

Dan Gediman: This is the Reckoning, I'm Dan Gediman.

Ellen Wallace¹: April 14 1865. The cannons have been thundering...for hours in honor of the Federal victory and Lee's surrender...The confederacy has gone down.

Dan Gediman: April 1865 was a momentous month for everyone in the United States, White and Black, free and enslaved. On April the 9th, at Appomattox Courthouse, General Robert E. Lee surrendered his Army of Northern Virginia to General Ulysses S. Grant. For some, it brought sadness, bewilderment, and sometimes fear. Ellen Wallace was a slave holder from Hopkinsville, Kentucky.²

Ellen Wallace: What will become of the fragments? Will they again be united in one glorious bond that has been purified by fire and blood, never more to be severed, forever one and the same in prosperity and honor? Or shall the bayonet of a tyrant, pin men together in the bonds of eternal revenge and hate?

Dan Gediman: For others it was a cause for celebration. Eli Coleman was enslaved in Marion County, Kentucky.

Eli Coleman³: When the war was over Master he called us slaves to him and told us that we was free and we could do just as we pleased. Some of the slaves began to holler and shout, but Master said he would not have any of that hollering and they quieted down. Some of the older negroes began to cry and take on cause they realized what that meant was, they had no jobs or any place to go.

Dan Gediman: Then a few days later on April 15th, President Abraham Lincoln was assassinated. In the homes of some White Confederate supporters this was a time of grim satisfaction, as Lincoln embodied all their resentments against the Federal government. But

¹ [Ellen Wallace Diary 1849, 1864-1865](#)

² [Kentucky Historical Society](#)

³ [Eli Coleman WPA 1-6-1938](#)

among Black Kentuckians, there was great mourning. Rev. Elijah Marrs wrote in his memoirs about the reactions of the soldiers in his Army unit.

Elijah Marrs ⁴: Almost before we had time to stop smiling, the sad, sad news came, on Sunday morning, that Abraham Lincoln, whom we almost esteemed as a God, had been assassinated by the notorious J. Wilkes Booth. I marched my men out on the plain and sat down and wept. We remained there until nightfall, and then returned to town and joined with the men in camp in sorrowing over our loss. Our Moses had been slain, and we knew not what the future had in store for us⁵.

Dan Gediman: With the war over, and the institution of slavery in tatters, there was great uncertainty for all Kentuckians, regardless of race. Many White Kentuckians who had supported the Union found themselves allied with former Confederates, in a shared desire to reestablish White supremacy as the law of the land. While African Americans navigated a time that some say was even more dangerous than slavery. This is the Reckoning.

Dan Gediman: The rest of 1865 remained a confusing mess for Black people in Kentucky. General Lee may have surrendered, but it would take until December for the 13th amendment abolishing slavery to go into effect.⁶ So in Kentucky, blacks lived in a kind of nebulous state between slavery and freedom. Patrick Lewis is a scholar in residence at the Filson Historical Society in Louisville. He says many White Kentuckians clung to what they could of slavery, as long as they could.

Patrick Lewis⁷: Slavery is still legal in this state until the end of 1865 with the final ratification of the 13th amendment, and state authorities in Frankfort, in local police organizations, sheriff's offices, city governments, and down to individual owners of enslaved people, are trying to exert as much control as they can over

⁴ [Life and History of the Rev. Elijah P. Marrs](#)

⁵ Life and History of the Rev. Elijah P. Marrs.docx, Pg 35

⁶ <https://www.archives.gov/historical-docs/13th-amendment>

⁷ [Int Lewis-Patrick_20200305](#)

an African American population, which has over the past year, reached out and seized freedom.

Dan Gediman: Seizing freedom meant many formerly enslaved people, in Kentucky and throughout the south, chose to leave their enslavers and settle elsewhere. Marion Lucas is an emeritus professor of history at Western Kentucky University and author of “A History of Blacks in Kentucky: From Slavery to Segregation”.

Marion Lucas⁸: You know, a whole host of Kentucky blacks left and went north of the Ohio River. And the largest movement is they move from the countryside, into the towns in Kentucky. But basically, facilities in the towns couldn't handle these people. So they build shacks, and they're relegated to the worst of the land.

Dan Gediman: Again Patrick Lewis.

Patrick Lewis: They're more like informal refugee camps, shanty towns where survival is very precarious. Labor is scarce. Employers in the city of Louisville are wary of hiring African Americans, especially on anything like long term labor contracts. So the work that they do find is temporary. It's it's hard, it's dirty. It's back breaking. It's it's many of the same jobs that people were doing while they were enslaved, either in farms or in urban spaces like Louisville and they they're living hand to mouth they may or may not be compensated, they certainly probably aren't fairly compensated. And there's great risk of starvation. There is great risk in these informal communities of death from epidemic disease.

Dan Gediman: Things got so bad in Louisville during the winter of 1866, that 135 African Americans died in these refugee camps, in just the month of February.⁹ There was only a tiny amount of state money available to care for destitute freed people. And it wasn't nearly enough to clothe, feed, and house the tens of thousands of refugees, living in Kentucky's cities. And for African Americans who elected to stay and work on farms in rural Kentucky, the situation was not much better. Eli Coleman had been enslaved in Marion County.

⁸ [Int Lucas-Marion_20190816](#)

⁹ Lucas, *The History of Blacks in Kentucky, Volume I*, p 198

Eli Coleman: When the war was over...the slaves...asked Master what they were going to do, and if he would let them stay. He said no, as the Government had set them free and he could not go against his Government. He finally told them as many could stay as wanted to and he would furnish them and see that they got something to eat, and work for him on the halves. Most of them stayed, me for one.

Dan Gediman: Sharecropping is a system of labor that replaced slavery throughout the former slave states. Here's the way it worked: a small farmer, whether Black or White, would enter into a contract with a landowner, whereby the landlord would furnish some combination of horses, plows, seed, and enough food to get by. Then when the crop was harvested, the sharecropper would give the landlord a percentage, as well as reimburse him for everything the sharecropper had used during the year. On paper, it seemed like a doable arrangement, but the devil, as they say, was in the details. Again, Eli Coleman.

Eli Coleman: I was a sharecropper, and ... that was really when slavery began. For when we got our crop made, he took every bit of it to pay our debts and had nothing left to buy winter clothes or pay doctor bills. And Master he never owned us anymore. He didn't care what become of us as he wouldn't lose anything then if we got sick or died, and it never mattered cause he could get another negro without it costing him anything.

Eli Coleman: The White man he thought we ought to still work for them like we did during slavery time. They still think the negro ought to work for them for nothing and like it.

Dan Gediman: It wasn't just farm workers like Eli Coleman who went back to work for their former enslavers, this was often the case for domestic workers as well. In a previous episode, we met Brigitt Johnson, whose third great grandmother¹⁰ Louisa Taylor, had been enslaved by the Bullitt family as a household servant in Louisville. Even after emancipation, she continued to work for the Bullitt family until her death in 1885.

¹⁰ [Brigitt Johnson Family Tree - Pedigree View - Ancestry.com](#)

Brigitt Johnson¹¹ When she was freed, she was 60 years old. What else was she supposed to do? She was a servant, she served, she cooked, she cleaned, she did the same thing. But does she earn any pay? You know, what did she earn as a free woman? I guess she figured like, well, I might if I'm going to do this, I might as well stay where I've been at all my life, instead of going somewhere else and working for another family doing the same thing. I kind of figured that's how sharecroppers felt, you know, they stayed on the same plantations where they were enslaved, and doing the same work, earning money, but not earning enough to really provide for their families, not able to provide shoes, or let their children go to school because they needed their physical labor to harvest when harvest time came. They were free, but they weren't free.

Dan Gediman: The 13th amendment ending slavery did not go into effect until December of 1865. And it should be noted that Kentucky was one of only three states that didn't ratify the amendment at the time, and that it would not do so until 1976, over a century later. Kidada Williams is a history professor at Wayne State University.

Kidada Williams¹²: Part of what we have to do when we talk about places like Kentucky, is to underscore the fact that just because they did not leave the union did not mean that they were any less committed to holding on to slavery. // So for them, the 13th amendment is an affront. They did nothing in their minds to merit losing their good thing, which was slavery. And so what we see them do is act that out by doing whatever they can to retain control of the newly freed Black population.

Dan Gediman: With the passage of the 13th amendment, Kentucky was obligated to rewrite some of its slavery-era laws. But in the process, it made sure Black Kentuckians only got a bare minimum of rights. They could own property, but they couldn't vote, they couldn't testify in court against a White person, and they required a White witness to enter into any contract.¹³
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¹¹ [Int Johnson-Brigitt 7-23-10 \(1\)](#)

¹² [Int Williams-Kidada 20200702](#)

¹³ [Forehand, B. Striking Resemblance: Kentucky, Tennessee, Black Codes and Readjustment, 1865-1866](#)

addition, says historian Patrick Lewis, the Kentucky legislature adapted other existing laws to ensure the continuation of the master/servant relationship.

Patrick Lewis: And one of the things that they wanted to do was to find ways to use the law to entrap African American people in exploitable labor situations. And so they take things that had existed always like vagrancy laws that applied to free African Americans and they sort of reimagine those as ways for communities to round up and arrest African American people who could not defend themselves, who could not justify what they were doing in cities as they had come to look for work and to, to bind them out for periods of time. If they could identify former slave owners then a lot of cases they would be bound out for for periods of indentured servitude back to those same masters and essentially into into slavery-like labor relationships.

Dan Gediman: African American children were not exempt from these new Black Codes. A provision was added which stipulated that children deemed unemployed or not sufficiently cared for by their parents, would be bound out as apprentices until they turned 21, with preference again given to their former enslaver. University of Kentucky history professor Vanessa Holden.

Vanessa Holden:¹⁴ It's important to note that, that this was a way to coerce labor from and separate the families of free people. Not surprisingly, in Kentucky, the system of apprenticeship morphs so that newly emancipated people, particularly children, who come from families, fresh from slavery, who do not have many resources, who, you know, newly own themselves, let alone have any resources to support themselves, can very easily be targeted for coerced labor under the system.

Dan Gediman: These vagrancy and apprenticeship laws were not overturned until 1899. So, for roughly thirty years after Emancipation, thousands of Black Kentuckians were legally forced to work for White Kentuckians, who were sometimes their former enslavers. Historian Patrick Lewis.

¹⁴ [Int Holden-Vanessa 20191009](#)

Patrick Lewis: And so these practices of essentially re-enslaving, using the police state to re-enslave African American people and exploit their labor, is something that continues right on through Kentucky and you know, we'll see this surface again in the decades after reconstruction in the deep south as convict leasing, you know as arresting African Americans on the the faultiest of pretenses, and sentencing them to long prison terms, where their labor is then rented out to anyone who wants it.

Dan Gediman: Starting in 1867, Congress passed a series of Reconstruction Acts which outlined the steps that the former Confederate states would need to take to be readmitted to the Union.¹⁵ One of their features was to forbid many former confederates from voting or holding office¹⁶. But because Kentucky had remained loyal to the Union, reconstruction never happened in the state. As a result, the Kentucky legislature almost immediately re-enfranchised all former Confederates. This allowed them not just to vote, but also to run for public office. Mississippi State history professor Anne Marshall.

Anne Marshall¹⁷: And so because of this, you have this, enormous level of former Confederate candidates from everything from, you know, governor, to the state court of appeals, to local sheriff's around the state, touting this Confederate service and the conservatism that it stands for, and then they're supported by people who were former unionists, because You know, these wartime differences don't mean as much in Kentucky as they might, because after the war, White Kentuckians are generally conservative in their outlook and want the same things.

Dan Gediman: Not only were former Confederates and Unionists making peace politically, they were also taking up arms together against a common foe: the newly emancipated African Americans. This was a process that actually began during the war, as disgruntled Union soldiers began deserting their units, and started to roam the countryside in armed bands, sometimes linking up with pro-Confederate marauders. History professor Marion Lucas.

¹⁵ <https://www.britannica.com/topic/Reconstruction-Acts>;
http://www.digitalhistory.uh.edu/exhibits/reconstruction/section4/section4_reconact1867_2.html

¹⁶ https://archive.org/details/registrationdisf00russ_0

¹⁷ Int Marshall-Anne_20190822

Marion Lucas: You have all these union officers from Kentucky who who once the Emancipation Proclamation was was issued they, they resigned their their commissions, and they come back to Kentucky and in that first five years or so, these guys engage in murder and killing. They stop at nothing they engage in some really terrible crimes.

Dan Gediman: After the war, some of these outlaw groups started calling themselves “the regulators” and began a reign of terror against African Americans. Historian Patrick Lewis.

Patrick Lewis: And these groups take any number of different names: they're Scaggs Men, they're Regulators, they're Ku Klux and other states there are Pale Faces and Nights of the White Camellia and and you kind of name it, / And so they'll have a list of of targets and and you know, in each county and locality it's going to be different. Usually, they will first go after leaders within the African American community. Ministers are particularly vulnerable, school teachers are particularly vulnerable, returning veterans of the US Army are particularly vulnerable, though those are generally speaking a dangerous set of men to go after, because a lot of times they came home with their guns and they'll shoot back.

Dan Gediman: The Rev. Elijah Marrs was one of those returning veterans. In his memoirs, he tells several stories of these groups terrorizing various Black communities where he lived.

Elijah Marrs: One night, while all were asleep, the K. K. K. rode into town...Coming into the yard of the house where I lived, they dismounted and began stripping the trees of switches, as if preparing to come into the house to administer a flogging to every one of us. I stole down stairs, and, armed with my old pistol, stationed myself in a corner, prepared to fight my way through, should occasion demand it. They made threats of some sort, which I could not hear, but finally they rode off, my back was saved, and I felt mightily relieved.... I then called the colored men together and organized a society for self-protection, calling ourselves the Loyal League...and we were always in readiness for any duty. For

three years I slept with a pistol under my head, an Enfield rifle at my side, and a corn-knife at the door, but I never had occasion to use them.

Dan Gediman: Eventually, there were so many complaints of violence and mistreatment that the Federal government established a Freedmen's Bureau outpost in Kentucky. The Freedmen's Bureau was a government agency set up in 1865 by President Lincoln to aid newly freed people in former slave states with food, clothing, and shelter. Over time, its scope expanded to setting up schools and hospitals, overseeing labor relations, and generally protecting the rights of African Americans. But its mere existence in Kentucky was the source of great rage for some. Historian George Wright is the author of *Racial Violence in Kentucky*.

George Wright¹⁸: It's a reminder of Northern, not federal, I would call it more or less northern aggression toward the south. But for the, for the ex slaves, they view this as important and helping them start schools and helping them all, as best they could, economically. And the Freedmen's Bureau agents, when possible, tried to prevent violence against Black people.

Dan Gediman: Professor Anne Marshall

Anne Marshall: The Freedmen's Bureau became a sort of lightning rod in Kentucky, you had instances of White Kentuckians burning down freed schools, and Freedmen's Bureau offices throughout the state. And so to a lot of Kentuckians, it was just another example of how basically they'd misplaced their trust in the federal government, that it was it was a coercive force, rather than a than a positive one.

Dan Gediman: Because of White citizens' intense resentment against the Freedmen's Bureau, newly elected Democratic leaders in state government were successfully able to force the Bureau out of Kentucky in July 1868, four years before they ceased nationally. But according to historian Patrick Lewis, in the three short years they were in Kentucky, they were able to accomplish quite a bit, especially in terms of education.

¹⁸ [Int Wright George 20190614](#)

Patrick Lewis: And the goal in those earliest stages is to to obviously educate everyone as much as possible but then to educate teachers as well. And so empower African Americans to go out and be the ones who carry that educational mission forward, and multiply the impact of literacy and learning. And so the educational infrastructure that groups like the Freedmen's Bureau set up in Kentucky is incredible. Kentucky has one of the highest rates of self-taught African American teachers, running schools for freed people, anywhere in the country. So Kentucky African Americans really grasp on to literacy and they take ownership of that.

Dan Gediman: The Rev. Elijah Marrs was one those self-taught African American teachers, and would eventually become the president of Simmons College, the first Black college in Kentucky.¹⁹ But in many Black communities throughout the state, it was a case of one step forward and two steps back. There were many instances of Black schools being built, only to be burnt down by White mobs days or weeks after opening. Then there was the problem of finding and keeping schoolteachers in the face of harassment or even death-threats.

Blacks in Kentucky had to go to court to get the state to fund public schools for their children, and when they succeeded, a loophole was created whereby only taxes from Black communities could be used to fund Black schools, and since many of that population were so poor, there was hardly any available money. Eventually a Federal court ruled that this practice was unconstitutional and, grudgingly, Kentucky started using general tax revenue to fund public schools for Black students. But they were often housed in substandard buildings and they were usually only grade-schools. The first Black high school in the state, Central High in Louisville, opened in 1873, and for 50 years it was the only Black high school in the state²⁰. As a result, for many decades most Black Kentuckians couldn't receive a high school education, because no high schools were available to attend. According to historian George Wright, this was by design.

George Wright: Most White Kentuckians would say that the education that the ex slaves needed was one that would tie them primarily to an agriculture lifestyle

¹⁹ https://en.wikipedia.org/wiki/Simmons_College_of_Kentucky

²⁰ [https://en.wikipedia.org/wiki/Central_High_School_\(Louisville,_Kentucky\)](https://en.wikipedia.org/wiki/Central_High_School_(Louisville,_Kentucky)) and Lucas, *Blacks in Kentucky*, Volume 1, p 247.

consistent with slavery, it would be one that would make them beneficial to White Kentuckians, it would mean clearly that they don't need education beyond a certain point.

Dan Gediman: For Black Kentuckians, there was not only a struggle for education, there was also a struggle for political power. In 1870, the 15th Amendment to the US Constitution was ratified, granting African American men the right to vote. But this also marked the emergence of Jim Crow laws, used throughout the South to prevent blacks from voting. Grandfather clauses, literacy tests, and poll taxes were all used to keep African Americans from the voting booth. And in Kentucky they also used violence to suppress the vote. Historian Patrick Lewis.

Patrick Lewis: And so, they use the state government to create a battalion of militia, they arm companies of White men who go out to suppress so called riots, which were actually just republican party political meetings, often at Black churches, And so through street violence, armed by the state militia, Democrats in Lexington try and suppress the African American vote.

Dan Gediman: The use of the state militia to keep Blacks from voting forced the federal government to bring in the Army to try and stop the violence and allow Blacks to vote. This clash between state and Federal troops brought Kentucky much bad publicity nationally. So, as an alternative to using violent means to suppress the vote, the city of Lexington decided to pass a poll tax. Again, Patrick Lewis.

Patrick Lewis: It's nothing but \$2 per voter. But of course for African Americans who are struggling to feed and clothe their families, that's an excessive amount of money. And eventually, this resulted in a Supreme Court case US v Reese, which was decided in 1876, where a former unionist officer, who was law partners with a former Confederate officer, argued that, that nowhere did this poll tax disenfranchise African Americans for being African Americans, which would have made it illegal under the 14th amendment, but it only disenfranchised them because they were poor. And so this precedent spread like wildfire as other southern states regain political power and return that political power to White conservative Democrats.

Dan Gediman: Interestingly, while Lexington and other places in the state had poll taxes, Kentucky never had a state-wide tax. According to Patrick Lewis, the reason they didn't, had everything to do with the state wanting to be seen as having good race relations, even if in fact, they didn't.

Patrick Lewis: White Kentuckians don't want to pass those laws because it reflects very poorly upon them to have done so. They like to think of themselves, just as they liked to think of themselves during the era of slavery, as more enlightened. But they are happy to be the incubator, the developer of this playbook that they then, of course publish in nationally circulated newspapers. You know, the Louisville Courier Journal, during the late 19th century is one of the most widely read newspapers anywhere in the country and across the globe, it is a thought leader. And so as Kentuckians document these local legislative successes within the state, they are showing the rest of the South what you can do.

Dan Gediman: Because Kentucky remained loyal to the Union during the Civil War, it side-stepped most facets of Reconstruction, which enraged many in the former Confederacy. It never had a period of Republican leadership, or African Americans elected to state-wide office, or Union troops garrisoned in its cities for a decade. And yet, as we'll hear in our next episode, Kentucky embraced the tactics of lynching and racial terror as fervently as any state in the Deep South. That's next time, on The Reckoning.