Producing the Lone Star State: The State Sponsored Confinement of Native Americans, Tejanos, and African Americans in Nineteenth Century Texas

Alexandria Otero
aotero@wellesley.edu

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Alexandria Otero

Submitted in Partial Fulfillment of the Prerequisite for Honors in History

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Introduction: Discerning Myth from Reality

On March 2, 1836, what used to be the state of Coahuila-Tejas in the nation of Mexico became the Republic of Texas. Similar to the United States, the Anglo rebels of Texas claimed they had “taken arms in defense of their rights and liberties,” and wished to overthrow “the reign of despotism,” in exchange for a state that would protect “republican principles.”\(^1\) During and after the war, Texans would compare their fight for liberty to that of their eastern neighbor, the United States, even going so far as to associate their leaders with “the school of ’76” as they did with their first President and Vice President, Sam Houston and Mirabeau Lamar.\(^2\) Then as now, the “school of ’76” invoked the famous phrases from the Declaration of Independence that “all men are created equal, that they are endowed by their creator with certain unalienable rights that among these are, life, liberty, and the pursuit of happiness.”\(^3\) When signing their own Declaration of Independence, the “Texians” as they called themselves, similarly believed that they were crafting a nation based on liberal principles of independence, property ownership, and freedom. However, their version of freedom came at a heavy price for countless people who already called Texas home as well as the thousands of enslaved others who were taken to Texas against their will as the property of the “freedom fighters.”

Texas occupies an interesting space in American history. When the general public thinks about “The Lone Star State” it is generally in the context of the West. However, Texas has decidedly American and Southern roots, particularly when one considers its path to statehood. Equality and the protection of property were pillars of the American liberal experiment – – written in race neutral language — however, these rights were only guaranteed for white

\(^1\) Texas Declaration of the People, November 7, 1835. Broadside Collection #497, Archives and Information Services Division, Texas State Library and Archives Commission.
\(^2\) Natchez Daily Courier / 09-27-1836 / Broadside Collection. The Dolph Briscoe Center for American History, The University of Texas at Austin.
property owning men. If one didn’t possess certain characteristics — whiteness, masculinity, property — it was impossible for them to claim independence in American society. The same can be said regarding the creation of the Texas Republic. According to historian Adam Malka, “Property mattered because nineteenth century Americans defined its possession as freedom itself… ” Therefore, the protection of a white man’s property — including his enslaved property — was of paramount importance to his freedom. As the United States aged and expanded westward, these pillars of freedom and property ownership were exported. Likewise, the state’s limitation of those rights also found its way West. From the start of Anglo colonization in the 1820s, Native Americans, Mexicans, and African Americans suffered socially and politically as a consequence of liberal state building in Texas. While their experience of the state varied — depending on initial social and political relations with Anglo Americans — each group was confined either socially, politically, or physically by the state and its supporters in the name of preserving liberal citizenship of property holding Anglo American men. This thesis aims to explore the processes of confinement for all three groups and how each were impacted by the Anglo American desire to form a liberal state in Texas.

In order to understand the argument of this thesis, it is important to define how the terms “liberal citizenship” and “confinement” will be used throughout. Since the founding of the United States and later Texas in 1845, Anglo Americans conceived of the state as a protector of individual rights for all citizens. This idea was derived from eighteenth century liberalism which prioritized an individual’s freedom to own private property and lead autonomous lives outside the confines of an authoritarian state. A common example of this type of liberalism was Thomas Jefferson’s “empire for liberty” — a state populated with independent white yeomen farmers.

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who made productive use of the land and sold their modest surplus in a local market.\textsuperscript{5} Because of their landed status, these men would then have the right to participate in government and exert their political voice through freedom of expression and association. This structure of government allowed for Anglo American men “to constrain state action so that what the state does reflect the needs and demands of the citizenry.”\textsuperscript{6} As a consequence of Anglo American men asserting their political power within the liberal state, other nonwhite peoples were violently excluded from participating. Nonwhites were forcibly confined to inferior social and political positions by the state and its supporters.

Confinement is one of the foundational terms in my argument. Rather than merely defining it as being physically delimited to a physical space, I see confinement as a condition of being forced to exist as socially or politically inferior person or group within a political territory with no opportunity for upward mobility. According to contemporary political theorists, Amy E. Lerman and Vesla M. Weaver, the American liberal state “has been on an ‘unsteady march’, blending liberal democratic tenants with rival, illiberal ideologies of ascriptive hierarchy.”\textsuperscript{7} The blending of liberal and illiberal principles has led to nonwhite populations being violently subjugated by the state and its supporters in the name of preserving a government that protects the rights of white individuals. While Lerman and Weaver are discussing what they believe to be the current state of affairs in American governance — specifically in the criminal justice system, I posit that this phenomena has its foundations in the nineteenth century and in order to better understand the social and political relations of today, we need to better understand the ways these core governing ideas and practices were produced in states such as Texas.

\textsuperscript{6} Amy E. Lerman and Vesla M. Weaver, Arresting Citizenship: The Democratic Consequences of American Crime Control (Chicago: The University of Chicago Press, 2014), 78.
\textsuperscript{7} Lerman and Weaver, 6.
Texas is not the only state that was built in the nineteenth century through the process of confinement. Several others — such as California — were also created by confining their nonwhite populations to inferior political and social positions. What makes Texas unique, however, is its journey to liberal statehood. Texas was its own republic for nine years and during that time, it developed a penchant for rugged individualism that is a cultural touchstone to this day. According to the Texas Creation Myth popularized during the Texas Revolution in 1835, independent Anglo American settlers arrived in the 1820s to Coahuila-Tejas to settle and civilize “the home of the uncivilized Comanche and other tribes of Indians, who waged a constant warfare against the Spanish settlements.”

Rebel Texans during the Revolution claimed that Anglo settlement had resulted in Texas being “redeemed from the wilderness of the wild beast and savage.” Rather than being held by “weak Mexicans” Texas was now in the hands of Anglo settlers who had exported American liberalism to an “ownerless frontier.” This Creation Myth resonated with Texas rebels, Anglo American sympathizers, and even holds weight in contemporary Texas. What is often forgotten, however, is how the transition of ownership of land from Native Americans and Mexicans to Anglo Americans created an unbalanced relationship predicated on liberal notions of who could own property and claim citizenship.

Texas was also able to use its history as a republic as a way to maintain power that was typically reserved for the federal government. Since Texas was able to govern its territory independent from the federal government for a period of time, it used its state legislature to confine the existing nonwhite populations to socially and politically inferior positions on its own terms. While the process of confinement was different for Mexicans and Native Americans, both groups

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lost significant amounts of power, political protection, and territorial claims that they had in the Spanish and Mexican period.

It is impossible to discuss state-building in Texas without mentioning slavery. African slavery was at the heart of Anglo colonization in the 1820s and one of the main causes of the Texas Revolution. When Anglo Americans came to Texas, many brought slaves with them to labor on the land they would gain from the Mexican government. However, as Mexico moved to outlaw slavery in the late 1820s and 30s, Texans viewed the legislation as a move to limit the freedom of Anglo Americans to own property. Once Texas became an independent republic, it explicitly used its laws to protect the institution of slavery and the restrict the rights of the few free blacks living there. This strategy continued until the end of the Civil War when the practice was outlawed nationwide. Starting almost immediately after emancipation, Anglo Texans began to use violence, intimidation and the law to confine African Americans to a similar social status they held in the antebellum era and prior. If blacks attempted to exercise their rights as citizens, they would often be violently intimidated or attacked by the state and its vigilante citizens. If freedmen were accused of breaking the law, they would subsequently be incarcerated, and forced to labor for the state in conditions often likened to slavery. As I will make clear in what follows, it was in this moment that the prison in Texas transitioned from a space for white men to become liberal citizens into a site of the continued oppression of freedmen.

Although a significant amount of scholarship exists regarding the formation of Texas, the history of Mexican, Native American, and Afro-Texans is often told separately. As a result, there is a disconnect between the experiences of each group. Even though each group experienced

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liberal state building differently — from one another as well as within their own communities — all were subject to confinement by Anglo Americans who entered the state in the 1820s. By writing about their histories in one space, I hope to provide a more cohesive understanding of state building in Texas and how different communities experienced this singular process. According to historian Gary Clayton Anderson, “Historians must retell Texas history as it really is, an unfolding of interconnected events driven by racial prejudices born out of cultural conflict, unfamiliar lifestyles, [and] disparate political and economic goals.”\textsuperscript{12} Anderson’s analysis in his book, \textit{The Conquest of Texas}, heavily influences chapter 1 of this thesis in which I discuss the social and political relationships between Tejanos and various Native American groups such as the Caddo and the Comanche. I am also in conversation with Anderson’s work as well as Raúl Ramos’ book, \textit{Beyond the Alamo}, in chapter 2 which outlines how the process of confinement occurred for Mexican Americans and Native Americans after the Mexican American War.

In the final chapter, I rely heavily on Adam Malka’s book, \textit{Men of Mobtown}, which discusses vigilante policing and the discrimination free and enslaved blacks faced in Baltimore at the hands of the liberal state. Although Malka’s work is about Baltimore, his analysis of the state’s role in policing of minorities is applicable to the experiences of blacks in Texas. According to Malka, white male citizens had “an intimate bond with “the police apparatus of the liberal state.”\textsuperscript{13} This relationship built a state which aimed to the protect the exclusivity of citizenship for Anglo men. While Malka focuses on Baltimore, his analysis can be applied to state formation in Texas as well and is often present in my analysis. As Malka suggests for Anglo Americans in Baltimore, without the assistance of the state, it would have been impossible for Anglo Texans to have “redeemed it [Texas] from the wilderness of the wild beast and the

\textsuperscript{13}Malka, \textit{The Men of Mobtown}, 7.
savage [and] covered it with a hearty industrious population,” at the expense of the nonwhite freedom.¹⁴

Popular Texas history often excludes narratives that do not conform to its celebratory arc. Texans are very proud of their history and often refer to the Texas Creation Myth when recounting the state’s past. In addressing the problematics of liberal state building in Texas, this thesis hopes to tell a history of Texas that accounts for the populations that were present before Anglo Americans arrived in the 1820s as well as the experiences of those brought to Texas against their will by Anglo oppressors. In writing about the creation of the liberal “Lone Star State” and the role of Anglo Americans in confining minorities to the margins of its society, I hope to provide a more balanced and nuanced history that highlights the state’s role in producing a society that deeply values individualism, the ownership of private property, and freedom.

In 1821, American cartographers created a map of Mexico. On the map, they provided the viewer with detailed written descriptions of the terrain, climate, populations, and fertility of the land owned by the Spanish empire. In a section titled, “Situation, Boundaries, and Extent,” the cartographers explained that, “Besides the settled part of New Spain, there is a very large territory between the Internal Provinces of the United States, either uninhabited, or inhabited by savage Indians only. The extent is about 700,000 square miles, but is entirely unexplored and
unknown.”¹ In this region of New Spain, there were several rivers where according to the mapmakers, “the fertility is extreme” and was ideal for producing, “an abundance of sugar, indigo, and cotton.”² While mapmakers admitted that a significant portion of Northern New Spain was unexplored, they believed the land would yield opportunity for cultivation and development. Given the United States’ increasing demand for productive land, the “unoccupied” space seemed to be ideal for eventual Anglo settlement and US ownership.

Starting in the early 1820s, Anglo Americans under Moses Austin and later his son, Stephen, began to colonize parts of this land, the Texas frontier, with the permission of the Mexican government. Upon their arrival, Anglos armed with the knowledge they had received from maps such as the one above, perceived this space as ownerless and thus readily available. For instance, in 1830 The Texas Gazette, based in Austin’s colony of San Felipe de Austin, claimed that as a result of Anglo American colonization, “a large and valuable portion of Mexican territory has been redeemed from the wilderness.”³ In actuality, the land had been occupied for generations by Comanche, Apache, Karankawa, and Caddo Native American communities, the Spanish, and then Mexican peoples. When the Spanish arrived in the sixteenth century, they “had to negotiate the structures and institutions of Indian political economies,” and adhere to varying Native American community’s land customs while travelling. ⁴ These early interactions not only indicated the amount of sovereignty Native Americans possessed in the early colonial period, they also signaled the start of complex race relations between Native Americans and European descendants.

From first contact, it was evident that Native American conceptions of land ownership were radically different from Europeans. Prior to contact with the Spanish, Native Americans had established borders however, they were often economic or social in nature rather than physical as seen in Eurocentric maps. The Spanish largely adopted communal land sharing as practiced by Native Americans and thus, the tradition continued even after the Spanish empire ceased to control what would become Mexico in 1821. According to historian, Maria Montoya, land ownership in the northern frontier of Mexico could be classified as an “informal property system … which was based on personal connections with the land and patronage.” This patronage system allowed for all members of the community to use the land for subsistence although one head of family officially owned the space. However, once Anglo Americans migrated to the region with the permission of the Mexican government in 1824, property ownership shifted from being described as “informal” to a “fenced-in” space owned by individuals whose ownership was legitimized by legal documents and maps drafted in far-off places.

The type of ownership introduced and subsequently implemented in Texas after the arrival of Anglo Americans was a direct importation of American liberal citizenship which is predicated on the freedom to own property. According to historian, Gary Clayton Anderson, Anglo American immigration into Texas in the 1820s and 30s was “a poorly conceived southern landgrab that nearly failed,” and was largely aimed at expanding the institution of slavery throughout North America. With the importation of slavery into the Anglo-led settlement of Coahuila-Tejas, Anglo Americans were able to perpetuate plantation culture in Texas and all the

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5 Juliana Barr, "Geographies of Power", 10.
political and social consequences that came with it. Although Anglo Americans had the opportunity to participate in politics, they had to promise the Mexican government that they would become “law abiding citizens of Mexico” and that their communities would be “composed of both Mexicans and foreigners living in stone or wooden houses arranged along the streets in the Spanish fashion.”9 As soon as they entered the territory of the Coahuila-Tejas however, Anglos quickly and intentionally separated themselves from the Mexicans and indigenous peoples who had lived in the area for generations. This deliberate segregation by Anglos thus began the process of confinement for Native American and Mexicans. Rather than embracing Mexican citizenship, which was an expectation of their immigration to the region, Anglos continued to “…preserve the Jeffersonian ideal of a republic of independent white yeomen farmers,” imposing their ideas of space and belonging within the boundaries of the nascent Mexican nation.10 Although Texas was not yet a republic or a part of the US, the Anglo Americans who migrated there had begun the process of forming a liberal state based on Anglo American supremacy at the expense of those who already lived there.

In addition to different conceptions of property ownership, the Spanish and later Mexican peoples had a different understanding of race and how its related to citizenship and wealth. New Spain used a casta system which organized members of society into a variety of racial classifications. This system was used to establish a racial hierarchy in Spanish society with Spanish born whites at the top and all other peoples below. Although Spanish born subjects were the most powerful in society, the racial hierarchy was rather fluid depending on the political and financial position of an individual. According to historian Omar S. Valerio-Jiménez, “individual examples abound of vecinos [community members] in the northern borderlands “whitening”

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9 Reséndez, Changing National Identities at the Frontier, 28.
their casta [social caste] as their wealth increased” throughout the Spanish period and into the Mexican period.\(^ {11}\) While the whitening of one’s social class did signify power and status in Spanish and Mexican Texas, citizenship was considered to be more universal. When Mexico gained its independence from Spain in 1821, it granted everyone who lived within its borders citizenship — even Native Americans who may or may not have cared about their political status in Mexico. Spanish and Mexican understanding of citizenship and social caste were quite different to American customs and would radically change once Anglo Americans were introduced in the 1820s. Unlike the Mexican government, Anglo Americans considered citizenship to be intrinsically tied with property ownership which was intimately tied to race. Therefore, a large portion of Mexicans were excluded from political participation and Native Americans were excluded almost entirely once Anglos came into power in 1836 after the Texas Revolution.\(^ {12}\)

This chapter describes the social and political landscape of indigenous peoples and Tejanos in Texas until the formation of the Texas Republic in 1836. Preceding the Texas Revolution, different conceptions of property and citizenship existed between Tejanos and indigenous peoples and dictated diplomatic relations between the two. The arrival of Anglo Americans in the 1820s provoked a change in definitions of property ownership and citizenship which eventually led to the physical and social confinement of the Tejano and indigenous populations of Texas in the latter half of the nineteenth century.


Spanish and Mexican Texas: Pre-Anglo Colonization

Years before the first migration of Anglo settlers into Texas, French and Spanish colonizers lived alongside Comanche, Apache, Caddo, and several other Native American groups. Although the European newcomers developed diplomatic relationships with indigenous groups, they perceived them to be inferior. For instance, in 1746, a Spanish explorer wrote on the legend of a map “All this country is populated with Barbarous [Indians].”\(^{13}\) Although the Spanish perceived Native Americans to be “barbarous” peoples they nevertheless allowed their colonists to be incorporated into the social and geopolitical landscape of Native Texans. As a result of this interaction, the Spanish created a distinct space for themselves in the region within the indigenous political structure. To illustrate this point, Spanish explorers often used Native American guides to travel in Texas and abided by the customs of each territory which varied given the multitude of distinct Native American communities present. It was understood that Natives had established civilizations and that they had the capability to retaliate against perceived invaders. For example, Spanish explorers noted Native communities that “looked like a city” and that they had “… nothing barbarous but the name.”\(^{14}\)

Given European reliance on Native Americans for safe travel and their experience of Native geopolitical customs, some Europeans began to respect the sovereignty and agency of Native peoples and thus, Native Americans were largely considered the rulers and owners of the land. Eventually, the Spanish established their own political and economic landscape in Texas through missionaries — religious establishments intended to convert Native peoples to Catholicism.\(^{15}\) As a result of mission building in New Spain, a distinction emerged between the “indios barbaros” and the “mission Indians.” While both were instrumental in the survival of the

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\(^{13}\) Juliana Barr, “Geographies of Power,” 5.
\(^{14}\) Barr, 36, 25. For more information about Spanish-French-Indian relations in the earlier colonial period, consult Barr, “Geographies of Power”.
\(^{15}\) Barr, 17.
Spanish empire in the new world, each served a different purpose and interacted with the Spanish in unique ways. This was especially important in later years once the social distinctions between Native peoples and Spanish became more blurred.

Throughout the early colonial period, the Spanish had distinct relations with every native group present in Texas. While some Native groups embraced the Spanish and considered them allies, others used the Spanish’s fear of “indios barbaros” to remain a powerful force in the southern plains. One of the most notorious Native groups was the Comanche, a nomadic community in Texas unparalleled in their horse riding abilities. They controlled large parts of the Texas Panhandle extending to the Rio Grande — the present day border between the United States and Mexico.16 Throughout the eighteenth and early nineteenth century, the Comanche had a rather tumultuous relationship with the Spanish and then Mexican government which has been characterized by historians as an “imperfect peace.”17 The arrival of the Spanish dramatically transformed the economic and technological realities of the Comanche. With the introduction of the horse on the North American continent, the Comanche were able to expand their territories and incorporate other Native American communities into their own “some as captives, some as traders and some … as allies.”18 It is believed that the Comanche’s war like tendencies were intensified and accelerated by Spanish colonization and the subsequent displacement of violence it caused. According to historian Ned Blackhawk, the displacement of violence is a phenomena which “reshaped distant Indian communities” and forced Native American groups to “consolidate into larger political units, while pushing others into new political alliances and still others to migrate to more proximate trading and raiding locales.”19 Given the changed political

17 DeLay, 138.
19 Blackhawk, 728.
economy the Spanish’s arrival caused, the Comanche and other war focused groups like it, intensified their militancy and consolidated their power to maintain geopolitical primacy. This strategy often incited violence from the Spanish and Comanche alike. Throughout the colonial period and thereafter, the Comanche would inflict violence on the plains to “…win honor, avenge fallen comrades and grow rich.”

This is not to say that the Spanish and later the Mexicans did not inflict violence on the Comanche, they surely did, and it was often retributed by Comanche war parties. Nevertheless, the Comanche and the Spanish were able to make an uneasy peace throughout the eighteenth and early nineteenth century based on the latter’s fear of the “indios barbaros” which ultimately worked to Comanche advantage.

The goal of the Spanish in Northern New Spain during the colonization period was to promote migration into the region and create loyal Spanish subjects out of colonists and indigenous peoples. Unlike the southern regions of the empire, the north did not possess precious metals such as silver. It did however, have a significant amount of fertile land. Therefore, the Spanish were intent on creating loyal subjects to the crown that would be responsible for toiling the land, which would then feed laborers down south. The crown ensured the loyalty of Spanish-born settlers by granting them “huge land parcels through royal or executive grants” through the encomienda system. After the patrón — the name given to Spanish property owners — was awarded his grant, he and his subordinates were guaranteed military protection from hostile Native American groups by the crown. Although they were provided with protection, they were still encouraged to convert Native people into good Spanish subjects that

21 DeLay, 124.
23 Montoya, Translating Property, 47.
would be loyal to the empire and contribute to the political economy of New Spain. This method of control by the Spanish was an early form of confinement for Native people who became “mission Indians.” In the eighteenth century, the Spanish empire established missions and presidios in Northern New Spain to increase “the Spanish presence on the frontier, to incorporate the local indigenous peoples, and to lay the groundwork for civilian colonization of the region.” As mentioned above, the Spanish desired to create loyal subjects out of the local indigenous populations. Therefore, they forced local Native American communities to labor on the land allotted for the mission in exchange for rights to water and subsistence agriculture. In addition to laboring on the property, “mission Indians” were taught Catholicism by Franciscan priests aiming to convert them. Historian Omar S. Valerio-Jiménez notes that “colonists believed that they ‘rescued’ Indians from barbarianism and paganism while providing for their material and religious needs.” The mission system however, severely limited the movement and cultural expression of “mission Indians.” It also resulted in the separation of families as colonists justified taking indigenous children to the mission for “education” purposes. The mission system conceived by the Spanish confined the “mission Indians” of Texas into subordinate laborers forced to abandon their indigenous traditions for Spanish customs such as worshipping the Catholic god.

The mission system was not meant to be indefinite. On the contrary, after approximately twenty years, the mission would secularize and the site of worship would simply become a parish for fully converted “mission Indians.” After secularization, former “mission Indians” — now Spanish subjects — would be given small plots of land to cultivate for themselves. As the

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24 Valerio-Jiménez, River of Hope, 93–94.
26 Ramos, 67.
27 Valerio-Jiménez, River of Hope, 32.
28 Ramos, Beyond the Alamo, 67.
mission system gave way to secularization in the 1820s, Native peoples were often forgotten and not given their own property promised to them in the original decree. Rather, Anglo Americans and Spanish born colonists would receive the land “in a land speculation move.”\textsuperscript{29} The former “mission Indians” then, had no choice but to continue to work the land for a superior as they had in the mission years. In the years following mission secularization, distinctions in native identity began to disappear. As the former “mission Indians” began to integrate more into Tejano society, they distinguished themselves as either “mestizo” — a person of mixed (Spanish, Indian, or African) ancestry — or “indio” rather than as a part of a particular Native American group. The mission system and its eventual secularization, led to a number of indigenous customs and cultures formerly practiced by “mission Indians” to disappear.\textsuperscript{30} As a result, the process of confinement for some Native groups began to occur long before Texas colonization in the 1820s. In fact, by the time Anglo Americans began to settle in Texas, many Native peoples had become fully integrated into Mexican society, either as “indio” — civilized Indians — or mestizo.\textsuperscript{31}

Although the vecinos (patrónes) had ultimate power and control over the property granted to them by the Spanish crown, they were also responsible for landless subjects and thus granted them access to the land for communal use. For generations, people worked under the vecino — as he is referred to by his subordinates — and relied on his land for their survival. Native peoples also came to agreements with the vecinos for hunting and gathering rights on the vast amount of land granted to them by the Spanish.\textsuperscript{32} The property relationship between the vecinos, campesinos, and Native Americans is a perfect example of the conceptions of property that existed in New Spain and later Mexico. Rather than having the property sealed off and meant exclusively for the use of the vecino, the Spanish instead conceived of property as a means of

\textsuperscript{29} Ramos, \textit{Beyond the Alamo} 68.
\textsuperscript{30} Ramos, 67, 69.
\textsuperscript{31} Ramos, 69.
\textsuperscript{32} Montoya, \textit{Translating Property}, 11.
controlling the populace. Since campesinos — often mestizo workers in the lower class — and Natives relied on the vecino’s land for survival, the vecinos and patrónes were able to maintain control over the population.

When the Spanish arrived in Texas, their objective was to create loyal subjects who would maintain Spanish territory and spread the Catholic faith to the entire populace. Both Native Americans and colonists were a part of this large-scale project. Overtime, the integration of Natives and Spanish colonists created a fluid racial caste system as well as conception of loose property ownership based on the needs of the people living on the land. Although there was an understanding amongst some groups, violence was inflicted by both the Spanish and Native peoples. This violence would continue for decades as the newcomers and indigenous peoples — most notably the Comanche — would fight for dominance on the plains. This “uneasy peace” would eventually lead to a break down in relations between the Spanish and its colonists, becoming one of the causes for Mexican independence in the early nineteenth century.33

**Mexican Independence and Protection from Native Peoples**

The revolution in Mexico — which occurred from 1810-1821— was embroiled in class and racial conflict. The local-born leaders, criollos, of Northern New Spain felt that they were not awarded the same rights and privileges as Spanish born subjects. Lower classes felt further oppressed and joined forces with the criollo elite of the colony to promote a “brand of eighteenth century liberalism,” which included, “rights and power for men of reason and property, recognizing the basic caste system that existed below them.”34 Additionally, the colonists of New Spain felt themselves far removed from the seat of power in Mexico City and accused government officials of not providing adequate military protection from hostile Native American

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34 Anderson, *The Conquest of Texas*, 44.
groups. Over the course of ten years, the rebels — along with a number of indigenous groups — would fight the crown for independence and sought to establish a nation separate from Spain based on the importance of citizenship rather than social class.\textsuperscript{35} In this moment, what would become Mexico began to experiment with creating a national identity based on belonging to a particular state rather than being the subject of a vast empire. By valuing citizenship based on national identity rather than subject hood based on proximity to Spain, former Spanish subjects were attempting to create a basic sense of belonging for its people.

Once Mexico won its independence from Spain in 1821, one of the first measures its government took was then to grant citizenship to all persons living within the borders of Mexico. First, in 1821, the Mexican government eliminated race from all legal documents and considered everyone a citizen. Then in 1824, they made citizenship seemingly more accessible by “...removing property and literacy requirements.”\textsuperscript{36} This decision contributed to the emergence of a Mexican national identity, yet it did nothing to change the class relations between the Spanish descended vecinos, mixed populations, and Native Americans. For example, in order to vote in national elections, Mexican men had to own land, and those claims had to be recognized by the government. Since Native peoples and campesinos could not afford to purchase land — this is the way land ownership was recognized by the government — they were not granted the right to vote.\textsuperscript{37} In not being granted the right to vote, the wealthy landed elite of Mexico were still able to retain control of the lower classes that depended on them for wages as well as access to land while at the same time cultivating a Mexican identity based on citizenship within a nation.

While Mexicans were largely in favor of forging a national identity, the citizenship of Native peoples was often called into question. As mentioned above, the 1824 constitution gave

\textsuperscript{35} Valerio-Jiménez, River of Hope, 103.
\textsuperscript{36} Valerio-Jiménez, 107.
\textsuperscript{37} Valerio-Jiménez, 109.
citizenship rights to all people living within Mexico’s borders, which included Native Americans, African slaves, and mixed race peoples. In regards to Native Americans, it was often questioned whether they were intellectually capable of holding citizenship status in the Mexican nation. While some — such as future President of Mexico, Antonio Lopez de Santa Anna — favored citizenship for all, others advocated for the removal of Natives from the new nation all together. For example, one newspaper based in Matamoros wrote in an editorial, “Not all who have been born within the territory of the republic are Mexicans, but only those who live under its pact. Neither the Comanche barbarians, nor the traitors, who have violated the faith they owe this pact, and government, violating the national honor, deserve this name.”

Although this piece was written in 1838, the sentiment about which types of Native peoples can lay claim to Mexican citizenship and its benefits was relevant in the 1820s during Mexico’s nationhood. For example, in the late 1820s, Mexican officials openly discussed giving land to property-less Cherokees recently expelled from the United States. In June of 1828, Mexican General Manuel de Mier y Terán wrote to the Mexican Minister of Foreign Relations that, “[The Cherokee] tribe is industrious, respects property, lives by its labor, and is obedient to the authority of its military and political chiefs. It can be hoped that when their intellectual culture has increased, they will be incorporated into the Mexican Nation.”

Although Terán was not convinced of loyalty by groups such as the Comanche and Apache, his response indicates that citizenship was not necessarily deemed unattainable for Native peoples. Nevertheless, there was a question about a particular group’s ability to achieve

38 Valerio-Jiménez, 109. In the aftermath of the Mexican revolution, leaders were interested in abolishing slavery nationwide, thus granting formerly enslaved people citizenship rights which, as mentioned, did not grant voting or property ownership rights. Outlawing slavery would eventually become a contentious issue at the height of Anglo colonization in the late 1820s. For more information see, Anderson, The Conquest of Texas, 44.
41 Manuel de Mier y Terán et al., Texas by Terán: The Diary Kept by General Manuel de Mier y Terán on His 1828 Inspection of Texas (Austin, United States: University of Texas Press, 2000), 92–93.
an “intellectual” status necessary for integration into Mexican society. While the Cherokee were deemed worthy of one day becoming Mexican citizens, other groups such as the Comanche and Apache were greatly feared by Mexicans, and the state wished to expel them from Mexico entirely. According to Terán, it was necessary for the government to use military force against hostile Native Americans and should, “…do with them what the North Americans have done with their savages: subjugate them and send them beyond their borders.”

Although the Mexicans rebelled against Spain partially because of inadequate protection from Native raids, they still experienced violence at the hands of Native groups in the area who resisted their presence on the land. This was one of the first major shifts in relations between Mexicans and Native peoples. Throughout the colonial period, there was a distinction between the “mission Indians” and the “indios barbaros” however, the Spanish would negotiate with Comanche and Apaches when it was in their best interests. Once Mexico became independent however, this diplomacy was no longer feasible. After the War for Independence, Mexico was suffering financially and could not afford protection for its northern provinces against raiding. Therefore, the Mexican government began to endorse an Indian policy akin to the United States, which favored violence rather than diplomacy.

While the Mexican government wished to employ force to address the issue of violence in its northern states, the population of Northern Mexico was quite small. Internationally speaking, they also had to confront westward encroachment by the United States. As a result, the Mexican government decided to use the empresario system it had included in the 1824 Constitution to populate the region. According to this provision, land grants would be given to people interested in cultivating and protecting the space. Tejano elites in the region believed that through the integration of Anglo Americans into Mexican Texas the province would, “receive an

42 Mier y Terán et al., Texas by Terán, 92.
43 Ramos, Beyond the Alamo, 87.
important augmentation in agriculture, industry, and arts by the new emigrants who will introduce them.”

The Tejano advocates also guaranteed to the Mexican government that the newcomers would be loyal to Mexico and serve as a defender “against all kinds of enemies,” which likely is in reference to hostile Native Americans. Many elite Mexicans perceived the introduction of Anglo Americans into Texas as “… the easiest and least costly way,” of populating and protecting the frontier especially if “…they have means and properties.” In welcoming Anglo Americans into Texas, the Mexican government believed that it had found a cost-effective way to stimulate the economy and gain protection from hostile Native forces.

While the land grants came with the caveat of converting to Mexican citizenship, the introduction of Anglo Americans into the space along with their preconceived notions of property ownership — both land and slavery — would radically change the political landscape of the region for years to come.

**Anglo Colonization: Relationships with Tejanos and Indigenous Peoples**

Once Anglos came into Texas, they quickly established settlements and began cultivating the land with imported slave labor. Although they were able to create their own settlements, they were required to make alliances with local leaders in order to obtain political power. Stephen F. Austin, ever aware of this necessity, quickly became close with one of Bejar’s — present day San Antonio — leading political figures, Erasmo Seguin. Seguin was a very powerful Tejano in Bejar who possessed domestic slaves. He also had direct ties to the central government in Mexico City, a body Austin was desperate to be acquainted with given that the Mexican government was looking to abolish slavery in the near future. He was also interested in attaining

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44 Ramos, *Beyond the Alamo*, 86.
45 Ramos, 86.
more grants — for himself and fellow Anglo emigrants — as well as autonomy from the Mexican government. In the early years of the friendship, both Seguin and Austin praised the other and insisted on extending hospitality to one another. For example, in a letter to his brother in the United States, Austin wrote, “I owe something to Don Erasmo — he refused to receive pay for the time my brother staid [sic] here, and I have always staid here in my visits to Bexar and he would never receive pay.”\(^\text{47}\) The relationship between Seguin and Austin was a common one at the start of Anglo colonization in the 1820s. Both saw cooperation as a way to expand “the economy based on trade with the United States and the growth of cotton.”\(^\text{48}\) Besides friendship, Tejanos and Anglos would often ally themselves through marriage. Marriage was an easy and often used mechanism for Anglos looking to gain property and prestige in Tejano society because it gave them access to their wife’s property and money.\(^\text{49}\) One famous example of this would be the marriage of famous Texas Revolutionary, James Bowie, to Ursula de Veramendi in 1831. This union gave Bowie access to powerful social circles and land.\(^\text{50}\) In allying with one another, Tejanos and Anglos began the process of collaboration in a tumultuous Mexican state. Tejanos were able to gain protection from hostile indigenous groups and also have increased economic chances. Both were able to benefit from this relationship and become allies in the face of an unstable central Mexican state.

When Anglos arrived in the state of Coahuila-Tejas, they already had preconceived notions of Native peoples. Unlike the Mexicans, who often distinguished peaceful Natives from “indios barbaros,” the Anglo Americans thought of all Natives as “universal enemies to man.”\(^\text{51}\) According to historian Gary Clayton Anderson, Anglos perceived themselves — in regards to

\(^{47}\) Ramos, *Beyond the Alamo*, 82.
^{49}\) Valerio-Jiménez, *River of Hope*, 149.
^{50}\) Ramos, *Beyond the Alamo*, 112.
Native peoples as “justified in using violence … to create and sustain Anglo dominance.”\textsuperscript{52} The US, in contrast to Spain and later Mexico, resorted almost immediately to violence against indigenous populations residing in its territory. In the 1820s, just as Anglo Americans were migrating to Texas for better prospects, the US was in the process of enforcing an Indian removal policy popularized by expansionists such as Andrew Jackson. According to Anglo Americans like Jackson, Native Americans needed to be removed — either west or through extermination — in order for Anglos to peacefully exist. Therefore, a series of violent campaigns ensued against Native groups resulting in devasting losses of land and life for countless Native American groups and most famously, the Cherokee. According to explorer, William Clark, Native American wars with Anglo Americans had led to “their warlike spirit [being] subdued, and themselves objects of pity and commiseration.”\textsuperscript{53} Anglo Americans then arrived in Texas with preconceived notions regarding Native Americans and were willing to use violence to protect the land they saw ripe for the taking.

Although Anglos were prepared to use violence against Native peoples, they still petitioned the Mexican government for assistance. For instance, in July of 1826, Austin wrote to the government in Mexico City seeking aid in the aftermath of an Indian raid. In his letter written in Spanish, Austin describes how a band of Comanche and Tawakonis invaded the ranch of Green DeWitt and stole all his property including his horses. The attack also resulted in one death and one injury. According to Austin, the event scared many empresarios at the settlement and they were unsure about what to do.\textsuperscript{54} Although Austin was seeking assistance from the Mexican government, Mexico, on the other hand, desired the American migrants to be a buffer between

\textsuperscript{52} Anderson, \textit{The Conquest of Texas}, 34.
\textsuperscript{54} Stephen F. Austin to Head of Civil Affairs, July 17, 1826. Nacogdoches Archives #223, Archives and Information Services Division, Texas State Library and Archives Commission.
themselves and the aggressive Native American groups in the north.\textsuperscript{55} Therefore, assistance on the frontier was limited. Given the lack of oversight by the Mexican government, Anglos under Austin’s direction often took protection of the frontier into their own hands. 

One of the ways Anglos used violence against Native groups was through employing the now famous Texas Rangers to stave off potential attacks. For instance, in 1824 Karankawas were accused by Anglo settlers of theft and murder resulting in violence between the two groups. In order to quell this animosity, Austin sent members of The Texas Rangers — a militia like group formed in 1823 — into the fray, resulting in the death of many Karankawas. According to Austin, the mission of the group was, “act as rangers for the common defense.”\textsuperscript{56} The Anglo Americans quick turn to violence would set the tone for Anglo-Native American relations in the nineteenth century as Texas continued to move towards independence in 1836. According to Austin, it was of paramount importance to “organize the settlers into Rifle Companies and arm them, and hold them in readiness at all times to march against the Indians with said Providence whenever called on.”\textsuperscript{57} Throughout the period, Natives and Anglos would continue to interact however, their interactions were mostly violent because Anglos did not distinguish between friendly and unfriendly Native American groups and thus grouped all Natives as inferior regardless of their diplomatic history in the region.

\textsuperscript{56} Campbell, \textit{Gone to Texas: A History of the Lone Star State}, 115. While the Texas Rangers were not a very large or powerful group when they formed, they would eventually become an iconic piece of Texas history and be remembered as an arm of the state’s mission to exterminate Native peoples in the latter half of the nineteenth century.
\textsuperscript{57} DeLay, \textit{War of a Thousand Deserts Indian Raids and the U.S.-Mexican War}, 18.
Lead-up to Revolution

The relationship between Anglo Americans and Tejanos remained mostly stable for the majority of the 1820s because Tejanos were mostly confident in the Anglos’ commitment to becoming Mexican citizens. Although Anglos such as Austin were invested in being a part of the Mexican nation, there was concern about the possibility of rebellion and eventual annexation of the region by the United States. For example, in 1826 an empresario by the name of Haden Edwards staged an uprising known as the Fredonia Rebellion. Since Anglo colonists joined the Mexican suppression of Edwards’ rebellion, Tejanos were not concerned about their loyalty. Nevertheless, the Mexican government wanted to investigate for itself given the large and growing population of Anglo Americans in Coahuila-Tejas. The population of Coahuila-Tejas increased dramatically in the 1820s as a result of the empresario system. According to numbers provided by historian Raul Ramos, the population of Texas increased from 2,000 in 1821 to nearly 21,000 in 1834. Given the large Anglo population, the Mexican government sent General Manuel Mier de Terán in 1828 to “report on the immigrant situation and suggest a plan for keeping Texas in the Mexican Nation.” Terán’s trip is indicative of a noticeable change in the power dynamic between Anglos and Tejanos in the region. Since Anglos were coming to Coahuila-Tejas at such an increased rate, it was of paramount importance for Mexico to make sure there were no plans for the state to separate and join the US. According to Terán “There is no power like that to the north, [The United States] which by silent means has made conquests of momentous importance.”

Throughout the early nineteenth century, Mexico was increasingly concerned about the emerging geopolitical power of the United States. Since Thomas Jefferson bought Louisiana

58 Ramos, Beyond the Alamo, 114.
59 Ramos, 113–14.
60 Ramos, 114.
from France in 1803, Americans seemed to have had their eyes set on acquiring Texas. After the purchase, the federal government financed a series of expeditions westward to survey the territory and report on the potential profitability of the space. Once Andrew Jackson was elected President of the United States in 1824, the desire to acquire the region only intensified because Americans were invigorated by the idea of manifest destiny, an ideology which claimed Americans were endowed by god with the divine right to expand the country westward. Although the US was determined to own Coahuila-Tejas, Mexico refused to sell. Even some Anglos who were living in Texas were against it becoming a part of the United States. For example, Stephen F. Austin wrote that Texas joining the union would be, “the greatest misfortune that could befall Texas at this moment.”61 Since the United States could not convince Mexico to sell Texas, they attempted to scare them into sale by capitalizing on Mexico’s fear of hostile Native Americans. For instance, Anglo American lawmakers would make statements referencing the amount of violence happening as a result of Native American raiding. According to Vice President of the United States, Martin Van Buren, “The Comanche Indians … have, for years, been a scourge to Texas. They have, more than once, swept every article of livestock from their owners, and killed the inhabitants of San Antonio, on the commons, in front of the plaza.”62 By insinuating that the Mexican government was incapable of controlling Native populations, American lawmakers were able to justify further expansion. Nevertheless, this tactic did not yield the desired results. Therefore, the US lingered in the background as relations between Anglo Americans and the Mexican government continued to deteriorate.

Similar to the Anglo colonists who had already settled in Texas, Anglo Americans living in the US thought they were exceptional, thinking themselves to be “… an ordained race [who]

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62 DeLay, 6-7.
could do no wrong.”63 The idea of American exceptionalism was not left behind when Anglo Americans decided to migrate to Northern Mexico. Rather, they brought the idea with them and built their own secluded communities based on this premise. For instance, there were several communities in the eastern portion of Coahuila-Tejas that based their governance on Anglo dominance.64 Since the Anglo Americans who migrated from the US imported the concept of American exceptionalism into their new home, it was deemed necessary for the Mexican government to take control in the region as soon as possible. If not, there was a true concern of Texas’ separation or annexation into the United States. When Terán travelled to the Coahuila-Tejas, he immediately noticed the level of autonomy Anglo Americans had in their settlements. According to Terán’s letters to superiors in the Mexican government, the Anglo presence had shifted the social dynamic of local communities. For example, in 1828, General Terán mentioned in a letter to the President of Mexico that “As one travels from Béjar to this town, Mexican influence diminishes, so much that it becomes clear that in this town [Nacogdoches] that influence is almost nonexistent…the Mexicans of this town consist of what people everywhere call the abject class [la clase ínfima], the poorest and most ignorant.”65 This observation was in stark contrast to the seemingly collaborative relationship between Anglos and elite Tejanos in seats of power such as Bejar. In forming their own communities, Anglos would not be beholden to the government of Mexico and could govern how they wished. They then could begin to exclude Mexican citizens from political participation. This much was evident to Terán when he visited Nacogdoches. In a letter from June 30, 1828, Terán noted that the Anglo Americans lived in mostly homogenous societies, “knowing no

64 Mier y Terán et al., *Texas by Terán*, 91.
65 Mier y Terán et al., 97.
Mexicans other than those who live here …think that [Mexico] consists of nothing more than blacks and Indians, all of them ignorant.”66 Terán’s observations of Northern Mexico illuminate the emerging ethnic division between Anglo Americans and Mexicans. Now that Anglos were coming to Texas in large numbers, they could begin to make their own pockets of society and overpopulate the Mexican presence thus, quenching the latter’s ability to exercise political power. This much was evident to Terán, so much so that he wrote to the President of Mexico that further migration should be limited because “there is no one to demand that they obey the laws.”67 Anglos’ contempt for Mexicans also illumined their lack of commitment to Mexico’s definition of citizenship as prescribed by the 1824 constitution. Rather than securing political and civil rights for all in the community, power was vested in the hands of Anglo Americans looking to exist in a polity of white yeoman farmers.

Anglos’ aversion to Mexican law was no secret to the government. Throughout the colonization period, Anglos fought the government — with the help of Tejano allies — for exceptions to Mexican policy, especially in regards to African slavery. When Anglo settlers came to Texas, they brought their slaves with them to cultivate the land they planned to settle. According to Austin, “Nothing appears at present to prevent a portion of our wealthy planters from emigrating immediately to the province of Texas but the uncertainty now prevailing with regard to the subject of slavery.”68 Throughout the colonial period, many powerful Tejanos such as Austin’s close ally, Erasmo Seguin, turned a blind eye to the practice in favor of securing economic success as a result of slave labor.69 Throughout the 1820s, the government in Mexico City passed several measures aimed at outlawing slavery in all of Mexico, but Tejanos in the north as well as Anglo Texans continuously petitioned for exceptions to the law in their state. As

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66 Mier y Terán et al., Texas by Terán, 98.
67 Ramos, Beyond the Alamo, 116.
68 Campbell, Gone to Texas: A History of the Lone Star State, 112.
69 Ramos, Beyond the Alamo, 116.
a result of intense lobbying efforts by Anglos and their Tejano allies, the Mexican government was essentially forced to accommodate Anglo slavery however, they did issue several provisions such as manumission for slaves born in Texas once they reach the age of fourteen. While these laws aimed to limit slavery in Texas, Anglo colonists attempted to find loopholes in the legal code and often referred to the 1824 Mexican Constitution which did not mention slavery in its section on colonization.  

Mexico was very aware of the importance of slavery to the growth of Coahuila-Tejas. According to Terán in a June 1828 letter, settlers from the United States wish to emigrate to Texas, “but they are restricted by the laws prohibiting slavery. If these laws were rescinded (may God forbid), in just a few years Tejas would be a powerful state that would rival Louisiana in production and wealth.” The Mexican government found itself in a difficult position because while they wished to adhere to their constitution granting citizenship to all regardless of race, they were dependent on the economic power of Anglo Americans who were unwilling to give up slave labor. As a result, tensions continued to rise between the two groups into the 1830s.

Tensions escalated in 1830, when the President of Mexico, Vicente Guererro, issued a proclamation emancipating all slaves in Mexico including those in Coahuila-Tejas. The proclamation was quite contentious and prompted complaints about Mexico not respecting the property rights of Anglos. Many powerful Tejanos expressed sympathy to Austin and other colonists claiming “You should believe the most upstanding men of the State are against the law which lacks justice and good faith.” In this moment, powerful Tejanos chose to ally with the Anglos in order to maintain the economic success they had experienced since their arrival. Even though this meant going against the Mexican government, the Tejanos felt more tied to their

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71 Mier y Terán et al., *Texas by Terán*, 99.
72 Ramos, *Beyond the Alamo*, 117.
73 Ramos, 117.
Texas identity rather than to leaders in Mexico City who seemed to be unaware of issues on the frontier, such as constant raids by hostile Native groups. Tensions between the citizens of Coahuila-Tejas and Mexico would continue to escalate as the year continued.

Sensing that Anglo Americans and their Tejano allies would continue to defy the laws of the Mexican government in regards to slavery, Mexico passed the Law of April 6, 1830 which completely outlawed the migration of Anglos into Coahuila-Tejas. According to the provision, immigrants would no longer be allowed to bring slaves into Texas and “…it is prohibited that emigrants from nations bordering this republic shall settle in the states or territory adjacent to their own.”\(^74\) This law was aimed directly at Anglo migration into Texas and was met with controversy by elite Tejanos and Anglos alike. Upon hearing the news, Austin retaliated against the Mexican government writing in a letter to General Terán, “It appears that the national Government will reward our loyalty and services with our destruction!”\(^75\) An elite Tejano, Ramón Músquiz also expressed his discontent with the law writing the government, “that never have they [Austin’s colonists] ignored the law or disobeyed the authorities of the country they have adopted as their nation.”\(^76\)

As a result of the April 6, 1830 law, only Mexican nationals were given empresario grants by the national government and legal migration into Mexico decreased significantly.\(^77\)

Relations between Anglos and the Mexican government continued to sour as the 1830s progressed. In the early part of the decade, Anglos attempted to work with the government of Mexico in making a separate state of Texas and met in San Felipe in 1832 to draft a petition. Although no elite Tejanos were present at the meeting, their approval of the plan was vital for Mexican consideration. While elite Tejanos approved of some proposals such as reinstating

\(^74\) Ramos, *Beyond the Alamo*, 118.
\(^75\) Ramos, 119.
\(^76\) Ramos, 119.
\(^77\) Ramos, 119-120.
Colonization, they did not support independent statehood.\(^{78}\) If Anglos were to get their own state with an Anglo majority, there was a fear as stated in Terán’s letters, that Mexican citizens would lose their political voice. Nevertheless, Tejanos were in favor of a continued Anglo presence in Coahuila-Tejas because of their contributions to the economy and their willingness to retaliate against Native people. For instance, in a petition to the Mexican government, elite Tejanos noted, “…some towns have been destroyed while the rest have been unable to attain, even for a single day, that peace or those other guarantees which should have insured population and other resources for their development.”\(^{79}\) Given the importance of Anglos to the security and economic prosperity of Coahuila-Tejas, elite Tejanos were largely in support of their presence, even if it included the institution of slavery.

**Revolution**

Although elite Tejanos, the Mexican government, and even some Anglo Americans, attempted to prevent it, Anglo Americans decided to revolt against Mexico and form their own republic. According to the rebels, separation was inevitable because Mexico refused to honor Anglo Americans’ rights as citizens with property. In order to appeal to the sympathies of Anglo American colonists and some Tejanos, leaders used language similar to the American Revolution, claiming they were simply fighting against the tyranny of an oppressor. For instance, in his Proclamation as the Commander-in-Chief of the Army in Texas, Sam Houston stated, “The question was then, shall we resist the oppression and live free, or violate our oaths and bear a despot’s stripes? The citizens of Texas rallied to the defense of their constitutional rights.”\(^{80}\) He then claimed that the purpose of the revolution was to defend “the republican principles of the

\(^{78}\) Ramos, *Beyond the Alamo*, 123–124.

\(^{79}\) Ramos, 125.

\(^{80}\) Proclamation of Sam Houston, Commander-in-Chief of the Army of Texas, December 12, 1835, at Washington, Texas, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
Constitution of 1824,” a constitution that explicitly did not mention the colonists’ ownership of slaves. Based on the statements of Houston alone, it was clear that the objective of Anglos during the Texas Revolution was to build an Anglo state aimed at protecting the property rights of Anglos looking to expand the institution of slavery. Given the Mexican government’s more inclusive definition of citizenship, it was imperative for the Anglo rebels to create their own definition which protected their property rights as well as their right to dominance in state political structures.

The language exhibited in Houston’s speech continued to be employed by the Anglo Texans as the revolution raged on. Once the Anglo Americans, who now referred to themselves as “Texians” officially separated from Mexico, they wrote in their Declaration of Independence,

> When a government has ceased to protect the lives, liberty, and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression.

In invoking language similar to that of the Declaration of Independence of the United States, Anglo Texans were attempting to frame their rebellion as a justified fight against oppression from a tyrannical government set on restricting their rights as citizens of Mexico. Anglo Americans felt that without their presence in Texas, the state would not have been able to succeed economically. For instance, in the Declaration, the Texan rebels wrote, “The Mexican Government, by its colonization laws, invited and induced the Anglo American population of Texas to colonize its wilderness.” In referring to Northern Mexico as “wilderness” prior to

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81 Campbell, Gone to Texas: A History of the Lone Star State, 111. and Proclamation of Sam Houston, Commander-in-Chief of the Army of Texas, December 12, 1835, at Washington, Texas, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
82 Unanimous Declaration of Independence by the Delegates of the People of Texas, In General Convention at the town of Washington…, March 2, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
83 Ibid.
Anglo colonization, the writers of the Declaration insinuated that the land was previously empty and would not have been used productively without Anglo presence. Therefore, the Mexican government had done wrong in not rewarding the Anglo Texans their perceived right to slave property. Not only did slavery provide Anglos with an unfree labor force and a racial hierarchy to base their perceived superiority off of, it also stimulated a Mexican economy in dire need of assistance. According to Texas rebels, threatening the institution would completely upend the economic progress of Coahuila-Tejas and destroy the carefully crafted racial hierarchy which prioritized the citizenship rights of Anglo Americans.

During the course of the revolution, elite Tejanos — who were once a very powerful bureaucratic force in Northern Texas — began to lose their political power as the revolution progressed. For example, in Houston’s speech he made sure to mention that “Liberal Mexicans will unite with us … Generous and brave hearts from land of freedom have joined our standard before Bejar.” However, once the Declaration of Independence was being signed in March of 1836, there were only two Tejano signatories from Bejar: Francisco Ruiz and Jose Antonio Navarro. According to Valerio-Jiménez, Tejanos in the north did not feel obligated to aid the Mexican nation because of the government’s lack of military presence and its incompetence in dealing with Native American raiding. Rather, they would trade illegally with the Texan colonists and use them for protection from Native peoples. As they did during the Anglo colonization period, Tejanos “inevitably set up their own nexus of social contracts and joint interests” with Anglo settlers rather than allying with a distant government that had little knowledge of the social, economic, and political dynamics existing in Coahuila-Tejas.

84 Proclamation of Sam Houston, Commander-in-Chief of the Army of Texas, December 12, 1835, at Washington, Texas, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
85 Unanimous Declaration of Independence by the Delegates of the People of Texas, In General Convention at the town of Washington…, March 2, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
86 Valerio-Jiménez, River of Hope, 122–23.
Although Tejanos received protection and goods from the Anglo Texans during the revolution in exchange for support of the Texas cause, once the Republic was formed, Tejanos would begin to see their representation decrease significantly. Even during the revolution, the loss of Tejano political power was evident given that a select few elites were present at the signing of the Texas Declaration of Independence and involved in the political structuring of the new republic.87

Including their alliances with Tejanos, Anglo Texans also attempted to sway Native Americans from allying with the Mexican government by promising resources and land. For instance, in 1835 James Bowie, a famous Texas war hero, wrote to the Political Chief of Texas that one of his men, “had advised them [a group of Wacos, Towackes, and Comanches] to go to the interior and kill the Mexicans and bring their horses and mules to him and he would give them a fair price.”88 By making promises to Native Americans, Texans were able to gain varying levels of support from a variety of Native American groups during the revolution. However, Texans were not able to ally with every indigenous community living in Texas. Native Americans were aware that they inspired fear on the frontier and used that fear to their advantage. For instance, the Cherokees continuously threatened to ally with Mexico in the war if the Anglos continued to revolt. Native violence was even mentioned in the Texas Declaration of Independence by Anglos accusing the Mexican government of “incit[ing] the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.”89 Natives continued to raid settlements, however, regardless of affiliation. For example, in May of 1836, 500 Native American warriors raided Parker’s Fort, killed all the men,

87 Ramos, Beyond the Alamo, 157.
88 James Bowie, Report to the Political Chief, 1835, Archives and Information Services Division, Texas State Library and Archives Commission.
89 Unanimous Declaration of Independence by the Delegates of the People of Texas, In General Convention at the town of Washington…, March 2, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
and took all the women and children prisoner. It is difficult to discern the motivations of Native Americans in this period because each group had different alliances and motivations for their actions. Given the tenuous relationship between Anglos and Native Americans during the colonization period of the 1820s, it is understandable that Native Americans were reluctant to support the Texans’ cause in the revolution. However, some were willing to use Anglo and Mexican fear of Native American raids to their advantage in order to gain property and resources.

**Conclusion: Independence for One, but Not All**

On April 6, 1836, Anglo Texans officially gained independence from Mexico and formed the Texas Republic. Now that Texas was officially independent — though Mexico would not recognize their independence for a number of years — lawmakers could officially begin the process of creating a liberal state exclusively to protect the property rights of Anglo men. In order to achieve this goal, lawmakers promised in the new constitution that “each head of family in Texas at the time a league (4,424.4 acres) and a labor (177 acres), and every single man a one-third league.” The prospect of acquiring private property was an important incentive for men to fight in the war. For instance, in his speech to the army in 1835, Houston promised soldiers who served two years, “a bounty of six hundred and forty acres of land.” There were even advertisements in United States’ papers advertising “a fortune in land,” for those who travelled to aid the Texans in their victory. Given the perceived vastness of land available in the new

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93 Proclamation of Sam Houston, Commander-in-Chief of the Army of Texas, December 12, 1835, at Washington, Texas, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
94 Texas!! April 23, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
republic, this legislation seemed quite feasible. However, lawmakers intentionally overlooked the thousands of Native Americans who still lived in the state and practiced a nomadic lifestyle. This is quite evident if one were to examine a famous 1835 map drawn up by none other than Stephen F. Austin in 1830. This map is no different from the 1821 map drawn by American explorers first coming to Texas. In it, Austin only labels the property of empresarios and Tejano elites, ignoring the presence of paesano Tejano laborers and Native Americans.95 Austin’s choice to omit these groups further proves that when Anglo Americans came into Texas into the 1820s, they had the impression that they were coming to colonize “a wilderness” in need of their economic power.96 As a result, Anglo Texans completely disregarded the history of property ownership and diplomacy between Native Americans and Spanish descended subjects who later became Mexican citizens. As Historian Juliana Barr notes

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96 Unanimous Declaration of Independence by the Delegates of the People of Texas, In General Convention at the town of Washington…, March 2, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
Anglo Americans, “sought to legitimize territorial claims … by superimposing their own lines across the North American landscape.”  

The possession of land was only the beginning of Anglo state building in Texas. As Texas gained more power and allies, such as the United States, it began to confine its former allies and Native enemies into spaces of inferiority politically. Contrary to the Mexican way of conceptualizing citizenship — people were granted citizenship based on class as well as the ability to own land — Anglo Americans believed in an “oligarchic republic” whose founding was based on “a dynamic propertied class” which was only accessible for white individuals since Tejanos and Native peoples were thought of as suspect classes.  

Immediately after Coahuila-Tejas transitioned into the Texas Republic, lawmakers got to work creating a liberal state which acknowledged and protected the rights of Anglo Americans to own property — most importantly, slaves, the ownership of whom was the driving force behind the revolution — and be the dominant political actors in all facets of life. In order to achieve this goal, lawmakers began to build a state based on confinement of marginalized groups — Mexican Americans, Native Americans, and African Americans. While each group experienced confinement in different ways at different times, each was placed in a social, economic, and politically inferior position in society which, allowed the liberal state of Texas to come into full bloom.

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98 Rodríguez O., “The Emancipation of America,” 137, 141.
“How are we to remove the encumbrance?”: The Process of Confinement for Tejanos and Native Americans in Post-Revolution Texas

“But hark! What was that — on a sudden rings out,
From Travis green hills, a victorious shout!
The ‘Americans’ come! — in their principles strong,
They have fought a good fight — and the Bombshell with meteor light
Has burst! and done down, in the darkness of night!

Then on ye brave sons of America’s soil!
With your forefathers shrink not, for freedom to toil!
Let Washington’s counsel forever be dear,
Keep the reins in your hands, and the ballot box clear!
Protect the adopted; but teach them to know.
We yield not our birth-right, to friend or to foe!”

-Little Windy

On September 12, 1847, Anglo American troops marched on Chapultepec Castle in Mexico City, effectively ending the Mexican American War. Over the course of two years of fighting, the war had become increasingly unpopular with Anglo Americans and Mexicans alike. According to many lawmakers, such as future President of the United States, Abraham Lincoln, the war with Mexico was, “… unnecessarily and unconstitutionally commenced by the President,” James K. Polk. Nevertheless, once the war was finished and the United States claimed victory over Mexico, all disputed land from Texas to the California coast was claimed for the United States.

After the acquisition of over 525,000 square acres of land — not including Texas, since it was officially annexed in 1845 — the US was at a lost for what to do with the newly acquired

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land and the inhabitants that lived there. In a speech to Congress shortly before the end of the war, then Illinois Senator Lincoln wondered out loud in a speech,

But the other half is already inhabited, as I understand it, tolerably densely for the nature of the country; and all it's lands, or all that are valuable, allre [all are] already appropriated as private property — How then are we to make any thing out of these lands with this incumbrance on them? or how, are we to remove the incumbrance?4

Lincoln’s question was likely on the minds of many Anglo Americans at the time, from those in the highest seats of power to prospect seekers eager to journey out west. As mentioned in Lincoln’s remarks, the Mexican Cession was already populated with people — Native Americans, Mexicans, and Anglo Americans alike — who had previously established ties and ownership claims to the land. Now that it was owned by the US, long standing agreements and political relationships between former Mexican citizens and Native Americans were going to be upended. Without the interference of Mexico, Anglo Americans in Texas and throughout the new west were able to fully employ the power of the state to establish the land as a space meant exclusively for Anglo American property holders.

In Texas, the Mexican American War had a very unique meaning because it effectively settled the land dispute between itself and Mexico. Since Independence in 1836, Texas and Mexico had fought over the border between the two republics. Texas, claimed that the border was at the Rio Grande — the present day border — and Mexico claimed it was at the Nueces River. Throughout the Republic Period and Early Statehood, the Nueces Strip, as it was called by contemporaries, was heavily disputed until February 26, 1846 when land hungry President of the United States, James K. Polk, ordered General Zachary Taylor to occupy the space, thus provoking a battle between the Mexican and Anglo American troops. In the aftermath of this battle, Polk went to Congress and justified the army’s actions by claiming, “[Mexico] has passed

the boundaries of the United States, has invaded our territory, and shed American blood on American soil.”⁵ This message was especially resonant in Texas where the bulk of the tensions and violence were experienced. After the war, the Treaty of Guadalupe Hidalgo — which was signed in May of 1848 — established the modern day borders of Texas and cemented its status as a part of the United States. Once the territory was officially ceded to the United States, the business of creating a state based on the individual rights and property claims of Anglo Americans was at the forefront of lawmakers’ minds.

The treaty had several provisions establishing the United States as the official “winners” of the war and Mexico was essentially compelled into signing away their rights to all the land the US had been eying for decades. Although Mexico was considered the “loser” of the war, they ensured that two important clauses were included in the treaty. First, they requested that Mexicans residing in Texas and other parts of the cession be granted civil and political rights within their new country. They also demanded that the US prevent hostile Native American groups from entering Northern Mexico.⁶ These demands were a final effort by the Mexican government to secure protection for its former citizens who had experienced violence and prejudice in Anglo controlled Texas. If they could ensure former Mexican nationals protection from Native Americans and guarantee them rights as US citizens, then there was a possibility that the promise of citizenship for all as outlined in the 1824 Mexican constitution could come to fruition for Mexicans who remained in Texas after the war.

While these negotiations were occurring however, many Anglo Americans outside of Texas were itching to migrate into the state. Throughout the 1830s and 40s, the state legislature as well as Texas-based newspapers advertised to Anglo Americans looking to own farmland. As

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early as 1836, the newly formed Texas Republic placed advertisements in newspapers throughout the southern United States promising, “a fortune in Land” in exchange for assistance in fighting Mexico during the war of independence. Once Texas became a part of the United States, promises of prosperity continued to be publicized. For instance, Frederick Law Olmstead in his famous travel journal “Journey Through Texas” claimed that if a man were to come to Texas with one thousand dollars, he would be able to make a dwelling for himself and family, survive off subsistence farming and even make a small profit.

The rhetoric of both the broadside and Olmstead’s journal are examples of how important the implementation of liberal citizenship was to the formation of modern Texas. Citizenship based on liberal principles relies on institutions and laws which enforce individual rights and ownership of private property. After the War of Independence and the Mexican American War, Anglo Americans were encouraged to migrate to Texas where liberal institutions were being formed to protect the rights of Anglo citizens to exclusively establish private property and have a political voice. Starting with independence in 1836, the Texas government wrote legislation which protected the right of Anglo citizens to hold all kinds of property from land to slaves.

Thus, they enshrined protections into law that gave power to institutions — such as the government and the police — to enforce the protection of liberal citizenship for Anglo Texans. As liberal institutions emerged in the wake of Texas’ annexation into the United States, Native American and Mexican populations — “the encumbrances” as described by Lincoln — were

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7 Texas!! April 23, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
8 Olmsted, Frederick Law. Journey through Texas, or, A saddle-trip on the southwestern frontier : with a statistical appendix, book, January 1, 1857; New York, University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu. While Olmstead’s book was written in 1857, the sentiment still existed in the immediate aftermath of the Treaty of Guadalupe Hidalgo and before that. For example, during the Texas Revolution and immediately afterwards, the state promised industrious Anglo men who agreed to fight in the war profitable land. For more information as well as to examine the primary source material, refer to Texas!! April 23, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
confined to inferior social and political roles in exchange for Anglo property ownership and individual freedom.

This chapter tracks the social and political changes imposed on Tejanos and Native Americans in the aftermath of the Mexican American War. Once Texas officially became a part of the United States, the lives of Mexican Americans (Tejanos) and Native Americans were transformed as Anglo American liberal institutions gained power and enforced policies designed to confine the aforementioned groups to the margins of society. Rather than cooperation and diplomacy between Mexican and Native American communities — as practiced during the Anglo colonization period — Anglo Americans mostly employed violence and outright subjugation against their new “subjects”. Although both groups underwent confinement at the hands of Anglo Texans looking to obtain unilateral control of the space, each group experienced the process of confinement differently — ranging from political suppression to expulsion to extermination — depending on their social status and tribal affiliation.10

Rather than being simply a movement by vigilantes on the ground, the subjugation of Tejanos and Native Americans in Texas was an intentional movement by the state at all levels. While it is common think of the state as being absent from the southwest — especially Texas — it was ever present in the constant grab for land intended to expand a political economy largely based on the institution of slavery.11 In accordance with liberal lawmaking, the Texas legislature wrote policy that appeared race neutral by claiming all men were equal before the law. However, the state used these laws to justify the policing and subjugation of nonwhite populations. In order to demonstrate this point, I structure this chapter around Articles Eight and Eleven of the Treaty

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of Guadalupe Hidalgo which stipulate the fate of Mexicans and Native Americans in the western frontiers after the war. Although the articles were meant to equalize relations between Mexicans and Anglos, in reality, the clauses of the treaty were not enforced and new legislation effectively confined Mexicans into a place of inferiority. For Native Americans, the treaty and other legislation thereafter, favored expulsion and extermination for all indigenous groups regardless of a particular group’s attempts to become liberal citizens. The state’s expulsion and extermination policy would lead to decades long violence on the frontier, culminating in the Red River Wars of 1875.

**Article Eight: From Protected Citizens to Suspect Class**

According to Article Eight of the Treaty of Guadalupe Hidalgo, Mexicans who resided in newly made United States territory were “…entitled to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.”

This was a promise extracted from the US government by the Mexican government largely because of the animosity between Mexico and Texas during the Texas Revolution and the years after. Throughout the 1830s and 40s, Anglo Americans in Texas and beyond continuously demonized Mexicans in the press emphasizing the amount of violence experienced by Anglo Texans during war. According to a broadside from 1836 titled “Texas Forever” the Mexicans were “The usurper of the South” and the honor of white women and girls needed to be “…saved

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from the brutality of Mexican soldiers.” The broadside framed the conflict between Mexicans and Anglo Americans as a defense of dependents: women and young girls. In order to be good Anglo citizens, men needed to fight for the honor of women and girls caught in the crossfire of the conflict. This argument also racialized violence against women in this period. Undoubtedly, Anglo men also perpetrated violence against Mexican and white women alike however, in contextualizing the violence as “Mexican brutality” the violence became directly tied to race. Therefore, the call to arms for Anglo men was to protect women and girls from a deemed “violent race” rather than a conquest for profitable land. Coverage such as the broadside described above was quite common throughout the era and heavily influenced Anglo beliefs about where Mexican loyalties laid and whether they were capable of liberal reform.

In actuality however, the alliances of Tejanos during the Mexican American War were far more complex. Just as in the Texas War of Independence, Tejanos continued to keep their alliances ambiguous. Rather than profess loyalty to either the Mexican government or the “Texians”, Tejanos attempted to discern which government would provide them with the most economic opportunity as well as protection from hostile Native American groups. As mentioned in the previous chapter, Tejanos in former Coahuila-Tejas did not feel a strong affiliation with the Mexican state and thus conducted business with Anglo Americans during and after Texas independence. Since they had economic ties with Anglo Americans who arrived in the colonial period of the 1820s and had already established a political partnership in seats of power such as San Antonio, many Tejanos supported the Anglo Americans or remained neutral.

The second issue of concern for Tejanos during the war was the threat of Native American raids. Throughout the 1840s, parts of Northern Mexico and South Texas were

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13 Texas Forever!, 1836, Broadside Collection, The Dolph Briscoe Center for American History, The University of Texas at Austin.
14 Valerio-Jiménez, River of Hope, 137.
decimated by raids from nomadic Native American groups such as the Apache and Comanche. The violence was so chronic that when Anglos marched through Northern Mexico they “found a land already scoured by war. From New Mexico to Tamaulipas the invaders saw abandoned homes, overgrown fields, and hastily finished graves.”15 Given the dilapidated state of Northern Mexico and its inhabitants, the US government attempted to sway Mexicans to support the United States’ invasion by promising that Anglos would protect them from incursions by Native American groups. For instance, at every city conquered on the way to Mexico City, President James K. Polk promised “to drive back the savage Cumanches, to prevent the renewal of their assaults, and to compel them to restore to you from captivity your long lost wives and children.”16 While Tejanos were likely aware that Anglo Americans could and would not do much to help, the Mexican government was also unable and mostly unwilling to address Native American raids. Therefore, when it came to choosing a side, many Tejanos were mostly ambivalent and supported whichever side benefitted them in the moment.

Once the Anglo Americans won the disputed territory, the social and political climate changed significantly for newly labeled ethnic Mexican Americans in Texas. After the treaty was ratified, Mexicans were allowed to choose whether or not they wished to remain in the United States or migrate south into Mexico. Rather than losing claims to land they had held for generations, many decided to remain in Texas.17 Those who remained however, were now beholden to Anglo Americans. In order to retain some political and social relevance, many elite Tejanos entered into marriage with Anglo families. In allying themselves with the Anglo American population, elite Tejanos kept some political power, proved their allegiance to the Anglo American government, and “carved out their position as cultural brokers in Anglo-Texas

16 Delay, 59.
17 Valerio-Jiménez, River of Hope, 139.
while negotiating their new status as a suspect class.”

For former Tejano elites, it was of the upmost importance that they retain their power, wealth, and prestige in their new state. In order to accomplish this, they were willing to engage with the Anglo Americans and take whatever type of power they were able to get from their new rulers. In this way, elite Tejanos were able to benefit slightly from the new liberal institutions forming in their communities, rather than being immediately and completely cast out.

One of the most politically savvy members of the Tejano elite was Jose Antonio Navarro. Navarro was one of two Tejano men to sign the Texas Declaration of Independence in 1836. He was also the only Tejano at the annexation convention of 1845, and continued to be a leading voice for the rights of Tejanos living in the United States. Navarro believed that for Mexicans to exist peacefully within Anglo Texas, they must adopt the political and social culture. For example, in a letter written to the Tejano newspaper, *The Bejareño*, Navarro rhetorically asked his readers, “Why not become purely American in order to gain the benefits and institutions? Then we cannot be frightened by that bogeyman that we are of foreign origin.”

According to Navarro, adopting the culture and political practices of Anglo Americans in Texas would protect Tejanos from being subjugated by Anglo citizens. For instance, Tejanos were encouraged to convert communal lands into fenced-in private property. Prior to Anglo colonization and throughout the Early Republic, Spanish subjects and later Mexican citizens conceived land ownership as an “informal property system … based more on personal connections and patronage … .” Anglo Americans, on the other hand, believed property ownership was private

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20 Ramos, *Beyond the Alamo*, 205.
21 Montoya, 2.
and enforced by fenced-in boundaries. The switch from communal land ownership to a system of one’s right to own fenced-in private property was one of many ways liberal institutions infiltrated the former Mexican polity. Navarro understood this change and decided to shed his Mexican conceptions of citizenship and allegiance in exchange for liberal Anglo American ideas. According to the author — only known as “an Old Texan” — of Navarro’s 1876 biography, Navarro, “carefully sorted and tied up all the documents in his possession, relating to his twenty years of public life in the service of Mexico, and put them away as a thing of the past…” In “putting away” his Mexican life and dedicating himself to Texas and later the United States, Navarro exemplified the decision many Tejano elites made in exchange for some political power within the new Anglo American state of Texas. By doing so, Navarro was able to lay claim to some of the property and freedoms he had as a Tejano elite prior to annexation.

Nevertheless, Navarro’s belief in liberal citizenship was not enough. While Navarro would continue to be a leading voice for Tejanos, he would not achieve high political status in his hometown of San Antonio, or elsewhere in Texas. Throughout his life he was able to successfully hold political office, however, he still witnessed “his people lose most of their land holdings and political influence and become a working underclass for Anglo Americans.” After participating in government for many years, Navarro retired from politics and lived on a ranch “to cultivate a piece of land for his subsistence, after having lost nearly all his wealth in the many revolutions that had taken place in Texas, and consequent of his long imprisonment in Mexico.” As a supporter of the Anglo Americans, Navarro invested a significant amount of

22 Montoya, Translating Property, 2.
23 [an Old Texan]. Biography of José Antonio Navarro / written by an Old Texan., book, 1876; Houston, The Portal to Texas History, texashistory.unt.edu; .
24 “José Antonio Navarro | TSLAC. Giants of Texas History.”
25 [an Old Texan]. Biography of José Antonio Navarro / written by an Old Texan., book, 1876; Houston, University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu; . On a mission under the direction of Governor Mirabeau Lamar, Navarro was taken as the only prisoner by the Mexican government for approximately a year. In 1842 he was able to escape from Veracruz and return to Texas. The experience was reported to take a
monetary and emotional labor into the success of the Anglo American state. However, at the end of his life, he was still largely stripped of his own land and property and forced to subsistence farm because he lost a significant amount of wealth at the hands of the people he supported for a majority of his political career. Rather than providing him with freedom and security, the formation of a liberal Texas stripped him and people like him of the political power and prestige they had held for many years. Like Navarro, many other elite Tejanos adopted the American political and social culture based on liberal citizenship. According to Omar S. Valerio-Jiménez, working with Anglo Americans could potentially secure elites some political power but, “…they were no longer the politically dominant group, as were their relatives across the Rio Grande.” The agreement they made with the Anglo Americans to serve in subordinate government roles allowed them to retain some of their private property as outlined by the Treaty of Guadalupe Hidalgo.

Fearful of the rise of Anglo power in Texas, many Mexicans who lived north of the Rio Grande decided to move south to retain their rights as Mexican citizens. Since Texas independence in 1836, Anglo Americans had been purchasing land from Mexican vecinos concerned about their future in the new state. For example, “from 1836 to 1842, 13 of the most prominent ‘American buyers’ purchased 1,368,574 acres from 358 Mexicans” in Texas. Oftentimes, if Mexicans were not interested in selling their land to Anglo Americans buyers, they were violently driven out because “they owned large tracts of land and desirable property.” As Mexicans continued to lose or sell their private property, Anglos began to conflate landlessness with being an ethnic minority incapable of liberal citizenship. In order to be

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26 Valerio-Jiménez, River of Hope, 148.
28 Montejano, 27.
a full liberal citizen, Anglo Texans believed an individual must possess fenced-in private property. However, as Tejanos began to lose their land, “Anglos eventually came to equate landlessness with ethnicity, and particularly with being Mexican … .”29 Given that Mexicans were barred from acquiring private property or had it taken by land hungry Anglo Americans, they were blatantly excluded from obtaining liberal citizenship promised to them in the Treaty of Guadalupe Hidalgo. Subsequently, they were forced to exist as a suspect class in Texas or move elsewhere.

Although Anglos increasingly considered all Tejanos to be suspect, many of the remaining Mexicans in Texas continued to support Anglo Americans and strived towards becoming good liberal citizens. For example, the newspaper, The American Flag, reported that in the aftermath of the Mexican American War, “…the Mexican tri-colored flag was flung to the breeze from the staff recently erected on the top of the buildings fronting the beautiful Plaza of Hidalgo.”30 Although many Tejanos were ready to dismiss their Mexican past and embrace American citizenship, they were not given the right to do so by Anglo Americans. Many Anglos questioned the loyalties of Mexicans to the United States. According to many Anglo news outlets, Mexicans along with other foreigners were using their voting power — awarded in the treaty through citizenship — to disenfranchise Anglo Americans. For example, in 1855 The San Antonio Herald wrote an inflammatory editorial about Mexican loyalties promising that Anglos will be the dominant community in Texas regardless of Mexican voting decisions.

Our party stands where it did before the defeat. We still maintain that AMERICANS SHALL RULE AMERICA — that to prevent native Americans from being outnumbered and overpowered by those of foreign birth, it is necessary to limit immigration

29 Montoya, Translating Property, 13.
and extend the term of naturalization — and that it is necessary to counteract the aggressions and corrupting tendency of the Roman Catholic Church.\footnote{San Antonio Herald, (San Antonio, Tex.), Vol. 1, No. 17, Ed. 1 Tuesday, August 14, 1855,newspaper, August 14, 1855; San Antonio, Texas, University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu; crediting The Dolph Briscoe Center for American History.}

Based on the editorial by \textit{The San Antonio Herald}, it is clear that Anglo Americans perceived Mexicans to be easily influenced by outside factors such as the Catholic Church. In Spanish and Mexican society, Catholicism was an important unifier of the people however, mostly Protestant Anglo Americans viewed the hierarchal Catholic Church with suspicion, especially the power of the Pope. For Anglo Americans, the ability to live free from outside influence was one of the most important facets of liberal citizenship, and if a portion of the Mexican population were Catholics bound to follow the leadership of the Pope, they would not be independent. This argument provided further reasoning to limit the rights of Mexicans living in Texas. In conflating certain aspects of identity, such as religion, with race, Anglo Americans were able to further narrow the classifications for liberal citizenship in their new state.

Another way Anglo Americans excluded Mexicans from liberal citizenship was by conflating defenselessness with race. According to Anglo Americans, Mexicans were incapable of protecting themselves against intruders, especially the Comanche who raided the Southern Plains. This idea was popularized during the Texas Revolution, and is now known as the Texas Creation Myth. According to historian Brian Delay, the myth credits Anglo Americans with rescuing Coahuila-Tejas from the “wilderness” and defending the weak Mexican populace against hostile Native Americans. The Creation Myth influenced Anglo perception of Mexicans in significant ways. For example, a prominent historian of Texas at the time, William Kennedy wrote that Mexican Texans were “too lazy to cultivate the soil, and too cowardly to resist the aggressions of northern Indians, by whom they were plundered at will.”\footnote{Brian DeLay, \textit{War of a Thousand Deserts Indian Raids and the U.S.-Mexican War}, (New Haven: Yale University Press, 2008), 229.}
violence was a common occurrence in the southwest and Anglos continuously claimed, “…few Mexicans possess[ed] any arms, and fewer knowing how to use them.”33 Being able to defend one’s property is one of the most important tenants of liberal citizenship. Since Anglos believed all Mexicans could not independently defend their land — as a consequence of The Texas Creation Myth — it was justifiable to deny them property in Texas. Rhetoric which equated faith and defense with race was widespread in this time and inspired Anglos such as the readers of *The San Antonio Herald* to view Mexican Americans as incapable of becoming full citizens. As a result, the rhetoric of Mexican inability to obtain citizenship was quite popular and far reaching.

Regardless of their intentions to become loyal liberal citizens, Mexican Americans were often met with suspicion and violence by Anglo vigilantes who wished to limit their participation in the political economy of Texas. For example, in the 1850s independent Mexican cart drivers from San Antonio were often attacked by Anglo Americans because they continued to participate as individuals in the economy. According to the 1850 census, about 58 percent of Mexican Americans living in San Antonio were cart drivers. Cart driving was an integral profession in Texas because it transported goods from the rural areas and the Gulf Coast into city centers such as San Antonio.34 However, many Anglo Texans were wary of the Mexican American dominance of cart driving and believed it to be detrimental to the economic prosperity of Anglo Texans. Because of this insecurity, many Anglo Americans took it upon themselves to violently intimidate Mexican Americans to stop cart driving. The issue of cart driving violence was so prevalent that the governor of Texas was forced to address it in a letter to the Texas Legislature writing, “it is now very evident that there is no security for the lives of citizens of Mexican origin

34 Ramos, *Beyond the Alamo*, 223.
engaged in the business of transportation along the road from San Antonio to the Gulf. Unless they are escorted by a military force.”

Even with military protection, approximately 75 Mexicans were murdered while cart driving. Although the state government was willing to send military troops to defend cart drivers in the event of an attack, Mexican Texans could not be sure that the state would protect them from vigilante Anglo citizens. No arrests were ever made by Texas authorities in relation to the cart driving murders. As a result, many Mexicans decided to leave San Antonio and cease cart driving altogether. Although Mexican cart drivers were acting as independents within a liberal framework, they were still violently excluded and expelled by Anglos Americans keen on reserving citizenship and economic opportunity for whites only. In violently expelling Mexicans from the economy, Anglo Americans were able to confine them into a racially inferior class. Texas citizenship was increasingly meant to be enjoyed exclusively by Anglos, therefore, expelling Mexicans from positions of economic or social prosperity was deemed necessary and proper.

Discussions regarding the expulsion of all minority groups was common in the aftermath of the Mexican American War. Anglos were especially interested in removing Mexicans who still held valuable property acquired prior to Anglo colonization. In order to justify forced removal, Anglos argued that Mexicans were incapable of liberal citizenship and that they were actively trying to dismantle liberal institutions such as the southern plantation. For instance, one newspaper claimed that the Mexicans who lived in the eastern part of Texas were a threat to their slave property therefore, they should be expelled for the sake of preserving slavery. “The people of Matagorda county have had a meeting and ordered every Mexican to leave the county … there

35 Pease to the Texas Legislature, November 30, 1857, Records of Elisha M. Pease, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission.
37 Montejano, 27.
are none but the lower class or ‘Peon’… they have no fixed domicile, but hang around the plantations, taking the likeliest negro girls for wives; and thirdly, they often steal horses, and these girls, too, and endeavor to run them to Mexico.”

According to historian David Montejano, “Mexicans were driven from Austin in 1853, and again in 1855, from Seguin in 1854, …” Anglo Americans then justified this expulsion accusing Mexicans of “… being horse thieves and consorts of slave insurrection.” Based on the excerpt from the editorial and Montejano’s analysis, it is clear that Anglo Americans were afraid that Mexican Americans would steal their plantation property, either being their land, their animals, or their slaves. Importantly, if Mexicans were to be expelled, Anglos could use the usurped land to further the aims of the liberal state. The idea of expulsion was taken seriously by the legislature, and some lawmakers even pondered ways to rid Mexicans of the property they owned through legal loopholes. Since it was already established that Mexicans were limited in their claim to liberal citizenship — because of their inability to own productive property, their perceived defenselessness and their alleged pension for stealing and consorting with slaves — Anglo Americans imposed a strict racial regime on the Mexican population, confining them to a socially and politically inferior racial caste.

Although Anglo Americans subjugated Mexicans almost immediately after the Mexican American War, resistance against Anglos by Mexicans did occur. Most famously, a former Mexican general, Juan Nepomuceno Cortina, led a rebellion against Anglo Americans in Brownsville. Cortina, disappointed at the treatment of Mexicans on the border, encouraged Mexicans in and around Brownsville to take up arms against Anglos and fight for the property

40 Montejano, 30.
and individual rights promised to them when they were officially annexed into the United States. In a famous speech to the people of Brownsville in 1859, Cortina proclaimed, “These [Anglo Americans] have connived with each other … to prosecute and rob us, without any cause, and for no other crime on our part than being of Mexican origin … .”\(^{41}\) He then inspired almost 600 men to join his cause by pointing out that “Many of you [Mexicans] have been robbed of your property, incarcerated, chased, murdered, and hunted like wild beast because your labor was fruitful, and because your industry excited the vile avarice which led them.”\(^{42}\) Cortina was aware that citizenship and rights in Texas were tied to race rather than adherence to liberal principles. It was also evident that Anglo Americans intended to use liberal laws to confiscate rather than protect Mexican property. Since Cortina was unable to use the law to his advantage, he chose to rebel and protect his property through illegal means.

Cortina’s violent struggle against Anglo Texans continued for a number of years stretching into the 1860s until the US army sent troops to put down his rebellion.\(^{43}\) According to the press of the time, Cortina and his band of followers, known as “Cortinas” were bandits from Mexico looking to steal property and threaten the security of Anglo Americans. For example, The Ranchero, a newspaper based in Corpus Christi, reported that Cortina and his band were all “… armed and on horseback … most of them outlaws from Mexico … rode into our city about daylight … and proceeded to pick out the men most disagreeable to them.”\(^{44}\) In describing Cortina and his followers as a villainous group inflicting senseless violence, Anglo Americans had fuel to justify their nativist attitudes. The same paper would continue to report on Cortina

\(^{41}\) Juan Nepomuceno Cortina to the inhabitants of the State of Texas, and especially to those of the city of Brownsville. U. S. Congress, House, Difficulties on the Southwestern Frontier, 36th Congress; 1st Session, 1860, H. Exec. Doc. 52, pp.70-82.
\(^{42}\) Montejano, Anglos and Mexicans in the Making of Texas, 1836-1986, 32.
\(^{43}\) Montejano, 33.
\(^{44}\) The Ranchero. (Corpus Christi, Tex.), Vol. [1], No. 1, Ed. 1 Saturday, October 22, 1859, newspaper, October 22, 1859; Corpus Christi, Texas, University of North Texas Libraries, The Portal to Texas History, https://texashistory.unt.edu;
and claim that the “Cortinas” were “all Mexican by nativity but most of them outlaws from Mexico, whom we on the American side have foolishly given an asylum.” As mentioned previously, Mexican loyalty to Texas and the US was often questioned by Anglo Americans because of racial prejudice by Anglos. According to an elite Tejano, Angel Navarro, the efforts of the Cortina’s were orchestrated by the Mexican government and “…they [Mexico] privately give him aid and assistance, and wish him God speed in his enterprise. I believe that this matter will result in a war between our country and Mexico.” Navarro’s worry exemplifies Anglo American anxiety about Mexicans’ allegiance to their new state and the consequence of awarding rights to all people regardless of race. For Anglo Americans in Texas, nonwhite citizens — with questionable loyalty — who possessed property and political rights were contradictory to the liberal state intended to protect the rights of white citizens. Therefore, it was paramount for Mexican Americans, from former elites to rebels, to be lawfully placed in an inferior position to Anglos.

The experience of Tejanos changed dramatically after the signing of the Treaty of Guadalupe Hidalgo. Rather than treating Tejanos with respect and honoring Mexico’s wishes, Anglo Americans significantly limited their social and political rights. However, the experience of Tejanos varied depending on their location and social status at the end of the Mexican American War. This can be attributed to a newly formed “structure of peace” which was a “…postwar arrangement that allowed the victors to maintain law and order without the constant

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45 The Ranchero. (Corpus Christi, Tex.), Vol. [1], No. 1, Ed. 1 Saturday, October 22, 1859, newspaper, October 22, 1859; Corpus Christi, Texas, University of North Texas Libraries, The Portal to Texas History, https://texashistory.unt.edu.
46 Angel Navarro to Houston, January 26, 1860, Records of Sam Houston, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission. Although Navarro is indeed Mexican, he is allied with the Anglo Americans who have given him some power and prestige in the new state. Also, in Spanish — and later Mexican — social hierarchy, it was common for people to consider themselves more white as their wealth and power increased. Since Navarro held more power within Texas at this time, it is likely he considered himself to not be in the same racial/social position as Cortina and his followers. For more information, see Valerio-Jiménez, River of Hope, 60.
use of force.”47 While some elite Tejanos were able to maintain a place of privilege in Anglo society, they were increasingly seen as inferior. For poor Tejanos and those in rural spaces however, the new peace structure was far more violent and repressive. Those without power and privilege beforehand faced expulsion and violence at the hands of their new rulers. As a result of this, they would be further confined to the margins of society without even the semblance of civil rights granted to them under the 1824 constitution in Mexico or in the terms of surrender of the Treaty of Guadalupe Hidalgo.

**Article Eleven: The Immediate Exclusion of all Native Americans from Liberal Citizenship**

Unlike Tejanos, Native Americans were immediately excluded from liberal citizenship in Texas after the Mexican American War. In the aftermath of the conflict, the Mexican government insisted that the US prevent raids from Native Americans into northern Mexico and that the US would rescue any Mexicans who were captured by the raiders. According to Delay, this provision — Article Eleven of the Treaty — was of the upmost importance to Mexico and they would not have signed the treaty without it. While the federal government was in favor of this provision, Anglo Texans were not. Lawmakers representing the interests of the state claimed that “it would leave the US ‘encumbered by conditions relative to the Indians which would be worth more, in a pecuniary point of view than all the vacant land required’.”48 Those who lived in Texas understood that Native American raiding was considerably more complicated and that it would take significant time and money to end the practice completely. Nevertheless, this provision was signed into the treaty and it was now the obligation of the US to protect the southern border from Native Americans.

Before the war, Native Americans and Anglo Americans were embroiled in a deep conflict over land ownership in Texas. As mentioned in chapter one, conceptions of land were very different to Native Americans, so when Anglos began to fence-in their property for individual use — as outlined in liberal citizenship — Native Americans experienced less mobility than in previous decades. According to historian, Maria Montoya, the acquisition of land by Anglo Americans before and after annexation, was catastrophic because Native Americans had been decimated by disease and “Much of this new land … had been prime bison hunting ground; it also held large number of wild horses or mustangs … .”49 Therefore, once westward migration of Anglo Americans began to accelerate, Native groups, regardless of political affiliation were largely displaced from Texas.

In the aftermath of the Treaty of Guadalupe Hidalgo, Anglos quickly migrated to the Texas frontier, leading to an over extraction of resources. According to historian, S.C. Gwynne, throughout the 1850s, the population of Anglo Americans increased by 400,000 people. In 1836, the population was only 15,000. Although the population of Anglo Americans grew significantly and cities like San Antonio and Austin were becoming more urbanized, a vast majority of settlers coming to Texas were subsistence farmers looking to acquire land. 50 Native American leaders were extremely concerned about this mass migration, and complained to Anglo leaders, claiming the setters disturbed hunting patterns. “I object to any more settlements, I want this country to hunt in”, said a Penateka Comanche Chief, Buffalo Hump.51

As a result of the amount of people living in the Southern plains, Native Americans and Anglo Americans continued to clash violently with one another. Into the 1850s, Texas

49 Montoya, Translating Property, 214.
newspapers vividly described the alleged depredations of Native Americans against both Anglos and Mexicans, rarely distinguishing between different groups. For example, *The Texas State Times* based in Galveston would consistently blame all acts of violence on hostile Native American groups when more often than not, the crimes were committed by Anglos. US army generals in Texas were very much aware of this and commented to one another that there were, “…many false and exaggerated newspaper statements of killing and stealing on this frontier.”

As a result of this sensationalized reporting, many Anglo Texans demanded protection from the US government or the infamous Texas Rangers. According to US General Zachary Taylor, the Rangers were, “…to licentious to do much good.” Oftentimes, the US Government would not pay them for their services and as a result, Rangers resorted to violence and plunder against any Native American group they came across. Regardless of the actions of the Rangers, Anglo Texas perceived their actions to be protection for Anglo American families on the frontier. Therefore, the state government perceived giving a federal commission to the rangers as “good politics.”

After Texas became an undisputed member of the union, the US government began to conceptualize a reservation system in the state. In years prior, Native Americans would simply be expelled to “Indian territory” which was situated in present day Oklahoma and some parts of Texas. Now that Texas was becoming more populated with Anglo American farmers, it was essential for lawmakers to secure sectioned off land for the Native people still living in the state. Federal jurisdiction of land in Texas was complicated however, because when Texas was annexed in 1845, the US agreed to state ownership of public lands, and state lawmakers were not keen on reserving it for Native groups. Instead they sought to sell it to citizens who would fence

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51 Anderson, 221.
54 Anderson, 265.
it in and make “productive” use out of it. For instance, Texas Senator, David Gage, described Native Americans in Texas as having “No right to the soil” and labeled them “intruders”.

Another Senator, Edward Burleson, claimed that Native Americans in Texas did not deserve land because Anglo “Men [had been] butchered before their wives and children, and they [Native Americans] inhumanely violated, and either massacred or taken into a cheerless and hopeless captivity.”

In describing Native Americans simply as “indios barbaros” — to use the term given to groups such as the Comanche by the Spanish — Anglo American lawmakers attempted to keep public lands from becoming reservations. While Anglo Texans were reluctant to give land to Native Americans still living in Texas, the US government eventually convinced the state to appropriate some land in 1853.

Then in 1854, the US government acquired ownership over public land claiming “… that the ownership of the land would revert to Texas when the reservations were no longer needed.” This stipulation by the federal government was important because it gave Texans the opportunity to justify the lack of necessity for reservations in Texas. In order to reclaim this space in the future, Anglos needed to construct an image of Native Americans as incapable of becoming liberal citizens.

According to the United States government, the reservation system in Texas would be “… places for experimentation in assimilation: agricultural and educational programs designed to convince the tribal people to adopt an Anglo-American lifestyle.” While most Texans were against the reservation system, some sympathetic lawmakers such as then Senator Sam Houston claimed “… give them [Native Americans] a place for agriculture, and the means to pursue it, and then you civilize them; for no man can become civilized unless he cultivates agriculture and

56 Anderson, 246.
social arts.”59 At the start of the new system there were some Native American groups that agreed and moved to reservations north of the Brazos River. For example, Caddo and Wichita groups cooperated with the federal government and even assisted in finding a suitable reservation space.60 According to some Texas Rangers monitoring the progress of the Northern Brazos Native Americans, “They have cut loose from the wild Indians for good, and have, so far as they can, identified themselves with the whites in every way.”61 Based on the observation of the Ranger, it is clear the Caddo, Wichita, and upper Brazos Native American communities were willing to become liberal citizens who held property, worked for wages, and cared for dependents. However, liberal citizenship was inextricably tied to being Anglo American. Since Native Americans could not claim whiteness, they could not become full liberal citizens. Even though groups such as the Caddo and Wichita embraced Anglo American customs, their “success” was ignored by lawmakers intent on keeping land open exclusively for Anglo settlement.

While some Native American groups did try to assimilate into Anglo American society – within the confines of the reservation – other groups, most notably the Comanche, continued to practice their nomadic lifestyle based on bison hunting, horse stealing and raiding. Even within the Comanche, adherence to the nomadic lifestyle was not universal. A portion of the Comanche decided to settle on the Clear Fork reservation. However, many nomadic Comanches had kinship ties to those who decided to live at Clear Fork. Therefore, many nomads would come and go from the reservation, continuing their raiding lifestyle and thus refused to conform to Anglo-American standards of existence.62

62 Klos, 605.
To make matters worse, throughout the 1850s, Anglos began to move into reservation spaces in order to acquire more grazing land for their livestock. As a result of this migration, violence between nomadic and sedentary Native American groups and settlers increased. For instance, between 1857 and 1858 as many as “…five hundred to eight hundred horses were stolen and twenty-five settlers were killed.” The reports that came out of Texas consistently portrayed Native Americans as the instigators of violence against innocent Anglo Americans looking to cultivate land when in reality, Anglos were encroaching on property designated for Native use. For instance, in 1858, *The New York Illustrated News* published a cartoon which depicted Native Americans attacking a white family industriously tilling their property. In the image, the Native Americans in stereotypical dress marched onto the property of the white settlers who crouch behind a small barricade, muskets ready. According to the caption of the image, “The troubles between the settlers and the Indians in Texas continue with unabated violence … they had made a series of murderous onslaughts upon the settlers in the interior…” The print continues to describe how Native Americans attack white and Mexican settlers and

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64 Prints and Photographs Collection, Texas State Library and Archives Commission. #1/125-30.
steal their property such as horses. Images such as the one published in *The New York Illustrated News* exemplify how Anglo Americans perceived the actions and motivations of Native Americans. To them, it seemed that Native Americans simply wished to steal the property of Anglo Americans. The reporting of news outlets on the state of the Texas frontier continued to illicit, “… an emotional response … that Indians ‘lacked the specifically human character, the specific human reality, so that when European men murdered them, they somehow were not aware that they had committed murder’.”65

Contrary to what the media was reporting about the situation on the frontier, more often than not, Anglo Americans were inflicting violence on Native Americans living within the reservations to drive them off the land. For instance, groups of Anglo men under the leadership of former Indian Agent John R. Baylor went to reservations and attacked Native Americans attempting to live peacefully on their allotted property. In response to these attacks, the Governor of Texas at the time, Hardin R. Runnels, issued a proclamation to Anglo Americans accusing “… a combination of citizens of certain counties neighboring the Indian Reserves, unlawfully to make war upon the Indians, occupying them, and forcibly to drive the Indians from their limits.”66 He then threatened to investigate the violence and asked for Anglo Texans to cease their activities. While the Governor seemed to be urging Anglos to not attack Native Americans on their own land, he was only concerned about not being able to afford defense against retaliation by the attacked groups. Given that the Federal Government had not provided sufficient protection for settlers fighting with Native Americans, Runnells thought peace would be the best course of action. Nevertheless, for Texans, the only way for there to fully be peace

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65 Klos, “Our People Could Not Distinguish One Tribe from Another,” 600. The quotation in the quote itself comes from Hannah Arendt who was describing the experience of African tribes during first contact with European colonizers, but the comparison can still be applied with Anglo Texans and Native Americans.
66 Proclamation by Hardin R. Runnels, March 12, 1859. Record of Hardin Richard Runnels, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission.
was to “…remove the reservations out of Texas.” Since Anglo Americans did not believe Native Americans were capable of citizenship — regardless of lifestyle — the only solution was thought to be expulsion. If all Native Americans were expelled from Texas, the land originally allocated to them could then be converted to private property held by Anglo citizens. Although expulsion was the official strategy by the state, extermination largely became the practice towards the end of the nineteenth century.

**Nomads, The Texas Rangers, and The Red River Wars**

Relations between Native Americans and Anglo Americans remained tenuous throughout the 1850s and into the 1860s. Once the Civil War began, Anglo Americans did not have enough military power to put protection on the frontier. Throughout the war, Confederate soldiers and volunteers attempted to provide frontier defense, but Native Americans were able to take back upwards of fifty miles of western Texas in this period. Once the war was over, Anglos once again began to reclaim the Natives Americans’ newly gained territory. As a result, conflicts over land ownership commenced. According to reports by Reconstruction Governor, James W. Thockmorton, between 1865 and 1867, “settlers suffered a great deal, having perhaps 400 men, women, and children killed, wounded or carried off.” Given the unpredictable nature of the western frontier, the Texas and US governments were in favor of sending the military to the frontier as protection for migrating settlers. In order to feign good relations with Native Americans, the US government drafted the Treaty of Medicine Lodge in 1867. This treaty was meant to remove all Native Americans to “Indian Territory” in present day Oklahoma and

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68 Campbell, *Gone to Texas: A History of the Lone Star State*, 206, 266.
69 Campbell, 266.
provide the Native American signees with “…food, blankets, clothing, and farming supplies.”

The Treaty also stipulated that Native Americans could not be pursued by the government once they were within the confines of the reservation, and additional forts would be established along the frontier and be manned by personnel sent by the US government. However, rather than having a strong military presence, President Grant decided to send the Society of Friends, a Quaker group, to manage the reservations in the west. In response to Grant’s less violent solution, largely fabricated reports began to emerge from the west regarding violence against Anglos by Native Americans. For example in a letter to the Chief Clerk of the Central Indian Super intendency in Kansas, Indian Agent James Haworth wrote,

> The Kiowas have conducted themselves as well as could be asked since they were promised the release of their friends conditioned upon their good behavior … They have governed their young man well, and I believe it is safe to say, none of them have left the reservation for raiding or any other purposes…. I have learned since I came here that a large majority of the Indian reports are fabrications manufactured out of whole cloth.

Although agents such as Haworth attempted to convince superiors that the level of violence by Native Americans was not at the scale described, the Society of Friends solution was seen as a failure. As a result, violence by the state continued to be the preferred solution by both settlers and the state alike.

In 1871, a raid was led by the Kiowas under the direction of Santana, a leader who did not sign the Medicine Lodge Treaty. Like members of the Comanche, Santana did not wish to give up his nomadic lifestyle in exchange for land in Indian Territory. Rather, he and his followers raided south of the Red River and in the now infamous, Salt Creek Massacre, killed 12 men on a wagon. According to historian Randolph Campbell, Santana meant the attack as a

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70 Campbell, Gone to Texas: A History of the Lone Star State, 291.
72 James A. Haworth to Cyrus Beede, May 8, 1873. Texas Indian Papers Volume 4, #216, Archives and Information Services Division, Texas State Library and Archives Commission.
message to Anglo Americans and the military warning them not to confine nomadic groups to Indian Territory. General William Sherman, a Civil War General sent to address the violence in West Texas, apprehended and arrested Santana and his followers for the attack. According to reports, General Sherman sent a letter to Santana while he was serving a sentence at Huntsville Penitentiary writing, “…if they are to take more scalps, I hope yours is the first…”

Throughout the early 1870s, violence between Native Americans and the US military continued to escalate. While there were some Agents working for the US government that wished to negotiate with Native Americans peacefully, many were in favor of using violence to expel and exterminate the remaining groups in Texas. For example, US General Sheridan ordered a young Colonel Ranald Slidell Mackenzie to pursue all Native American groups accused of violence in Texas and to drive them out of the state using whatever means necessary. Mackenzie took these orders seriously and committed a series of heinous depredations against many Native American groups, including peaceful ones. For example, Mackenzie went into Mexico — without the permission of the Mexican government — to destroy Lipan Apache and Kickapoos, killing nineteen people and injuring forty, most of whom were women and children. The actions of Colonel Mackenzie demonstrate that the US government and the state of Texas were willing to use extralegal means and unspeakable violence to rid the state of all Native American groups in order for settlement by Anglo Americans to take place.

From 1874-1875, Native Americans engaged in a final major offensive against Anglo Americans during the Red River War. Commencing with the battle of Adobe Walls, Comanche, Kiowas, and Southern Cheyennes under the leadership of medicine man Isa-Tai and Comanche War leader, Quanah Parker, attacked the Adobe Wall settlement resulting in the death of several

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73 Campbell, Gone to Texas: A History of the Lone Star State, 292.
74 Campbell, 293.
75 Anderson, The Conquest of Texas, 357.
Anglo Americans. This battle inspired vengeance in Texas and all members of the state from the US Army to the Texas Rangers. According to the Rangers and the government, there should be no sympathy for the Native Americans because,

They kill our people with … and ammunition furnished them at the agencies by US officials, [sic] and they take booty to those agencies when returning from their plundering raids on our frontiers…. Sympathy goes gushingly [?] out to the filthy barbarians, the Indians, but none to the white women and children [who] are outraged… and scalped by them.\textsuperscript{76}

In framing the attacks of Native Americans as violence against innocent women and children, the state was able to justify the continued violence and expulsion of Native Americans from West Texas. White women and children were seen as dependents by the state and it was deemed the duty of liberal citizens — white men — to protect their dependents though any means necessary. In framing war against Native Americans as a defense of white dependents, the state was able to justify its extermination policy as good liberal citizenship. The fighting would continue on the frontier through the spring of 1875. Native Americans under the leadership of Comanche Chief Quanah Parker were finally forced to surrender once the military exhausted Parker’s resources and launched a campaign to kill the buffalo, the life source for many Native Americans. According to Kiowa Chief Kicking Bear, Native Americans “…loved buffalo just as the white man does his money, and just as it made a white man ‘s heart feel to have his money carried away, it made them feel to see others killing and stealing their buffalo.”\textsuperscript{77} Because Anglo American troops and Rangers under the direction of Colonel Mackenzie and General Sheridan engaged in total war against Native Americans, they were forced to stand down in 1875. Quanah

\textsuperscript{76} Richard Coke to Samuel Bell Maxey, September 7, 1874, Records of Richard Coke, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission.

\textsuperscript{77} Campbell, \textit{Gone to Texas: A History of the Lone Star State}, 294.
Parker’s surrender in 1875 at Fort Sill in Oklahoma with 407 Native Americans, is now considered the end of the Red River War and the Comanche resistance in Texas.\textsuperscript{78}

In the aftermath of the Red River Wars, Texas passed a law which prohibited Native Americans from entering the state from Fort Sill in Indian Territory. According to the law,

And the Secretary of the interior is hereby directed and required to prohibit the Kiowas, Comanches, Apaches, Kickapoos, Cheyennes, Arapahos, Wichitas, and bands affiliated with them from crossing the Red River from Fort Sill reservation into Texas, and rations shall only be issued to said Indians for only one week at a time... no arms or ammunition shall be issued, sold, or given to any of the Indians above named; and all arms and ammunition shall be taken from any Indian who may be proven to have committed any depredation on the whites or friendly Indians.\textsuperscript{79}

After the Red River Wars and the extermination and removal policy initiated by the US government, Native Americans were effectively expelled from Texas. Although some Native American groups attempted to enter Texas for raiding purposes, many were run down by the violent Texas Rangers. Therefore, many Native American groups such as the Comanches, Lipan Apaches, and Kiowas were dispossessed of land they had roamed for generations and confined to reservations in Indian Territory. As a result, Anglo Americans were able to settle the west, establish ranches, oil rigs, and railroads across the frontier. Because of their ruthless pursuit of Native Americans the “Anglo population worshipped them [The Texas Rangers] as heroes, elected them to public office, and supported the policy of ethnic cleansing that embroiled the state in violence well into the 1870s.”\textsuperscript{80}

\textbf{Conclusion}

The final phase of state formation in Texas happened once Texas was indisputably a part of the United States. Once Mexico ceded the territory for good, Anglo Americans were able to

\textsuperscript{78} Campbell, \textit{Gone to Texas: A History of the Lone Star State}, 294–95.
\textsuperscript{79} Law Prohibiting Indian Migration Into Texas, 1875-1876. Texas Indian Papers Volume 4, #236 Archives and Information Services Division, Texas State Library and Archives Commission.
\textsuperscript{80} Anderson, \textit{The Conquest of Texas}, 360.
exert violence and confinement upon the two groups that occupied the space for generations in the name of building a modern liberal state. In the years following the war, Texas purposely broke their promise with Mexico and stripped Tejanos — both elite and poor — of their social status and citizenship rights as outlined in Article Eight of the Treaty of Guadalupe Hidalgo. Tejanos became a suspect class, who were perceived by Anglos as a dependent race meant to be subservient to Anglo superiors. Even then, they were subject to unspeakable violence at the hands of vigilante Anglos with no chance of legal retribution. Throughout the nineteenth century and into the twentieth century, Mexicans would continue to be viewed as “… the Texans natural enemy,” and “treated like a dog, or, perhaps, not so well,” according to late nineteenth century observer, Mary Jaques.81

In the case of Native Americans, the struggle for land continued well after the Mexican American War and different policies of confinement and assimilation were enacted by the Texas Legislature and the federal government. It was not until the end of the Civil War that the state would have enough resources to unleash an unrelenting expulsion and extermination campaign against all Native Americans groups, regardless of affiliation.

It is evident that Anglo Americans consciously used the state apparatus as a means to subjugate populations they felt were not worthy of citizenship, property ownership and political participation in their liberal state. As a result, thousands were displaced and silenced over a century of oftentimes violent resistance. Not only were countless people silenced and displaced, but their plight was often celebrated and justified by Anglo Americans in a multitude of ways. For instance, a poet known as Little Windy wrote in 1857, referring likely to Tejanos and Native Americans,

“Protect the adopted; but teach them to know.

81 Montejano, Anglos and Mexicans in the Making of Texas, 1836-1986, 83.
We yield not our birth-right, to friend or to foe!"^{82}

From Slave Empire to Carceral State: The Process of Confinement for Afro-Texans

On July 19, 1868 John Wallace, a freedman living in Grimes County, Texas, reported to the local sheriff that an Anglo citizen threatened to kill him for no specified reason. According to the testimony sent to the Governor of Texas at the time, Elisha M. Pease, Wallace “fears that he will be killed by the hands of this man.” Wallace also mentioned that the Anglo in question, Abner Hamack, “has also threatened the lives of other freedmen … and has cruelly beat one boy of the age of 15 or 16.” Although the sheriff had drafted a warrant for Hamack’s arrest, he wrote to Governor Pease that “it is not worth it for me to call on the citizens for help,” since it was likely that they would have sided with Hamack and not Wallace. ¹ The story of Wallace and Hamack in Grimes County was a common occurrence for African Americans living in Texas after the Civil War. However, oppression and violence against African Americans in Texas existed long before the sheriff’s report was written. Unlike Mexicans and Native Americans, African Americans were brought to Texas in the 1820s against their will to work on empresario grants as slaves. Therefore, their experience of confinement was institutionalized by Anglo Americans and the state from the start of Anglo colonization. After slavery was outlawed in 1865, the confinement of African Americans would continue to be a priority for the state and vigilantes resulting in liberal institutions, such as the prison, to be repurposed for the explicit exclusion and exploitation of Afro-Texans.

Similar to other Americans in the nineteenth century United States, Anglo settlers exported liberal ideas of property, whiteness, and masculinity to the Texas frontier as prescribed by the concept of manifest destiny. Throughout the nineteenth century, Americans began to exert their liberal democratic identity through institutions. Two of the most important and powerful actors to enforce liberal identity were the prison and police. According to historian Adam Malka,

¹ Correspondence, July 16-31, 1868. Governor Elisha Marshall Pease records for his third term. Archives and Information Services Division, Texas State Library and Archives Commission.
institutions for policing and the prisons, “represented the expansion of white supremacy.”2 Since the liberal democracy of the United States was built to preserve and expand the power of the white man — as well as protect his property — it was important that institutions expanded as the United States continued to gain territory in the southwest.

Anglo settlers were interested in coming to Coahuila-Tejas because of the abundance of opportunity to expand their liberal ideal of holding property. Meaning for Anglo settlers, it was of paramount importance to bring their slaves to the region. Slaves were considered property by their Anglo owners because they were purchased from the market and thereafter under the direct control of their master. For Anglo masters, moving their slave property westward would lead to more profit — a feat, they assumed, unattainable with free labor. According to observers at the time, migrating to Coahuila-Tejas would only be profitable for planters if they used slave labor because the “…land is so cheap, and cropping is so profitable, that very few even poor men consent to be hired, preferring to work their own lands. Owing to these circumstances, no one could cultivate a large plantation by free labor.”3 The Texas frontier then provided settlers the opportunity to obtain the liberal ideal of property and power, and to do so explicitly through the ownership of other people. From the time of Anglo-colonization of Coahuila-Tejas in the 1820s to emancipation, Anglo Texans worked to keep African American slaves confined through the institution of slavery. After emancipation and during Reconstruction, Texas lawmakers and vigilante white citizens used the burgeoning police state to forcibly confine African American freedmen to the margins of society, whether that be through systematic disenfranchisement or through confinement in its rising prison system which was modeled after the labor system of antebellum slavery.

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The aim of this chapter is to trace how confinement manifested itself for African Americans brought to the Texas frontier in the 1820s and how it transformed into vigilante policing by Anglo citizens and physical confinement in the prison during the post emancipation era. At all levels of the state — from the Texas legislature to local municipalities — freedmen were denied equality before the law in order to preserve the antebellum status quo of whites’ limiting the freedoms of blacks. This was extended after the Civil War within the confines of the prison where blacks were treated as disposable beings, forced to perform labor for white property owners as they did during slavery.

According to political theorists Amy E. Lerman and Vesla M. Weaver, a significant number of minorities experience the state through the criminal justice system. As a result, instead of actively engaging with the democratic republic, minorities routinely interact with the state which, “…undermine[s] equality, restricts[s] citizen voice, and insulate[s] public officials from accountability and responsibility.”4 Rather than focus on the twentieth century as Lerman and Weaver do in their book, I will examine how African Americans interacted with the illiberal state from the Anglo American colonization of Texas to the end of Reconstruction.

The first section of this chapter will focus on the institution of slavery during Texas colonization in the 1820s and 1830s and the emergence of the Texas Republic in 1836. Then, I will briefly look at the origins of the reformative prison created during the antebellum. In the final section I will examine the experience of emancipation and Reconstruction for freedmen and women in the latter half of the nineteenth century. For this portion of the chapter, I rely on letters sent to Governor Elisha Marshall Pease, who governed the Fifth Military District during Reconstruction. Lastly, I will examine the transition of the prison from a liberal institution aimed at reforming white convicts, to a physical manifestation of confinement for African Americans.

evocative of slavery. Although incarcerated blacks represented a minority of the Texas free black population, the actions the state took to subjugate them after the Civil War heavily impacted the relationship blacks continue to have to the state. To this day, the memory of antebellum slavery and the violence inflicted on blacks by the state continues to negatively impact blacks’ interactions with the government.

**Texas Colonization by Anglo-Americans and the Texas Revolution of 1836**

In November of 1820, Moses Austin travelled to Bejar to request that the Spanish government allow Anglo Americans to migrate into Northern New Spain. Austin, like many of his contemporaries, was interested in the vast amount of land available in the West, and in the wake of financial crisis, looked to the northern Mexican province to expand the southern cotton kingdom. At the time, conquest of the region seemed far-fetched. While settlers were likely inspired by the burgeoning ideology of manifest destiny, many were simply looking to increase their wealth through cotton production. Austin not only sought permission to settle, but also to devise a deal in which Anglos who migrated would be able to bring their slaves with them, as the institution was thought to be intrinsic to the successful expansion of the cotton industry. If he could not, there would be no use in requesting Anglo migration in the first place.5

Anglo migration to Texas then was immediately based on expanding the institution of slavery further west. This desire put the settlers at odds with the Spanish and then Mexican government who were committed to abolishing slavery in all of their territory.6 Prior to the Texas revolution in 1836, Anglo migrants took issue with the Mexican government’s stance on slavery and “seemed wholly unconcerned with following Mexican Law.”7 Since 1825, the Mexican

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government had prohibited the importation of slaves into its territory and in 1827 the state of Coahuila-Tejas introduced an amendment which stated, “… no one shall be born a slave in the state and after six months the introduction of slaves under any pretext shall not be permitted.”

The Mexican government’s stance on slavery incensed Anglo settlers determined to migrate with their slave property. As a result, tensions would continue to rise between the two communities throughout the decade.

In 1829, Austin negotiated with the Mexican government to exempt Coahuila-Tejas from national emancipation. Anglos were required however, to have manumission policies for their slaves born within the territory. Nevertheless, Austin’s compromise with the Mexican government was seen as a victory for Anglo settlers and The Texas Gazette proclaimed, “…that Mexican authorities had granted ‘all we could wish for, as colonists—the SECURITY of our PERSONS and PROPERTY’. “

Although the Mexican government and the Anglo Texans were able to come to a few compromises over the 1820s and 30s, Texas eventually rebelled and became the pro-slavery Texas Republic whose constitution, “approved pro-slavery clauses, guaranteeing the right to hold slave property, the right to import slaves from The United States, and forbidding free blacks to enter or reside in Texas without special authorization of the legislature.” It was believed that the presence of free blacks in Texas would lead to an insurrection by the enslaved. If enslaved blacks were to see freedmen in Texas, Anglo Texans were afraid that they would then demand their freedom. Therefore, the admittance of free blacks into the state was limited. Texas would remain a republic until it was controversially annexed as a slave state into the United States in 1845. As a result, Texas remained an important slave state until the Civil War.

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9 Campbell, 113.
10 Campbell, 111-112.
11 Campbell, 219.
Early Iterations of the Texas Carceral State

Within its first five years in the Union, the population of Texas increased by 70,000 people.\textsuperscript{12} During its early years, Texas did not have many cities to boast of. Most people lived in rural areas and were engaged in some sort of agricultural activity such as ranching, farming, and cotton production.\textsuperscript{13} However, as the state population increased, it seemed appropriate to establish a prison as a disciplinary arm of law enforcement. Prior to becoming a state, Anglo colonizers in collaboration with the Mexican Government attempted to establish two penitentiaries in 1829, however, due to lack of coordination they did not come to fruition. Therefore, local counties continued to be the main source of law enforcement and punishment until after annexation as opposed to a state owned penitentiary.\textsuperscript{14}

In 1848, shortly after annexation, the Texas legislature passed an “Act to Establish the Penitentiary” which gave the state license to build a prison. Given the importance of protecting property owners and white citizens in liberal society, lawmakers believed “…that in an organized society, the state must assume responsibility for and take the lead in penal matters.”\textsuperscript{15} Texas lawmakers modeled their penal system after eastern prisons such as the Auburn Penitentiary in Auburn, New York. Under the Auburn plan, the penitentiary “organized prison life around silent communal labor by day and solitary confinement by night.”\textsuperscript{16} While the intention of prison was to punish people for crimes, it was also intended to reform incarcerated individuals into ideal liberal citizens. For example, at the Auburn Penitentiary, the aim was to reform inmates through education in religion and industrious labor. According to the Auburn penal philosophy, once a

\textsuperscript{12} Campbell, \textit{Gone to Texas: A History of the Lone Star State}, 187.
\textsuperscript{13} Campbell, 213.
prisoner is released they were to be productive members of society well versed in faith and work ethic.\textsuperscript{17} Therefore, prison was not meant to merely punish but to reform individuals into proper members of society. Reformation led to the production of more liberal citizens as well as to the maintenance of public order.

At the start of the penitentiary system in Texas, reformation of inmates into law-abiding liberal citizens was similarly the intention. This was clear even in their attempts while still part of Mexico. For example, in early drafts of the laws concerning the penitentiary, “Contractors were required to teach the inmates a useful trade and to provide them, upon their release, with $30 and the tools to continue the trade in free society.”\textsuperscript{18} Lawmakers recognized that the state would need to take an active role in cultivating a citizen modeled after the values of liberal democracy such as faith and lawfulness. As Adam Malka argues in his book, \textit{Men of Mobtown}, which details the story of policing in Antebellum Baltimore, "Reformers … built penal asylums to remake inmates into individuals capable of possessing property rights. Police reform grew state power in the name of liberal freedom.”\textsuperscript{19} Similarly, Texas lawmakers looking to reform white criminals into liberal individuals who valued lawfulness, faith, and property ownership agreed that the construction of a penitentiary at Huntsville was an appropriate way to accomplish that goal. Reformation of any other race was never mentioned because of the centrality of whiteness to liberal freedom. Therefore, rather than being a tool of punishment and control, the penitentiary was intended to produce the perfect citizen.

Another benefit of the new penal system was the opportunity for the state to make a profit off the labor of the convicts working in penitentiary workshops. According to the 1848 Act the penitentiary should be “…in a healthy climate and near a navigable body of water so as to permit

\textsuperscript{17} Graber, \textit{The Furnace of Affliction}, 83.
\textsuperscript{18} Walker, \textit{Penology for Profit}, 13.
\textsuperscript{19} Malka, \textit{Men of Mobtown}, 54.
‘the importation of machinery, tools, [and] materials…to be manufactured, and for the transportation of articles made …by the convicts to a market’.” 20 While the state intended to make a profit off the labor of its convicts, there was not a lot of success in the first decade of the penitentiary. First off, lawmakers were reluctant to appropriate funds to the penitentiary for the machinery necessary for industrial production.21 Second, not many people were being sent to the penitentiary. For instance, the inmate population of Huntsville was only 75 in 1855. By 1860, it was only 182.22 As a result, Texas lawmakers’ goal of having a profitable penitentiary did not come to fruition until free labor shortages during the Civil War.

At the onset of construction of the Huntsville penitentiary, the citizenry was excited to report on it. “We have heard with great pleasure that the superintendent of the penitentiary intends to commence work on the buildings immediately, and is making contracts for material to be delivered at Huntsville as soon as practicable,” The Democratic Telegraph and Texas Register enthusiastically reported in their August 17, 1848 issue.23 Then in October of 1849, the first prisoner entered Huntsville Penitentiary and served a nine month sentence for horse stealing.24 Although the prison was constructed as a means to reform white convicts, many counties were reluctant to send lawbreakers there. According to the Board of Directors in an 1851 letter to the governor at the time, “The Penitentiary was (and still is) in its infancy. The outer walls of the cells erected, are not over five feet high, the ground open to all, and no security of the convicts from escape…”25 While no explicit reason was given as to why counties would not send their

20 Walker, Penology for Profit, 14.
21 Walker, 16.
22 Walker, 16.
23 The Civilian and Gazette. Weekly. (Galveston, Tex.), Vol. 23, No. 40, Ed. 1 Tuesday, January 8, 1861, newspaper, January 8, 1861; Galveston, Texas, University of North Texas Libraries, The Portal to Texas History, https://texashistory.unt.edu; crediting The Dolph Briscoe Center for American History.
24 Walker, Penology for Profit, 14.
25 Directors of the State Penitentiary to Governor Peter H. Bell, November 11, 1851. Correspondence Concerning the Penitentiary, Record Relating to the Penitentiary, Archives and Information Services Division, Texas State Library and Archives Commission.
convicts to the Huntsville Penitentiary, it can be speculated that local leaders were concerned about the lack of security at the prison or they wanted the industrious labor of convicts to benefit their own community.

As evidenced by laws from as early as 1829, Texas lawmakers intended for the state penitentiary to produce reformed citizens. In adherence to the Auburn Plan, inmates would become law abiding and hardworking rather than mere degenerates. However, reform minded lawmakers experienced many complications in the immediate years following the passage of the “Act to Establish a Penitentiary.” First off, the legislature was not willing to provide enough money to fully fund the prison. As a result, the buildings were unfinished and the prison did not have enough funds to fully reform like at Auburn. Second, Huntsville did not house enough inmates to be self-sufficient. Therefore, it did not have adequate resources to fulfill the penitentiary’s reformation mission. The prison conceptualized by lawmakers was far from what it would become in the latter half of the nineteenth century. When Huntsville was built, it was not intended to be a place of confinement and punishment for African Americans. Since most African Americans in Texas were slaves, they were under the direct control of their masters. Therefore, they were not even considered when the penitentiary was first made. This would change however once blacks were no longer under the direct control of a white master.

**Slavery in Texas: Before The Civil War**

Prior to the Civil War, blacks in Texas were mostly enslaved on large plantations in the eastern part of the state along the Brazos and Colorado Rivers. Since slaves were considered the property of their Anglo owners, punishment of enslaved people was a right awarded to their owners. According to state law, masters were permitted “…to demand ‘obedience and

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26 Walker, *Penology for Profit*, 16.
submission’ from their slaves and to inflict punishment, most commonly whippings, necessary to that end.”

Since slaves were not considered citizens eligible for reformation through the prison, they were simply punished by their masters through violence that often led to extreme trauma and sometimes death. For example, one slave owned by William Wilson, was killed when Wilson inflicted the bondsman with “six hundred lashes with a ‘gutta percha strap’.” Although Wilson was brought to court for the offense, he like many other whites, was not convicted but instead ordered to pay a fine for his second offense. In the eyes of the judge presiding over the case “punishment of slaves was ‘left to the master’s judgment, discretion, and humanity.’”

Therefore, slaves did not have the protection of the state when it came to violence and punishment inflicted by their masters.

Although slaves lived in constant fear of punishment by their master — which often included not only physical trauma, but psychological as well, such as family separation, they resisted their condition in a multitude of ways. For example, a significant number of Texas slaves attempted to run away to Mexico after the state became an independent republic. This was a common occurrence along the border, and by 1851 there were an estimated three thousand fugitive slaves living in Mexico, including those of the former Texas president and governor, Sam Houston.

In an 1852 article by the San Antonio Ledger, Mexico, for fugitive slaves, was seen as the, “…El Dorado for accumulation, his utopia for political rights, and his Paradise for happiness.” Other slaves who did not run away from their masters resisted by refusing to labor, stealing from their masters, and planning large scale insurrections. For example, in 1860 there were a series of fires and water poisonings in East Texas described by the newspapers as the

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28 Campbell, Gone to Texas: A History of the Lone Star State, 224.
29 Campbell, 224.
30 Campbell, An Empire for Slavery, 180.
31 Campbell, An Empire for Slavery, 180.
32 Campbell, 185.
“Texas Troubles”: an alleged slave insurrection planned by slaves and abolitionists. As a result of sensationalism by the media of “The Troubles”, a number of people — slave and white — were accused of insurrection and subsequently executed.33 Throughout the antebellum era, black Texans routinely plotted their escape, even if they were allegedly on good terms with their master. For example, Martin Jackson, a former slave of a supposedly benevolent owner, Mrs. Isaac Van Zandt, stated in an interview between 1904 and 1905, “Even with my good treatment, I spent most of my time planning and thinking of running away.”34

Although masters could decide the severity of a slave’s punishment, many were confident that they would not be killed because of their monetary value to their master. According to an enslaved woman, masters should treat slaves well because, “that was their money.”35 Slaves were undoubtedly punished severely by their masters, even to the point of death. However, the enslaved woman was correct in her realization that her existence had monetary value to white slave owners.

Slavery in the antebellum era was the traditional form of confinement in Texas. Prior to emancipation, free blacks needed special permission from the state legislature to live in Texas, and it was seldom given. As a result of restrictive legislature, the 1850 and 1860 census recorded less than 400 free blacks living in Texas. Although free, they were forced to live on the margins of society because whites were fearful their freedom would threaten slavery.36 After emancipation, the monetary value on black bodies would be diminished and usher in a new age of confinement where freedmen were viewed as far more disposable to white supremacists.

33 Campbell, An Empire for Slavery, 185. For more information on the “Texas Troubles”, consult Donald E. Reynolds’ book, Texas Terrors: The Slave Insurrection Panic of 1860 and the Secession of the Lower South (Baton Rouge, 2007). According to Campbell, it is likely that there was not a slave insurrection in the summer of 1860 however, the sensationalism from the newspapers at the time made it appear as if one did occur. For more information about Campbell’s analysis of the event, refer to Campbell, Gone to Texas, 224.
34 Campbell, An Empire for Slavery, 189.
35 Campbell, 185.
36 Campbell, Gone to Texas: A History of the Lone Star State, 219.
Secession and the Civil War

After the election of Abraham Lincoln in 1860, Texas joined other southern states in seceding from the union. Anglo Texans believed that Lincoln’s election would lead to the abolition of slavery, so they petitioned Governor Sam Houston to call a secession convention. According to a petition by citizens from November 1861, secession was essential because Lincoln’s election “… in palpable violation of the sacred compact of the Union, has filled our minds with the most gloomy apprehensions for the fate of the Institution of Slavery and the Constitutional rights and privileges.” Texans saw Lincoln’s election as a threat to their perceived constitutional right of owning slave property. Therefore, in order to protect the rights of white property owning citizens, Texans successfully petitioned to secede from the Union.

In order to ratify this decision, Texas lawmakers held a secession convention in 1861 in which they debated the issue. Most of the commentary revolved around the issue of slavery. In the Secession Ordinance to Declare, lawmakers enshrined slavery into their state’s law writing, “…that no state should be admitted a member of said confederacy that does not have established and recognizing the institution of negro slavery.” The ordinance then continues in similar fashion detailing how states in the Confederacy will never, “abolish the institution of negro slavery and remain a member of said Confederacy.” Lawmakers were cognizant of the fact that slavery was a necessary component of an Anglo’s right to own property. Just as Anglo settlers in the 1820s and 1830s had the right to migrate to Coahuila-Tejas with their slave property, Confederate citizens were granted the same right. In writing that slavery would be legal in all

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37 Page from a Petition of the Citizens of Houston County, November 24, 1860, Records of Governor Sam Houston, Texas State Library and Archives Commission.
38 Ordinance to declare the sense of this Convention on Slavery, March 7, 1861, Secession Convention, Texas Constitutional Convention records. Archives and Information Services Division, Texas State Library and Archives Commission.
39 Ordinance to declare the sense of this Convention on Slavery, March 7, 1861, Secession Convention, Texas Constitutional Convention records. Archives and Information Services Division, Texas State Library and Archives Commission.
Confederate states, lawmakers were allowing for confinement to permeate the entirety of the new nation rather than select regions. Therefore, the norm for the Confederacy was confinement of blacks through slavery. In solidifying the fact that slaves were moveable property within the confines of their nation, they established a commitment to the traditional form of confinement for blacks in the South.

Citizens of Texas were also aware of the importance of slavery to their conception of citizenship. According to a newspaper editorial from the *Augusta Chronicle*, slavery was a fundamental part of the United States liberal republic and by creating the Confederacy, southerners were protecting white yeoman republicanism, the idea the US was founded upon.

Men will say that we of the South are one and that we shall get along well enough...When the Union was formed, twelve of the thirteen States were slaveholding; and if the cotton gin had not been invented, there would not be probably to-day have been an African slave in North America...Our own opinion is that the South might be the greatest nation on earth, and might maintain, on the basis of African slavery, not only a splendid Government, but a secure Republican Government.\(^{40}\)

Based on the editorial reprinted in the *Galveston Gazette*, it is evident that Anglo Texans at the advent of the Civil War were intent on keeping with what they viewed as the tradition of the Union. They also were aware of slavery’s role in their economic success. Since slaves provided unfree labor, their masters were able to profit off the would be wages of their workforce. Slave masters were by far the richest people in the state and maintaining the practice of slavery was vital to their livelihood and their identity as white property owning men.\(^{41}\) Also, slaves were required to produce an unbelievable amount of product under threat of punishment. Given the importance of slavery to citizenship and economic success, Anglos further justified seceding from the Union and joining the Confederacy in the Civil War.

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\(^{40}\) The Civilian and Gazette. Weekly. (Galveston, Tex.), Vol. 23, No. 40, Ed. 1 Tuesday, January 8, 1861, newspaper, January 8, 1861; Galveston, Texas ,University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu; crediting The Dolph Briscoe Center for American History.

\(^{41}\) Campbell, *Gone to Texas: A History of the Lone Star State*, 213.
After Texas joined the Confederacy, it was strapped for resources. As a result, the penitentiary experienced a brief period of success. Because of the demand for cloth by military and civilian populations, convicts detained at Huntsville were able to labor as prescribed by the developers of the Auburn prison plan. From 1861-1863 Texas convicts produced 2,258,660 yards of cotton and 293,298 yards of wool, which earned the state $1,174,439.07 in profit.\textsuperscript{42} However, at the war’s close the penitentiary once again fell on hard times because it could not handle the number of convicts—mostly white prisoners of war (POW) from the union, as black POWs were sold into slavery—being admitted in the immediate aftermath of the Civil War. Since Huntsville could not manage the number of inmates being sent there—mostly due to overcapacity issues—the Board of Directors began to seriously consider leasing their prisoners to outside companies. This decision would be the start of a new type of punishment for Texas inmates, especially for newly freed slaves.\textsuperscript{43}

\textbf{The Constitutional Conventions and the Price for Freedom}

The Civil War ended on April 8, 1865 at Appomattox Courthouse in Virginia. However, it took many months for the news to reach Texas. Since it did not experience the same intense fighting as other portions of the South, many Confederate Texans were slow to accept the fate of their slave nation. During the war, in fact, many southerners from other parts of the Confederacy migrated to Texas with their refugee slaves in order to get away from the fighting. As a result, slavery actually expanded in the state during the war.\textsuperscript{44} Once news finally reached Texas regarding the outcome of the war, many slave owners were reluctant to inform their slaves that they were free. According to a former slave, Isabella Boyd, “When we all gits free, they’s the

\begin{itemize}
\item \textsuperscript{42} Walker, \textit{Penology for Profit}, 17.
\item \textsuperscript{43} Walker, 17.
\item \textsuperscript{44} Gregory P. Downs, \textit{After Appomattox: Military Occupation and the Ends of War} (Cambridge, Massachusetts: Harvard University Press, 2015), 11, 26.
\end{itemize}
long time letting us know.” Another former slave, Josie Brown, claimed that her master took a “whole year” to “turn us loose.” This was a common occurrence throughout eastern portions of the state. Anglo slave owners were averse to accepting the end of slavery and did what they could to quell the excitement of their former bondsmen.

Despite slave owners slow acceptance of emancipation and the war’s end, Union leaders pressed the issue throughout the state. For example, Union Major General Granger issued a public declaration abolishing slavery on June 19th, 1865, stating that, “…all slaves are free. This involves an absolute equality of personal rights … and the connection heretofore existing between them becomes that of employer and hired labor….” Freedmen and women were overjoyed at this proclamation and looked to immediately transform their circumstances. For example, many former slaves immediately left the property of their masters and looked to exercise their newfound right of free mobility. Others chose to work for their masters for wages. In the immediate moment after emancipation, freedmen and women looked to exercise their newfound rights as citizens by laying claim to liberal values such as mobility, property ownership, and earning wages. However, this newfound freedom was difficult to hold on to because as time went on, it became more challenging for former slaves to lay claim to the important facets of citizenship as the white powerful looked to once again confine them to the margins.

As a response to Texas’s active resistance to emancipation, the Union deployed several thousand troops to Texas to quell animosity and fortify the borders against any Confederates attempting to escape into Mexico via the Rio Grande. By August of 1865, there were

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45 Campbell, An Empire for Slavery, 249.  
47 Campbell, An Empire for Slavery, 250.
approximately 50,000 Union troops in Texas. Freedmen looked to the soldiers as one of their few allies in the immediate aftermath of the war because they were the authority that had the power to enforce the freedom freedmen and women desired. At the onset, former slaves wanted basic rights guaranteed in a liberal republic — rights denied to them by slavery such as, “…marriage, control of children, property ownership, travel and contract — protected by government.” However, they also wanted the promise of freedom. Freedmen were hopeful that the presence of Union soldiers and Radical Republicans in Texas would be enough at the beginning to create a foundation for equal rights for freedmen before the law. However, there was a lot of skepticism amongst Anglos and blacks alike. According to Lucadia N. Pease, the wife of former Texas Governor Elisha M. Pease, the freedmens’, “…condition will be much worse than before” because of their perceived racial inferiority. On the other hand, former slave James Boyd said that although emancipation, “…could make folks proud but it didn’t make them rich.” Given the indignation of Anglos in Texas, the state would make several failed attempts at a reformed constitution and become one the last states to no longer be considered a military district.

A “Return” to Governance in Texas

In late 1865 and early 1866, Texas lawmakers were struggling to establish control of the populace and enforce law in the post emancipation era. According to the then provisional Governor Andrew Hamilton, Texans, “had been for nearly two months not only without

48 Downs, After Appomattox, 28, 99.
49 Downs, After Appomattox, 40.
51 Campbell, 250.
Government but singularly ignorant it seems as to the designs and purposes of the Government.”53 In the midst of this postwar chaos, Texas lawmakers held their first Constitutional Convention in 1866. The new document they crafted formally ended slavery in Texas and began the process of establishing protections for freedmen and women. However, the protections were severely limited because of Texas lawmakers’ unwillingness to grant freedmen any rights besides basic emancipation. At the convention, lawmakers acknowledged that slavery was illegal however, they refused to grant freedmen rights beyond property ownership and the right to enter contracts.54 Instead, they established several laws defining lawlessness, vagrancy, and criminality. These laws known as “Black Codes” were made specifically to control the newly free black population. For instance, convention members made a law which allowed for people to be arrested for vagrancy. Accused vagrants could also be fined and forced to work as a means of paying the fine. They also gave employers the right to deduct the pay of their workers if they thought their employees were not working hard enough.55 While the lawmakers didn’t explicitly use racialized terms when writing the law, it was obvious that the policies were intended to control the newly free black population. Although lawmakers could not reinstate slavery, they had the ability to write laws which would effectively control the black population almost as much as slavery did.

The convention of 1866, then did not yield the results desired by either freedmen or Republican lawmakers looking to improve conditions in Texas. On the contrary, the convention restricted the freedmens’ newly found freedom. While it seemed like order existed in the locations where, “strict military discipline” was present such as Houston, San Antonio, and Galveston, there were issues in more remote regions, “away from the influence of federal troops

53 Downs, ”Three Face of Sovereignty”,125.
54 Campbell, Gone to Texas: A History of the Lone Star State, 273-274.
55 Campbell, 274.
and federal bayonets, at points where our army has never penetrated, and where the citizens have but little fear of arrest and punishment."56 According to Union officers, Anglo Texans in the east never fully accepted the outcome of the war and refused to comply with the Union’s orders because, “they were never whipped there.”57 The Union was largely unsure what to do about the vast amount of resistance from Anglos as well as the increased violence against freedmen. General W. E. Strong suggested that the military consider using violence against resistant Anglos.58

In 1868, lawmakers held a second convention at which they once again tried to make amendments to their constitution in order to be readmitted into the Union. At the convention, lawmakers attempted to rewrite the constitution to give freedmen and women rights in the state. According to Bill 34 from the Convention written in June of 1868, it was the state’s duty to,

give the largest measures of individual liberty and personal rights compatible with the general good of society and the protection of all — therefore be it resolved that no individual or class of society shall ever hereafter be debarred from the rights, privileges, and immunities common to all citizen, and especially those of suffrage and holding office — except aliens, idiots, or lunatics and criminals.59

In writing this statement into a bill, Texas lawmakers were seemingly committing themselves to protecting all citizens of Texas from inequality and violence being experienced by those loyal to the Union as well as freedmen and women attempting to live their lives as citizens. However, they were clear to make exceptions to the guarantee of these rights. In the final line of the declaration, they exempt, “…aliens, idiots, or lunatics, and criminals” from exercising these rights.60 In other documents, they included different provisions which would make it easier for

57 Downs, 126.
58 Downs, 126.
59 Convention Bill 34 June 25, 1868 “That no individual will ever be debarred from the rights common to all citizens…June 25, 1868, Records of the Convention of 1868-1869, Texas Constitutional Convention, Archives and Information Services Division, Texas State Library and Archives Commission.
60 Ibid.
people to become criminals, especially freedmen and women. For example, according to Convention Bill number 86 it would be the job of the legislature to, “enact laws for the punishment of unlawful cohabitation….” It also gave lawmaker the power to make laws, “…they may think best for the good of the community and also to define what shall constitute vagrancy.”

Although the state legislature placed in its constitution declarations meant to guarantee freedom and equal rights for all citizens, they nevertheless placed exceptions to who was able to claim these rights. A door was opened, then, for Anglos who wished to re-confine freedmen and women’s existence to the margins of society. For instance, in writing a law that policed, “unlawful cohabitation” of families, the state obtained the right to police the black family if it was seen as not acting within the norms of white heteronormative society. In giving the legislature power to define what it meant to be a vagrant, the state similarly made it easier for the movement and public interactions of freedmen and women to be persecuted by the law. For example, in antebellum Baltimore, the public congregation of freedmen and women in the streets was often policed and seen as vagrant behavior because it was presumed, “none but the coloured people loiter about the corners of the avenue” and they were often described by white observers as “drunken disorderly persons….” Although the observers were describing freedmen and women in Baltimore, the attitude regarding black movement and interaction extended to whites in other states such as Texas. Therefore, it is not presumptuous to assume that Texas lawmakers

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61 Convention Bill 86 August 19, 1868 “To stop unlawful cohabitation and vagrancy, etc., August 18,1868, Records of the Convention of 1868-1869, Texas Constitutional Convention, Archives and Information Services Division, Texas State Library and Archives Commission.

were looking to regulate and police the behavior of black people with law “… they may think best fit for the community.”

**Purposeful Negligence at all Levels of the State**

While Texas lawmakers were defining equality and policing in the capital, freedmen and women living throughout the state were experiencing violence and prejudice from local officials and citizens on a daily basis. The animosity between Union supporters and former Confederates was so polarizing that, “…a loyal man engaged in business receives no patronage except from loyal men.” For the freedmen and women of the state, the conditions were extremely precarious. According to Lieutenant Colonel H. S. Hall, the federal presence was essential in Texas because, “…there would neither be safety of person nor safety of property for men who has been loyal during the war; and there would be no protection whatever for the negro.” Given the amount of animus Anglo Confederates had for loyalists and freedmen, it was clear that a strong federal and pro-union presence was needed in the more rural parts of Texas at this time. Without it, freedmen and loyalists were in danger of not being able to claim the liberal promises of freedom and property purportedly given to them by law according to the Constitutional Convention of 1868.

Throughout this period of turmoil, the state government was kept informed about the terrible conditions for freedmen within the smaller towns of Texas more removed from federal authority. According to General W.E. Strong those living away from federal oversight, “…have but little fear of arrest and punishment.” However, it was quite common for freedmen and

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63 Convention Bill 86 August 19, 1868 “To stop unlawful cohabitation and vagrancy, etc., August 18,1868, Records of the Convention of 1868-1869, Texas Constitutional Convention, Archives and Information Services Division, Texas State Library and Archives Commission.
64 Downs, “Three Faces of Sovereignty,” 128.
65 Downs, 127.
women to be punished for minor offenses. During this period of unrest, local officials routinely informed the Unionist governor of the 5th Military District, Elisha M. Pease, of the increased policing and disenfranchisement of freedmen and women in rural counties. According to many of the letters, it was essential for Governor Pease to send loyalists into these counties in order to replace corrupt officials. For example, Judge C. Caldwell of the 8th Judicial District in Jefferson County, Texas wrote to Governor Pease claiming, “The spirit of bigotry and intolerance is as rampant as ever.” According to Judge Caldwell, “The colored voters are told … if they vote with the Yankees, they may look out for danger. They are furthered threatened with being discharged from employment, if they do not obey the behest of their employer.”

Besides being threatened with lack of employment, freedmen and women were often targets for violence by Anglos in the area, regardless of their political affiliation. Oftentimes, violence was simply inflicted on them because of their race. For instance, in a letter written to Governor Pease on March 12, 1868 a Republican official reported the shooting of Peter Fitzgerald, a freeman living in Mount Pleasant, Texas. According to the account given by Fitzgerald, “… some person rapped at the door of my house … I opened the door and a man stepped in (a white man with his face blackened) and asked me if I wanted to die … .” The man — and two other white accomplices that came later — then demanded that Fitzgerald give them all his money. Fitzgerald was able to convince the men he had money hidden in a tree nearby and they all headed away from his home. However, “When I [Fitzgerald] had ran about 30 yards, they fired once at me and immediately fired more shots each time wounding me.” Although

66 Downs, "Three Faces of Sovereignty", 126.
67 Correspondence, August 20, 1867, Governor Elisha M. Pease records of this third term. Archives and Information Services Division, Texas State Library and Archives Commission.
68 Ibid.
69 Correspondence March 1-20, 1868, Governor Elisha Marshall Pease records of his third term. Archives and Information Services Division, Texas State Library and Archives Commission.
70 Ibid.
Fitzgerald reported the attack to local authorities, little was done to investigate the incident. The official who took the testimony remarked that “I have not yet any clue as to who these parties were.” Often, perpetrators of crime against freedmen would be allowed to flee the city and no one would pursue them. Officials had even commented in correspondence to Governor Pease that white citizens sympathetic to the rebel cause would often refuse to cooperate with Republican law enforcement. Given that protection of freedmen was not enforced in Texas towns distant from federal oversight, some people even openly confessed to murders fully knowing there would be no repercussions.

For example, in August of 1867, The Board of Regents in Dallas wrote a letter to Governor Pease describing how a young man confessed to the murder of a freedmen and faced no charges.

Young Durret, (son of Mr. Durrett) after killing the freedman went to JP and boasted what he had done then went to Mr…. the county attorney and to Mr. Tucker the Chief Justice and called him out and told him what he had done and then left the attorney and chief justice took no action whatever in the matter. We only mention this to show the disloyalty of those functionaries and that they certainly must countenance such outrages.

As exhibited by the examples above, Anglo Texans who inflicted violence against freedmen and women in their communities faced no repercussions from the law. Therefore, they were able to maintain their control on the black population through intimidation and violence. If freedmen and women wished to report the violence, the law would rarely protect them. According to a letter sent to Governor Pease from Seguin, Texas in February 1868, white men accused of crimes against freedmen almost always were acquitted because it was, “… almost an impossibility under

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71 Correspondence March 1-20, 1868, Governor Elisha Marshall Pease records of his third term. Archives and Information Services Division, Texas State Library and Archives Commission.
72 Correspondence, August 20, 1867, Governor Elisha M. Pease records of this third term. Archives and Information Services Division, Texas State Library and Archives Commission. This letter described a hanging in Lancaster County in which a warrant was issued for the arrest of the perpetrators however, “…no effort was made to arrest them.”
73 Correspondence, August 20, 1867, Governor Elisha M. Pease records of this third term. Archives and Information Services Division, Texas State Library and Archives Commission.
existing arrangements to convict a white man of any crime the punishment for which was his life or his personal liberty where the proof of any material part of the proof depends on the testimony of a black man or when violence has been against a black man.”

As outlined by the “Black Codes” written at the Convention of 1866, blacks were barred from testifying against whites in courts. Therefore, they were powerless before the law. Based on the official’s statement regarding the conviction of whites, it is clear that blacks were being systematically barred from potentially limiting a white man’s freedom. In the statement, the official states a black man’s accusation could have the potential to limit a white man’s personal freedom if he is convicted. Therefore, it would not be allowed by Confederate sympathizers since a black man giving testimony against a white man in court would directly contradict the antebellum status quo where white men had direct control over black mens’ freedom. Rather than granting equality before the law for all free citizens, blacks were given fewer legal protections, contributing to their social confinement as inferior beings.

At all levels of the state, freedmen and women were systematically silenced through threats to their livelihoods and their very lives. Given that there was no recourse for whites who committed violence against blacks, freedmen and women retreated further to the margins. As Malka argues, the use of policing and violence by local state actors, “…depended upon the privileges of whiteness and manhood more than upon any others.” Anglos in Texas were intent on maintaining the antebellum status quo, by writing into law “Black Codes” as well as refusing to prosecute white men who committed violence against freedmen and women. In condoning this violence, all levels of the state reasserted white mens’ power to control and intimidate the black population. Because the state was not intent on protecting freedmens’ rights, a relationship

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74 Correspondence, February 11, 1868, Governor Elisha M. Pease records of this third term. Archives and Information Services Division, Texas State Library and Archives Commission.
75 Campbell, Gone to Texas: A History of the Lone Star State, 274.
began to form between the state and freedmen and women which was intent on excluding them from state structures they should have been able to participate in. As a result, many freedmen and women became socialized into an environment in which the government failed to work for them and thus they began to conceptualize the government as a form of, “surveillance, punishment, and control ….”\(^7\) This relationship inaugurated a new form of confinement for the freedmen and women living in Texas during reconstruction. If freedmen and women chose to be silent, then they could potentially live their lives in peace. However, this arrangement limited freedmen’s positive interaction with the state and ushered in an era of unfreedom. Whites, on the other hand, were given the freedom to act on their racial prejudice and defend their notion of race-based freedom and citizenship. While the end of the Civil War led many to believe that African Americans would — to some extent — have the ability to claim citizenship in line with US liberal ideology, the reality of policing and intimidation by Anglos squandered that hope.

Throughout the Reconstruction era, it was evident to loyalists as well as freedmen and women that a military presence was necessary to enforce reconstruction law. According to General Custer, “They [loyalists and freedmen] realize as all union men in the state do, that their only safety and protection lies in the general government…if troops are withdrawn, they will still be more exposed than they are now.”\(^8\) Unfortunately, in the final years of the 1860s, the federal government began focusing its troops westward to engage in combat with the Comanche in the western part of the state.\(^9\) This decision by the federal government is yet another example of confinement for nonwhites in Texas during this era.

\(^7\) Lerman and Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control*, 2.
\(^8\) Downs, “Three Faces of Sovereignty,” 129.
\(^9\) Downs, 131.
Reconstructing the Prison as a “Second Slavery”

While the state was being reconstructed after the war, so was the prison. As mentioned in a previous section, the war yielded a significant amount of profit for the state through prison labor, however, once the fighting ended, there was less demand for the material being made by convicts. The war’s end also saw a surge in the number of inmates being sent to Huntsville. According to records from the Eleventh Texas legislature, the inmate population increased from 146 to 264 in the first few months of 1866.80 Since Huntsville only had a capacity of 225, the sudden surge was quite difficult to accommodate.81 As a result, lawmakers thought to lessen the sentences of inmates, which would have eased the pressure on the state. After much debate, however, the legislature decided to adopt instead “An Act to Provide for the Employment of Convict Labor on Works of Public Utility”. This act would give leadership the power to simultaneously ease the burden on the state, while maintaining access to the labor of the incarcerated — labor that state leaders and private citizens both would use in their effort to rebuild Texas after the war.82

As opposed to the antebellum era, lawmakers were looking to turn a profit and maximize utility of the inmates as opposed to the reformation of their souls. As a result, the state leased the labor of the inmates as well as the maintenance of the penitentiary to a multitude of companies ranging from cotton producers to railroad companies.83 During the summer of 1868, the legislature drafted documents which stipulated how the prison was to be run and how the state would ultimately make a profit from the labor of its convicts. According to the notes written by the Secretary to the 1868 convention, it would be the responsibility of the lessee to, “…take good

80 Walker, Penology for Profit, 19.
81 Jane Howe Gregory Research Collection. SHSU Special Collections, Newton Gresham Library, Sam Houston State University, Huntsville, Texas.
82 Ibid.
83 Walker, Penology for Profit, 21–24.
care of the machinery and all appurtenances therein, and take reasonable care of the health of the convicts therein, and provide them with a healthy diet."\textsuperscript{84} In giving the lessee the power to work machinery as well as cloth and care for the convict, the state was opening itself to less regulation for conditions of the convicts held at the penitentiary. With the introduction of leasing, far less emphasis was placed on enforcing rules of punishment as outlined by the Auburn prison plan. According to historian Blake McKelvey, “None of these camps ever tried to introduce any of the Auburn traditions, and the penitentiaries that did have individual cells seldom attempted to apply any rules of silence.”\textsuperscript{85} The transition of the prison from place of reformation to a exploited labor force can be explained in various ways however, the most compelling is no doubt the increased incarceration of freedmen after emancipation. Given that the demographic of the prison was changing, so was the penal philosophy of lawmakers. As opposed to a school of reformation, the prison became an institution that perpetuated and arguably expanded black subjugation.

Prior to the Civil War, blacks were almost never sentenced to the penitentiary. Rather, they were punished by their master under slavery. Free blacks in the antebellum era were so few in number — less than 400 free blacks lived in Texas between 1850 and 1860 — that they did not make up a significant number of the incarcerated population. However, once the war ended, the population of black prisoners increased significantly. According to data provided in the biennial reports of Texas penitentiaries, blacks accounted for 57 percent of the total prison population even though the population of black people living in Texas continued to decrease in subsequent decades.\textsuperscript{86} White and black Texans alike were aware that the law was being actively used to incarcerate blacks at higher rates than any other race. According to Judge George Lane

\textsuperscript{84} Declaration to lease the penitentiary, August 25, 1868, Records of the Convention of 1868-1869, Texas Constitutional Convention, Archives and Information Services Division, Texas State Library and Archives Commission.

\textsuperscript{85} Jane Howe Gregory Research Collection. SHSU Special Collections, Newton Gresham Library, Sam Houston State University, Huntsville, Texas.

from the Panola District Court, “The natural antagonism of race has a tendency to induce us whites to lend too ready a ear to charges against the negro…”

White Texans had also passed laws which banned blacks from defending themselves in criminal proceedings. For example, courts would not allow for freedmen and women to sit on juries. Also, their testimony — especially if it was against a white person — was often discredited. Blacks saw this manipulation of law and power to be an explicit effort by Anglo Americans to establish “A New System of Chain Gang Slavery.” As a result of this bias, many blacks were convicted of crimes as opposed to whites. Oftentimes, the convicted person would have to pay a fine. If he could not, he would then be sentenced to “hard labor” and have to work off his fine “on the chain gang.”

Theft of property was the most common crime blacks were convicted of in the post-bellum south. According to the biennial report from 1880, 73.4 percent of crimes committed in Texas were “crimes against property.” Historically, the seizure of another man’s property has been seen as a major offense against the rights of a liberal citizen. Therefore, it was punished harshly. In the post Reconstruction era, the definition of property theft expanded to encapsulate more offenses. For example, “…black farmer’s traditional appropriations of plantation timber, tools, and manufactured goods…” was considered a theft. Some states such as Georgia even considered a breach of contract between sharecroppers and employers, “…a theft of service.”

In Texas, lawmakers created “pig laws” which increased the severity of punishment for the theft of small animals — a crime reportedly most commonly committed by blacks. As result of

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89 Nelson, Iron Confederacies, 93.
91 Walker, Penology for Profit: A History of the Texas Prison System 1867-1912, 112. Typically sentences for burglary were five years.
racially targeted laws such as these, blacks were disproportionately incarcerated in the penitentiary as opposed whites.

Once sentenced, convicts would be forced to labor for the state in different enterprises ranging from plantation work to maintenance of the prison itself. According to the 1880 biennial report, of the 2,157 inmates in Texas prisons, 1,045 worked on farms.\footnote{Walker, \textit{Penology for Profit}, 66.} While working on the farm, plantation, or within the prison walls, black convicts were subject to violence by the guards. For example, in the 1875 article from the \textit{Galveston Gazette}, a black convict working in Brazoria County — a plantation farm known for producing sugar cane that was referred to as the “hellhole on the Brazos” — was described to have, “…received some six hundred and four lashes by actual count on his naked back.”\footnote{The \textit{Galveston Daily News}. (Galveston, Tex.), Vol. 35, No. 139, Ed. 1 Saturday, June 19, 1875, newspaper, June 19, 1875; University of North Texas Libraries, The Portal to Texas History, \url{https://texashistory.unt.edu}; crediting Abilene Library Consortium.} While receiving lashes was a common punishment inflicted on convicts by guards, its excessive use by guards on convict laborers was quite reminiscent of punishments inflicted during slavery. Throughout the 1870s, an investigation took place at Huntsville in which many of the atrocities committed against convicts came to light. In June of 1875, the \textit{Galveston Gazette} published a summary of the investigation graphically detailing the type of torture inflicted on convicts. According to the article, stocks used for punishment were, “Illy constructed…they are not only instruments of torture, but dangerous to life.”\footnote{The \textit{Galveston Daily News}. (Galveston, Tex.), Vol. 35, No. 139, Ed. 1 Saturday, June 19, 1875, newspaper, June 19, 1875; University of North Texas Libraries, The Portal to Texas History, \url{https://texashistory.unt.edu}; crediting Abilene Library Consortium.} The article even provides an example of a black convict dying because, “…he broke his own neck,” while being tortured on the stocks.\footnote{Ibid.} According to sympathetic citizens, punishment
in Texas had the potential to, “…settle into slavery under another name, and the experience of other states, will only be verified in Texas…”\textsuperscript{97}

As well as receiving excessive punishments, black inmates were often required to produce more output than their white counterparts. For example, at a labor camp in Mineola, white inmates were required to cut three-fourths of a cord of cordwood whereas, black inmates needed to cut a whole cordwood each day. According to accounts by former guards, if inmates failed to complete their quota they were severely punished. One man recalled that one of the guards, Randall, would “…place men in the stocks and whip them with limbs from persimmon trees…”\textsuperscript{98}

The experience of black convicts working for private companies hired by the state shows a shift in the punishment for blacks since slavery. According to a southern delegate at the National Prison Association Meeting of 1883, “If a man owned a good negro, he could afford to keep him… But these convicts, we don’t own ’em. One dies, Get another.”\textsuperscript{99} As evidenced by the quote, the life of the black convict was devalued because they were seen as disposable and replaceable as opposed to slaves who were often seen as investments by their masters. Thus their treatment and ultimate survival of after their sentence was seen as unimportant. To further prove that point, in the biennium report ending in 1880, 256 inmates died before their sentence was completed.\textsuperscript{100} After emancipation the prison was used as a space to physically confine blacks. As convicts, limitations on their rights was justified and tolerated. While in prison, freedmen and women were forced to perform hard labor to profit the property of wealthy Anglo Texans with

\textsuperscript{97} Goddin, M. H. The Union Republican. (Huntsville, Tex.), Vol. 3, No. 34, Ed. 1 Wednesday, April 5, 1871,newspaper, April 5, 1871; Huntsville, Texas, University of North Texas Libraries, The Portal to Texas History, https://texashistory.unt.edu; crediting The Dolph Briscoe Center for American History.
\textsuperscript{98} Walker, \textit{Penology for Profit}, 60.
no compensation or employments rights. Similar to antebellum slavery, black convicts were under the direct control of their master — the state and the lessee. This unequal partnership perpetuated black physical confinement in the prison for years to come.

The lease system would exist in Texas until 1912. After 1883, the state worked to have all inmates working within the walls of the prison however, due to financial strains prisoners were leased to a small number of contractors who were obligated to provide for the inmates in their lease.¹⁰¹ Problems with abuse of inmates continued throughout the end of the nineteenth century and into the twentieth. Numerous groups decried the abuse such as The Colored Men’s convention which decried the conditions of black prisoners as “… barbarities disgraceful to civilization.”¹⁰²

Conclusion

In the span of about 50 years, Texas went from being a frontier of Northern Mexico to a liberal state intent on using state structures to subjugate its people. Starting in the 1820s, Anglo settlers that came to Texas imported ideals and norms of liberal citizenship, lawfulness, and property ownership to the frontier, which inevitably included slavery and the subjugation of free people of color. Overtime, as Texas became its own republic, a state in the union, a confederate state, a military district, and once again a union state, the relationship of blacks to Anglo Texans evolved. Nevertheless, whites in power continued to use their influence in the law to keep Afro-Texans confined to the margins of society. Whether it was through limiting political participation or incarceration, Texas lawmakers used liberal institutions as a means to restrict the freedom of

¹⁰¹ Walker, Penology for Profit, 79–80.
¹⁰² Rice, The Negro in Texas, 248
blacks. As a result, blacks experienced the state through punishment and intimidation which “…they had learned … was about surveillance, punishment, and control.”103

Conclusion: Remembering Legends and Confining Reality

Texas history is often told in celebratory terms. The legendary figures of its past — Austin, Houston, Bowie, Crockett — are considered “heroes in a society that worships heroes.” According to popular history, “working against immense odds, these men carved a nation — The Texas Republic — and later a state out of what they saw as a wilderness.”¹ Today, this Texas Creation Myth still resonates deeply in the state and has become a foundational pillar of Texas culture. For example, when students are taught about the Alamo today, they are told about the valiant last stand of Texas rebels fighting for freedom from a tyrannical Mexican government. Figures such as Mexican President, Antonio Lopez de Santa Anna, become villains in Texas’ story of freedom when in reality, Santa Anna was one of the few who advocated Mexican citizenship for all.² Writing the Texas Revolution and its subsequent state formation as a celebratory history of liberal freedom and citizenship erases the significant amount of violence and oppression that consequently occurred. By studying confinement in Texas history, can we better understand how the state apparatus facilitates the oppression of groups it deems unworthy of equal rights and political participation.

While a significant amount of time has passed since Anglos first came to Texas in the 1820s, reminiscences of that period remain from the name of the state’s capital to the iconic status of the Texas Rangers. What has been lost to the years however, is how minorities experienced nation building in the nineteenth century. Texas has always shied away from acknowledging the violent parts of its history, going as far to say in a 2012 high school social studies textbook that

slaves were “brought to the American plantation as ‘workers’.”³ Although the state board rectified the language of the textbook after a significant outcry from the public, those in power place “a conservative stamp” on the state’s history whenever they can.⁴ The actions of the state have erased the experience of minorities in Texas from popular history thus, confining them once more into an inferior space where their realities are overshadowed by the larger than life legends about Anglo American “freedom fighters.”

Today, the resonances of confinement still exist in Texas. One of the most evident places is the prison. Although the contemporary prison is quite different from the prison of the nineteenth century, it is common for inmates and other activists to liken today’s labor conditions to that of the leasing era. For example, a former black prison guard, Reginald Moore, recalled in an interview with Texas Monthly that while working at a prison in East Texas in the 1980s, he observed that the late twentieth century prison was “stuck in the nineteenth century, with mostly black convicts working the fields under the eyes of shotgun-toting white men on horseback.”⁵ Even though convict leasing in its most lucrative form ended in 1912, mostly black convicts are still being forced to labor for an Anglo-centered state seeking to keep them confined within prison walls. Even after they are released, the state further keeps former convicts in a condition of confinement by limiting their political voice.

After his experience working at the prison, Moore was inspired to research the history of convict-leasing in Sugar Land, Texas — an affluent suburb outside of Houston. Through archival research, Moore discovered the existence of a cemetery which possesses “dozens of crumbling

⁴ Fernandez and Hauser, “Texas Mother Teaches Textbook Company a Lesson on Accuracy.”
headstones, inscribed with the names and prison numbers of the convicts who died working the sugar plantations that gave the city its name.”  

When Moore came forward with this information, the City of Sugar Land refused to make an official acknowledgement of its past. When he confronted the City Manager, Allen Bogard, he said, “There’s not a single facility, road, nor improvement that exists today in Sugar Land that can be traced back to the convict-lease system or slavery.”  

After a significant amount of lobbying, Moore was able to successfully petition the state to recognize the cemetery as an official historical site. Although this is a clear victory for Moore in a conservative Texas, he is still struggling to get Sugar Land to recognize its convict leasing past by erecting a memorial at the cemetery. According to Moore, the horrors of convict leasing or slavery is “almost totally missing from the city’s [Sugar Land] historical memory.”

Stories such as the one being told by Moore and others are not publicized by the state because they don’t fit into the Texas Creation Myth. Just as it did in the 1830s during the Texas Revolution, the Creation Myth still holds resonance today. The romanticized version of Texas’ past fits nicely into the celebratory arc the state prefers to publicize. Today, popular history completely erases the presence of Native Americans from Texas. In school, students only learn about indigenous groups prior to European contact. Mexicans are present in the story, however, their purpose is to serve as the antagonists in the rebels’ fight for freedom. African Americans are also mentioned in the history, but their experience of confinement and oppression is reduced to being “workers” on plantations and their experience in the prison is entirely ignored. While this thesis covers the process of confinement in the nineteenth century, it is clear that the stories of these groups are still confined to the margins by a state intent on cultivating a history built on

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6 Hardy, "Blood and Sugar".
7 Hardy.
8 Hardy.
myth and legend. Only through the work of historians and activist like Moore will the real history of Texas finally be able to break free of its legendary chains.
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