

CHAPTER ONE:

VIOLENCE, TENNESSEE AND RACE RELATIONS

This project sheds light on two multifaceted issues that have not received adequate scholarly attention. The first issue is the fact that thousands of Black Americans, like the Black residents of Erwin, Tennessee, were driven from their homes and livelihoods by White mobs in communities across the country between 1865 and 1930. While there is no definitive nation-wide count, I discovered (through census records and newspaper reports) 11 of these banishments or pogroms occurred in Tennessee. In the majority of these communities, the population remains virtually all-White today. In four other Tennessee communities, as late as 1946, Black residential and business districts were destroyed by White mobs in “race riots” with the acquiescence (and some would argue participation) of Tennessee law enforcement officials (Ikard 1997).¹

None of these incidents of mass violence in Tennessee resulted in anyone White being arrested or indicted for taking Black life, liberty or destroying Black-owned property. This pattern also holds true for the thousands of Black Americans (and 260 Tennesseans) who died at the hands of lynch mobs in the century after the Civil War. A key contribution of my research is that it is the first to identify systematically incidents of mass violence in Tennessee that I consider pogroms. While others have examined lynchings, no one has examined pogroms in Tennessee and only one other scholar, to my

¹ Of course, modern race riots have plagued American race relations long after 1946. However, for the purposes of this project, those riots and their causation will not be considered in detail at this time.

knowledge, has examined them in the United States. I have uncovered primary documentation of mass violence against Blacks that has previously been unreported and unrecorded by scholars and modern historians.

The second issue addressed is that the failure to uphold the law and protect Black life and property facilitated not only the murder and physical banishment of Black Americans, but also a culture of disrespect for the rule of law. I document this failure through systematic analysis of court documents, census data, newspaper archives and property records. I will argue that by failing to punish those who terrorized Black Americans, government institutions not only failed the mob's victims, but the entire community, Black and White. When states fail to protect their citizens from vigilante behavior and fail to prosecute those who would usurp the state's police power, the rule of law- which ensures that laws apply equally to everyone- is undermined, delegitimizing both the law and law enforcement (Feinberg 1965, Altman 2001, Donnelly 2006).

While racial segregation after the Civil War was legal throughout the South in the first half of the twentieth century, pogroms, murder and summary trials without juries were not. For promoting and tolerating this behavior, government institutions (elected officials and government employees who pledged to uphold the law) could have been held liable under the Fourteenth Amendment to the United States Constitution which prohibits government employees/institutions from refusing to provide the protection of law equally. I scoured the county Criminal Court Clerk records for every pogrom that occurred in Tennessee and found that there was rarely an investigation and never a prosecution associated with the pogroms. I also inspected the same records and death certificates associated with the most infamous lynchings that took place in the state

(where according to newspaper reports hundreds/thousands of people gathered to watch) and again, found no record of criminal convictions of lynch mob members.²

And yet it is clear that the prosecution of Black Tennesseans for crimes and misdemeanors was taken very seriously by Tennessee's law enforcement officials. Between 1866 and 1916, Black men consistently outnumbered White men, two to one in the Tennessee Prison population (Tennessee Convict Register Books, Biennial Reports 1866-1916).³ Of the 106 men executed by the state between 1870 and 1913, seventy-one were Black (Tennessee Convict Register Books, Biennial Reports 1870-1913). Fifty-eight men were electrocuted by the state between 1913 and 1938, and forty-nine of these men were Black.⁴ Gossett (1992) found that physically strong Black convicts in Tennessee were always sent to the Brushy Mountain State Prison mines during and after the period of convict leasing (1872-1896), while White convicts "were either working in relatively clean and safe industries such as soap-making and the garment factory or were idle" (248).⁵

But the arrest and prosecution of Whites for lynching or pogroms against Blacks received little to no support. The record of prosecution in Tennessee is completely silent.

The lack of justice provided Black American citizens after the Civil War and the inability

²See Appendix One. We do find two cases, however, when Sheriffs were indicted for not sufficiently protecting the victim from the mob. One of these cases resulted in a hearing before the Supreme Court in March of 1906. I will explain this case in detail in chapter three.

³ In 1870, Blacks made up 26% of the total Tennessee population; 1890 = 24%; 1920 = 19% (United States Census.)

⁴ From Nashville: Of the twenty-six prisoners executed by the state between 1913 and 1957, twenty-one were Black; From Chattanooga: of the eight men electrocuted or hung by the state between 1921 and 1943, all were Black. From Knoxville: of the thirteen men electrocuted or hung between 1922 and 1960, nine were Black. Memphis: of the 31 men electrocuted or hung between 1912 and 1949, 29 were Black (Crane and Crane 1979).

⁵ After leasing prisoners to private corporations was abolished in Tennessee, the state operated Brushy Mountain mine with convict labor for itself, requiring all state owned institutions to purchase their coal from Brushy Mountain.

of government institutions to address it in a comprehensive manner at the time is a burden borne by all Americans today and a topic that deserves redress.

This project provides a summary account of the violence committed by White lynch mobs against Black Americans between 1865 and 1964 and a detailed account of the same topics during the same time period for Tennessee. This period roughly coincides with the passage of the first Civil Rights Act (1866) which declared

All persons ...shall have the same right in every State and Territory to... the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other

and the passage of the second Civil Rights Act passed by Congress one-hundred years later (1964) that mandated the extension and enforcement of many of the same rights and liberties.⁶ These historical bookends represent turning points in the legal treatment of Black Americans- both are Congressional mandates requiring local and state governments to extend the rights (and protections) of citizenship to everyone within their jurisdiction, regardless of the color of their skin. Both bills also authorized the United States Attorney General to file lawsuits for the protection of rights secured by the Constitution or other United States law.⁷

That it took two Civil Rights Acts enacted one hundred years apart to mandate the equal protection of law and due process for all American citizens, regardless of color, is normatively troubling. The need for further legislation highlights the inability of the

⁶ Three other bills (The Enforcement Act of 1870; The Civil Rights or Ku Klux Klan Act of 1871; and the Civil Rights Act of 1875) built upon the original Civil Rights Act of 1866, further articulating that it was a crime for any person or for the state to inhibit or intimidate the Freedmen from the exercise of civil rights and liberties.

⁷ Between 1866 and 1964, there were only six cases brought in Tennessee by private citizens or the Attorney General asking for the protection of the Civil Rights statutes of 1866, 1870, 1871 and 1875.

Federal government to meet the demands of the original Civil Rights Act and the unwillingness of local and state governments to provide all citizens, regardless of color, the equal protection and due process of law.

I address other violent episodes that occur outside of this time period in Tennessee, such as the assassination of Martin Luther King Jr. in Memphis in 1968 and the spate of church burnings state-wide in 1996 as well as the increase in race-based hate-crimes between 2006 and 2008. I do this to show that while Tennessee has made remarkable progress in its race relations since 1964, Tennessee still has room to improve. But the project primarily details the one-hundred years after slavery was abolished and moves in chronological order. A primary facet of this story is the passage of time, the progress that has been made over time and the work that remains to be done.

In this opening chapter, in order to set the stage for the story of racially motivated violence in Tennessee, I summarily outline hypotheses offered by scholars of violence, race relations and Southern politics regarding the causes of inter-racial violence, detailing that all of these theories suggest potentially causal factors. In contrast to the extant theories, I argue that the lack of the rule of law is the overarching mechanism explaining pogroms, lynchings and race riots in Tennessee. I then explain why I have chosen Tennessee as a case study. I detail the methods used to collect my data and I set out the road-map for the rest of the dissertation. I conclude this introduction with a brief discussion of how the rule of law might be reinvigorated through racial-reconciliation and briefly describe the role I believe government institutions should play to facilitate this process. This will be discussed again in detail in the dissertation's conclusion.

Lynching, Race Riots, Pogroms and Theories of Violence

The practice of violence, like all action, changes the world, but the most probable change is to a more violent world – Hannah Arendt 1970, 177

“No one concerned with history and politics can remain unaware of the enormous role violence has always played in human affairs” (Arendt 1970, 110). Violence is a method or a tool (not an end in itself) used to bring about the desires of the wielder; and violence most often appears where power is in jeopardy (Darrow 1902, Arendt 1970).

In *Reflections on Violence*, Georges Sorel (1908, 60) stated, “The problems of violence still remain very obscure.” Arendt argued that beyond the problems of obscurity, attempts by social or natural scientists to “solve the riddle of ‘aggressiveness’ in human behavior,” had the potential to be “pernicious” and “theoretically dangerous” (1970, 171-172), because such attempts might lead to belief that in certain cases, humans were incapable of exercising their own agency against violence, i.e. that violence is a natural, instinctual or uncontrollable human characteristic- bound to occur when subject A is exposed to stimulus B. Arendt, with emphasis on inter-racial violence wrote,

the danger of being carried away by the deceptive plausibility of organic metaphors is particularly great where the racial issue is involved. Racism, white or black, is fraught with violence by definition because it objects to natural organic facts- a white or black skin- which no persuasion or power could change; all one can do when the chips are down is exterminate their bearers... (1970, 173).

She hesitantly stated that if causal chains could be drawn with regard to violence, the connections would be that violence is a logical consequence of racism because of the nature of racism-when one believes another being is inferior because of their biological traits, treating them less than human is likely. She also consistently maintained that when

those who have power (government or governed) feel it slipping away, they will often resort to violence in an attempt to hold on to power (Arendt 1970).

Despite the obscurity or perniciousness associated with solving the causal problems of violence, scholars from different fields across generations, from Hobbes (1651) to Robert Wright (2001) have attempted to find causal links between violence and biology, psychology, economics, and political power.⁸ I will outline some of the theories, particularly with regard to inter-racial violence, and conclude with my own restatement *ala* Hobbes, to wit: because one of the primary purposes of government and adoption of the rule of law is to monopolize dispute resolution and thereby stem violence, government that knowingly allows vigilante violence to become the norm is responsible for the legacies of violence that continue to affect us today.

Racial and Power Threat Theories

Arendt's observations dovetail nicely with V.O. Key's (1949) articulation of "racial threat" theory which found that Southern White political attitudes in the first half of the twentieth century were most conservative, public policies most oppressive and Southern behavior most "aggressive" in communities with the highest concentration of Blacks (Key 1949: 5).⁹ In order for Whites to retain power, the numerically dominant Black population must not be able to exercise civil or political rights.

⁸ Hobbes, author of *Leviathan* (1651), believed that because bloody, violent anarchy was inevitable in the state of nature, nature must be abandoned for the state of monopolized dispute resolution by a centralized power. Robert Wright in *NonZero* (2001) argues that over time human beings have realized that violence is wasteful and that people are more valuable alive than dead.

⁹ Recently, the racial threat hypothesis has been restated as "the decades old truism that proximity to Blacks causes Whites to exhibit racial hostility" (Voss 1996, 1157.) This theory will be analyzed in special reference to racially motivated violence in Tennessee, where Blacks have always been and continue to be

Many tools were developed to ensure the oppressed status of Southern Blacks: debt peonage and convict leasing were among the most prolific. By 1905, over 100,000 Southern Black men had been arrested for inability to pay their bills or vagrancy and “leased” by state governments at a profit to mining operations, turpentine companies and cotton plantations (Blackmon 2008). Tennessee engaged in the practice from 1872 to 1896, resulting in thousands of “strong Black males” (1,066 in 1896 out of a total prison population of 1,525) being “immediately transferred to the mines” where “not one convict lived longer than ten years, even though twenty percent of the prison’s convicts had life sentences” (Gossett 1992, 246-247). Convict leasing also caused several bloody battles between free laborers and state militia tasked with enforcing the convict-leasing contracts (Wilson 1938). But this means of control was “legal.” Another effective method of ensuring Black Southerners could not exercise their civil or political rights was through lynching.

Lynching

Between 1882 and 1968, 3,437 Black men were lynched in the United States, of which 3,029 occurred in the former Confederate South (NAACP Lynching Records at the Tuskegee Archives). Lynching, the extra-judicial mob murder of an individual, is most often associated with hanging, but victims were also shot, burned, dragged to death and tortured (Pfeifer 2004).

On August 4, 1899, *The New York Times* interviewed several Southern Governors regarding lynching in their states. The Governors of South Carolina, Arkansas and

most heavily concentrated in the Western part of the state and least concentrated in the Eastern part of the state.

Georgia all replied that “the only hope for relief lies in the stopping of the particular crime which is chiefly the occasion of mob law,” i.e. Black male assault of White women (*The New York Times*, August 4, 1899, 1). In his book *The Truth About Lynching and the Negro in the South*, Collins (1918) stated that the Black Man’s propensity for rape and violence made lynching necessary. Of course this was a huge “straw man,” and indicative of the racist work that paraded as scholarship during this era. Nevertheless, these sentiments were bolstered by a belief by many Southerners that courts as a vehicle for dispute resolution were ineffective or unnecessary when it came to regulating Black behavior. The *New York Times* reported that “Southerners believe the quips and quirks of the law” justified lynching, as “the tedious delays and obstructions which operate so often, defeat justice” (November 25, 1895).

Ida B. Wells Barnett (1892) maintained that lynching Black men was not a tool of crime deterrence or the punishment of criminals. Barnett asserted that when Blacks were arrested for crimes, they were usually dealt with harshly by the legal system. One of the first to compile detailed lists of lynching victims and their alleged crimes, Barnett found that alleged sexual assault of White women was not, in fact, the leading reason Whites lynched Blacks. Only one in four of the lynchings she studied began with an accusation of Black sexual assault or rape (Wells 1892).¹⁰ She alleged that White men recognized Jim Crow legislation alone, coming to fruition during her adulthood, would not be enough to ensure that the large Black population in the South would not advance economically, socially or politically. She argued that rather than as crime deterrents,

¹⁰ This ratio was validated by Brundage’s (1997) study of lynching as well, which actually found that rape or attempted rape accounted for 15% of all lynchings in his data set.

lynching and mob violence were used to eliminate threats to political and economic power (Wells 1892, Brundage 1997).

Barnett's insight was articulated by sociologist Hubert Blalock in his work *Toward a Theory of Minority Group Relations* (1967) as the "power threat" hypothesis. He proposed that two distinct motivators lead a majority group to violently oppress a minority group: political power and economic power. Blalock recognized that struggles over these resources often occur simultaneously; as such causality is difficult to discern. But Blalock, like Key, maintained that the level of oppression should vary according to the size/concentration in numbers of the minority population and whether the majority is trying to horde a) political power or b) capital. Blalock believes that with regard to both resources, the majority group is going to increase oppression of the minority group when the resource is threatened.

Blalock (1967, 159) also stated that competition for political power or economic power might end in

symbolic or ritualistic forms of violence such as lynching. I have attempted to test the theory [that the greater the number of minorities in a community, the greater the violence will be] using lynching rates, but inadequate data, the infrequency of lynchings, and certain methodological difficulties have prevented me from obtaining definitive results.

In the 1970s and 1980s, sociologists Reed (1972), Corzine, Creech and Corzine (1983) and Tolnay, Beck and Massey (1989) attempted to pick up where Blalock left off with more substantial lynching data. Reed and Creech et al. found support for the political component of the "power threat" hypothesis, where Tolnay et. al. were more convinced by the economic component as explaining the dispersion of lynching over time and space.

Explanations rooted in group-threat theories tap the communal nature of lynching. Lynching differs from simple murder in many ways, but particularly in the fact that it is a group that serves as executioner. Thus communal psychosis was another hypothesis offered to explain the practice of lynching and mob violence in the South (Dollard 1937). Dollard asserted that frustration and aggression stemming from economic insecurities and religious fanaticism combined to create a repressed frenzy in communities throughout the South (1937).

Furthering the group psychosis explanation, Dahlke (1952), like Herbert Blumer (1958), argued that group violence was not a function of individual prejudice per se, but of “group position” created through different racial groups collectively and publicly projecting negative images onto one another over time, images that reinforce feelings of racial superiority, differentness of minorities, fear and suspicion. When a group is consistently denigrated,

its situation, in the absence of mitigating norms of justice and humanitarianism, becomes extremely precarious. Violent expression of disesteem on the part of the superordinate group may readily result (Dahlke 1952, 420).

Patterson found lynching often took the form of a communal cleansing ritual; almost a religious sacrifice (1998). He documents clergy members who condoned and sometimes incited mass lynching by marking the lynching victim as the community’s sacrifice for its sin and wickedness (Patterson 1998). Patterson draws out the similarities of Southern lynching with ritualistic human sacrifice performed in ancient cultures under the guidance of religious leaders, bolstering the communal psychosis theory of lynching.

The Media

Several scholars have found that newspapers played a prominent role in provoking lynching in the South (Washington 1913; Dahlke 1952; Godschalk 2006; Wasserman 2006). Wasserman (2006) in *How the American Media Packaged Lynching 1850-1940* finds that newspaper coverage fueled the occurrence of lynching by persistently dramatizing the supposed propensity of Black male aggression toward White women. Southern papers would

give these rape and sexual assault stories massive front-page publicity [and] package their stories about lynching in more favorable terms than the rest of the nation. As one Southern paper put it in the coverage of a lynching concerning an alleged African American offender: 'Usual Crime: Usual Cure' (Wasserman 2006 ii.)

Wasserman (2006) also found that favorable newspaper coverage of lynching began to change in the South with the introduction of anti-lynching bills in the United States Congress in the 1930s: the threat of Federal intervention into Southern affairs seemed to affect the support shown for lynching amongst the people and the press.

Cultural and Economic Factors

Alongside group-threat explanations, "economic fear" (Myrdal 1944, 563), and "economic frustration" (Hovland and Sears 1940, 31) are usually stressed as causal factors of White angst that released itself through violence. Hovland and Sears (1940) found support for the theory that as the per-acre value of cotton dropped, lynching of Black Southerners in the Southern black-belt (where the antebellum plantation economy was most prevalent) would increase. Economic frustration led to lynching of Blacks, they argued, because the true source of economic deprivation, landlords and cotton

speculators, were too powerful to retaliate against and Blacks represented economic competition as well as easy targets (Hovland and Sears 1940). Thus when the cotton crop was healthy, violence was abated. But when the cotton crop was poor, the frustration of poverty prompted poor Whites to find a Black scape-goat for their misfortune.

Scholars of the Progressive era, e.g., Charles Beard (1928), Clarence Darrow (1901, 1928), W.E.B. Dubois (1932), believed that rather than individual psychosis or group threat, and more than economic angst alone, lynching was a “cultural” problem. They asserted a lack of strength in: local law enforcement, educational, religious and civic institutions caused racially motivated violence. In addition, Progressives believed the dearth of comprehensive institutional approaches to poverty, economic stagnation and labor disputes at the local, state and federal levels contributed to the melee (Kennedy 2007).

The Progressive critique of social or cultural conditions as causal factors of Southern violence inspired Southern sociologists in the 1920s and 1930s, like Howard Odum and Arthur Raper, to dedicate more time and attention to lynching and racially motivated violence. These scholars agreed with the Progressives that lynching would

ultimately fade from the scene with the general rise of the cultural level, which alone can provide the basis for the development of a public which will discard these crude methods of group expression. It is a matter of major importance to stimulate this cultural advancement (Raper 1933, 51).

Most of these thinkers believed that Southern industrialization and urbanization would lead to stronger schools, civic organizations, democratic norms and respect for the rule of law (Young 1928; Raper 1933).

But modernization in the South was not a panacea, specifically because it was both jarring and contested (Wright 2009). Mechanization only benefitted those that could afford tractors and cotton threshers, not the economically depressed majority of Southern farmers, Black and White. Urbanization led to safety-in-numbers for Black Southerners, but also crowding and over-stretched public services (Raper 1933). Industrialization in the South was also problematic. Blacks were rarely granted work in the textile mills of the Carolinas (Raper 1933). And in the mines of Alabama, Tennessee, Kentucky and Virginia, Black convicts were used as scabs when White workers asked for better working conditions or higher wages (Jones 1998; Blackmon 2008). This created additional animosity between Black and White Southerners as well as further economic stratification. Thus modernization was not necessarily the answer to the South's social difficulties or propensity toward vigilante violence.

Raper (1905), White (1929) and Myrdal (1944, 563) noted the "isolation, the dullness ... and the general boredom of rural and small town life" was a major contributor to the relationship between the frequency of lynchings and poor, rural communities. As H.L. Mencken caustically opined,

lynching is a sport popular in the South because the backward culture of the region denies the populace more seemly recreations [such as] those afforded by brass bands, symphony orchestra, boxing matches, amateur athletic contests, shoot-the-chutes, roof gardens, horse races and so on (1919, 69).

But this "small town- lack of amusement" hypothesis is also troubling because lynchings took place in Southern cities with equal or greater frequency. In Tennessee, Memphis, a city replete with symphonies, opera and institutions of higher learning, hosted the highest number of lynchings of any locale (Project Hal 2003, Tuskegee Archives).

In *An American Dilemma: the Negro Problem and Modern Democracy* (1944), Gunnar Myrdal, a Swedish scholar recruited by the Carnegie Foundation to investigate race relations in America, found several contributing factors to racial violence between Blacks and Whites. He believed economic insecurity on the part of Whites, coupled with Black attempts toward economic independence, small-town boredom, race-hatred and either incompetence or complicity on the part of police were all conceivable culprits. Myrdal found that in truth, “the causation [of white mob violence] is such that, when the time is ripe, almost any incident may touch it off” (Myrdal 1944, 564).

An Absent Rule of Law

While small town boredom, sexual obsessions, bad cotton harvests and over-zealous assertions of honor have all been asserted to play a role in Southern lynching, all of these social and economic phenomena were subject in law, if not in practice, to well established institutions of government. The refusal or inability of local, state and federal law enforcement officials to administer justice: to prevent lynching in the first place and at a minimum to arrest and prosecute those who formed the lynch mob, is the true culprit in the saga of American racial violence.

When a community is well ordered and adheres to the rule of law, disputes between individuals are resolved by impartial institutions (Feinberg 1965; Altman 2001; Donnelly 2006). Dispute resolution in a constitutional democracy like the United States is not a triviality to be determined by the will of a mob (Hobbes 1651; Raper 1933; Altman 2001). Rather, in communities governed by the rule of law, the people trust their institutions to wisely and fairly resolve their disputes on the basis of factual evidence, not

allegations and accusations (Altman 2001). The rule of law rests on judge-made as well as written law, like the United States Constitution. The Constitution after the Civil War mandated that every citizen, Black and White, would receive the equal protection as well as the due process of all American law.¹¹ And law enforcement officials and mechanisms: sheriffs, juries and judges alike, swear to uphold the Constitution as a condition of their employment.

I argue that when law enforcement officials balk at their sworn duty, they send a signal to the community that the rule of law does not apply. When jurors, in the few cases where they were impaneled to issue an indictment, find that lynching occurred at the “hands of parties unknown,” they too send a signal that the rule of law does not apply. In other words, the behavior of a town’s law enforcement mechanisms sets the tone for whether a bad cotton crop or perceptions of threat are valid excuses for murder and whether or not there will be legal consequence for such behavior.

It was argued at the time and is clear now that lynching did not deter crime in the communities where it was practiced (Woodson 1918; Myrdal 1944). Lynching arguably promoted criminality as it established that crimes committed against Black people would go unpunished. Raper (1933) found, of the twenty-one lynchings that occurred in 1930,

Two of the 1930 mob victims were innocent of crime (they were not even accused), and there is grave doubt of the guilt of eleven others. In six of these eleven cases there is considerable doubt as to just what crimes, if any, were committed, and in the other five, in which there is no question of the crimes committed, there is considerable doubt as to whether the mobs got the guilty men.

¹¹ See The Civil Rights Act of 1866; The Enforcement Act of 1870; The Civil Rights or Ku Klux Klan Act of 1871; and the Civil Rights Act of 1875.

In his book *Lynching and the Law* (1933), Chadbourn asserts that “only about eight-tenths of one percent of the lynchings in the United States since 1900 has been followed by conviction of the lynchers” (13).

Of the 213 cases where a Black person was lynched in Tennessee between 1871 and 1944, I have been unable to find records of a judge or jury ever finding an individual who participated in the lynch mob guilty.¹² One Tennessee historian asserts that “Ninety-nine percent of mob-members escaped arrest and punishment” (Bennett 2002). When law enforcement allowed mob lynching to take place or refused to arrest mob ringleaders, law enforcement implicitly condoned the murderous behavior. And unfortunately this cycle repeated itself over and over again in Tennessee from 1871 to 1944.

Lynching was undoubtedly an extension of the exploitative economic order in the South (Tolnay and Beck 1995) as well as repressive social conditions (Raper 1905; White 1929; Myrdal 1944). Violent racism grew alongside the myth of White supremacy (Collins 1918) as well as political disfranchisement of Blacks (Fleming 1995). But *more than these*, the responsibility for lynching and mob terror rests with the refusal of law enforcement to uphold and enforce the law. And for this, local, state and federal governments bear responsibility. As Myrdal wrote

It would be easier to prevent and punish [lynching] with an adequate police and court system than it would be to curb lynching, for the white perpetrators of these outrages are more often individuals than groups..who do not respect the rights of Negroes on equal terms (1940, 566).

¹² Again, see Appendix One. There are two exceptions: in one case, a local Sherriff was indicted for not sufficiently protecting the victim from the mob. The other case resulted in a hearing before the Supreme Court in March of 1906. I will explain this case in detail in Chapter Four.

This theme of lawlessness and the responsibility for lawlessness will be carried throughout this project. Lawlessness was not limited to lynching however; it took other forms which will be discussed in the following section. Whether there is a responsibility to address this lawlessness today will be the project's final argument.

Pogroms and Riots

Alongside lynching, other forms of violence for the purpose of Black economic, political and social oppression took root in America in the aftermath of the Civil War: Race Riots and Pogroms- each will be discussed in turn. Race Riots and Pogroms differ from lynching in that

[T]he riot is the most extreme form of extra-legal mob violence...it is not a one-way punishment, but a two-way battle. The Negroes may be hopelessly outnumbered and beaten, but they fight back. There is danger to the white man participating in the riot as there usually is not when he engages in a lynching (Myrdal 1944, 566).

For the purposes of this project, I differentiate between Race Riots and pogroms. There are two primary differences between the two phenomena: what happened to the Black community *after* the violent episode and to what degree the Black populace could defend itself.

With a pogrom, defined by the *Encyclopedia Britannica* as a mob attack against the persons or property of a religious or racial minority, the Black community was forced to leave permanently, as was the case in Erwin, Tennessee.¹³ Black people were not given the opportunity to return to their homes and rebuild. Conversely, Race Riots occurred in relatively more urban settings and in many cases, a significant portion of the

¹³ See Prologue.

Black community remained or returned to pick up the pieces and rebuild their lives (Myrdal 1944; Grimshaw 1969).

In both race riots and pogroms, armed White mobs, often supported by law enforcement, invaded Black enclaves or neighborhoods, beat and murdered Black civilians and destroyed Black-owned property (Grimshaw 1969; Ikard 1997; Capeci 2007; Neeno 2009). In many cases, Blacks retaliated, as in the Knoxville (1919) and Columbia (1946) race riots in Tennessee, but most often (between 1865 and 1964) Blacks were outnumbered and out-gunned (Myrdal 1944; Grimshaw 1969; Capeci 2007; Neeno 2009).

Race Riots during this time period are documented as having occurred in both the North and South.¹⁴ Myrdal warned that riots were even more damaging to attempts at amicable race relations than lynching. He found that Whites who lynched innocent or helpless Blacks sometimes felt “a twinge of guilt” (1944, 568). But riots, where in some cases, Blacks attempted to defend themselves, or Whites were killed, intensified the fear and insecurity on the part of Whites and eradicated feelings of culpability.

¹⁴ Race riots are documented as having occurred in: Memphis and New Orleans (1866), Camilla, Georgia; Opelousas, Louisiana and Pulaski, Tennessee (1868), Laurens, South Carolina; Eutaw, Alabama and Alamance County, North Carolina (1870), Meridian and Philadelphia, Mississippi (1871), Colfax, Louisiana (1873), Vicksburg, Mississippi, New Orleans and Coushatta, Louisiana (1874), Yazoo City, Mississippi and Eufala, Alabama (1875), Hamburg and Ellenton, South Carolina (1876), Clarksville, Tennessee (1878), Danville, Virginia (1883), Thibodeaux, Louisiana (1887), Wilmington, North Carolina (1898), Newburg, New York (1899), New York City and Akron, Ohio (1900), Atlanta (1906), Springfield, Illinois (1908), East St. Louis, Missouri; Philadelphia, Pennsylvania and Houston, Texas (1917), in twenty-six cities and towns the summer of 1919, Tulsa, Oklahoma (1921), Rosewood, Florida (1923), Detroit, Michigan and Harlem, New York (1943), and Columbia, Tennessee (1946) (Brown 1975, 324; Gibson 2004; Rucker 2007).

Pogroms

As referenced in the Prologue, one book has been written, to my knowledge, chronicling the American pogrom phenomenon: *Buried in the Bitter Waters: The Hidden History of Racial Cleansing in America* (2007) by Elliot Jaspin.¹⁵ One of the key contributions of my research is that it is the first major documentation of pogroms in Tennessee and one of the first to systematically examine this question in the United States.

Jaspin notes that there are very few records documenting the pogroms and that today, these incidents are only very tentatively discussed. He interviewed hundreds of people for the book and found that

[When] a community feels a need to either deny or shade its history [it] is a measure of just how powerful these racial cleansings remain. In part, townspeople may want to edit the past as a way to protect the memories of their fathers and grandfathers who took part in these expulsions. But by shading what happened, or denying it entirely, they are also protecting the legacy of these cleansings. Through a variety of devices, these communities continue the project their ancestors began- an all-white society...By denying what took place long

¹⁵ This is compared to book-length treatises that address the Race Riot phenomenon (Brown 1975; Gilje 1996; Rucker and Upton 2007) as well as the lists of Race Riots found in other volumes (Myrdal 1944; Grimshaw 1969; Brown 1975; Tolnay and Beck 1995; Rucker 2007; Neeno 2009). The only other source I have found referencing pogroms comes from Ray Stannard Baker's *Following the Color Line: An Account of Negro Citizenship in American Democracy* (1908, 71). Baker references Evening Shade, Arkansas (1906), Springfield, Ohio (1907) and Greenburg, Indiana (1907) as towns that forced the entire Black population to leave. He also chronicles Lawrenceburg, Ellwood and Salem, Indiana as being towns where "no negro is permitted to stop overnight...nor have negroes been permitted to live [there] for years" (Baker 1908, 126). These places where Blacks were not allowed to live or be present overnight are chronicled by James Loewen in *Sundown Towns: A Hidden Dimension of American Racism* (2005). Whites in these towns would inform Black people upon arrival that they were not welcome there. There would often be signs posted at the city limits, such as the one in Hawthorne, California in the 1930s, which said "Nigger, Don't Let the Sun Set on YOU in Hawthorne." Loewen found concrete evidence (in the form of signs like these) of approximately 1,000 of these towns existing, primarily in the Midwest and Northwestern states; leading him to conclude that racism in America was not simply a Southern problem. Baker (1908) makes similar statements in his book, opining that the Black man in Philadelphia or Indianapolis was just as likely to be set upon by a White mob as a Black man in Mississippi if the right circumstances presented themselves.

ago, they can claim that their racially ‘pure’ world is a coincidence, when in fact, it is not. (Jaspin 2007, 11).¹⁶

Pogroms physically uprooted families. They deprived citizens of the economic security found in their homes and their jobs and the emotional security found in having a place to call home. In many of these communities, Blacks were too afraid to return to their homes and collect their belongings, assuming that anything was left -in many cases the communities were burned (Jaspin 2006). Further, they had to abandon land that still had value. According to Jaspin, in many of the pogrom sites he investigates, the “abandoned” land was sold at a profit by the county.¹⁷ Pogroms not only created a contested legacy of why today no Black families live in the communities where they occurred, they deprived Black families of capital invested in their homes, land and employment.

I will go into further detail regarding Tennessee’s specific history of lynching, race riots and pogroms in upcoming chapters. While racially motivated violence took place across America, Tennessee will be this project’s focus for reasons I explain in the next section.

¹⁶ None of these pogroms are included in the Race Riot lists that have been compiled by other authors. According to Jaspin (2006), pogroms occurred in Washington County, Indiana (1864); Comanche County, Texas (1886); Polk County, Tennessee (1894); Pierce City, Missouri (1901); Evening Shade, Arkansas (1906); Marshall County, Kentucky (1908); Boone County, Arkansas (1909); Forsyth County, Georgia (1912); Erwin, Tennessee (1918), Corbin, Kentucky (1919); Blanford, Indiana (1923); Spruce Pine, North Carolina (1923).

¹⁷ I was unable to find conclusive evidence of this in Tennessee. In the majority of the places where pogroms occurred in Tennessee, Blacks were not property owners. In the few cases where I was able to document property ownership, the property was usually sold, presumably under duress, to a neighbor for a fraction of the cost originally paid for the property. This occurred in Erwin and Lafayette Tennessee.

Tennessee as a Case Study

“Geography, economics, race and political philosophy have divided the state almost from the beginning into three ‘Grand Divisions’” (Lamon 1981, viii). East Tennessee is mountainous territory, where the Appalachian mountain range straddles the Tennessee, Georgia, North Carolina and Virginia state lines. The soil is not suited for cotton production and the slave population as a percentage of the total population in East Tennessee never grew above 10 percent (Lamon 1981, 15). East Tennessee’s original White inhabitants were primarily Scotch-Irish Protestants, many former indentured servants themselves, zealous of individual freedom and inhospitable to strangers (Eberling 1926).

Intensive democracy has been a continuing characteristic [of East Tennessee] which not even the eminently aristocratic institution of slavery could overcome. In no part of the earth is the belief in the equality of men stronger or more persistent than in East Tennessee, where Union loyalty was never surrendered and slavery rarely endorsed (Eberling 1926, 20).

It was East Tennessee that was home to “the first newspaper in the United States devoted to the abolition of slavery” (Mielnik 2002). Quaker Elihu Embree’s *Emancipator* was published in the state’s first capitol city, Jonesboro, Tennessee, in the northeastern part of the state in 1820 with a circulation of 2000 readers within and without the state (Patton 1932; Mielnik 2002). Manumission societies from East Tennessee petitioned the Tennessee General Assembly every legislative session between 1796 to 1840 for the abolition of slavery within the state (Patton 1932; Stewart 1973; Fitz 2006).

Middle Tennessee serves as a geographical bridge between the mountainous east and the rich delta soil of the west. Middle Tennessee’s rolling hills suited the production

of tobacco and other staple crops. Bordered by Alabama to the south and Kentucky to the north, Middle Tennessee was home to “some of the largest slave concentrations in the state” (Lamon 1981, 15). President Andrew Jackson’s plantation home, the Hermitage in Middle Tennessee was home to approximately 150 slaves at the time of his death in 1845.¹⁸ By 1840, Black slaves in Middle Tennessee made up 27% of the total population; by 1860, twelve middle Tennessee counties had populations where slaves made up over 35% of the population (Lamon 1981, 15). Nashville and the surrounding counties were the sites of many of the Civil War’s bloodiest battles. Rather than a legacy of manumission societies or abolitionist newspapers, it was Middle Tennesseans (specifically disfranchised Confederate soldiers) who first formed the Klu Klux Klan in Pulaski Tennessee in 1865.

Finally, the soil and economic culture of West Tennessee is most comparable to that of its neighbors Mississippi and Arkansas, where staple crop production was most profitable, large plantations most prevalent and the density of African slaves most substantial: in 1860, seven of the southwestern-most West Tennessee counties had populations of over sixty percent African slave (Ash 1988, 11). West Tennessee legislators (in comparison to East Tennessee) voted uniformly for dissolution from the Union in 1860 and legislatively and violently resisted manumission and emancipation before and after the Civil War (Ash 1988, 205).

Legal historians of the South have claimed that Tennessee jurisprudence before the Civil War was truly “emancipatory.” The Tennessee Supreme Court prior to the outbreak of Civil War represented

¹⁸ “Slavery at the Hermitage” accessed May 1, 2010. www.thehermitage.com/slavery

in absolute terms, the most generous emancipatory jurisprudence of any Southern Court...the only room for dispute about the court's behavior consists in whether to describe it as full scale anti-slavery or only partially so (Nash 1968, 234; *see also* England 1943; Nash 1970; Ely 2002).

Evidence for this assertion can be inferred from the fact that two of Tennessee's antebellum Supreme Court justices (both from East Tennessee) were active abolitionists (Ely 2002); and from language like that used in *Ford vs. Ford* (1846, 95), where Tennessee appellate court Judge Nathan Green wrote

[A slave] is made after the image of the Creator...equal to his owner but for the accidental position in which fortune has placed him...but the law under which he is held as a slave have not and cannot extinguish his high-born nature.

But legal justice in Tennessee also seemed to vary by region.

By far the highest rate of acquittals and the lowest rate of convictions [of slaves brought to trial for criminal activity] were registered in East Tennessee. Conversely, the lowest rate of acquittal and the highest rate of conviction were recorded in West Tennessee. The rates in Middle Tennessee tended toward those in the West (Howington 1982, 276).

Tennessee lost more money, land and soldiers during the Civil War than any other Southern state with the exception of Virginia (Whiteaker 2002). In addition, Tennessee was the only southern state which had a considerable body of citizens who remained constantly loyal to the Union (Eberling 1926). A majority of Tennesseans (69,000 vs. 58,000) in March 1861, voted *against* secession (Whiteaker 2002). It was not until shots were fired at Fort Sumter in June 1861 that Tennessee legislators agreed to secede; even then, elected representatives from 26 East Tennessee counties issued their own declaration to secede from the state of Tennessee (Thirty-Third Tennessee General Assembly, Senate Journal of the Second Extra Session, April 25, 1861; Whiteaker 2002). Politicians in Nashville denied the legitimacy of the declaration and sent Confederate troops to occupy East Tennessee for the remainder of the war (Van West 1988). East

Tennesseans then resorted to guerilla warfare against the Confederate troops, burning bridges and mangling train tracks (Whiteaker 2001). 20,000 Black men from all over Tennessee and 30,000 White Tennesseans enlisted to fight for the Union, with approximately 100,000 Tennesseans enlisting to fight with Confederate forces (Whiteaker 2001).

These factors combined made post-war Tennessee truly a war-torn state. All Tennesseans were devastated by the war in one way or another. How the state was going to rebuild itself economically, physically, politically and socially in the war's aftermath were not settled questions.

Tennessee's regional, political, agricultural, economic, racial and ideological variation; its history of manumission societies alongside its history of Klan violence; its status as the only Southern state to maintain a semblance of political and military loyalty to the Union; its lack of subjection to Federal Military Reconstruction; its history of being the first Southern state to ratify the 14th Amendment alongside its status as the first state to judicially uphold Jim Crow segregation; and the fact that "for the post-bellum period in Tennessee's history few published works focus upon or include substantial information regarding Black Tennesseans" (Lamon 1981, 117) make Tennessee a relevant case study for examining the nexus between race, violence and the equal protection of law in the post-war South.

Tennessee Data: Lynching and Pogrom

In this section, I explain how I gathered the data that will be analyzed in the following chapters. There are three sources I consulted to identify the Black people

lynched in Tennessee between 1865 and 1944 (the year of the last recorded lynching.)

First, I copied the data compiled by the NAACP (National Association for the Advancement of Colored People) in *Thirty Years of Lynching in the United States: 1889 – 1919*, first published in 1919. The NAACP finds that 163 Black men were lynched in Tennessee between 1889-1913.¹⁹ Next, I consulted an online data set which chronicles lynching in the South and adds new information as it becomes available: *Project HAL: Historical American Lynching Data Collection Project*. This database was developed by Elizabeth Hines and Eliza Steelwater at the University of North Carolina at Wilmington. The HAL study (1882 – 1930) lists the number of Tennessee’s Black lynching victims at 173.²⁰ Finally, I consulted Crane and Crane’s study of Tennessee law enforcement and prisons, *Tennessee’s Troubled Roots* (1979) which compiled lynching data from several sources and reported that in Tennessee, between 1871 and 1944 (the year the last man was lynched in Tennessee), there were 213 Black men lynched.²¹ Because Crane and Crane’s focus was on Tennessee, incorporates the same records used by Project Hal, and

¹⁹ The NAACP records were updated semi-annually over the following two decades in the NAACP’s *The Crisis* periodical. In order to be included in the NAACP data, four criteria must have been met: “1) evidence that a person was killed; 2) the victim met death illegally; 3) Three or more persons participated in the killing; 4) the group acted under the pretext of service to justice or tradition” (NAACP 1919).

²⁰ According to the HAL website, “the original data came from the NAACP Lynching Records at Tuskegee Institute, Tuskegee, Alabama. Stewart Tolnay and E.M. Beck examined these records for name and event duplications and other errors with funding from a National Science Foundation Grant and made their findings available to Project HAL in 1998.” Accessed June 1, 2009:
<http://people.uncw.edu/hinese/HAL/HAL%20Web%20Page.htm>

²¹ Crane and Crane (1979) gathered their lynching data from: NAACP, *Thirty Years of Lynching 1889-1919*; Records of Daniel Williams, archivist, Hollis Burke Frissell Library, Tuskegee Institute (1916-1934); Jesse Ames, *The Changing Character of Lynching 1931-1941*, Commission on Interracial Cooperation, Atlanta, Georgia (1942); *The Negro Year Book, 1947*, Dept. of Records and Research, Tuskegee Institute (1947).

covers twenty-five additional years, I have adopted their data set for my research.²²

Lynching by region of the state breaks down as follows:

Table One: Black Lynching by Region of State

	West Tennessee	Middle Tennessee	East Tennessee
Crane and Crane data	98	90	25

Pogrom Data:

Other than *Buried in the Bitter Waters*, there are no datasets or books written that tally the number of pogroms that took place after Reconstruction. The data I collected was garnered by conducting a word-search using the online archives of the *New York Times*, the *Washington Post*, the *Chicago Defender* and the *Chicago Tribune*.²³ Using the search terms of “Negro”+ “Black” +“Tennessee” + “violence”+ “Klan” + “Race” + “Riot” and limiting the dates of the search to the years between 1865 and 1960, I retrieved over 2000 articles. I then skimmed each article and downloaded 200 that I thought might be of interest. In all I found 94 articles that highlighted particular instances of racially motivated violence in Tennessee. I made sure to look at the days following each instance to see if there was further reporting. The *Washington Post*, *The New York Times* and the *Chicago Tribune* combined referenced 15 instances of racially motivated mass violence between 1865 and 1950 which are listed in Table Two.

²² I compared Crane’s report to a census search I conducted for each of the 213 men and will report my findings on their age, occupation and whether they owned property in the fourth chapter.

²³ These online archives were made available to me through the Vanderbilt University library.

Table Two: Instances of Mass Racial Violence in Tennessee by, Region, Year and Newspaper reference

Memphis, Shelby County, urban Race Riot	West Tennessee, 1866	<i>New York Times</i> , May 1, 1866, p.1
Rutherford County- rural pogrom	Middle Tennessee, 1869	<i>New York Times</i> , August 31, 1869, p.1
Maury County- rural pogrom	Middle Tennessee, 1870	<i>Chicago Tribune</i> , 1/14/1870 p.1
Clarksville, Montgomery County- urban Race Riot	Middle Tennessee, 1878	<i>New York Times</i> , April 15, 1878, p.1
Humphreys County- rural pogrom	Middle Tennessee, 1885	<i>New York Times</i> , August 25, 1885, p.1
Morgan County – rural pogrom	East Tennessee, 1891	<i>New York Times</i> , December 2, 1891, p.1
Ducktown, Polk County- rural pogrom	East Tennessee, 1894	<i>Washington Post</i> , 4/30/1894, p.6
Roane County- rural pogrom	East Tennessee, 1902	<i>New York Times</i> , February 4, 1902, p.1
Campbell and Fentress Counties- rural pogroms	East Tennessee, 1908	<i>New York Times</i> , August 17, 1908, p.5
Macon County- rural pogrom	Middle Tennessee, 1910	<i>New York Times</i> , June 8, 1910, p.5
Unicoi County- rural pogrom	East Tennessee, 1918	<i>Washington Post</i> , 5/21/1918, p.6
Knoxville – urban Race Riot	East Tennessee, 1919	<i>New York Times</i> , August 31, 1919, p.2
Montlake, Hamilton County- rural pogrom	East Tennessee, 1921	<i>New York Times</i> , September 15, 1921, p.3
Columbia, Maury County- urban Race Riot	Middle Tennessee, 1946	<i>New York Times</i> , April 25, 1946, p.1

Many of these articles verified and augmented the lynching information gathered from the different data bases referenced earlier.

From these articles I took the dates and locations and sought articles on microfilm in the Tennessee State Library and Archives from Tennessee newspapers to buttress the reports. I began with the larger regional newspapers- Memphis, Nashville, Knoxville and Chattanooga and I was also able to find archives of some newspapers in the smaller communities where these instances happened or reports from newspapers in a neighboring county. Some issues of the local newspapers were missing from the microfilm reels and in other cases, there was simply no mention of the violence that was described in the New York or Chicago newspapers. Ultimately, I found original newspaper articles from regional newspapers on microfilm at the Tennessee State Library and Archives for seven of these occurrences.²⁴

Urban Race Riots are documented as occurring in each section of the state: Memphis 1866, Clarksville 1878, Knoxville in 1919, Columbia 1946. Of the 11 rural pogroms for which we have newspaper and census documentation, four occurred in middle Tennessee and the rest occurred in East Tennessee.

The dispersion of lynching and mass violence across the state and its implications will be discussed in Chapter Four. Given the numerical density of Blacks in West and Middle Tennessee, it would appear that Key and Blalock's theories of "racial-threat" help explain the high numbers of Blacks who were lynched, and possibly the four pogroms that happened in Middle Tennessee. But East Tennessee, with the smallest Black

²⁴ I also used census data to bolster the evidence that a pogrom took place, finding that indeed in all of these, the Black population in the decade after the pogrom had definitively decreased.

populations of the three grand divisions and the strongest Republican presence, with by far the fewest lynchings, was also the site of over half of the state's pogroms. That East Tennessee communities with small Black populations would be the sites of so much mass misery is a conundrum. How communities and the state should deal with these disparate legacies of injustice and violence will be the focus of this project's conclusion.

Objective of the Study

After chronicling the degree to which racial violence was tolerated in Tennessee between 1865 and 1964, I argue that local/communal inter-racial dialogue amongst Black and White Tennesseans is necessary for race relations to improve. I also suggest that political apologies on behalf of particular local governments and potentially Tennessee state government are due all Tennesseans, but particularly Black Tennesseans, for the violence that took place and was never punished.

I find that evidence of the worst acts of racial terror (mob lynchings, pogroms and race riots) is often denied (if not actively hidden) by White community leadership and historians, despite the historical evidence (newspaper accounts, census data and property records) that chronicle the events. Perhaps this is understandable: no one wants to tarnish their community's ancestors; but it is also problematic because these acts continue to shape race-relations between Blacks and Whites today. How can race relations be improved when fundamental truths are not acknowledged? As legal scholar Ifill (2007) explains,

If we are honest, we know that it is this history [of racial violence]- not that of affirmative action or busing- that lurks in the dim, gray area of distrust, fear and

resentment between and among blacks and whites. It is there- where overwhelming anger, insistent denial, shame and guilt lie (xix).

I argue further that it is the history of racial violence and not slavery that make the best case for communal dialogue and the potential extension of legal and political redress. The horrors of slavery are undeniable and also merit expressions of profound regret. But before the Civil War, Black Americans were not citizens (*Dred Scott vs. Sanford*, 60 U.S. 393 (1857)) and thus were not technically due the equal protection of law. Further, there are now no living survivors of slavery *per se*. But after the Civil War, after the ratification of the Reconstruction Amendments, the denial of equal protection to Black citizens was not only unconscionable but unconstitutional. And there are survivors of racial terror, perpetrators and victims, who are still with us today.

Communal dialogue will not be easy. Extensive preparation will have to take place before meaningful dialogue could be attempted: experts in the factual history of racial violence must be consulted alongside those versed in legal remedies, practical conflict resolution and mediation. As we will see in the final chapter of this project, political apologies are not easily crafted or secured. And yet a community where racial violence took place publicly owning that history and pledging never to repeat it; an entity (like a government body) that failed to punish wrongdoing, accepting responsibility and expressing regret for it, is symbolically (and legally) powerful. There are American citizens alive today who were subjected to the initiation and aftermath of racist terror at the hands of other American citizens and provided no legal recourse. It is for this period of American history that the most compelling case can be made for dialogue and

apologies and political redress on behalf of culpable institutions, for the damage caused individuals, communities and the legitimacy of local and federal government.

Methods and Analysis

This project uses multiple methods to interpret the data gathered. In the context of racial violence in the South writ large, I specifically investigate (and chronologically discuss) race relations and racial violence. I use census records and state government archives to investigate the context of where each lynching, riot and pogrom took place in Tennessee. Through archival research I detail what information is available about the person lynched. Using period newspapers and periodicals I report what was locally asserted as causal factors of each violent instance and what efforts were undertaken by law enforcement to abate the violence. I then investigate court records (which are frustratingly limited) to determine if any cases were brought on the behalf of Black Americans in relation to the lynchings or pogroms that took place in Tennessee from 1865 to 1965.²⁵

I conducted interviews in Erwin and Jellico, Tennessee, communities where pogroms and riots occurred and report what historians and community leaders say about the incidents today. This is done in an effort to explain why some communities choose not to remember or address their violent pasts and the effects of this communal violence on both Black and White Americans, politically and socially. Lastly, I briefly consider

²⁵ Evidence of any effort to protect Black Americans in Tennessee where mob lynchings and pogroms occurred is frustratingly scant before 1945. Investigations into Black murders or pogroms at the level of the police/sheriff or county coroner were rarely undertaken, which creates a dearth of any activity by the courts to even attempt to secure procedural or substantive justice. What evidence I was able to locate however will be detailed.

case studies from other communities that have addressed their histories of racial violence and argue that that Tennessee's history should also be exposed to the light of truth.

Roadmap

This project is organized chronologically. Race relations in Tennessee after the Civil War and through the first half of the twentieth century were built upon an antebellum foundation that was relatively unique among the Southern states. Time and effort will be spent establishing the context of each period addressed. A primary facet of this story is the passage of time, the progress that has been made over time and the work that remains to be done.

Chapter Two will address race relations in Tennessee from the date of the state's founding in 1796 to the end of the Civil War in 1865. Tennessee's emancipatory jurisprudence and history of abolitionist activity will be discussed as will the experience of slaves and Free Blacks in the state. The issue of "states rights" which rears its head throughout Southern history will be addressed as will southern attitudes toward law enforcement in general. The *Dred Scott* decision and the role it played in hastening the Civil War as well as the services rendered by Southern Black soldiers in the Civil War will set the stage for the second chapter's story of Reconstruction.

Chapter Three will chronicle Reconstruction in Tennessee: 1865 - 1877. The Legislation of the era, the political battles and Supreme Court decisions foreground our discussion of the struggle for civil rights that characterized the decades to come. In this chapter we will discuss the race riot in Memphis in 1866 as well as the pogroms that took

place in Rutherford and Maury counties (1869 and 1870). As the end of Reconstruction is typically associated with the election of Rutherford B. Hayes in 1876, the bulk of the racial violence that takes place in Tennessee will be discussed in the following chapter: what Tolnay and Beck (1995) have referred to as “the lynching era.”

Tolnay and Beck (1995) argue that the lynching era ended with the Great Depression. And yet the last lynching in Tennessee took place in 1944, well after the Great Depression had ended and two years before the race riot in Columbia, Tennessee in 1946. Thus, Chapter Four will cover the period from the end of Reconstruction through 1944. This was the era of Jim Crow legislation when Tennessee government mandated the segregation of Black and White Tennesseans in almost every facet of life and *Plessy vs. Ferguson* (163 U.S. 537 (1896)) which found such legislation constitutional was upheld by the United States Supreme Court. I will discuss some of the most notorious lynchings that took place in the state during this period and set forth descriptive statistics for all of Tennessee’s lynching victims. This is also the era during which nine of Tennessee’s pogroms and two additional race riots took place: these will each be addressed in turn.

Chapter Five will round out our discussion of Tennessee’s past history of racial violence. It will address some of the most trying and violent incidents that took place in Tennessee after World War I. This discussion sets the stage for the story of the Columbia Race riot which would be a fruitful site of present-day communal dialogue about racial reconciliation. This chapter will also briefly discuss the Civil Rights movement in Tennessee, the key actors and struggles experienced here as well as the story of the

Highlander School. The chapter will end with the assassination of Martin Luther King in Memphis and the Chattanooga Race Riot of 1980.

In the Conclusion, I investigate what race relations in Tennessee look like today. I discuss the legacy of racial violence in terms of government legitimacy and responsibility and what efforts have been undertaken by the Tennessee state and Federal governments to address the legacy of slavery and Jim Crow. I then look at the political apologies and remedies sought by the communities of Rosewood, Florida, Greensboro, North Carolina and Tulsa, Oklahoma to deal with the lingering effects of mass racial terrorism. I look at all of these efforts to highlight the relevance of political apologies to contemporary justice, equality and government legitimacy, as well as to learn from these efforts, their failures and successes.

I ultimately set forth my proscriptions for dealing with historical injustice and creating a framework for moving forward as an integrated community in Tennessee. I discuss interviews conducted with Tennessee legislators who recently refused to pass legislation that would issue a statement of “profound regret” (not apology) for Tennessee’s role in perpetuating slavery and Jim Crow. The fate of the “profound regret” bill in the Tennessee legislature illustrates one reason why effective apologies, like effective politics, might have more success at the community level. I maintain that the emphasis of any project that attempts to address historically situated violence mandates a limited public forum where the parties affected can speak frankly with one another. The conversations, in order to be meaningful, should lead to localized recommendations for moving forward as a community willing to ensure liberty and justice for all. I conclude

with my own version of a statement of regret on behalf of Tennessee government and suggest that such a resolution should mandate the creation of localized commissions for the purpose of racial reconciliation.

I believe the story that I relay about Tennessee and the remedies that I put forth could be applied to any Southern state wishing to improve race relations and government legitimacy. It is with this goal, of improving race relations and government legitimacy throughout the country, that this project has been undertaken.