



# **“Worse Than Slavery”**

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PARCHMAN FARM AND THE ORDEAL OF JIM CROW JUSTICE

DAVID M. OSHINSKY

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The abuses of [our criminal justice] system have often been dwelt upon. It had the worst aspects of slavery without any of its redeeming features. The innocent, the guilty, and the depraved were herded together, children and adults, men and women, given into complete control of practically irresponsible men, whose sole object was to make the most money possible.

—Frank Sanborn, keynote address, in *Ninth Atlanta Conference on Negro Crime* (edited by W. E. B. Du Bois), 1901

The convict's condition [following the Civil War] was much worse than slavery. The life of the slave was valuable to his master, but there was no financial loss ... if a convict died.

—L. G. Shivers, "A History of the Mississippi Penitentiary," 1903

The most profitable prison farming on record thus far is in the State of Mississippi ... which received in 1918 a net revenue of \$825,000.... Given its total of 1,200 prisoners—and subtracting invalids, cripples, or incompetents—it made a profit over \$800 for each working prisoner.

—*Proceedings of the Annual Congress of the American Prison Association*, 1918

I have visited Parchman repeatedly and I have found that their cotton was very profitable but that profit was secured by reducing the men to a condition of abject slavery.

—Hastings Hart, reporting to the Russell Sage Foundation, 1921

On the whole, the conditions under which prisoners live in [Parchman], their occupation and routine of living, are closer by far to the methods of the large antebellum plantation worked by numbers of slaves than to those of the typical prison.

—David Cohn, *Where I Was Born and Raised*, 1931

One ... he's a gitten' de leather,  
Two ... he don't know no better,  
Three ... cry niggah, stick yo' finger in yo' eye,  
Four ... niggah thought he had a knife,  
Five ... got hit off'n his visitin' wife,  
Six ... now he'll git time for life,  
Seven ... lay it on trusty man!  
Eight ... wham! wham! he gotta wu'k tomorra,  
Nine ... he gotta chop cotton in de sun,  
Ten ... dat's all, trusty men, you's done.

—The cadence of "Black Annie," the strap used at Parchman Farm

Self-supporting prison systems must, in the end, become slave camps. Slavery is the partner of the lash. The wielder of the lash is brutalized along with the victim, and brutes will sometimes kill.

—Southern Regional Council, *The Delta Prisons: Punishment for Profit*, 1901

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# Prologue

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Northerners, provincials that they are, regard the South as one large Mississippi. Southerners, with their eye for distinction, place Mississippi in a class by itself.

—V. O. Key, J.

## I

Throughout the American South, Parchman Farm is synonymous with punishment and brutality, as well it should be. Parchman is the state penitentiary of Mississippi, a sprawling 20,000-acre plantation in the rich cotton land of the Yazoo Delta. Its legend has come down from many sources: the work chants and field hollers of the black prisoners who toiled there; the Delta blues of ex-convicts like Eddie “Son” House and Huddie “Leadbelly” Ledbetter; the novels of William Faulkner, Eudora Welty, Shelby Foote, and, most recently, John Grisham, who seem almost mesmerized by the mystique of the huge Delta farm. One of Faulkner’s characters in *The Mansion*, a young attorney, tells his luckless client: “It’s Parchman ... destination doom.... You can’t escape. You can’t make it.” Another, Washington “Bukka” White, who served hard time there, sings these words in his “Parchman Farm Blues”:

Oh listen men: I didn’t mean no harm  
If you want to do good ... stay off  
the Parchman Farm.”<sup>1</sup>

Parchman is the quintessential penal farm, the closest thing to slavery that survived the Civil War. Its story covers the bleak panorama of race and punishment in the darkest corner of the South. It begins in antebellum times, on the Mississippi frontier, though Parchman itself would not be constructed until 1904. And it continues to this day, a story filled with warnings and consequences, and perhaps lessons, for a nation deeply divided, black and white.

## II

In the fall of 1833, a local judge wrote to Mississippi governor Charles Lynch about an “unfortunate circumstance” in his jurisdiction. During a routine street brawl, he explained, a quick-tempered fellow named Clark had beaten his opponent senseless, “and then, drawing his knife, had cut out the eyes of the unfortunate man,” leaving him “dependent on the public for his support.” The community wanted to punish Clark, who had escaped “to parts unknown,” the judge added. “We are therefore anxious that you take this subject into consideration [by offering] a sufficient reward so that he will be apprehended.”<sup>2</sup>

The governor did not reply. There is no evidence that a reward was offered or that Clark was ever tried for his offense. The incident was similar to hundreds of others on the isolated Mississippi frontier, where formal authority was weak, if not invisible, and lethal violence permeated everyday life. “No state in the Union,” complained a local newspaper, “[has] a worse penal code, or a more lax execution of criminal law.”<sup>3</sup>

This probably was true. Admitted to statehood in 1817, Mississippi had experienced an explosive population growth in succeeding decades, as white farmers from Georgia and the Carolinas left their worn-out plots for the fertile lands and deep river highways of the “Old Southwest.” By 1840, Mississippi had become the nation’s leading cotton producer, with black slaves comprising more than half of its 375,000 people. The great bulk of whites were rough backcountry folk, well armed, fiercel

democratic, deeply sensitive to insults and signs of disrespect. Whiskey flowed freely in their world, and personal disputes were often settled in the dirt-floor taverns or dueling fields outside town. Most men “wore pistols and bowieknives,” a contemporary recalled, “and a row once a day was the rule, not the exception.”<sup>4</sup>

With its cheap, fertile land and scattered rural population, Mississippi had no large or medium-sized cities. Only the river ports of Natchez and Vicksburg could boast of sidewalks, brick buildings, or paved streets before the Civil War, and neither town had more than 6,500 people. What distinguished both places, however, was the fabulous wealth of their elite new planter class (Natchez was said to have the greatest concentration of millionaires in the South) and the lawlessness of their citizens. In his remarkable diary of street life in antebellum Natchez, William Johnson chronicled endless shootings and brawls. Men squared off at the slightest provocation, gouging and biting; using their heads as battering rams; cutting out tongues; hurling bricks; swinging swords, canes, and iron bars; stabbing with their dirks; and firing pistols. The diary ended abruptly in 1851, when Johnson himself was shot and killed.<sup>5</sup>

Even by frontier standards, the violence seemed extreme. Some blamed it on hot weather, heavy drinking, and deadly weapons; others pointed to physical isolation, obsessions with honor and vengeance, and a system of slave labor that strengthened the belief that all whites belonged to the master class, making one white man as good as the next. For these reasons, and perhaps more, fatal duels took a frightful toll among the “gentlemen” of antebellum Mississippi, and ordinary killings appeared too numerous to count. In a typical month, a Jackson newspaper reported a “bloody affair” in Port Gibson, a “grisly murder” in Jefferson County, “another murder” in Vicksburg, a “homicide in Newton,” a “fatal difficulty” in Jackson, an “outrageous murder” in Sunflower County, a “Negro shot dead,” two assassination attempts, the ambush of a sheriff, and a “domestic squabble” in which “Mr. Lockhair, a man generally respected by his neighbors while sober, was killed by his own son.”<sup>6</sup>

At times, the local courtrooms became extensions of the streets. In numerous cases, people acquitted of crimes were beaten by waiting crowds until they “confessed.” One man had turpentine poured on his body “to restore his feeling senses.” Another was “maimed most inhumanely [with the mob] cutting off his nose and ears and scarifying his body to the very ribs!” In Natchez, a defendant *convicted* of manslaughter was set upon by the victim’s family, “stabbed in three or four places,” crudely dismembered, and left for dead “in the hall of the court.” “What is Mississippi coming to?” the local newspaper wailed. “It would seem that no man’s life or property is respected. We blush for the name posterity will be forced to ascribe to her.”<sup>7</sup>

It did not take nearly that long. By the 1830s, Mississippi was viewed as a place of violent moods and minimal restraint, where passion took precedence over the law. And that reputation grew ever larger as vigilante groups sprang up to battle street crime in the brawling river towns. In 1835, a “tumultuous mob” dragged six “captured and crestfallen gamblers” to a makeshift gallows in Vicksburg. “It was the next morning,” a witness reported, “before their bodies were cut down and buried together in a ditch.”<sup>8</sup>

The national press soon dubbed Mississippi the “lynching state,” a distinction it would hold for a century as its victims changed from white to black. In 1837, an obscure lawyer named Abraham Lincoln charged that “dead men [are] literally hanging from the boughs of trees by every roadside” in Mississippi. And Davy Crockett, the legendary frontiersman, described the mobs that gathered in Natchez and Vicksburg as “lynchers.” “When an individual escapes punishment by some technicality of the law, or perpetrates an offense not recognized in courts of justice,” he wrote, “they seize him,



and inflict such chastisement as they conceive adequate to the offense.”<sup>9</sup>

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### III

Crockett’s words rang true. Though Mississippi had a harsh criminal code in place, there were not nearly enough sheriffs or judges to enforce it. In 1838 Governor Alexander McNutt complained that crime *and* vigilantism had reached epidemic proportions because criminals had almost no fear of the law. “Very few are brought to trial,” he noted, “and still fewer are punished.” There were but a handful of jails in Mississippi, and the largest one in Natchez was described as a “crumbling dungeon” where prisoners “lie gasping in a ... state of nudity,” their unwashed bodies “freighted with disease.” In some counties, the sheriff either leased his inmates to a planter or chained them to a tree.<sup>10</sup>

The state’s early criminal codes emphasized the swift, painful justice of common law and biblical teachings. “We have but four kinds of punishment,” a Mississippi official admitted: “the whipping post, the pillory, the hot iron, and the halter.” For dozens of offenses, including murder, arson, burglary, forgery, and Negro stealing, the law decreed death at the gallows. For petty theft, the offender was to be whipped on his bare back or branded on the face with the letter *T*. For the crime of mayhem, such as biting off an ear or gouging out an eye, the culprit paid a fine and stood in the stocks for several hours on successive days.<sup>11</sup>

These codes lost their impact over time. The penalties were too inflexible and severe. Juries became squeamish about sentencing common criminals to death, and governors seemed to pardon all but the most heinous offenders. In 1832, for example, a convicted forger was granted executive clemency on the grounds that capital punishment did not properly fit his crime. A year later, Governor H. G. Runnels set aside the sentence of a Vicksburg woman after being flooded with petitions from her neighbors. The community could not accept “so horrid an exhibition,” said one, “as the naked back of a decrepit old woman lacerated by the whip of a public executioner.”<sup>12</sup>

This sentiment gained strength in the 1830s as the turmoil of daily life served to ignite cries for serious reform. The more educated classes worried about Mississippi’s social stability as well as its image to the rest of the world. “Truly,” warned the *Holly Springs Banner*, “we are gaining an unenviable character abroad!”<sup>13</sup>

After bitter debate, the Mississippi legislature revised the state’s criminal code in 1835, abandoning corporal punishment and restricting the death penalty to a handful of major crimes. In their place came “time sentences” in a penitentiary, a humanitarian and pragmatic change. Punishment would be less brutal, more precise, and far more certain than before. Juries could now convict the guilty without seeing them tortured or killed.

This new code, however, was meant for white folk alone. Slaves “had no rights to respect,” wrote one authority, “no civic virtue or character to restore, no freedom to abridge.” Slaves were the property of their master, and the state did not normally intervene. In the words of one Natchez slaveholder, “Each plantation was a law unto itself.”<sup>14</sup>

In 1836, the legislature authorized \$75,000 to build a state penitentiary in Jackson, the new capital. Known as the Walls, it was modeled after the New York State prison at Auburn, an institution praised throughout the United States and Europe for its advanced methods of penal reform. The Auburn system combined two popular theories of that time: congregate working quarters and complete solitary confinement. By day, the prisoners labored together in silence; by night, they slept alone in tiny cells. Conditions were spartan; food and clothing were purposely inferior to what the lower

classes enjoyed. Prisoners were to be trained in religious instruction and taught the value of hard work. At Auburn, as in Jackson, the inmates were “constantly employed.”<sup>15</sup>

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For the next twenty-five years, the Walls would stand as Mississippi’s most impressive civic reform. Its population was overwhelmingly white and male, reflecting a society in which slaves were punished by the master and white women were seen as “virtuous” and “pure.” At its peak in 1860, the prison operated as a textile mill, making low-grade cotton cloth, turning small yearly profits, and working its 150 inmates in monastic silence, their eyes downcast, their thoughts, it was hoped, on repentance and the Lord. When Union troops reached the Walls in 1863, they discovered a “great manufactory”—and promptly burned it down. The Civil War would paralyze and liberate Mississippi in countless ways.

# **PART ONE**

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## ***After Slavery, Before Parchman***

# CHAPTER ONE

## *Emancipation*

I think God intended the niggers to be slaves. Now since man has deranged God's plan, I think the best we can do is keep 'em as near to a state of bondage as possible.... My theory is, feed 'em well, clothe 'em well, and then, if they don't work ... whip 'em well."

—A Yazoo Delta planter, 1860

### I

In the tumultuous summer of 1861, a Mississippi planter named William Nugent rode off to war with a regiment from Vicksburg. He did not expect a very long fight, viewing a Southern victory as all but inevitable. Nugent worried instead about his own mortality—about dying on a faraway battlefield without “leaving an heir behind to ... represent me hereafter in the affairs of men.” His early letters home were filled with bluster and pride. “I feel that I would like to shoot a Yankee,” he told his young wife. “The North will yet suffer for this fratricidal war she has forced upon us—Her fields will be desolated, her cities laid to waste, and the treasuries of her citizens dissipated in the vain attempt to subjugate a free people.”<sup>1</sup>

Nugent was mistaken, of course. By war's end, only the South matched his grim portrait of destruction, and no other state had suffered more than his own. The fields of Mississippi had been “desolated” by fire and flood and simple neglect. The cities had been flattened by Grant's artillery and pillaged by Sherman's roaming troops. Following the seven-week siege of Vicksburg in 1863, Union soldiers had marched through the heart of Mississippi, burning houses, killing livestock, and trampling crops. Writing to his wife in 1864, Nugent described the damage near Jackson, which had just been put to the torch: “The largest plantations are ... grown up in weeds...; fences are pulled down & destroyed; houses burned; negroes run off.... The prospects are gloomy enough and may be worse. I think the present year will wind it up and ... see me at home again.”<sup>2</sup>

Nugent was among the lucky ones: he came back alive. More than a third of Mississippi's 78,000 soldiers were killed in battle or died from disease. And more than half of the survivors brought home a lasting disability of war. Visitors to the state were astonished by the broken bodies they saw at every gathering, in every town square. Mississippi resembled a giant hospital ward, a land of missing arms and legs. In 1866, one-fifth of the state budget went for the purchase of artificial limbs.<sup>3</sup>

Few could escape the consequences of this war. Mississippi was bankrupt. Its commerce and transportation had collapsed. The railroads and levees lay in ruins. Local governments barely functioned. In Desoto County, just below Memphis, Judge James F. Trotter portrayed a landscape “enveloped in shadows, clouds and darkness.” “Wherever we turn our eyes,” he said, “we witness the sad memorials of our misfortunes, melancholy evidence of our sufferings, and of the cruelty and savage ferocity of our late enemies.... Our one consolation is the hope that we have reached the bottom.”<sup>4</sup>

Desperate planters and farmers struggled simply to survive. Their slaves had been freed; their currency was worthless; their livestock and equipment had been stolen by soldiers from both sides. In the fertile Yazoo Delta, “plows and wagons were as scarce as mules, with no means to buy new ones

The cavalryman fortunate enough to have been paroled with his horse ... was the envy of his neighbor.”<sup>5</sup>

Many of these farms were now tended by women and elderly men, the war having wiped out more than one-quarter of the white males in Mississippi over the age of fifteen. In his popular travel account, *The Desolate South*, author John T. Trowbridge described a visit to Corinth, Mississippi, near the Shiloh battlefield, in the winter of 1866. The “bruised and battered” town was filled with “lonely white women,” he wrote, “crouched shivering over the hearth.” In Natchez, reformer Carl Schurz found an old gentleman—“delicate hands; clothes shabby”—cutting down “a splendid shade tree” on the grounds of his once magnificent home. When Schurz asked him why, the man replied, “I must live. My sons fell in the war. All my servants have left me. I sell firewood to the steamboats passing by.”<sup>6</sup>

Even Schurz, who despised the slaveholding class, was moved by the suffering of its members. Their cause had been morally indefensible, he believed, but their “heroic self-sacrifice” had been very real indeed. Schurz returned to the North “troubled with great anxiety.” He worried most about the rising tide of white anger he saw in places like Natchez and Vicksburg—an anger directed mainly against blacks, the traditional victims of violence and exploitation in the South.

There were reasons for concern. With slavery abolished, Mississippi was moving toward a formal—and violent—separation of the races. Deeply rooted customs were now being written into law. The state legislature had just passed the South’s first Jim Crow ordinance, prohibiting Negroes from riding in railroad coaches set aside for whites. Following suit, the city of Natchez had segregated its river walkways in order to keep black men and white women apart—the right bluff for use “of the whites, for ladies and children and nurses; the central bluff for bachelors and the colored population; and the lower promenade for whites.”<sup>7</sup>

Blacks who challenged these rules faced arrest, humiliation, and sometimes worse. On a steamboat ride down the Mississippi River, Trowbridge noticed “fashionably dressed couple” come on board near Vicksburg.

Terrible was the captain’s wrath. “God damn your soul,” he said, “get off this boat.” The gentleman and lady were colored, and they had been guilty of unpardonable impudence in asking for a stateroom. “Kick the nigger!” “He ought to have his neck broke!” “He ought to be hung!” said the indignant passengers, by whom the captain’s prompt action was strongly commended.

The unwelcome couple went quietly ashore and one of the hands pitched their trunk after them. They were in a dilemma: their clothes were too fine for deck passage and their skins were too dark for cabin passage. So they sat down on the shore to wait for the next steamer.

“They won’t find a boat that’ll take ’em,” said the grim captain. “Anyhow, they can’t force their damned nigger equality on to me!”

Afterwards I heard the virtuous passengers talking over the affair. “How would you feel,” said one with solemn emphasis, “to know that *your wife was sleeping in the next room to a nigger and his wife?*”<sup>8</sup>

This hatred had many sources. The ex-slave had become a scapegoat for the South’s humiliating defeat. John F. H. Claiborne, Mississippi’s most prominent historian, blamed him for causing the war and for helping the North to prevail. Others saw the freedman as a living symbol, a daily reminder, of all that had changed. For the planter, emancipation meant the loss of human property and the

disruption of his labor supply. For the poor white farmer, it meant even more. Emancipation had not only crushed his passionate dreams of slaveholding; it had also erased one of the two “great—distinctions” between himself and the Negro. The farmer was white and free; the Negro was black—but also free. How best to preserve the remaining distinction—white supremacy—would become an obsession in the post—Civil War South.<sup>9</sup>

Throughout Mississippi, these tensions seemed particularly severe. That, at least, was the opinion of northerners who visited the South, or were stationed there, after the war. Whitelaw Reid of the *New York Tribune* was struck by the enormous hostility he found in the Magnolia State, where blacks greatly outnumbered whites and where a free Negro majority created unique possibilities for political and economic change. “More or less, the same feeling had been apparent in Tennessee, Georgia, Alabama, and Louisiana,” he wrote in 1866, “but it was in Mississippi that I found its fullest expression. However these man may have regarded the negro slave, they hated the negro freeman. However kind they may have been to negro property, they were virulently vindictive against a property that had escaped from their control.”<sup>10</sup>

## II

By the time of the Confederate surrender in April 1865, more than half of Mississippi’s 400,000 blacks were already free. Some of them had fled to Union lines from their poorly guarded plantations; others had been abandoned by their owners as the enemy approached. “The arrival among us of these hordes was like the oncoming of cities ...”, wrote a chaplain in Grant’s army. “There were men, women, and children in every stage of disease or decrepitude, often nearly naked, with flesh torn by the terrible experiences of their escapes.” Those who survived were put to work as paid laborers, loading supplies, clearing land, and chopping wood. They lived in awful squalor, the chaplain reported, their “ignorance” causing “a veritable moral chaos” in the camps.<sup>11</sup>

Emancipation came late, often grudgingly, to other parts of the state. Former slaves sketched a memorable scene—a kind of ritual—in which the master lined them up, told them they were no longer his property, and asked (or demanded) that they stay on to help with the crop. “My white folks talked plain to me” recalled a freedman from Adams County, south of Natchez. “Dey said real sad like: ‘Charlie, you is bin a dependence but now you kin go effen you is so desirous. But effen you wants to stay wid us ... dare is a house fur you, en wood to keep you warm.... Do jist ez you please.’”<sup>12</sup>

But others described a different reality, filled with false promises from the master. An ex-slave from Amite County, on the Louisiana border, remembered the day that “Marse Bill blowed dat big horn an’ all de slaves cum right ter de big house an’ he tole dem dat dey was free now, but dat he wanted dem ter stay wid him till de crop wus made an’ he wud pay dem fur it.” At year’s end, however, the field hands received no wages because Marse Bill had charged them dearly for rent and supplies. “All dey made de boss tuk it, and ’iffen you moved to er nudder plantashunm yo’ had to go wid nuffin.”<sup>13</sup>

Some slaves were not even told they were free. Their masters, believing emancipation to be illegal or immoral, refused to spread the word. This caused particular problems in the deep interior counties of Mississippi, where towns were scattered, plantations were isolated, and news could be tightly controlled. “I heered it talked about ... but I wuz kinda skeered to ask ...”, said an ex-slave from the Yazoo Delta. “I did one day tho when I asked Ole Miss, ‘Miss dey tells me de niggers is free, is dey? She say, ‘No! and you’d better come on and go to work ’fore you gits tored up.’ Dey did free us tho



about three or fo months after dis.”<sup>14</sup>

These planters sought a way to control black labor now that slavery had expired. This would not be easy because the freedmen had interests of their own. They were determined to explore the countryside, to experience the novelties of town life, and to feel freedom under their feet. Mobility was both a precious right and a liberating force for ex-slaves. It permitted them to leave a hated master, to bargain for better conditions, to search for loved ones who had been cruelly sold away. “We have not one of our old hands on the plantation this year,” a Mississippian reported in 1867. “They are scattered to the four winds.”<sup>15</sup>

Emancipation provided legal relief from the pace and discipline of slavery, and it allowed blacks to protest old grievances by simply moving on. A freedwoman from Simpson County, south of Jackson could not forget the flogging of her grandmother, “wid her clothes stripped down to her waist, her hands tied ’hind her to a tree ... it just made a ’pression on my childest mind.” An ex-slave from South Mississippi could still hear the crack of the whip and the futile pleadings of her mother: “O, marse, I is neber gwine to run ’way er gin. O, please, I is gwine to stay here.” And a freedman from the Yazoo Delta could not forgive the brutal beatings suffered by his father: “My pa an’ ma wasn’t owned by de same masters.... At night pa would slip over to see us an’ ole Marse wuz mos’ always o de look out fer everything. When he would ketch him he would beat him so hard ’till we could tell which way he went by de blood. But pa, he would keep a comin’ to see us an’ takin’ de beatins.”<sup>16</sup>

The extent of this mobility is difficult to gauge. Among the hundreds of ex-slaves interviewed in the 1930s, about 40 percent claimed to have moved during the war itself or in the months immediately following emancipation. But most remained where they were, living as tenants or field hands on the same land they had worked all along. And those who did leave often went a very short distance—to a neighboring plantation, perhaps, or the nearest crossroads town. The exhilaration of moving was tempered by feelings of insecurity and fear. “We wanted to be free at times, den we would get scart an’ want to stay slaves,” a freedman recalled. “We was tol all kinds of things but didn’t know jes wh to believe.” Some returned to their home plantations. “[We] was jes’ lak cows an’ hogs,” said an ex-slave from central Mississippi. “We would stray off an’ didn’t know whar to go an’ fus thing would go right back to Ole Marse.”<sup>17</sup>

Southern whites took a different point of view. Emancipation had ended slavery but had not destroyed the assumptions upon which slavery was based. The fact that many blacks abandoned their plantations in 1865 simply reinforced the image of the lazy, indolent field hand, shuffling aimlessly through life. In white eyes, the Negro viewed his freedom in typically primitive terms—as a license to roam the countryside in search of pleasure and trouble.

By most accounts, the Negro found both. Newspapers reported that “idle darkies” were clogging the roads, stealing crops and livestock, jostling whites from sidewalks, and fouling the air with “cigar smoke and profanity.” The white response left no doubt that rough times lay ahead. “The infernal sassy niggers had better look out, or they’ll get their throat cut,” warned one Mississippian. “Let a nigger come into *my* office without tipping his hat, and he’ll get a club over it,” said another. In Natchez, a local editor predicted an all-out race war unless the Negro acknowledged his permanent inferiority to whites. “One *must* be superior—one *must* be dominant,” he wrote. “If the negro should be the master, the whites must either abandon the territory, or there will be another civil war in the South ... and [it will] be a war of extermination.”<sup>18</sup>

Others simply wanted the stealing to stop. A woman from the Delta complained that the “poor deluded negro,” equating freedom with license, had stripped the region bare. “Not even a cabbage

head in the garden or a chicken on its roost is safe, and I guess (I am not a Yankee) it is the same throughout the South.”<sup>19</sup>

In fact, some Yankees thought much the same thing. Northern officials in Mississippi were often appalled by the freedman’s “lawless” behavior. But unlike Southerners, these officials were more likely to view him as a victim of circumstance, not as a congenital thief. To be free and black in Mississippi “is first to beg, then to steal, and then to starve,” a Union officer observed. “That is their reality.” A colonel from Illinois took the longer view: “Slavery has made them what they are; if they are ignorant and stupid, don’t expect much of them; and give them at least time to [improve] before judging them by the highest standards.”<sup>20</sup>

Such views were anathema in the white South, where slavery had long been viewed as a civilizing influence upon an inferior race. Bondage had been good for the Negro, it was argued, because the system kept his primitive instincts in check. And freedom would be bad for the Negro because those checks had been removed. Southerners “understood” such things. They knew that slavery had been a response to the African’s inferiority, and not its cause. They knew that the freedman needed constant attention—and a whip at his back. “The negro is [their] sacred animal,” said a Mississippi planter. “The Yankees are about negroes like the Egyptians were about cats”<sup>21</sup>

### III

Some whites talked about leaving Mississippi—moving west to Texas and California, where they would not have to mingle with Negroes or compete with them for work. “We ain’t made to live together under this new style of things,” said a migrating farmer. “Free niggers and me couldn’t agree.” There also was talk about “colonizing” the blacks in Mexico or some other distant place. But this notion had little support in a state so utterly dependent upon Negro sweat and toil. As one editor put it: “Every white man would be glad to have the entire race deported—except his own laborers.”<sup>22</sup>

Many believed that blacks would perish in freedom, like fish on the land. The Negro’s “incompetence,” after all, had been essential to the understanding—and defense—of slavery itself. “Where shall Othello go?” a planter asked in 1865. “Poor elk—poor buffaloe—poor Indian—poor Nigger—this is indeed a white man’s country.” One newspaper predicted that the freedman would be extinct within a hundred years. Another gave him less time than that. “The child is already born who will behold the last negro in the State of Mississippi,” mused the *Natchez Democrat*. “With no one to provide for the aged and the young ... and brought unprepared into competition with the superior intelligence, tact, and muscle of free white labor, they must surely and speedily perish.”<sup>23</sup>

In the fall of 1865, Governor Benjamin G. Humphreys addressed the “negro problem” before a special session of the Mississippi legislature. A planter by profession and a general during the war, Humphreys had campaigned for office in a “thrice-perforated” army coat shot through with Yankee lead. Like other leading Confederates, he had at first been excluded from participating in the South’s postwar political affairs. But President Andrew Johnson had pardoned the general, and hundreds like him, in remarkably short order. Humphreys received his pardon on October 5, 1865, just three days after winning the governor’s race in a landslide.<sup>24</sup>

His speech about the Negro was a major event, the first of its kind by a Southern governor since the Confederate defeat. “Under the pressure of federal bayonets,” Humphreys began, “... the people of Mississippi have abolished the institution of slavery.” That decision was final; there could be no turning back. “The Negro is free, whether we like it or not; we must realize that fact now and



forever.”<sup>25</sup>

But freedom had its limits, Humphreys continued. It protected the Negro’s person and property but did not guarantee him political or social equality with whites. Indeed the “purity and progress” of both races required a strict caste system, with blacks accepting their place in the lower order of things. And that place—literally—was the cotton field of the South. Since economic recovery depended on a ready supply of Negro labor, the new system, like the old one, must reward the faithful field hand and punish the loafer. Such was the rule of the plantation, said Humphreys, and the “law of God.”

In the following days, the legislature passed a series of acts known collectively as the Black Codes. Their aim was to control the labor supply, to protect the freedman from his own “vices,” and to ensure the superior position of whites in southern life. “While some of [these acts] may seem rigid and stringent to sickly modern humanitarians,” the legislators declared, “the wicked and improvident, the vagabond and meddler, must be smarted [and] reformed.” Others agreed. The Mississippi Black Codes were copied, sometimes word for word, by legislators in South Carolina, Georgia, Florida, Alabama, Louisiana, and Texas.<sup>26</sup>

The Black Codes listed specific crimes for the “free negro” alone: “mischief,” “insulting gestures,” “cruel treatment to animals,” and the “vending of spiritous or intoxicating liquors.” Free blacks were also prohibited from keeping firearms and from cohabiting with whites. The penalty for intermarriage, the ultimate taboo, was “confinement in the State penitentiary for life.”

At the heart of these codes were the vagrancy and enticement laws, designed to drive ex-slaves back to their home plantations. The Vagrancy Act provided that “all free negroes and mulattoes over the age of eighteen” must have written proof of a job at the beginning of every year. Those found “with no lawful employment ... *shall be deemed vagrants*, and on conviction ... fined a sum not exceeding ... fifty dollars.” The Enticement Act made it illegal to lure a worker away from his employer by offering him inducements of any kind. Its purpose, of course, was to restrict the flow (and price) of labor by forcing plantation owners to stop “stealing” each other’s Negroes.

Given the huge number of cases, the vagrant could not expect a normal trial. Town officials were put in charge of these proceedings, with the sheriff usually meting out justice by himself. If the vagrant did not have fifty dollars to pay his fine—a safe bet—he could be hired out to any white man willing to pay it for him. Naturally, a preference would be given to the vagrant’s old master, who was allowed “to deduct and retain the amount so paid from the wages of such freedman.”

These codes were vigorously enforced. Hundreds of blacks were arrested and auctioned off to local planters. Others were made to scrub horses, sweep sidewalks, and haul away trash. When news of this crackdown reached the North, a storm of protest arose that there had been little change in the South, despite the sacrifice of 300,000 Yankee lives. “We tell the white men in Mississippi,” warned the *Chicago Tribune*, “that the men of the North will convert [their] state into a frog pond before they will allow such laws to disgrace one foot of soil in which the bones of our soldiers sleep and over which the flag of freedom waves.”<sup>27</sup>

## IV

These were not just empty words. In the winter of 1867, the U.S. Congress passed a sweeping Reconstruction Act over President Johnson’s angry veto. The act divided the South into five military districts; required the individual states to write new constitutions providing for black manhood

suffrage; and compelled their legislature to ratify the Fourteenth Amendment before applying for readmission to the Union.

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In Mississippi, this act created a new political majority almost overnight. More than 80,000 black voters were registered by federal officials, as opposed to fewer than 60,000 whites. Not surprisingly, these freedmen joined the party of Abraham Lincoln and the Emancipation Proclamation. By 1870, black Republicans in Mississippi were serving as sheriffs, mayors, and state legislators. (Local newspapers routinely described them as “ranting niggers” and “stinking scoundrels.”) Their ranks included John R. Lynch, the first black Speaker of the Mississippi House of Representatives, and Hiram B. Revels, the first Negro to serve in the U.S. Senate. Revels would make history—some called it “historic revenge”—by completing the unexpired term of Jefferson Davis, the state’s most famous son.

Reconstruction in Mississippi has sometimes been portrayed as an orgy of waste and corruption, led by Northern profiteers (“carpetbaggers”), Southern opportunists (“scalawags”), and ignorant blacks. In reality, the Reconstruction governments were more compassionate and democratic than any the state had known before. Money was raised to build hospitals, expand state asylums, and repair public works devastated by war. The remaining Black Codes were repealed, and racial distinctions were wiped from the statute books. In 1870, the legislature passed Mississippi’s first public education law guaranteeing four months of free schooling each year to all children, regardless of race. It appeared as if real change were coming to a culture frozen in time.<sup>28</sup>

The appearance was deceiving. As Reconstruction unfolded in Mississippi, black hopes and white fears collided with murderous force. Violence was central to the South’s code of personal behavior, its compulsion to settle private matters outside the law. It had always been so in Mississippi—from the gentleman’s *code duello* to the common man’s head-splitting brawls, from the festive public hangings to the dutiful whipping of slaves. After completing an extensive tour of the South during Reconstruction, a prominent journalist noted that the “respectable people of Mississippi are astonishingly tolerant of acts which would arouse a Northern community to the utmost.” There was, he added, a “willingness to see men take the law into their own hands; and what is still worse, to let them openly defy the laws, without losing ... the respect of the community.”<sup>29</sup>

Much of this violence owed nothing to race. Mississippi had a well-deserved reputation as America’s most dangerous state. When travelers described its primitive river ports and inland hamlets as the “worst spots” in the nation, local residents did not normally disagree. In 1866, the mayor of Jackson resigned after failing to mobilize public opinion against brawling and lawlessness in his town. Among Jackson’s worst offenders were the white lawmakers who battled each other with pistols, knives, and fists. On a May afternoon in 1870, three separate fights erupted in the capital chamber and spilled out into the streets. In one of them, Representative M. J. Manning landed “a good right-hand” on “the fly trap” of Senator J. C. Shoup, “splitting his lip considerably.” In another, Senator J. H. Pierce, the “Panola Giant,” defeated Representative J. S. B. Coggeshall, the “Street Car Conductor,” by “planting his right ‘digit’ in the conductor’s left ‘peeper,’” and gouging out the eye. Pierce was declared the winner and “champion of the Mississippi Legislature.”<sup>30</sup>

In 1871, Governor James Lusk Alcorn claimed that the “suppression of the pistol and the knife will do as much in Mississippi as the suppression of the sword did in England for asserting the sanctity of human life.” Some Englishmen thought so, too. A visitor from London, one of Europe’s more raucous cities, was amazed at the speed with which chance encounters and trivial slights escalated into grisly homicides. Even dinner conversations in Mississippi, he wrote, had a “smack of manslaughter about

them.”<sup>31</sup>

Outsiders could never quite fathom the casual nature of these assaults. Killing seemed easy in Mississippi, and natural to all classes of men. “The heart is sickened ... with the frequency of life taken suddenly and by violence,” a Northerner lamented. “Two neighbors, life-long friends, perhaps members of the same church, have a slight difference; high words pass; instead of giving reason sway, or referring the subject to the courts, or to friends, one rushes for his pistol or shot gun.” A presidential emissary offered this observation to Andrew Johnson after traveling through the South on an inspection tour in 1865: “Mississippians have been shooting and cutting each other ... to a greater extent than in all the other states of the Union put together.”<sup>32</sup>

With emancipation, the focus clearly changed. Violence—and vigilante action—took on a distinctly racial air. The ex-slaves could no longer count on the “protection” that went along with being the master’s valuable property. And their new rights and freedoms made them natural targets for angry, fearful whites. A federal official noted that blacks of Mississippi were now more vulnerable than mules, because the “breaking of the neck of the free negro is nobody’s loss.” A Southern editor put it crudely but well: “When detected in his frequent delinquencies, Sambo will have no ‘maussa’ to step in between him and danger.”<sup>33</sup>

Now danger was everywhere. Northern senators charged that “two or three black men” were being lynched in Mississippi every day. The true numbers will never be known, because local authorities did not bother to investigate “nigger killings,” and the newspapers carefully played them down. The only evidence came from federal authorities in Mississippi and from the intended victims themselves. One Union officer wrote to his superiors that freedmen in his area were being whipped and murdered for offenses more imagined than real. A suspected horse thief, he said, “was beheaded, skinned, and nailed to the barn.” In Vicksburg, a group of “colored citizens” begged the governor for help. “The rebels are turbulent,” they wrote, “and are arming themselves ... to murder poor negroes. Gov., ain’t there no pertiction?”<sup>34</sup>

The answer, increasingly, was no. There were never enough soldiers to prevent race violence in Mississippi, and the mobs grew bolder as federal troops were cut back over time. Besides, Northern officers did not always oppose vigilante action, particularly when “sexual” crimes were said to be involved. In one instance a general told mob leaders that they “had done right” to lynch a Negro charged with insulting a white woman. In another, a captain allowed a freedman accused of rape to be run to death by hounds.<sup>35</sup>

Much of this violence was the work of local rifle clubs like White Rose, Seventy-Six, and Sons of the South. But the biggest group by far was the “invisible empire” known as the Ku Klux Klan, comprising white men from all classes and regions of Mississippi. Its local anthem went like this:

Niggers and [Republicans], get out of the way.  
We’re born of the night and we vanish by day.  
No rations have we, but the flesh of man—  
And love niggers best—the Ku Klux Klan.  
We catch ’em alive and roast ’em whole.  
And hand ’em around with a sharpened pole.<sup>36</sup>

Klan violence was often random, spontaneous, and poorly planned, but it spread quickly and took every imaginable form. There were attacks on freedmen who voted, ran for office, sat on juries, and testified against whites. In hard-scrabble Monroe County, a Klan mob made “fried nigger meat” of a

Republican leader by disemboweling him in front of his wife. In the fertile cotton lands, Klansmen enforced plantation discipline by whipping “lazy” workers and detaining ex-slaves who tried to move on. A freedman from Marion County recalled his “old massa” telling him, “Now you show up t’ morrer an’ get yourself behind a mule or I’ll land you in de chain gang for stealin,’ or set the Klu Klux on you.” The freedman added: “That’s how come I ain’t stole f’om dat day to this un.”<sup>37</sup>

Among the Klan’s favorite targets were Northern white teachers who had traveled south to instruct black children about the rights and responsibilities of freedom. Local white opinion of these teachers was very harsh. The historian of Oktibbeha County described them as “obnoxious agitators” who “incited the darkeys against their old friends, the Southern whites.” How? By teaching blacks that freedom meant thinking for themselves.<sup>38</sup>

For the most part, native whites viewed the very idea of black education as a contradiction in terms. Why confuse the Negro by raising false hopes about his naturally humble station in life? “These country niggers are like monkeys,” a white woman explained to a local teacher. “You can’t *learn* them to come in when it rains.”<sup>39</sup>

Most Klan attacks took place in the poor hill country, where white farmers were struggling with crop failures, fears of black competition, and the numbing losses of war. It was here that teachers were threatened, beaten, and sometimes killed. “The violence centered on the schools of the Negroes ...,” wrote one historian. “By the summer of 1871, in a number of counties, not a school remained in operation.”<sup>40</sup>

The worst Klan violence occurred in Meridian, near the Alabama line. Badly damaged by Sherman’s troops in 1863, Meridian, a railroad center, had become a magnet for ex-slaves fleeing the cotton fields in search of better jobs and simple adventure. This influx had led white residents to form vigilante groups for “self-protection,” with mixed results. One mob action in 1865 was triggered by the disappearance of a planter named William Wilkinson. Local whites, assuming that Wilkinson had been robbed and murdered by his own field hands, formed a posse to round up the suspects. The mob surrounded Wilkinson’s plantation, roughed up several freedmen, and was preparing to lynch them when federal troops intervened. The next morning, a lonely soldier came upon Wilkinson in a Meridian brothel, “quite alive, though somewhat disheveled by the two days he had spent celebrating his cotton sale.”<sup>41</sup>

As Meridian’s black population expanded in the late 1860s, tensions increased between local Republicans, who ran the town government, and local vigilantes, who vowed to bring it down. Both groups formed their own militias; both held emotional rallies and parades. In 1870, two black county supervisors were assassinated. An explosion seemed inevitable.

It came in the spring of 1871, at the trial of three blacks charged with inciting arson in the town. Almost everyone came to the courtroom well armed, as Mississippians had been doing for years. The time shots rang out, killing the white Republican judge and several black spectators. The crowd surged forward, chasing down one defendant, whose body they riddled with bullets, and hurling another from the roof. (“When this failed to kill him,” a witness reported, “his throat was cut.”) For the next three days, local Klansmen rampaged through Meridian, murdering “all the leading colored men of the town with one or two exceptions.” Despite frantic pleas for help, federal troops in Mississippi did not arrive in time. When the slaughter finally ended, more than twenty-five blacks were dead. So, too, was Republican rule in this hill country town.<sup>42</sup>

The Meridian riot demonstrated that the black community—poorly armed, economically dependent,

and new to freedom—could not effectively resist white violence without federal help. And it showed that such help might be lacking at the very moment it was needed most. By 1871, Northern sympathy for the freedman's troubles had begun to wane. Military occupation was simply not working in the South; even General Sherman, the U.S. Army commander, despaired of propping up weak and provocative state governments with more federal troops. As black Meridian buried its dead that spring, the failure of Reconstruction was clear. The freedman stood dangerously alone.<sup>43</sup>

Meridian set the stage for a full-blown epidemic of racial violence in the South. And Mississippi, with its vigilante tradition and vulnerable black majority, would lead the region in every imaginable kind of mob atrocity: most lynchings, most multiple lynchings, most lynchings of women, most lynchings without an arrest, most lynchings of a victim in police custody, and most public support for the process itself. Widely defended as the only effective deterrent against the murder and rape of white women by Negro men, mob violence would be directed at burglars, arsonists, horse thieves, grave robbers, peeping toms, and “trouble-makers”—virtually all of them black.<sup>44</sup>

For the victims of mob violence, there was no hope of redress. The traditional protections of slavery were gone. In a perverse way, emancipation had made the black population more vulnerable than before. It now faced threats from two directions: white mobs and white courts. Like the Ku Klux Klan, the criminal justice system would become a dragnet for the Negro. The local jails and state prisons would grow darker by the year. And a new American gulag, known as convict leasing, would soon disgrace Mississippi, and the larger South, for decades to come.

This act mixed idealism, self-interest, and hypocrisy in fairly equal doses. Northern whites had long treated Northern blacks, who numbered about 250,000, as second-class citizens. Few blacks had the right to vote in the North; indeed, at the very moment this bill was being debated, whites in Ohio, Kansas, and Minnesota were busy defeating referenda that would have guaranteed male Negro suffrage in their own states. In truth, the Reconstruction Act was partly designed to encourage the South's four million ex-slaves to remain where they were. As Senator Roscoe Conkling of New York put it, the best way to keep blacks from “bursting in hordes upon the North” was to “give them liberty and rights in the South, and they will stay there and never come into a cold climate to die.”



# CHAPTER TWO

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## *The Mississippi Plan*

It is not the shame or the hard labor to which we object; it is the slow torturous death inflicted by the demonic-like contractor who takes us to the Yazoo Delta to “wear our lives away.” It is fearful, it is dreadful, it is damnable.

—W. G. Orr, Okolona, Mississippi, writing to Governor Robert Lowry about the evils of convict leasing, 1866

**I**  
On a Mississippi Delta plantation in 1866, a black field hand named Viney was caught stealing a pig. Her employer and former master, Wilmer Shields, well understood the motive for her crime: Viney’s children had nothing to eat. Yet Shields did not hesitate to summon the sheriff in Natchez, a considerable distance away. “If I can induce the [law] to come so far she shall be arrested and prosecuted,” Shields told a friend. “If not I will drive her from the place, first making her pay for the 40 lb. hog.”<sup>1</sup>

This incident reflected the new rules of punishment in the post-Civil War South. Not every black would be as luckless as Viney, nor every white as unbending as Wilmer Shields. Much would depend on circumstance: the mood of the employer, the importance of the worker, the nature of the crime. But something fundamental had changed. Throughout the South, thousands of ex-slaves were being arrested, tried, and convicted for acts that in the past had been dealt with by the master alone. The theft of a pig could now mean a few years at hard labor instead of a beating behind the barn. An offense against Mr. Shields had become an offense against the state.

Southern whites had long viewed criminal behavior as natural to the Negro. They took his stealing for granted, as a biological flaw. An “honest darkey,” most believed, was as rare as a Negro virgin of fifteen. “You can’t find a white streak in ’em, if you turn ’em wrong side outwards and back again . . .,” one planter observed. “All the men are thieves, and all the women are prostitutes. It’s their nature to be that way, and they’ll never be no other way.”<sup>2</sup>

With freedom, “black crime” moved well beyond the plantation. Stealing was the most common offense. From Florida to Virginia, from the Carolinas to Texas, came reports of ex-slaves’ looting “pigs, turkeys, chickens, melons, and roasting ears” from white families who seemed perilously close to poverty themselves. “The negroes are so destitute they will keep stealing,” wrote a Mississippi woman in 1866. “They think, the last one of them, that they have a right to what belongs to their former owners.” General Edmund Ord, the military commander of her district, did not disagree. The Negroes are “plundering for food,” he cabled from Vicksburg. “Owners are leaving the country for safety—and there is reason to fear a war of races if the blacks are not fed.”<sup>3</sup>

But hunger did not explain it all. Stealing had always been common among slaves, though its intensity, and punishment, varied by place. Some masters had cracked down hard on theft; others had excused it “on grounds of congenital black character”—that is, the Negro was a “born thief.” Some had even encouraged their slaves to steal from neighboring plantations; others had looked the other way. And those slaves who stole regularly from their masters had often viewed it as a “payback”—a response to being underfed or exploited, an act of defiance from below. In some cases, slaves had

described their stealing as a mere recycling of the master's property: "If chicken eat corn, only turn massa corn into massa chicken; he no tief. If hog root through potato row, he no tief; only turn massa potato into massa hog. If nigger eat corn, and chicken, and hog, he no tief; all massa's yet." The problem, however, was that stealing would become a way of life for many ex-slaves, whose victims, increasingly, were those for whom the law offered the least possible protection: fellow blacks.<sup>4</sup>

Across the South, white reaction was intense. There were calls to bring back the gallows for serious property crimes, and the whipping post for misdemeanors such as vagrancy and petty theft. In Alabama, vigilantes punished hundreds of "thieving niggers" on their own. Some were flogged; others were lynched. In Mississippi, farmers were urged to gun down loitering freedmen and "let the buzzards hold an inquest over [their] remains." In Georgia, an editor suggested military force: "If the white people of the South find that the negro continues to steal all they raise, they may possibly conclude to raise troops and see whether the negroes will steal them."<sup>5</sup>

It did not take long for the new outlines of crime and punishment to emerge. The fear of white men assaulting one another—a matter of some concern in previous years—had been replaced by the problem of blacks stealing animals, household items, and crops. Whites "look upon the negroes with kind of horror," as "a body of men [who] are going to rob them . . .," explained a federal official in Mississippi. "I believe the white people down there are generally inclined to think that stealing is a baser crime than killing, and that breaking a man's head is not half so mean and contemptible as cutting his purse."<sup>6</sup>

Law enforcement now meant keeping the ex-slaves in line. "Whenever larceny, burglary, arson, and similiar crimes are committed in the South," said a Charleston attorney, "no one is suspected [anymore] save negroes." And almost no one save Negroes went to trial. When a local newspaper described a typical day at the Richmond police court in the late 1860s, it could have been writing about the one in Vicksburg or Atlanta, in Galveston or New Orleans. "Africa was on the rampage," it reported in the distinctive prose of that time and place. "The dock was thronged with forlorn, degraded, and sulky eboshins," including "a negro city buck," "a kinky-headed culprit," "a flat-nosed bullet-headed, asp-eyed little darkey," "a decriped old negress," and "a lady of color" charged with "stealing three pounds of butter from John (not Jim) Crow."<sup>7</sup>

As convictions mounted, Southern prisons turned black. "In slavery times," a freedman recalled, "jails was all built for the white folks. There warn't never nobody of my color put in none of them. N time . . . to stay in jail; they had to work; when they done wrong they was whipped and let go." After emancipation, this pattern was reversed. By 1866, the Natchez city jail held sixty-seven black prisoners and just eleven whites. In Grenada, to the north, there were seventeen blacks and one white. In Columbus, to the east, there were fifty-three blacks and no whites. Almost overnight, the jailhouse had become a "negro preserve."<sup>8</sup>

For the ex-slave, the ways of the state seemed no gentler than the ways of the master. Indeed, the punishments could be more severe. "You kno' you niver heard tell uf a slave bein' sent ter de pen," said a freedman from Pike County, Mississippi. "En now de niggers goes ter de pen ebber time de courts meet. Dey had better wish dey wus slaves."<sup>9</sup>

## II

Throughout the South, emancipation placed enormous strains on a modest prison system gutted by war. Many of the jails and penitentiaries had been destroyed. There was no money to repair them or

house the flood of criminals now pouring through the courts. In Mississippi—a state with more black and less revenue per capita than any other—these problems were particularly severe. The penitentiary at Jackson had been torched in 1863; the local jails were crumbling from neglect. “Emancipation ... will require a system of prisons,” a state official observed at war’s end. “The one in Jackson was nearly full *when the courts had little to do with the negroes*. How will it be now?”<sup>10</sup>

The answer was provided by a businessman named Edmund Richardson. Born in North Carolina in 1818, Richardson had parlayed an inheritance of \$2,800 and a few slaves into an empire of cotton plantations and general stores throughout Mississippi. When the Civil War began, his assets totaled \$1 million; when it ended, almost everything was gone. “Somehow he had saved five hundred bales of cotton,” wrote a sympathetic biographer. “In a year he was out of debt and soon had capital in his business. It was quite a comeback.”<sup>11</sup>

Richardson moved quickly. In 1868, he struck a bargain with the federal authorities in Mississippi. Richardson needed cheap labor to work some land he had bought in the sparsely settled Yazoo Delta; the state had a gutted penitentiary overflowing with ex-slaves. The result was a contract that allowed Richardson to work these felons outside the prison walls. He promised to feed them, clothe them, guard them, and treat them well. The state agreed to pay him \$18,000 a year for their maintenance and an additional sum for their transportation to and from his primitive Delta camps. Richardson got to keep all of the profits he derived from the labor of these convicts.

Richardson’s contract began the era of convict leasing in Mississippi. At the time, it seemed a stop-gap measure to deal with rising crime rates until a new prison could be built. It did not turn out that way. Before convict leasing officially ended, a generation of black prisoners would suffer and die under conditions far worse than anything they had ever experienced as slaves. Few of them would spend much time inside a state prison or a county jail. They would serve their sentences in the coal mines, sawmills, railroad camps, and cotton fields of the emerging New South.

Richardson set down the guidelines that others would follow. He separated his convicts by race, keeping the whites in Jackson and sending the blacks to his primitive Delta farms. According to the *Penitentiary Report of 1871*, “146 colored males” and “6 colored females” were shipped to the Delta while “61 white males” and “25 colored males” (the old and disabled) remained at the state penitentiary, or Walls. There were no white female convicts at this time, because Southern custom frowned upon their incarceration. When Alabama sent its first white woman, a murderess, to the penitentiary in 1850, state officials expressed amazement at finding a “lady so destitute of virtue and honor.”<sup>12</sup>

Richardson’s black convicts did the “nigger work”: building levees, clearing swampland, and ploughing the fields. The *Penitentiary Report* lied shamelessly about conditions on his farms. “Few punishments had to be administered,” it said, “and labor in most cases has been cheerfully performed.” The report added, almost in passing, that 119 convicts had escaped since 1868 and that dozens more had died of gunshot wounds and disease.

No one seemed to care. The stories about Richardson focused on his incredible success and wealth. Convict leasing had helped him earn a fortune, a fact noted by businessmen throughout the South. By 1880, he had built a mansion in New Orleans, another in Jackson, and a sprawling plantation house known as Refuge in the Yazoo Delta. His holdings included banks, steamboats, and railroads. He owned three dozen cotton plantations and a controlling interest in Mississippi Mills, the largest textile plant in the Lower South. His New Orleans—based brokerage house, Richardson and May, handled more than 250,000 bales of cotton each year.



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