesses. Following their conviction, Governor Stevenson called the attention of the legislature to this obvious violation of the right of the state to exercise criminal jurisdiction and requested an appropriation to make this a test case by carrying it to the Supreme Court. The legislature voted the necessary money, but several years passed before the Supreme Court was to declare that the federal circuit court had no jurisdiction in the crime of murder.

In the meantime, a number of Kentucky jurists petitioned the legislature to change the law and began advocating the admission of Negro testimony as part of the progressive pro-
gram necessary for the future advancement of the state. Since the black had the right to vote after March 1870, the Democracy was courting his vote. Negro suffrage now became a lever to secure the right of Negro testimony.

During this controversy over Negro civil rights, Kentucky women were making a strong pitch for recognition of their rights. "Women's Rights" was not a new movement to Kentucky. As early as 1853 that pioneer suffragette Lucy Stone had visited Louisville and other Kentucky towns preaching the gospel of feminism. While many women kept their suffragist feelings secret, after 1865 they became more open in stating their beliefs. Kentucky newspapers carried notices about women's organizations as well as articles by well-known feminists. One prominent correspondent of the Louisville Daily Courier during these years was Virginia Penny, who represented an organization known as the Ladies Christian Commission. An ardent believer in women's rights, she wrote: "What is wrong in woman is wrong in man, and what is right in woman is right in man." Society, she argued, was most unjust in permitting "that to be right in a man which would be considered very bad in woman." Men were "self-indulgent" with themselves but "harsh in their judgement of women." Her immediate concern, however, was the need to establish boardinghouses for women in the industrial cities and towns of the nation. In Louisville, she claimed, there were over 900 women and girls employed gainfully, but their wages were meager ($3.00-$4.50 per week) and it was virtually impossible to obtain "the plainest, comfortable board" for less than $4.00 per week. Therefore nothing could be set aside for "clothing, medicine, sickness or old age." It was the responsibility of urban centers to provide associations, asylums, and boardinghouses where working women could secure the necessary amenities for a moderate price.

When the issue of "Is a Negro man better than a White woman?" was raised in the public press, Mrs. Lucy Blackwell of New York spoke to the Kentucky legislators urging that they grant the privilege of voting to women. She claimed that such a move would offset the Negro vote. But the Kentucky legisla-
ture was not yet ready to accept the latter, let alone the former proposition!

Meanwhile, suffrage organizations began to spring up throughout the state. The first in Kentucky was founded at Glendale in Hardin County in the fall of 1867. In that same year, a Kentucky woman was elected vice-president of the Equal Rights Association.

The movement, however, was not well received in the public press: "Women may talk of their inherent rights as much as they please," wrote the editor of the *Louisville Daily Courier*, "but they can't overcome nature. . . . Men and oaks were made to be twined, and women and ivy were made to twine about them." Women's suffrage in the minds of most Kentuckians was comparable to abolitionism, infidelity, and free love. "They all belong to the same class," wrote one male Kentuckian.

In the fall of 1867 Elizabeth Cady Stanton and Susan B. Anthony visited Kentucky to recruit volunteers. Speaking to a Louisville audience, Mrs. Stanton stated:

I do not come to make an argument for suffrage for women or a woman, but for her as a citizen of the Republic with all the rights of a citizen. I have no new arguments to make—only the ones used in presenting all the claims of all white men to suffrage. . . . I believe in universal suffrage, but I am opposed to having another man allowed to vote until educated women are allowed to. . . . Some say we are represented by our husbands and fathers. How would our forefathers have been satisfied with this demand for representation by the answer that they were represented by Lord North and Chatham?

Miss Anthony was more militant in her remarks. Recalling that she had worked for fifteen years for the freedom of the Negro, the question of women's suffrage could no longer be postponed. "We are determined," she cried, "to achieve what is our right." Calling out to the audience, she demanded: "All those in favor of having women vote in Kentucky, say aye. (Many ayes) Those opposed say no. (No noes) Let's start the cry, 'Up with the people and down with the politicians.' I tell you I intend to run as an independent candidate for the

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President. Now give three cheers for women.” According to
the reporter from the *Louisville Daily Courier* attending the
meeting: “The cheers were heartily given and the audience
left.” When the Radicals failed to adopt a women’s rights plank
at the Chicago Convention in 1868, the suffragettes gradually
withdrew their support from the Republican party. But they
had no place to go, for the Democracy continued to shun them
as well.

Rumor had it that a bill to grant women’s suffrage would be
introduced in the session of the Kentucky legislature which
convened on December 6, 1869. However, near the close of
the session, the correspondent of the *Courier-Journal* wrote
that no such bill had been forthcoming and philosophized: “I
very much doubt whether the business of legislation would be
advanced by the presence of a dozen or so handsome lady
members—but wouldn’t there be a speech-making in a Legis-
lature so constituted? As it is, the visit of a few pretty girls to
the lobby not infrequently has the effect of a stimulus on the
eloquence of some of the younger members.” These words
would have been pleasing to his boss, Henry Watterson, who
ardently opposed the movement. “The ‘shrieking sisterhood,’”
he wrote, “deal in declamation rather than in deeds. They
cackle like hens and wish to be considered roosters. But for all
their cackling . . . they have accomplished nothing.”

Watterson was not alone in his beliefs. When the Louisville
Library Association invited Mrs. Stanton to speak for them in
the fall of 1872, the Reverend Stuart Robinson led a public
attack upon her, accusing her of leading “a fiercely partisan
infidel assault upon, not only our common Christianity, but
our social order and civilization.” In that same year Margaret
V. Langley of Ohio and Hannah Tracy Butler of Illinois visited
Kentucky and spoke to the legislature, asking for a reform of
the laws as they related to women’s property rights. The legis-
lature listened respectfully but took no action.

Had it not been for the indefatigable Clay sisters—Mary,
Anne, Sallie, and Laura, daughters of Cassius Marcellus
Clay—and their mother, the enduring Mary Jane Warfield
Clay, the women’s movement might have waned in Kentucky.
In 1879 the first permanent organization of the Equal Rights Association was founded in Madison County with other chapters springing up throughout the state. Despite strong chauvinistic opposition in Kentucky, the women's rights movement survived to bear fruit in the twentieth century, for the state ratified the Nineteenth Amendment guaranteeing women the right to vote in 1920.

Women's suffrage was not an issue in the gubernatorial contest in the fall of 1871. The issues were clearly defined as Kentuckians went to the polls: the admission of Negro testimony by the state courts, the suppression of the Ku Klux Klan, the improvement of public education, and the Southern Railroad Bill. The Republicans nominated the ambitious young Louisville lawyer John M. Harlan for governor, and under the skillful guidance of James Speed a “ten point program” was adopted which condemned Democratic policy as “timid” and “ineffective.” One leading Republican spokesman characterized the Democracy as being not only Bourbon-dominated but possessed of “a Bourbonism which ignores every element of progress.”

The Democrats selected the incumbent governor, Preston H. Leslie, as their candidate. The Democracy, however, was anything but harmonious. On one hand, there was Watterson and his “new departure” calling for acceptance of the new order of things, while arrayed against him were the “not so sure” Bourbons of the party, wanting the status quo maintained. Leslie took a “middle of the road” stand, much to the annoyance of the editor of the Courier-Journal. Only recently relieved of his war disabilities and unable to forget federal interference in the state, Leslie attacked Radical Republican policy as inept and tyrannical. Referring to Harlan’s conversion to the Republican party, Leslie called him a “political weathercock.”

Harlan condemned Democratic policy as “suicidal and ruinous.” By not acting to develop the resources of the state and by not supporting the Southern Railroad Bill, Kentucky had failed to open up its vast natural wealth. He believed that the Louisville and Nashville Railroad had too long monopolized
the destinies of the state. As New York had been corrupted by the New York Central and the Erie, so had Kentucky politics been dominated by the L & N. Harlan also sought the support of the Negro by calling for "complete legal and political equality for Blacks." But during the campaign, Harlan committed a serious indiscretion when he announced publicly: "Social equality can never exist between the two races in Kentucky." This statement clearly lost him the Negro vote.

While Harlan lost the election to Leslie, the Republicans did make remarkable gains over the last contest in 1868. Leslie's plurality was only 37,156 as contrasted with Stevenson's plurality of 88,955 three years earlier. The Louisville Commercial crowed that the Republicans had "carried every important city in the state except Louisville, Covington, and Owensboro." Republican majorities had been recorded in Newport, Maysville, Paris, Lexington, Danville, Nicholasville, Frankfort, Hopkinsville, and Paducah.

While the Republicans had polled more votes than ever before, they were disappointed by the Negro vote. This, the first gubernatorial election since the ratification of the Fifteenth Amendment, saw the freedman confused and wavering between loyalty to the party that had emancipated him and Watterson's Democratic "new departure," which held out promise for the future. Still in those precincts which the Republicans carried, the Negro vote had been the deciding factor. Significantly, many an "old line" Democrat, unhappy with the new direction his party was taking, had voted Republican. Watterson was fully aware of this: "Already the Bourbons are crying out 'don't divide the party.' This is like the remark of the toad to the locomotive, 'don't get in my way.'" If the Bourbons did not like the "new departure," counseled the editor of the Courier-Journal, let them join the Republicans.

The newly elected legislature consisted of thirty-five Democrats and three Republicans in the senate and eighty-two Democrats and eighteen Republicans in the house. At the opening session, Governor Leslie urged support for legislation that would admit Negro testimony, suppress the lawlessness in the state, and provide for a system of education for blacks.
Since a large number of the legislators were newcomers, it was hoped that they would be more objective and less prejudiced than their predecessors.

That many legislators had made commitments during the campaign to support the Cincinnati Southern Railroad Bill became clear when, on the second day of the session, December 5, 1871, a new and considerably changed measure was introduced. The election of James B. McCreary as speaker of the house was further evidence that the bill would be approved, for it was well known that McCreary favored the measure. The bill subsequently passed the house by a vote of 59 to 38, but a bitter fight ensued in the senate, where a tie vote forced Lieutenant Governor John G. Carlisle to cast the deciding vote. When Carlisle voted for the bill, he was castigated by his opponents for betraying his state. On February 13, 1872, Governor Leslie signed the bill into law. During the state legislative debate, the United States Senate called up the Cincinnati Southern Railroad Bill as an ominous reminder that if Kentucky failed to act, the federal government would. Although the federal bill was dropped, congressional tampering in the internal affairs of Kentucky once again aroused resentment.

When Kentucky did grant permission to "the Southern" to build its railroad through Central Kentucky, the legislators made every effort to ensure that the interests of the state would be protected. A one-cent tax was levied on every 100 pounds of freight passing through the state, as well as a twenty-five-cent to fifty-cent levy upon passengers using the railroad within the state. Begun in 1873, the road was completed in March 1880 at a cost of more than $28,000,000. As had been predicted, the railroad flourished and yielded a profit from the beginning. While the completion of the Southern Railroad broke Louisville's monopoly of the southern trade, it opened up the economy of Central Kentucky and brought prosperity to that region of the state. Louisville had been dealt a serious economic blow, but the Falls City continued to exploit the southern market and remained a major economic power to be reckoned with.

Meanwhile, lawlessness in the state had increased, striking
at the very doors of the Capitol itself. A large body of armed men, numbering between 75 and 150, had brashly entered Frankfort to free from prison a white man who had murdered a black. In another instance, a Negro mail agent had been assaulted nine miles north of Frankfort. Since this was the first Negro post office appointment made in the state, tempers ran high. At the insistence of the postmaster general, mail service was momentarily suspended until Kentucky could ensure the safety of the agent.

Despite denials by the public press and by many prominent citizens that the Ku Klux Klan existed in Kentucky, violence continued. Furthermore, the consistent refusal of the legislature to come to grips with this problem had resulted in strained federal-state relations. President Grant, on a visit to Kentucky in the fall of 1871, had asked Republican leaders to counsel him on what action to take regarding the Klan. John Harlan had urged the president to “go for” the Klan, for as one irate citizen complained: “Ku-Klux outrages have been as numerous since the election as at any period since the War.” Angry blacks living in and around Frankfort had made an itemized list of 116 outrages against their race since November 1867. The situation, they said, demanded federal intervention. Further evidence was supplied by the editor of the *Frankfort Commonwealth*, who reported on March 31, 1871, a list of 81 murders and 70 shootings or whippings during Governor Stevenson’s administration alone.

Dispatching Attorney General Amos T. Akerman to Kentucky in October, Grant instructed him to get firsthand information on the activities of the Klan. Akerman’s visit to the state was not as ameliorative as had been hoped, for his attitude and speech served only to antagonize those with whom he came in contact. Upon his return to Washington he instructed the United States district attorney, Gabriel C. Wharton, to use every means available to break up the Klan in Kentucky. If the state could not, or would not, suppress this “despicable” organization, then the federal government would have to take positive action.

Unlike their counterparts in the Deep South, federal of-
ficials in Kentucky had been making efforts to punish the ter-
rorists, but arrests led to few convictions because of the poten-
tial threat to those who either testified or served on juries. For
example, a Shelby County Klansman confessed his activity and
turned state’s evidence, but when he was released on bond he
was hanged by his former cohorts.

Of the many cases pressed by Wharton, one that caught
statewide attention involved the sons of certain influential in-
dividuals (Rich Crittenden, Howard Smith, James Alley, and
others) who participated in the hanging of two Negroes at
Frankfort. Determined to make this case an example to
Klansmen, Wharton secured the indictment of two of the of-
fenders on a charge of murder. Almost immediately the dis-
trict attorney was warned: “When you strike a Crittenden, you
strike the State of Kentucky, and his friends will never consent
to have justice meted out to him.” Since the case involved the
testimony of Negroes, it was prosecuted in the federal courts.
This “violation of states’ rights” further reinforced Governor
Leslie’s insistence that the legislature amend the law of evi-
dence to permit blacks to testify against whites. However, it
was not until January 1872 that the legislature finally amended
the law to allow “parties in interest, persons of color” the right
to testify in Kentucky courts. Undoubtedly, this legislative ac-
tion subsequently influenced the decision of the United States
Supreme Court, when it reversed the decision of the Federal
Circuit Court in Blyew and Kennard, claiming that the Federa-
al Circuit Court had no jurisdiction over the crime of murder
merely because two persons who witnessed the incident were
Negroes and therefore “incompetent by the law of Kentucky
to testify in the courts of the State.” The Civil Rights Act was
intended to protect freedmen by giving to the federal courts
jurisdiction of cases in which the decisions might prove injuri-
ous to the rights of Negroes. However, this case was not
within these provisions since the two Negroes who had wit-
tnessed the murder were not persons “affected by the cause.”
This decision would have been disastrous to the civil rights of
the Kentucky freedman had not the legislature voted to per-
mit Negro testimony in state courts.

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Another issue troubling federal-state relations during these years was the failure of the federal government to pay the long-standing debt incurred by Kentucky in raising, maintaining, and equipping volunteers during the war. While the federal government had initially met its obligations, payments had dwindled and in March 1869 a sum of $1,323,234 was still owing. Several attempts had been made to collect the war claims, but they had met with little success. When Congress repealed the act authorizing payment, effective June 30, 1871, Governor Leslie sent the quartermaster-general to Washington to press for payment before the act expired. Although the secretary of war eventually authorized payment, the secretary of the treasury rejected the claim and canceled the warrant. The governor then asked the Supreme Court for a writ of mandamus to compel the secretary of the treasury to honor the claim. When this was denied, Leslie appealed to Congress for relief, and through the efforts of Kentucky's congressmen a bill was introduced and passed in June 1872 which appropriated $1,000,000 to pay Kentucky's outstanding war claims. While Kentucky had secured satisfaction of its grievance, it was at the cost of a great deal of time, effort, and money.

During the legislative session of 1871–1872 Kentucky Republicans hoped that the division between the "new departure" and the "Bourbon" Democrats would permit the election of John M. Harlan to the United States Senate. However, the expected rivalry between the two Democratic candidates, Thomas C. McCreery and James B. Beck, did not come off. The Democrats outmaneuvered their opponents by holding a legislative caucus and agreeing on McCreery as their candidate. As a result, a Democratically controlled legislature easily elected McCreery over Harlan.

Undeterred, Republicans looked to the fall canvass, believing that the party could carry the state for Grant if the proper federal patronage was made available to them. But when the Republicans met in March, it was apparent that a breach was developing in the party. Led by Sam McKee, M. Boland, Bob Johnston, and E. W. Kennedy, an attempt was made "to pack the ward meetings" against Grant's renomination. Claiming
that every administration regardless of party had its abuses, John M. Harlan, the chairman of the convention, not only defended the president against the charges of corruption but loudly extolled his party's achievements: the reduction of taxes and the public debt, the "humane" treatment of the Indians, and the freeing of the slaves. When a resolution was passed by the convention declaring that delegates must support the nominees of the Republican National Convention, a number of delegates walked out. Despite this rift, the remaining delegates reaffirmed their adherence to the Republican party and declared their belief that all citizens of the United States had the right to exercise their franchise. Expressing their "undiminished confidence in the personal and official integrity and honor of President Grant," they instructed the delegates to the Philadelphia Convention to vote for a Grant-Harlan ticket. To the great detriment of the party, one of their major supporters, the editor of the Frankfort Commonwealth, Albert G. Hodges, suspended publication of his newspaper, saying that he was unwilling to advocate the nomination of President Grant for a second term.

Meanwhile, Watterson was intrigued by the actions of a group of dissident Missouri Republican politicians who had bolted the party and whose reform platform had not only carried the state but was spreading beyond the borders of Missouri. Led by Frank Blair, B. Gratz Brown, and Carl Schurz, these "liberals" began spreading the concepts of the "new departure" to the West and South. As Watterson saw it: "The Republicans were hopelessly divided over Grant's renomination. If the moderate Democrats joined these insurgent Republicans, Grant could be stopped. But such a move would have to be accomplished with the greatest finesse."

At the instigation of the Liberal Republicans of Ohio, a call was issued late in January 1872 for a National Convention to be held at Cincinnati in May. Watterson responded on February 7 with a call to the Kentucky Democracy "to support any liberal and patriotic movement having a fair and predictable showing of efficiency." After a visit to Boston, where he had gone to purchase books for Louisville's new public library,
Watterson was even more committed to the Liberal Republican movement and to the candidacy of the scion of New England aristocracy, Charles Francis Adams. Adams's intellectual and personal integrity fascinated Watterson. But there were other possible nominees: David Davis, the Supreme Court justice from Illinois; B. Gratz Brown, the Liberal Republican governor of Missouri; Horace Greeley, the editor of the New York Tribune; and Chief Justice Salmon P. Chase, a longtime aspirant for the presidency.

Watterson attended the Liberal Republican Convention which met at Cincinnati on May 1 as a reporter, but within a few hours he began maneuvering as though he were a party leader. Watterson, Horace White of the Chicago Tribune, Murat Halstead of the Cincinnati Commercial, and Sam Bowles of the Springfield (Mass.) Republican together formed the famous “Quadrilateral” of newspaper editors. Intent upon “Reunion and Reform,” they would sway the convention to their way of thinking. However, the convention did not go as anticipated. Adams led on the first ballot, but when B. Gratz Brown released his delegates to Greeley a stampede began which, to the disgust of the “Quadrilateral,” resulted in Greeley’s nomination. The big question now became: Would “Marse” Henry support a man for whom he had no respect? As Watterson’s biographer, Joseph F. Wall, writes: “Then holding his nose and shutting his eyes, he [Watterson] jumped in.” Pointing out that failure to support Greeley would result in Grant’s election, Watterson began to warm to Greeley: “He is an able man. He is an honest man. He is a good man. He may be cranky—he may be curious, according to our preconception. Who knows? We do know that Grant is an iron-hearted, wooden-headed nutmeg.”

The Republicans were alarmed about the possibility that the Liberal Republican movement might “assume large proportions,” and the State Central Committee immediately began to tighten up its organization. Kentucky Republicans were hopeful that the breach might be healed if a midwesterner, or better still a Kentuckian, was selected as Grant’s running mate. Although they pressed Harlan’s cause at the
Philadelphia convention in early June, the convention selected Henry Wilson of Massachusetts as Grant's running mate. To the annoyance of many, this "machine-controlled" convention not only endorsed "the hero [Grant] and all his works," but Radical reconstruction and the protective tariff as well.

Watterson's task of convincing the Kentucky Democracy to accept Greeley was easier than he had thought. Soon a majority of the Democratic press had declared for the Liberal Republican candidate. When the Democrats gathered in Frankfort on June 20 for their state convention, a Greeley movement was well under way. The delegates selected to the national convention were not instructed to support a specific candidate, but they were expected "to take such action as will . . . ensure a perfect union of all the elements of opposition to the nominees of the Philadelphia convention."

As the Democrats assembled in Baltimore on July 9, Greeley's name was on everyone's lips. Despite the efforts of the "old line" Democrats to oppose his nomination, the beckoning finger of victory was too strong. Ironically, the man who had referred earlier to Democrats as "traitors" now became their candidate. The Liberal Republican platform, which called for the withdrawal of troops from the South, civil service reform, and the resumption of specie payment, was adopted overwhelmingly.

Despite the convention's endorsement of Greeley, "straight-out" Democrats immediately began condemning the "unholy" union of Democrat and Liberal Republican. Calling a national convention of their own in Louisville on September 3, these "bolters" nominated Charles O'Connor of New York for the presidency and Charles Francis Adams for the vice-presidency. But when O'Connor refused the nomination, the convention resolved to make no other nominations and adjourned.

All of this was to no avail. Grant's victory in the presidential contest of 1872 was due to a "well heeled" campaign chest, the "watchfulness" of the state and national political machines, the "bloody shirt" appeal to the North, and the support of anti-Greeley southerners. Though southerners had no love for
Grant, they hated even more the man whose newspaper had pilloried the South for years before the Civil War. Greeley carried only six states: Georgia, Kentucky, Maryland, Missouri, Tennessee, and Texas.

While Kentucky Democrats had elected all ten of the state's representatives in the August elections and the Liberal Republican–Democratic ticket had carried the state in November, the Democratic vote had fallen off by 23,473 since the last state election. Furthermore, Grant had lost Kentucky by only a little over 11,000 votes. Republicans believed that this was an omen of better times to come and looked forward, with some degree of confidence, to the gubernatorial contest of 1874.

The legislative session of 1872–1873 was extremely productive of much-needed legislation. A code of revised statutes was adopted; additional accommodations for the insane were provided; the revenue laws were amended to provide adequate resources for the state; permission was granted to invest the sinking fund in "five-twenty gold-bearing interest bonds of the United States" (twenty-year bonds at 5 percent interest payable in gold), strengthening the economic base of the state; the right of suffrage was secured by law and anyone found interfering with the right to vote was guilty of a misdemeanor; and severe penalties were levied against persons who "confederate or band together for the purpose of intimidation, alarming, or disturbing any person or persons." But of all the measures adopted, perhaps the most significant was an act calling for a geological and mineralogical survey of the state. The governor was instructed to appoint with "expedition and dispatch" a state geologist who was to make a thorough survey of the state's resources and to report annually to the governor on the progress of the survey. Governor Leslie named a former Kentuckian, Dr. Nathaniel Southgate Shaler, a prominent professor of paleontology and geology at the Lawrence Scientific School of Harvard University, as director of the survey and state geologist. While Shaler's training was somewhat narrow, he brought scholarship, energy, and enthusiasm to his endeavor. Backed by adequate appropriations and a cadre of able
staff, he continued the work of the geological survey begun in 1854 by David D. Owen but neglected during the war. Shaler's survey indicated that the resources of the state were greater than anticipated, that the soil was adaptable to a wide range of agricultural products, that the forests abounded with valuable timber, and that untapped resources existed in iron ore, coal, and oil. To the amazement of Kentuckians, Shaler indicated that Kentucky's coalfields were more extensive than those of Pennsylvania, or of Great Britain and Ireland. Almost immediately Kentuckians determined to exploit this resource and by 1884 seventy coal mines were in operation, producing 1,550,000 tons of coal annually. While the existence of oil in the state was known earlier, not until the early 1890s was it exploited to any degree. Similarly iron ore was not mined until the twentieth century. Assisting in the development of this new economic base for Kentucky was the continued expansion of the state's railroad system.

Since 1869 the state had encouraged investments not only in its transportation system, but in its mineral and industrial resources. Advertising itself as "a land of unlimited promise," the state granted generous tax exemptions and special privileges to promote economic expansion. However, Kentucky farmers were not so liberally sustained. As cotton had been the chief money crop of the Old South, so tobacco in the postwar period became the major money crop in Kentucky. Thus, when the Panic of 1873 struck and tobacco prices fell to an all-time low, land values collapsed, farm mortgages were foreclosed, and depression stalked the state.

While the failure of Jay Cooke & Company's banking houses in New York, Philadelphia, and Washington in September 1873 brought on a general bank crash across the country, Kentucky's banks proved relatively sound and weathered the financial storm. In fact, when the General Assembly met in December 1873, the legislature expressed little concern regarding the panic. Not only had the sinking fund wisely been invested in United States five-twenty gold-bearing interest bonds, but at the end of fiscal year 1874, the state showed a revenue surplus of $361,664. Despite the palliative efforts of
the federal government to inflate the economy by issuing $16 million in greenbacks, the farmer remained in a state of depression. Threatened by the government's demonetization of silver ("the Crime of '73") and the efforts at resumption of the only "cheap money" in existence, the greenback, Kentucky farmers began joining the Patrons of Husbandry, or the Grange movement, in an effort to call governmental attention to their distress. A way must be found to combat the money problem and to stimulate the economy. At first they hoped to exert sufficient influence in state and national elections to secure the necessary relief, but if that failed, they would start a third-party movement.

The Grange movement, however, was too new to have any decided effect upon the 1874 elections. As expected, the Democrats continued to capture local and state offices. On the eve of the congressional elections, the Kentucky correspondent of the New York Times interviewed a number of prominent Kentuckians, both Republican and Democratic. From these interviews the correspondent concluded that "the bottom had fallen out" of the Republican party in Kentucky. According to the leading Republican judge, William Cassius Goodloe, the Civil Rights Bill had "crippled" the party "by driving away many White Democrats who were almost ready to unite with the Republicans." Goodloe was so demoralized that he saw "no use to fight any longer." It seemed to him that the leaders of the national party were determined that Republicanism would "not gain any foothold among the Southern Whites." The editor of the Louisville Commercial, R. M. Kelly, was also bitter towards the national party claiming that "if they [Kentucky Republicans] could have been left wholly to themselves, they would long ago have succeeded in redeeming their state." Henry Watterson, after expressing confidence that the Democrats would carry the congressional elections, strongly criticized the Republicans for "the great crime" they had committed against the South and for keeping "the flame of civil discord alive" in the North. When approached by the Times correspondent, John Marshall Harlan would offer no opinion, claiming that he had purposely "kept himself aloof
from politics." The only statement Harlan would make was that the future of the South depended upon the suppression of the White Leaguers and the Ku Klux Klan.

That racism was still very much alive in Kentucky was apparent from the comments of one political observer: "The chap who talks loudest and with the best common sense about the probability of our daughters marrying niggers; always comes in about 4 lengths ahead." In the 1874 Kentucky election, instead of the Republicans waving "the bloody shirt" as was the case in the North, it was the Democrats who continued to remind the electorate of the ignominies the state had suffered at the hands of the Radical Republicans. Furthermore, they reminded the electorate that reconstruction was not dead. The recent attempts of the president to maintain the carpetbag government of William Pitt Kellogg in Louisiana by use of the military was abundant evidence of this. Although Kentucky Republicans tried to ignore national politics and stressed the need to create a strong educational and economic base for "the New South," the Democracy, as anticipated, elected nine congressmen and the Republicans only one. The one Republican, John D. White, ran in a district with very few black people. By castigating his own party for passing the Civil Rights Bill which, as he claimed, was "the root of all evil" insofar as the tribulations of Kentucky and the South were concerned, he convinced his political opposition to vote for him.

As the gubernatorial contest of 1875 approached, Republicans were not enthusiastic. Kentucky's blacks were disenchanted by the suspension of the Freedmen's Savings Bank and the failure of the Republicans to extend the patronage system to them. Despite Republican efforts to allay their animosity, it was clear that Watterson and the Democrats were fast winning the freedmen's vote. The Democrats nominated James B. McCreary for the governorship. After stating the historic position of the party on states' rights, the convention condemned the recent governmental interference in Louisiana and damned the corruption of the Grant administration. The Republicans, although rent with internal division over the
scandals of the party, finally settled on the “one-time loser,” John M. Harlan, as their candidate. Hoping with judicious management to capture a large part of the Grange element as well as the Negro vote, the Republicans attempted to make their appeal “to all people.” They called for the removal of stigmas against “free colored citizens,” equal educational opportunities for blacks and whites, expansion of the state's industrial development, and the encouragement of white immigration into the state. They condemned the Democracy for creating the impression that President Grant desired a third term, calling it “absurd,” a ploy to disrupt the Republican party.

As the campaign got under way, Harlan became increasingly confident. Pleading with the electorate to forget their prejudices and to unite behind a party able “to advance by all proper means the greatness and prosperity of our common country,” Harlan damned the Democrats for their inability to suppress the Klan, for their failure to develop the state's resources, and for their injudicious expenditure of public funds. Through the efforts of Harlan’s former law partner, Secretary of the Treasury Benjamin H. Bristow, national party supporters contributed some $35,000 hoping to “make Kentucky the first state to stop the tendency to Democratic gain.” Even Grant’s iniquitous private secretary, Orville E. Babcock, promised to “sit cross legged for luck” on election day.

Despite Harlan’s spirited campaign, the Democrats carried the election. McCreary was elected by a 36,181-vote plurality. Two factors account for the Democratic victory in 1875. Sensing a close race, a week before the election, the Democrats had put out their best speakers urging Kentuckians to “stand firm” with the Democracy. This emotional appeal was backed with large amounts of money.

Harlan’s defeat in the fall of 1875 ended Republican efforts to control the state. Kentucky remained under Democratic control until the mid-1890s when the “Populists” divided the Democratic vote and made possible the election of a Republican governor (William O. Bradley) in 1895 and the carrying of
the state by a Republican presidential candidate (William McKinley) in 1896.

James B. McCreary was inaugurated governor of Kentucky on August 31, 1875. His address to the people of Kentucky proclaimed a new day for the state. Denying that he represented “any particular class or section” of the state, he called for “a restoration of fraternal feeling” among all peoples: “I wish to see the records of secession, coercion, and reconstruction filed away forever, and the people of the whole country earnestly advocating peace and reconciliation, and all looking to the Constitution as the guarantee of our liberties and the safeguard of every citizen.” As evidence that the nation was reunited, McCreary called attention to the recent celebrations of the nation’s centennial in Boston. “Northern and Southern men have recently met in the shadow of Bunker Hill Monument, and there animated by common memories and common hopes with clasped hands, have renewed their friendship, and rededicated their energies to the advancement of the whole Country and the restoration of peace and goodwill.”

Kentucky Republicans were not despondent as the presidential election of 1876 approached, for they possessed a strong candidate in the person of the reform-minded secretary of the treasury, Benjamin Helm Bristow. Born and raised at Elkton, Kentucky, Bristow had served in the Union army, but had been elected to the state legislature midway through the war. Here he had worked hard to keep Kentucky loyal to the Union. After the war he achieved widespread public notice as United States district attorney for his championing of the Civil Rights Act of 1866. Consequently, he was appointed first solicitor general of the United States in 1870 and for the next two years argued the bulk of the government’s cases before the Supreme Court. In 1874, after a two-year stint as president of the California and Texas Railway Construction Company, Bristow returned to Washington as secretary of the treasury, in which office he exposed the Whiskey Ring and the Belknap and Delano scandals. While Bristow received widespread praise for his efforts to “clean up” government, President
Grant turned against him when he indicted two of the president's closest friends for involvement in the Whiskey Ring. As a national official, Bristow urged a policy of amelioration toward the South. In his famous Cave Hill address of May 1875, Bristow noted that ten years had passed since the war had ended. The time had come, he charged, to lay aside prejudice, for it required "no prophet to foretell that sooner or later the South must enter upon a career of unexampled prosperity" under the influence of "free institutions" and boundless resources. He urged his fellow Kentuckians to cut loose from the past and grasp the future. "God speed the time when the men of the North and of the South shall vie with each other in efforts to rebuild the waste places, to promote the general welfare, and to advance by all proper means the greatness and prosperity of our common country."

At the Republican National Convention held in Cincinnati in June 1876, his friend and law partner John M. Harlan placed Bristow's name in nomination for the presidency. Under the skillful leadership of his supporters, the cry of "Bristow and reform" spread through the convention like wildfire. Nine candidates in all were nominated, but Bristow's major rival was James G. Blaine of Maine. When the two men fought each other to a draw, a move developed on behalf of Rutherford B. Hayes of Ohio. Clearly some back-room dealing had been done, for on the seventh ballot Hayes was enthusiastically nominated.

The nomination by the Republicans of a "black horse" led Kentucky Democrats to believe that finally their party could carry the presidency. Their delegates to the national convention were informed that Kentucky pledged its support to whatever nominees were selected by the convention. Holding their national convention at Saint Louis eleven days later, the Democrats nominated the prominent New York lawyer and politician Samuel J. Tilden for the presidency. Charging that the Republicans, in repudiating Bristow, intended to perpetuate "all the evils of the present administration," the Democrats took the field intent upon winning the election on the issues of honesty and reform.
Few elections have been so hotly contested as the one of 1877. Though Kentucky went solidly for Tilden with a plurality of 62,500 and the nation itself gave him a plurality of 264,292 votes; Tilden lacked one electoral vote to achieve the necessary majority in the electoral college. Discovering that there were sufficient electoral votes in dispute to secure the election for Hayes, Republican politicians began to maneuver behind the scenes. An orgy of illegality occurred in the three southern states of South Carolina, Florida, and Louisiana as Democrats and Republicans vied for the disputed votes. A Commission of Fifteen finally was selected to determine the electoral vote, and on March 2, 1877, it declared that Hayes had captured the disputed votes and the presidency was his. Although outraged Democrats threatened rebellion, Tilden urged his party to accept the results and thereby averted the possibility of civil war.

True to his election promises, President Hayes removed the federal troops from the south in April 1877 and appointed a former Confederate to his cabinet. In general, he used his influence to secure increased congressional appropriations for southern railroads and public works projects. So did the federal effort to reconstruct the South officially come to an end. Kentucky rejoiced with her sister states of the South, for in her response to reconstruction she had felt much of the same agony that the Deep South had experienced. Yet, despite the negative aspects of the period, Kentucky like the South had achieved some positive benefits. Among these were the expansion of the electorate by the admission of the Negro vote, the expansion of the state’s transportation system, the revival of southern trade and commerce, the adoption of a new penal code, the admission of black testimony in state courts where whites were on trial, the expansion of the educational system, and the establishment of institutions to care for the juvenile delinquent, the needy, and the insane. These in themselves were no mean accomplishments.
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Epilogue

In recent years the older perspectives on the era of reconstruction have been challenged and in many instances refuted. Traditional political and economic interpretations of reconstruction, the role of the black in postwar politics, the motives of Radical Republican politicians, the status of the Democratic party after the war, the rulings of the Supreme Court on constitutional and legal questions arising out of southern reconstruction, and even the political leadership of Presidents Johnson and Grant have been restudied and reevaluated.

The historical analysis of Kentucky during the reconstruction period made by such eminent historians as E. Merton Coulter and W. E. Connelley in the 1920s characterized Kentucky as a pro-Confederate state, one which Secretary of War Edwin M. Stanton considered "a pariah among the elect." Their interpretation assumed that for fifteen years after the Civil War, Kentucky was controlled politically by the pro-Confederate-dominated Democracy in alliance with a large political faction known as the Conservatives.

More recently, Thomas L. Connelly has contended that a political vacuum existed in Kentucky during these years, in which pressure groups were attempting to control the destiny of the state for their own interest. If pro-Confederates were involved in a political issue, they were motivated by economic and social factors and not by their former Confederate activity. These factions, insists Connelly, sought to dominate Kentucky's political parties for commercial, agricultural, industrial, and social reasons, and unstable political alliances resulted. While before the Civil War the Bluegrass had voted consistently with West Kentucky, the two regions now became deadly political enemies because of their rivalry in the tobacco
market. On the other hand Central and East Kentucky, which had been hostile politically, now came together because of the competition between East and West Kentucky for control of the coal market. The "old Whig centers" of Louisville and Jefferson County had voted with Lexington and Fayette County, Paris and Bourbon County, and Frankfort and Franklin County on most issues before the war, but these Central Kentucky cities and counties now were antagonistic towards Louisville because of the rivalry between the L & N and the Southern railroads. Politics were clearly in transition.

Certainly during this period there was one thing the two parties, to a greater or lesser extent, had in common—their general distrust of the Radical Republican-dominated Congress. And there was just cause for this. The excesses of federal military occupation, the disruption of Kentucky's labor supply by the military, and the imposition of the Freedmen's Bureau on a "loyal" state all contributed to an intense dislike of the federal government. However, while some historians have explained this hostility as the result of a revival of the "Lost Cause" in Kentucky, it should rather be seen as a protest against the infringement of what most Kentuckians considered to be their rights and privileges under the Constitution of the United States.

While the great majority of Kentuckians had supported the Union during and after the Civil War, they had consistently opposed federal meddling in the state's affairs. To understand their attitude, it is important to realize the peculiar characteristics of the Kentucky mind. After it became a state in 1792, Kentucky had been isolated from most of the rest of the Union by the Appalachian Mountains. As a result of this, Kentuckians had developed not only a strong provincial attitude, but an aloofness which was unique to their makeup. The frontier produced stubbornly independent and self-assured individuals who took exception to federal interference in matters they believed to be of sovereign interest to the state. The famous Resolutions of 1798 attest to Kentucky's strong states' rights philosophy. The dichotomy of ardent devotion to the Union and stubborn insistence on domestic rights was nowhere more ap-
parent than in Kentucky's attitude towards the issue of slavery. Although most Kentuckians were not slaveholders on the eve of the Civil War, they defended the institution of slavery on the grounds that the state should be allowed to exercise its constitutional rights in regard to chattel property. Similarly in the postwar years, while declaring their continued attachment to the Union, Kentuckians reacted adversely to a number of “high-handed” federal actions which violated their domestic rights: the establishment of martial law, the suspension of habeas corpus, federal military interference in local elections, the arrest of Kentuckians as Confederate sympathizers, and, in particular, the presence of the Freedmen's Bureau. As a result of this antipathy, ex-Unionists joined ex-Confederates in refusing to ratify the Thirteenth, Fourteenth, and Fifteenth amendments to the Constitution.

Sensing a new political atmosphere in the state, Republicans began urging Kentuckians “to cut loose” from their past prejudices and to accept the new “spirit of progress” which was abroad in the land. They reminded Kentuckians that the founding fathers had believed in a nation where “all men are created equal” and that the Republican party was merely fulfilling the national destiny as it sought to effect social change—not merely in the South, but in the nation at large.

Denying that the Democracy was “rebel” or “copperhead,” Henry Watterson began championing the need for a “new departure” in Kentucky politics. Urging Kentuckians to accept the inevitable social changes caused by the ratification of the Thirteenth, Fourteenth, and Fifteenth amendments, Watterson supported legislation which would put Kentucky into the mainstream of national prosperity by making the state attractive to northern capital. This, in turn, would open up and develop Kentucky's rich mining, industrial, and railroad enterprises.

As between the two “progressively minded” political parties, white Kentuckians, whether ex-Unionist or ex-Confederate, had little difficulty in making a choice. Republicanism would always be synonymous in the Kentucky mind with the federal interference the state had suffered both during and
after the war. The Democracy with its appeal to “primitive Constitutionalism” and its vision of “new departure” politics was more appealing to Kentuckians.

When the charge of “rebel” ceased to have meaning in Kentucky politics, the limited popularity of the Republican party began to decline. The failure of the national party to continue an active interest in Kentucky politics coupled with the scandal and corruption of the Grant administration further weakened the Republican cause in Kentucky. Demoralized by this, many a Republican now forsook the party. Obviously, the disillusionment of the black over the issue of patronage also seriously weakened Republicanism in the state.

Any period where there is a transition from an “old order” to a “new order” will be filled with prejudice and violence. The effort by Congress to create an egalitarian society in Kentucky was opposed not only by the racist white supremacists, but by those who believed such actions violated the constitutional rights of the state. As a result, violence was widespread in Kentucky during these years. Antagonized by the assumption of its authority by the federal government, the legislature declined to take positive action either in protecting the Negroes in their civil rights or in suppressing the activities of the terrorist Regulators and the Ku Klux Klan. As tensions continued to mount between the state and the federal government over the enfranchisement of the Negro and the guarantee of black civil rights, in many cases emotion overcame reason. Certainly, the fact that there was a power vacuum in Kentucky politics further slowed action by the legislature.

Yet democracy and egalitarianism made some headway. Largely because of the constant threat of federal intervention, the Negro was granted the franchise, and important though meager school reforms for both races were achieved. Negro testimony in cases involving whites was admitted in state courts, appropriations were made to establish juvenile reform schools as well as institutions for the needy and the insane, bond issues were floated for internal improvements, and the penal system was reformed.

While many historians characterize this period of Kentucky
history as one of violence and prejudice, in many ways it led ultimately to the development of a more progressive state. The seeds of reconstruction, if they can be called that, fell upon fertile ground and once the “new departure” was generally accepted by Kentuckians the state would make remarkable advances. For example the demand for state constitutional reform begun in 1873 matured in 1891, when Kentucky adopted a new constitution that brought all people into “full control of their government.” The extensive bill of rights not only declared: “All men are by nature free and equal, and have certain inherent and inalienable rights,” but section 4 contained the revolutionary statement: “All power is inherent in the people; and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of their government.” Here was the basis for political, economic, and social advancement for both whites and blacks in the years to come. Among other innovations of the new constitution was a prohibition against laws to benefit specific individuals or businesses, provision that the General Assembly must provide “an efficient system of common schools,” reorganization of the local governmental units of the state, reform of the tax base to include business as well as farm property, the required use of the secret ballot, and a new amendment process. Such changes and reforms brought Kentucky into the mainstream of progressivism, but the roots are to be found in the reconstruction era of Kentucky’s history.
Bibliographical Essay

THE STUDY OF Kentucky history during the post–Civil War period requires the reading of E. Merton Coulter's *Civil War and Readjustment in Kentucky* (Chapel Hill, N.C., 1926). While this detailed study is decidedly pro-Confederate in its interpretation, it is invaluable as a reference work. For a revisionist interpretation, see Ross A. Webb, "Kentucky: 'Pariah among the Elect'" in Richard O. Curry, ed., *Radicalism, Racism, and Party Realignment: The Border States during Reconstruction* (Baltimore, Md.: Johns Hopkins Press, 1969). Charles Kerr, W. E. Connelley, and E. Merton Coulter edited a most useful *History of Kentucky* (5 vols.; Chicago, 1902). The first two volumes deal with the history of the state while the remaining volumes provide biographies of Kentuckians who lived in the second half of the nineteenth century. Thomas D. Clark's *History of Kentucky* (Lexington, Ky., 1960) is the best single history of the state. Although it is not footnoted, it does provide a valuable bibliography of Kentucky materials. Thomas Speed's *The Union Cause in Kentucky, 1860–1865* (New York, 1907) and N. S. Shaler's *Kentucky: A Pioneer Commonwealth* (Boston, 1884) are two highly pro-Union works in their political outlook. County histories are extremely important sources, particularly valuable being those by W. H. Perrin, J. H. Battle, and W. H. Kniffen. Any researcher must make use of Lewis and Richard H. Collins's *History of Kentucky* (2 vols.; Covington, Ky., 1874). The first volume contains the "Annals of Kentucky; or, Important Events in the History of Kentucky, 1539–1874." Both volumes were reissued by the Kentucky Historical Society in 1966. *The American Annual Cyclopedia and Register of Important Events* (New York, 1865–1875) and Appleton's *Annual Cyclo-


Alvin F. Lewis's *A History of Higher Education in Kentucky*

For a revisionist point of view of the political history of this period, see Thomas L. Connelly, "Neo-Confederatism or Power Vacuum: Post War Kentucky Politics Reappraised," Register of the Kentucky Historical Society 71 (1973): 257–69. While not ignoring E. A. Jonas's History of the Republican Party in Kentucky (Louisville, Ky., 1929) and George L. Willis's Kentucky Democracy (3 vols.; Louisville, Ky., 1935), one finds the best sources dealing with the complex political history of Kentucky in contemporary newspapers. The Frankfort Commonwealth, the Kentucky Statesman and the Louisville Commercial present the Republican point of view, while the Louisville Democrat, the Louisville Journal, the Louisville Courier, the Louisville Courier-Journal, the Daily Kentucky Yeoman, and the Lexington Observer and Reporter expressed the Democratic philosophy. Two Cincinnati papers are also valuable for their reviews of Kentucky affairs: the Cincinnati Commercial and the Cincinnati Gazette. The New York Times for this period gives excellent coverage of Kentucky politics, although the correspondent is somewhat biased against the Democracy. The Congressional Globe (1861–1873) reviews the congressional debates on Kentucky during this period. In particular see the Congressional Globe and Appendix, 40 Cong., 1 sess. for the congressional investigation of the credentials of Kentucky's congressmen in 1867. Numerous congressional

The National Archives is a rich depository of materials on Kentucky. See the General Records of the Department of Justice (R. G. 60), of the Treasury (R. G. 56), of the Adjutant General (R. G. 94), of the Comptroller of the Currency (R. G. 101), and of the Bureau of Refugees, Freedmen, and Abandoned Lands (R. G. 105). The manuscript collections of the Filson Club in Louisville, the Kentucky Historical Society in Frankfort, the Margaret I. King Library of the University of Kentucky in Lexington, the New York City Public Library, and the Library of Congress contain varied materials depending upon the researcher's interests.
